

NSIP Centre of Excellence



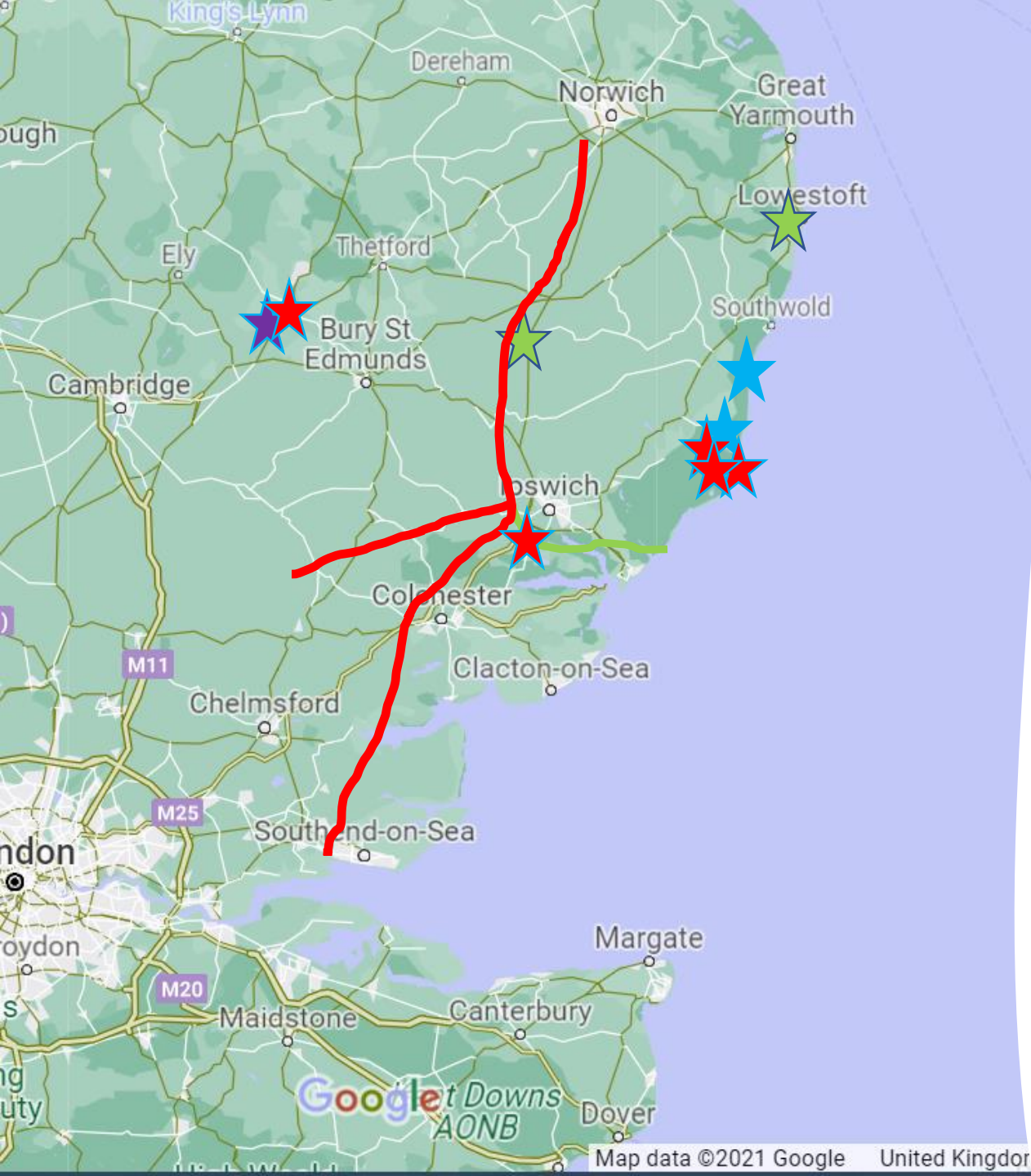
Transport and NSIPs



NSIPs: Transport Aspects

Transport East Webinar Jan 2023





NSIPs in Suffolk

- Completed
 - SPR EA1: Offshore wind farm
- Commenced
 - Drax: Eye gas powered sub station
 - SPR EA3: Offshore wind farm
 - SCC Gullwing: Bascule bridge, Lowestoft
- Consented
 - SPR EA1(N): Offshore wind farm
 - SPR EA2: Offshore wind farm
 - Sizewell C: Nuclear plant
- Examination
 - Sunnica: Solar farm
- Pre Examination
 - NG Bramford to Twinstead: Grid improvement
 - NG East Anglian Green: Grid Improvement
 - Sealink: Interconnector
 - Eurolink: Interconnector
 - Nautilus:
 - A14 Copdock?
 - A11 Fiveways?

Transport considerations: DCO process



- Early engagement with applicant. Build relationship
- Co-ordinate with other local authorities (County, District, Borough)
- Internal co-ordination (PRoW, Ecology / Environment, Drainage / LLFA, planning, minerals, archaeology)
- Skills: Planning (DM) and highway engineering
- Specialist support: legal, traffic modelling, environmental assessment
- Resources: ticking clock: deadlines
- Post consent: discharging requirements, highway agreements
- Construction: Everything changes? Continuity.....

DCO Application: Transport considerations

- Understand documentation. Not as daunting as it seems!
- Application. ExA Library
- Draft Development Consent Order
- Plans
- Environmental Statement
- Transport Assessment
- Management Plans

Generating Stations:
The Sizewell C Project Decision **Decided** Withdrawn
by NNB Generation Company (SZC) Limited [Find out more about the process >](#)

i The Secretary of State has today granted development consent for this application. For further information please refer to the following decision documentation:

- [Planning Inspectorate Notification of Decision Letter](#) (PDF, 165 KB)
- [Secretary of State Decision Letter](#) (PDF, 1 MB)
- [Development Consent Order as Made by the Secretary of State](#) (PDF, 3 MB)
- [Regulation 31 Notice](#) (PDF, 64 KB)
- [Habitats Regulations Assessment](#) (PDF, 4 MB)
- [Examining Authority's Recommendation Report Volume 1](#) (PDF, 1 MB)
- [Examining Authority's Recommendation Report Volume 2](#) (PDF, 4 MB)
- [Examining Authority's Recommendation Report Volume 3](#) (PDF, 3 MB)
- [Examining Authority's Recommendation Report Volume 4](#) (PDF, 2 MB)
- [Appendix A – Events in Pre-Examination and the Examination](#) (PDF, 143 KB)
- [Appendix B – Examination Library](#) (PDF, 3 MB)
- [Appendix C – Abbreviations and Definitions](#) (PDF, 150 KB)
- [Appendix D – Recommended Development Consent Order](#) (PDF, 2 MB)
- [Appendix E – Considerations for the Secretary of State](#) (PDF, 131 KB)
- [Post Recommendation Submissions sent to the Planning Inspectorate](#) (PDF, 22 MB)

20 July 2022

The Sizewell C Project [View the Examination Library with reference numbers](#)

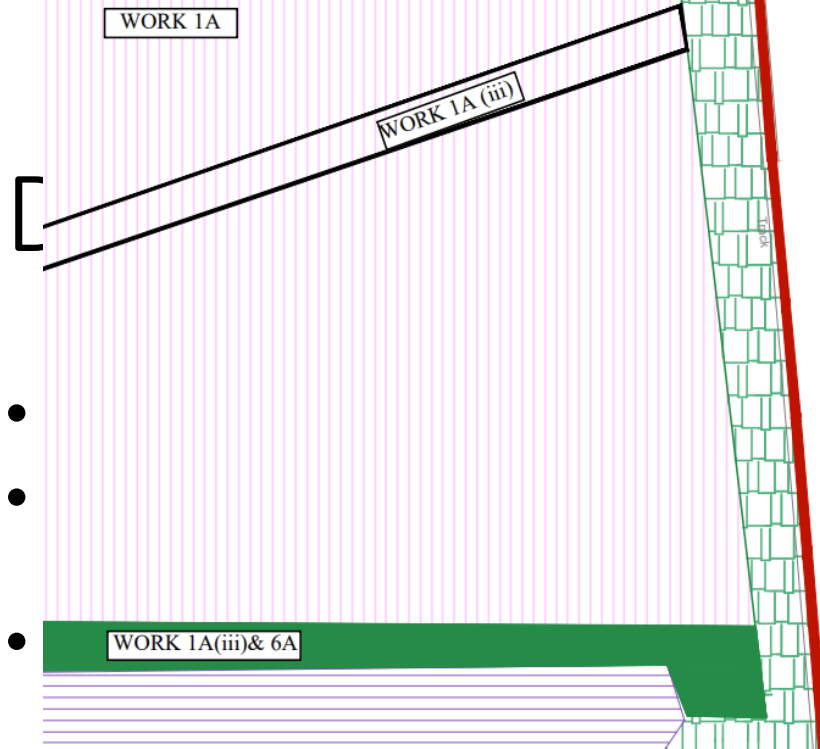
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Showing *All Documents* (4,378 results)
Show entries Filter:
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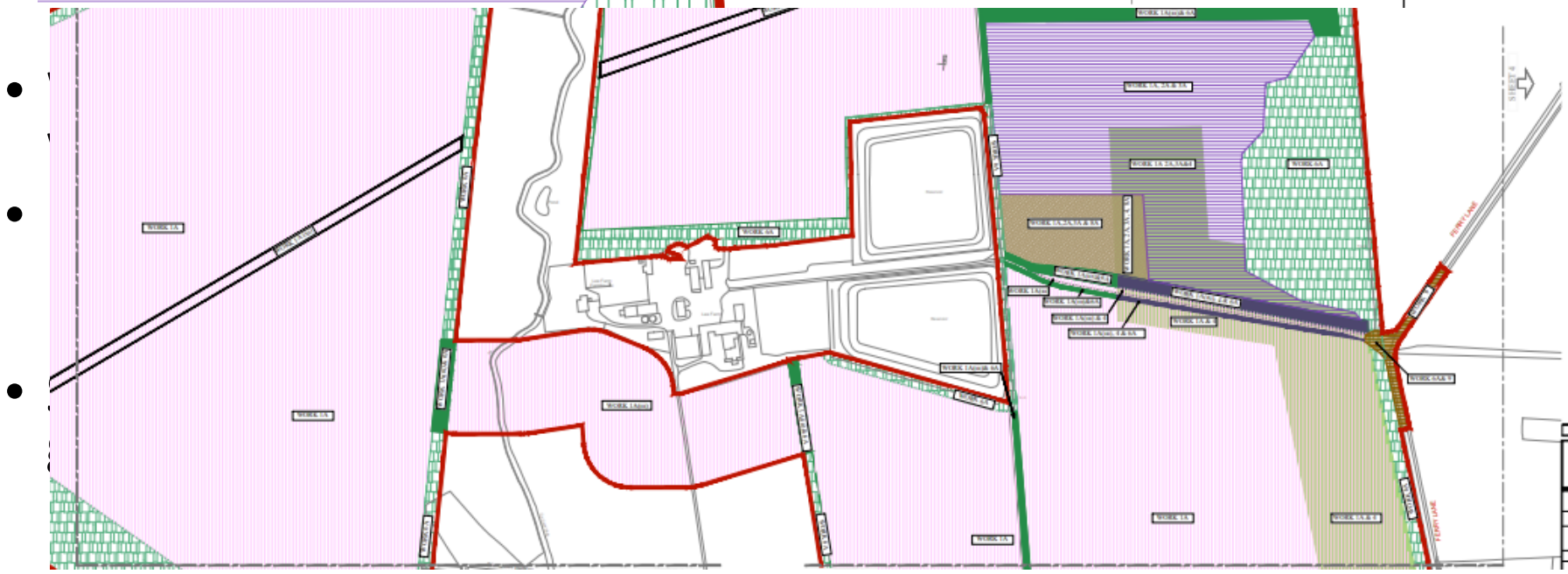
Documents Published By Stage
Pre Application (26)
Developer's Application (636)
Acceptance (9)
Pre Examination (498)
Examination (1000)



Description
Post Examination Submissions (PDF, 33 MB)


Decision > Post Examination Submissions Published: 18/08/2022



-  Work No. 1A
-  Work No. 6A
-  Work No. 9
-  Work No. 1A & Work No. 4
-  Work No. 1A(iii) & Work No. 6A
-  Work No. 6A & Work No. 9
-  Work No. 1A(iii), Work No.4 & Work No. 6A
-  Work No. 1A, Work No. 2A & Work No.3A
-  Work No. 1A, Work No. 2A, Work No. 3A &
-  Work No. 1A, Work No. 2A, Work No. 3A &
-  Work No. 1A, Work No.2A, Work No.3A, Wc



-  Work No. 1A, Work No.2A, Work No.3A & Work No.4
-  Work No. 1A, Work No.2A, Work No.3A, Work No.4 & Work No. 6A

Rev. No.	01/11/2021
 PS Renewables Green Energy Investments	
PROJECT:	SUNDA ENERGY FARM DEVELOPMENT CONSENT ORDER (DCO)
COMPANY:	PS RENEWABLES
LAAYOUT:	Infrastructure Planning (Applications: Prescribed Forms and Procedure) Rules 2009 Regulation 5(2)(g) Works Plans - SHEET 1 OF 24 Document Reference 2.2.
DATE:	18/11/2021
SCALE:	As Shown
DATE:	18/11/2021
SCALE:	1:2,500

Environmental Statement

- Structure: Chapters including transport, air quality, noise, social – economics, tourism.
- PRow : separate chapter or within transport?
- Methodology: DMRB or IEMA GEART? Fit for purpose?
- Interpretation, flexibility on thresholds
- Professional judgement v data
- Embedded mitigation
- Cumulative Impact



Sustainability & Environment
Appraisal

LA 104

Environmental assessment and monitoring

(formerly HA 205/08, HD 48/08, IAN 125/15, and IAN 133/10)

Guidelines for the Environmental Assessment of Road Traffic

Transport Assessment

- Duplication with parts of ES?
- Scope..... How extensive?
- Data collection: Baseline data, growth.
- Highway Improvements / Access. Sufficient detail?
- Junction modelling: Strategic or local
- Peak movements: Construction peak or network peak?



Management Plans

- Key document to secure controls and / or mitigation
 - Controls: robust, clear, fixes impacts to the assessment
 - Monitoring: what and when
 - Reporting: to who, how frequently
 - Enforcement: Responsibility, no delegation.
- Vary but typically for transport...
 - Construction Traffic Management Plan and Travel Plan
- But can include
 - Pre- commencement CTMP
 - Access Management Plan
 - Port CTMP
- And non transport
 - Code of Construction Practice
 - Environmental Management Plans



East Anglia ONE North Offshore Windfarm

Outline Construction Traffic Management Plan

Applicant: East Anglia ONE North Limited
Document Reference: 8.9
SPR Reference: EA1N-DWF-ENV-REP-IBR-000391 Rev 06
Author: Royal HaskoningDHV
Date: 7th June 2021
Revision: Version 06

Applicable to
East Anglia ONE North



East Anglia ONE North Offshore Windfarm

Outline Access Management Plan

Applicant: East Anglia ONE North Limited
Document Reference: 8.10
SPR Reference: EA1N-DWF-ENV-REP-IBR-000392 Rev 07
Author: Royal HaskoningDHV
Date: 22nd June 2021
Revision: Version 07

Applicable to
East Anglia ONE North



East Anglia ONE North Offshore Windfarm

Outline Port Construction Traffic Management and Travel Plan

Applicant: East Anglia ONE North Limited
Document Reference: ExA-AS-5.D12.V5
SPR Reference: EA1N-DWF-ENV-REP-IBR-000529 Rev 05
Date: 28th June 2021
Revision: Version 05
Author: ScottishPower Renewables

Applicable to
East Anglia ONE North

Protective Provisions / Side Agreements

- Protection of LHA (costs, liabilities eg maintenance)
- Can include:
 - Agreements with highways ie HA s278 (requirement?)
 - Maintenance, access, damage through exceptional use
 - TTTRO / TROs (where not in DCO)
 - AIL movements: structures, infrastructure
- Costs (as above but also discharging requirements, management plans)

1.3 Planning Performance Agreement

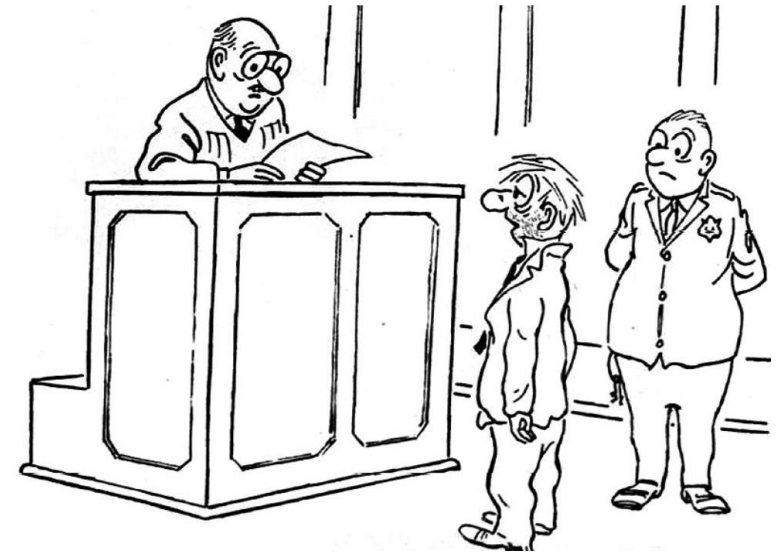
24. The Applicant will not undertake any works to any highway or highway asset that is the responsibility of SCC until a Planning Performance Agreement (PPA) has been agreed with SCC (both parties acting reasonably and in good faith) which will allow SCC to recover reasonable costs including but not limited to:

- Additional costs of routine, cyclic and emergency highway maintenance resulting from the Applicants' occupation or use of the highway²;
- Visual and structural condition surveys of the highway (A1094, B1069, B1122, Lovers Lane, Sizewell Gap and parts of A12) and contributions towards structural repairs;
- Surveys and assessment of highway structures to facilitate AIL movements;
- Damage to the Highway (in accordance with the provisions of Section 59 Highways Act 1980);
- Creation of temporary traffic regulation orders (including SCC consultation and issue of permits);
- Relocating / removing street furniture and all other highway infrastructure to facilitate AIL movements;
- Technical approval and inspection of highway accesses (Requirement 16) and Work No.35, Work No.37, Church Road Friston traffic management and cable crossings as detailed in the approved construction traffic management plan; and
- Review of submitted materials for monitoring the final management plans (such as CTMP/ Travel Plan / PRoW Strategy etc).



Examination

- Inquisitorial not like planning appeals
- Mostly written process. EXA Questions, responding to submissions, SoCG
- Key LHA document – Local Impact Report (and RR)
- Deadlines. Fast and frequent
- Issue Specific / Open Floor Hearings
 - ExA leads
 - May call LHA as expert witness
 - Be prepared! Examples, facts, data.
 - Written submission follows



And the morning after.....

- Decision is pause, not the end.
 - Delivery... when. Program?
 - Change
 - Continuity.....
 - Requirements
 - Highway agreements
 - Management Plans
 - Public and politicians



Development Consent Orders and National Highways

NSIPs Centre of Excellence

18 January 2023



Introduction to National Highways

- Government owned company established in 2015 with responsibility for maintaining and enhancing the strategic road network (SRN) – over 4,300 miles of motorways and major A roads
- The Delivery Plan outlines specific funding, activities and projects to be delivered from 2020 to 2025
- Responsible for the Design Manual for Roads and Bridges (DMRB) which identifies the design standards for the strategic road network
- Applicant for highways DCOs as well as statutory consultee for 3rd party DCO applications
- First DCO application approved in April 2013, 23 DCOs approved to date

Highways DCOs – thresholds

- Section 22 of the PA 2008 requires a DCO if the Secretary of State is Highway authority and meets relevant thresholds

Construction or alteration of highway:

- 15ha where it involves a motorway,
- 12.5ha where it does not involve a motorway and speed limit is 50mph or greater
- In relation to any other highway: 7.5ha

Improvement of highway:

- need for significant environmental effects to be considered a DCO

Highways DCOs – key stages

- Options consultation – to seek views of stakeholders and the public on preferred route for project
- Preferred Route Announcement outlining preferred route following the outcome of options consultation
- Statutory consultation – provides details of proposed design, environmental effects/mitigation and proposals to be included in DCO application
- Examination – comment on DCO application as submitted and participate in examination hearings
- Decision and delivery – includes discharge of pre-commencement requirements by DfT following consultation with local authorities

Working with local authorities

- National Highways working with local authorities throughout the DCO process to:
- develop and refine DCO application including design proposals, environmental mitigation and wider environmental and social benefits of schemes e.g. WCH routes
- Interaction with road networks managed by local highway authorities e.g. de-trunking
- To agree wording of Draft DCOs – particularly provisions where local authorities are named
- To prepare and agree and revise Statement of Common Grounds with host authorities to inform the examination process

Case Study – A417 Missing Link

- Landscape led scheme to delivery safe and resilient free flowing road while conserving the Cotswolds AONB
- Approved by DfT in November 2022
- Construction expected to start early 2023 and be completed by early 2027
- Will provide following benefits:
 - Transport and safety – to reduce delays and improve traffic flow and improve safety
 - Environment and heritage – including enhancements to the landscape and environment
 - Community and Access – including access to the countryside
 - Economic growth – by making journeys more reliable

Find out more



[highwaysengland.co.uk](https://www.highwaysengland.co.uk)



Twitter [@HighwaysEngland](https://twitter.com/HighwaysEngland)



Instagram



Facebook





OUR DCO EXPERIENCE

- We have worked on over 50 NSIPs including:
 - more **highways DCOs** than any other firm: *A19 Testo's, A19 Downhill Lane, M42 Junction 6, A19 Tees Crossing, A63 Castle Street, A556 Knutsford, A180 Port of Immingham, M25 Junctions 10 and 28, Lower Thames Crossing, Silvertown Tunnel and M1 Junction 10A*
 - advising on **East West Rail** (for EWR) and in relation to two of **Network Rail's** four DCO promotions
 - *Heathrow Expansion* (for TfL / Mayor of London / local authorities)
 - **Sizewell C Nuclear Power Station and Riverside Energy** (for local authorities)
 - **Net Zero Teesside** (for South Tees Development Corp.)
 - **Great Yarmouth Crossing** (for Port Authority)
 - Promotion experience includes: *Able Marine Energy Park, Humber Low Carbon Pipeline, Esso Southampton to London Pipeline, National Grid's North London, Hinkley Point C and Richborough Connections and Luton Airport*



CONVENTIONAL TIMELINE / APPLICATION STEPS	ONE – TWO YEARS							FOUR – SIX MONTHS			
	PROJECT INITIATION			PRE-APPLICATION				PRE-EXAMINATION			
	Project set up and programming	Options identification and assessment	Non-statutory consultation on options	Preparing EIA scoping application	PINS consult on and prepare EIA scoping opinion (six weeks)	Preparing for statutory consultation – eg SoCC, consultation documents, preliminary environmental information, notices	Statutory consultation on local and non-generic impacts (four weeks minimum)	Preparing and advising on suite of application documents and other consents	Acceptance period (four weeks maximum)	Representations period (four – six weeks)	Certifying application compliance and examination preparation (six weeks – two months)

CONVENTIONAL TIMELINE / APPLICATION STEPS	SIX MONTHS	THREE MONTHS	THREE MONTHS	SIX WEEKS	TIMESCALE IS SCHEME DEPENDENT (EG TWO – FIVE YEARS)		
	EXAMINATION			POST-CONSENT			
	Examination Stage (six months maximum)	Reporting Stage (three months maximum)	Decision Stage (three months maximum)	Judicial Review period (six weeks)	Notice of DCO approval	Discharging DCO 'requirements'	Amending DCO (if required)
	Written evidence, Hearings					Land acquisition/ assembly	

NET ZERO STRATEGY: FRIENDS OF THE EARTH (JULY 2022)

- Successful legal challenge to the Government's **Net Zero Strategy (NZS)** in July 2022
- High Court ruled that:
 - *the NZS (Oct 2021) failed to show reductions in carbon that policies would give rise to or when each would take effect*
 - *the Secretary of State had not satisfied his legal duties under the Climate Change Act 2008*
 - *quantification of the effect of individual policies on carbon emissions was an 'obviously material' consideration*
- Government did not appeal the decision and revised NZS due in March 2023
- NSIPs:
 - Carbon emissions can be a material factor in decision making on NSIP applications (e.g. NPS requirements, Secretary of State decision making process, international and national obligations)
 - How should the significance of carbon emissions be assessed and reported at individual project level?



CARBON ASSESSMENTS – RECENT DEVELOPMENTS

“Operational emissions of the Proposed Development will be addressed in a managed, economy-wide manner, to ensure consistency with carbon budgets, net zero and our international climate commitments.”

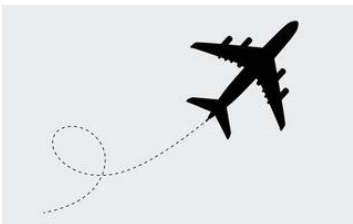
- Drax & South Humber Energy Bank DCO decision letters

“..it has to be assumed that the SoS will comply with the legal duty under the CCA [Climate Change Act].... overall, there are a number of alternatives which may be used at the national level to address climate change”

- Bristol Airport Appeal Decision

“On the basis of current policy and law it is permissible for a planning authority to look at the scale of the GHG emissions relative to a national target and to reach a judgment, which may inevitably be of a generalised nature, about the likelihood of the proposal harming the achievement of that target..”

- Goesa Eastleigh Borough Council [2022] EWHC 1221



THE FAILED CHALLENGE TO THE EAST ANGLIA OFFSHORE WIND FARMS

- Cumulative assessment found to be appropriate
- Distinct from the Norfolk Vanguard court decision where information was available
- Similar to the reasons relating to Sizewell C?
- This seems like a reinstatement of the case law (e.g., *Khan v London Borough of Sutton* [2014] EWHC 3663 (Admin))



WHAT DOES HILLSIDE MEAN FOR DCO PROJECTS?

- The “Pilkington principle”: where development has taken place under one permission, whether another planning permission may lawfully be implemented depends upon whether it remains physically possible to carry out the development authorised by the second permission
- Cambridge South TWAO decision (December 22)
- When is this relevant in the DCO context?

 - i. DCOs overlapping with DCOs*
 - ii. DCOs overlapping with associated TCPA*
 - iii. DCOs overlapping with third party TCPA*



SWANSEA TIDAL LAGOON – WHEN DOES A PROJECT BEGIN?

- Section 155 sets out a requirement for projects to begin a “material operation” within 5 years
- DCOs often contain a provision which dislodges the period before a DCO expires
- “Commence” vs. “Begin” – what’s the difference?
- Environmental controls for pre-commencement works?





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Comms & Engagement: 10 'watch outs' for NSIPs

January 2023

Why do NSIPs need comms and engagement?

It's the law!

**It's needed –
NSIPs are
complex**

**It's the right
thing to do –
we get better
outcomes**

What happens when things go wrong!

How Center Parcs Found Itself Lodged In A PR Nightmare

Five budget alternatives to Center Parcs around three hours from Newcastle

Center Parcs, the Queen's funeral and the pitfalls of the performative 'mark of respect'

Center Parcs backtracks over eviction of holidaymakers for Queen's funeral



CenterParcs

What
happens
when things
go well!



Top 10 “Watch Outs” for NSIPs



1 Start early



Build trust

Develop relationships

Start where your stakeholders are



BACK

2 Be realistic about what can change



Manage expectations



Be honest on where feedback is needed and what can be influenced



Challenge yourself



3 Know your audience



Identify

Segment

Prioritise



4 Create champions



Community



Political



Business



BACK

5 Build the narrative



Tell the story of the NSIP in a relatable way



It's not static (carbon / levelling up)



Expect competition



6 Focus on the benefits



The story behind the numbers

Think widely about who benefits

Don't shy away from the impacts



7 Get creative



Robust doesn't have to be boring!



Digital First (not only)



Reach new audiences



8 Listen



Prepare to learn from every conversation

Technical vs normal language

Treat concerns with respect and consideration



BACK

9 Incorporate feedback



● Explain why you have and have not incorporated feedback

● You said we did

● Close the loop



10 Measure success



Early and often



Continuous improvement



Be honest about what's not working

