Consultation: Streamlining Infrastructure Planning[1]

CPA Response to Streamlining Infrastructure Planning

Thank you for the opportunity to respond to this consultation. Whilst we believe many of the questions are targeted at other stakeholders, we think it is essential that you do hear the community view.

We believe the public should be fully consulted on the principle of development, prior to any NSIP being proposed. Streamlining Infrastructure Planning should begin at the beginning, not part way through the process. This means ensuring that the consultation on National Policy Statements must meet the requirement for "*high-quality early, meaningful and constructive engagement and consultation*" mentioned in your document, to ensure that consultation takes place before a decision is made, and that conscientious consideration is given to feedback from communities and citizens.

With this in mind, the government should:

- require the Treasury Green Book guidance to be followed, including for long-listing and short-listing of projects, demonstrating evidence of need, and for quantifying the external, socio-economic and natural capital impacts
- mandate "*high-quality early, meaningful and constructive engagement and consultation*" throughout the process, in line with Gunning Principles, the Civil Society Covenant and the Green Claims Code
- ensure that residents and businesses are financially compensated for any impacts, even when outside the order limits, including for any mental/physical health impacts that arise
- ensure all NSIP promoters are obliged to offer a Discretionary Purchase Scheme (as Highways England already does - but National Grid, for example, does not)
- ensure that the mitigation hierarchy is fully complied with, that irreplaceable habitats are not impacted and that 'polluter pays' rules are in place for each scheme
- ensure that citizen health and wellbeing is paramount, including in relation to the pollution or other risks, such as EMF or fire, to be caused by any scheme
- introduce a clear monitoring regime for all aspects of a scheme, incorporating a range of key performance indicators (how will *"proportionate, effective and meaningful"* applicant engagement with communities be measured, for example).

We would like the government to note that 'community benefits' ('pounds for pylons' for example) do not equate to compensation and such compensation schemes do not speed up infrastructure development.

We would also like to emphasise that we do not support the removal of the requirement for consultation prior to submission of a DCO. In seeking to reduce consultation and engagement at the pre-application stage of a NSIP, there should be no compromise of the commitments agreed in the government's Civil Society Covenant[2], which states that the government will promote "*participation and inclusion by involving people in decisions that affect their lives, ensuring their voices are heard and removing barriers to democratic participation*".

---

[1] https://www.gov.uk/government/consultations/consultation-on-streamlining-infrastructure-planning
[2] https://www.gov.uk/government/publications/civil-society-covenant/civil-society-covenant

The Covenant also aims to strengthen "*trust with open communication and sharing of information, data, and best practice*", which should ensure that residents are fully cognisant of the risks associated with any initiatives proposed for their areas. Compliance with this Covenant will be particularly important for those who may face compulsory purchase of their homes or businesses, particularly given the level of personal stress and distress that such actions can cause.

In seeking to remove the statutory requirement to consult on preliminary environmental information through the Planning and Infrastructure Bill, it must be recognised that, by their very size, scale and complexity, NSIPs do cause environmental and ecological harm. Whilst we acknowledge that there must be a balance between totally avoiding harm and progressing the construction of **essential** infrastructure, we do not believe the scales are equally set. With the right government priorities, it would typically be possible for even the most complex schemes to follow the mitigation hierarchy and avoid the worst harms to, or destruction of, the environment and ecology.

To increase confidence in the government's proposals, following the principles set out in the Green Claims Code[3] should be mandated, requiring that, for any environmental or ecological assertions made in any document or other communication relating to a NSIP:

- claims must be truthful and accurate
- claims must be clear and unambiguous
- claims must not omit or hide important relevant information
- comparisons must be fair and meaningful
- claims must consider the full life cycle of the product or service [a windfarm or a new railway line, for example]
- claims must be substantiated.

We strongly believe that there should be no relaxation of the requirements for consultation with the local community ahead of submitting planning applications for onshore wind projects. In fact, we recommend that such a requirement is implemented for any development that is expected to exceed 15m in height or that will otherwise impact the mental or physical health of a community (the government will be aware of the huge concerns about the prolific appearance of hazardous BESS near to residential properties, schools and hospitality venues).

Your concerns about smaller projects facing additional requirements that do not apply to NSIPs (paragraph 147) are misplaced. Lowering standards and easing the rules does not bring proportionality. Such a change will result in more issues such as those highlighted in the photograph below. Whilst this does not relate to a NSIP, it is clear that the council did not consider the "*relative impact*" on the local community before approving this scheme, which features four 18m high warehouses, 24x7 operations and the consequential financial and health related losses for the affected citizens.

[3] https://www.gov.uk/government/publications/green-claims-code-making-environmental-claims/environmental-claims-on-goods-and-services

Encouraging engagement is not enough. It must be mandated to ensure a level playing field for communities. NSIPs are large, complex initiatives that will typically have significant environmental and social implications (both positive and negative) and will require extensive evidence and scrutiny. They can face changing conditions at a local, regional or national level. From a political perspective, for example, Reform has stated that it will cancel any high speed northern railway line[4] if it succeeds to government. Strong public support for the initiative might change that view. Such support can only be evidenced through adequate and meaningful consultation and engagement.

This is particularly important given the government's proposals in the Planning and Infrastructure Bill to reduce consultation requirements. No citizens should find out about proposals that impact them when the bulldozers turn up!

We applaud your aspirations to ensure there is "*high-quality early, meaningful and constructive engagement and consultation"* and believe this can be best achieved by engagement at the strategic determination stage of an initiative. This means that if new reservoirs are to be proposed by the government, or new rail routes, or new windfarms, for example, the government should carry out that "*high-quality early, meaningful and constructive engagement and consultation"* **BEFORE** the DCO stage.

We welcome your recognition of the "*unique knowledge, experiences, and interests",* and the "*critical insights"* held by local communities, who are a largely untapped talent pool, which should be exploited to ensure a scheme's risks and issues are highlighted at the earliest stage of an initiative (meaning they can be satisfactorily addressed in effective, examination-ready DCOs), providing the opportunity for the government to validate their assumptions and ensure all affected communities are aware of what is being proposed, and when.

We also agree that communities may hold evidence that will assist infrastructure design and benefits realisation. Capturing this expertise would necessitate sharing high-level information about the intended plans, locations and outcomes at the formative stage of a scheme. This would be compliant with the first of the four Gunning Principles[5] (which requires that a final decision has not yet been made, or predetermined, by the decision makers). In seeking to accelerate the NSIP process, there should be no compromise on any of the four Gunning Principles.

[4] https://www.bbc.co.uk/news/articles/c24rnr6d1d0o
[5] https://www.local.gov.uk/sites/default/files/documents/The%20Gunning%20Principles.pdf

We are extremely concerned about the cumulative impact of the government's multiple changes to policy and regulations, including reducing consultation, that will result in significant ecological and environmental harms, fewer safeguards for public health and social wellbeing, ultimately undermining the prosperity of citizens and increasing costs to other public bodies (such as the emergency services). This cumulative impact does not appear to have been considered in any of the consultations to date.

The government should be highlighting the importance of **sustainable** economic growth, which would be widely supported by communities, rather than focusing on *"sustained economic growth",* which will lead to the issues mentioned above. The government's continued commitment to building yet more new roads, for example, will result in increased air, noise, light, vibration and water pollution (to say nothing of carbon emissions). Conversely, investing our limited funds in enhancing public transport and active travel, will support the modal shift that will reduce pollution, improve health and wellbeing and, ultimately, reduce the costs to the public purse (including the emergency services).

We are also disturbed by the emphasis on speed rather than quality, which may result in huge disadvantages for communities, including to their mental and physical health.

We would stress that "*bold and co-ordinated action to modernise the UK's economic infrastructure"* must not mean cutting corners or undermining regulatory requirements that safeguard communities and the environment, including ensuring there is adequate and meaningful engagement with affected citizens. Being "*efficient, proportionate and effective"* should not increase the potential impacts of an initiative, either on communities, natural capital assets or on other public bodies.

We would encourage the government to be honest and transparent in its communications and would welcome evidence that demonstrates that speeding up the delivery of major economic infrastructure will contribute to lower household bills. Given the private sector's proclivity to lining the pockets of their shareholders, rather than those of customers, we think it is very unlikely that this will be the outcome of the proposed changes or that the cost savings related to the removal of the statutory requirement to consult as part of the pre-application stage of NSIPs (which you estimate at £1bn) will benefit anyone other than investors.

With the above in mind, consultation and engagement guidance should be created for government departments which aim to consider infrastructure initiatives, to ensure the impacts and alternatives are identified at the earliest possible point and to help shape the responsive and robust plans, with the most "*effective, inclusive and sustainable outcomes*". If the engagement with citizens is genuine, meaningful and conducted early enough for communities to have the opportunity to actually influence a scheme, this approach would "*enhance transparency, build public trust, and reduce delays by addressing issues"* before work even commences on formal applications.

Guidance should also be created for communities to ensure they are aware of how and when they can influence these projects. Plain English should also be used. The term 'representation', for example, is not familiar to many citizens.

We do not understand why the proposed guidance will not provide "*specific examples of best practice in relation to consultation and engagement"* (paragraph 20), as it is clear that this level of support is needed for applicants and councils. Currently, communities, and their concerns, are largely ignored throughout planning processes. This has resulted in a complete break-down of trust, and a widespread lack of confidence in the articulated community benefits of NSIPs.

The government should use every communication channel available to engage with all impacted citizens, including those who are vulnerable or hard to reach. At project kick-off, for example, the public should be alerted to large, complex NSIP proposals via local, regional and national television and radio advertising, to ensure maximum reach. There should also be a requirement ensure communities have a variety of mediums to provide their feedback. Digital options should be improved and made more accessible, but some citizens may prefer to use older technologies, such as pen and paper (and they should not be prevented from doing so).

We believe the increased use of automation, digitisation and ai technology will result in the alleviation of many of the complexities and duplication that causes delays in the process. With this in mind, there will be scope for the government to ensure that it is practical for citizens to respond to documentation, representations and modifications throughout the process, including during the examination phase. Timescales should not be inappropriately challenging for communities (such as issuing documentation during holiday periods or requiring responses within an inadequate timeframe). It must be remembered that many citizens have full time jobs, caring responsibilities and other commitments and it should not cost them money to respond effectively to a NSIP consultation or examination (by requiring them to take unpaid leave, or to employ a planning consultant to represent them, to enable them to meet the timetable).

Given the government's proposals for increased use of digitisation, automation and ai, examinations, planning inquiries and other hearings should be accessible via online methods (such as video conferencing). No resident should be excluded because they are unable to attend in person. Citizens should also be able to access a recording of the hearings if they are unable to participate in person.

Furthermore, bold, coordinated action alone will not achieve the desired outcomes. The government must also ensure that those delivering NSIPs are suitably skilled and experienced. Programme management is about strategic coordination and control (among other things, control of risks, of impacts, and, of course, of budgets). Without such staff, issues cannot be effectively dealt with, risks cannot be managed, and benefits cannot be realised. HS2 is a good example of high salaries and bonuses paid, yet the project was not running to time, to budget nor were its KPIs being met.

We hope this response is helpful and look forward to more information about how you will simplify and accelerate the end-to-end process, whilst introducing continuous community engagement from the earliest stage, safeguarding human health and protecting the environment.

Kind regards

Marj Powner

Vice Chair

Community Planning Alliance

07801917375

About the Community Planning Alliance

The Community Planning Alliance is a national umbrella group for over 700 communities, all are campaigning against inappropriate development in their areas, and all disagree that decisions are being made in the 'public interest'. We have extensive knowledge and experience of the planning system, and our aims include seeking increased community participation, better environmental protections and the right homes and infrastructure in the right places.