

# Nationally Significant Infrastructure Projects (NSIP) Network for Local Authorities



## General statement on the local authority position

21 July 2023

### 1. Background

This note sets out the views of local authorities currently working with the NSIP regime. It has been prepared by the NSIP Local Authority Network and represents the thinking of local government practitioners with direct experience of the NSIP process in their area.

### 2. Introduction

Overall, local authorities are confident that emerging reforms to the NSIP process, including the recommendations of the National Infrastructure Commission, will go some way to improving the effectiveness of the process; as they recognise the resource gaps, the *critical need* to maintain effective policies and to shift the focus from process to outcomes.

However, the scale and pace of infrastructure delivery is unprecedented, and was not envisaged when the Planning Act was launched in 2008. The process, as currently being implemented, is not designed to manage the adverse social and political outcomes arising from the scale of change that is now required. In short, perhaps, the current operation of the NSIP process achieves consent, but does not work hard to foster consent, especially amongst host communities.

As such, further reforms are necessary to achieve this goal, and so avoid a breakdown of public consent for new infrastructure, especially that necessary to mitigate and adapt to climate change.

### 3 Key areas for development

To achieve this, there are three broad areas that need to be addressed:

- Cooperation and coordination between project promoters, and between local and national government and system planners.
- Trust in the consenting process, and the ability and capacity of communities to engage in it.
- Public understanding of the extent, magnitude and speed of change required.

#### 3.1 Cooperation and coordination of delivery

This refers to the need for cooperation and coordination between project promoters, where their proposals for both construction and operation overlap spatially and temporally.

In many areas, the construction and operation of NSIP schemes overlap both spatially and temporally. Currently, local authorities seek to use what powers of persuasion they have, to convene the different parties in an area to collaborate in reducing the adverse effects of their proposals and collaborating on beneficial outcomes. This should be resolved with:

- some form of duty to cooperate between project promoters, and
- for relevant local authorities to have a corresponding convening power.

This approach would improve the quality and effectiveness of pre application discussions, reduce complexity at examination, and reduce the scope for legal challenge; as well as reducing potential harm to host communities.

It would also eliminate the public perception of infrastructure development as an uncoordinated free for all, but without the complexity, delay, and bureaucracy, of regional or subregional planning.

Functional **coordination and cooperation between national and local government**, which is primarily responsible for managing the discharge of requirements, is also important and will help to mitigate the impact of project construction on local communities. National government and/or system planners, such as the Future System Operator, should work in collaboration with local government to ensure that:

- National plans, such as those for new transmission networks, are developed in concert with local government.
- That there is effective communication and cooperation between local and national government, to eliminate obstacles to the coordinated delivery of infrastructure projects.
- That the *supporting infrastructure*, (such as the road and rail network) required to construct and operate energy and water projects, is appropriately funded and planned, and resilient to the impact of current and future climate change.

Such an approach would not only deliver resilient systems. It would also eliminate the public perception that infrastructure development is uncoordinated and poorly planned. It would also demonstrate that local communities have, through local government, a role in the planning of the large-scale change being imposed on localities.

### **3.2 Building the trust and engagement of communities**

This means improving the level of trust in the consenting process, and the ability of communities to engage meaningfully in it. There are currently two main problems that need to be resolved in this area:

- The current process is rightly perceived as favouring applicants and professionals at the expense of communities who are directly affected.
- The inability of those directly affected to engage properly, creating a space into which activists, agitators, and amenity groups move.

In particular, town and parish councils are unable to engage effectively, and in their place single issue amenity groups have flourished. These groups can garner funding and profile, but the extent to which they genuinely represent the affected communities is variable. Some groups may represent a specific part of the local population, others are less representative

and projects can create a platform for activists who then look to spread their influence to other similar projects, in other parts of the UK.

This latter effect is a strategic risk to the delivery of climate mitigation and climate adaptive infrastructure in the UK. Therefore:

- The lowest tier of local government (eg town and parish) needs to have the necessary resources to engage effectively with the project development, examination, and consenting process, of national infrastructure.
- Project promoters need to use methods of engagement that facilitate the participation of host communities in the emerging design and implementation of infrastructure projects.

The current approach fails to capture the knowledge and concerns of communities that are directly affected, and critically fails to give those communities an opportunity to be heard, and to engage in constructive dialogue with the project promoter. It also does little to build trust and confidence between project promoters and host communities, and often undermines it, unless the project promoter is prepared, to “go the extra mile”.

A better process, that engenders trust, and is appropriately resourced, would significantly reduce the adverse social and political consequences of the extensive change that is required. This could reproduce the neighbourhood planning model of supporting community engagement and, done properly, would increase acceptance of change. It would also prevent the cascading effects of opposition spreading across regions and between projects, because local communities would have genuine agency and a fair process.

A just transition, would then be seen to be underway.

### **3.3 A wider understanding of the scale and speed of change**

This third area is about improvements to process and engagement between individual projects and the wider national programme, in order to understand and explain the extent and magnitude of the changes that need to be made.

Whilst updates to National Policy Statements (NPS) are supported, and need to be repeated every five years, NPS are not the right place to win the “hearts and minds” of affected communities or get the wider public behind the scale of change needed. All too often, the lack of a clear position from Government means time and resources is focused on arguing matters locally that have already been determined nationally.

Emerging work by Ofgem on Regional Network Planning illustrates the potential for a more joined up approach for individual projects, without the need for time consuming regional planning initiatives. This is a form of “front loading” at a regional scale, bringing together information and planning to avoid conflicts in the future and therefore speed up delivery.

It may mean a role for the Office for Environmental Protection or a similar body with the authority to pull together different stakeholders in order to develop:

- a cross-sectoral regional delivery plan,
- better national and local government coordination, and
- the oversight needed to speed up delivery.

However, in the absence of the work to address the other areas of change needed, setting out the magnitude and extent of infrastructure changes required risks leading to public alienation. As such, these three areas of work need to be advanced together and in unison.

#### **4. Next Steps**

The NSIP Local Authority Network is working with Government in a positive and proactive way to help improve the effectiveness of the NSIP system, focusing in particular on the local authority role and how local authorities can improve outcomes. The network is helping to promote good practice and share experience between local authorities as well as contributing to the Government's wider reforms to the NSIP system.

Any local authorities who would like more information about the Network or to take part in it, please contact the Planning Advisory Service through [PAS@local.gov.uk](mailto:PAS@local.gov.uk) or go to the [PAS NSIP webpage](#).

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