

# NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS UPDATE

**With a focus on the East of England**

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- Reminder of what an NSIP is
- Recent developments
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- Other East of England projects

# WHAT IS A NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT?

- Energy, transport, water and waste, waste water projects above certain sizes
  - Set out in the Planning Act 2008, sections 15-30A
- E.g. at least a 50MW generation capacity for electricity of all types (onshore)
- Compulsory to apply for a DCO if above the threshold – criminal offence if you don't
- You can ask for a project to use the regime even if below the threshold or 'business or commercial'

# FEATURES OF THE REGIME

- Compulsory – and extensive – pre-application consultation
- National Policy Statements are the prime documents against which applications are measured, there are currently 12:
  - Overarching energy, fossil fuel generation, renewable energy, pipelines, pylons, nuclear energy, national networks, ports, airports, hazardous waste, waste water, nuclear waste
- Applications are examined in writing and via hearings over a period of six months by 1-5 inspectors
- The inspectors have three months to write a recommendation
- The relevant Secretary of State has three months to make a decision

# ADVANTAGES AND DISADVANTAGES OF THE REGIME

- Advantages
  - Reasonably predictable timescales (or used to be, see later)
  - Direct compulsory acquisition powers
  - Secretary of State decides the application
- Disadvantages
  - Cost
  - Time
  - Secretary of State decides the application

# RECENT DEVELOPMENTS

- Draft revised energy National Policy Statements
  - Consultation (until 29 November) on five drafts (not nuclear)
- Project Speed
  - Consultation (until 17 December) on suggestions to speed up the regime
  - Aim to reduce some project timescales by 50% by September 2023
- Project Delay
  - Since aim announced, all projects due to be decided have been delayed
- Successful crowd funded court challenges
  - Until this year no grant of a DCO had been successfully judicially reviewed
  - Four have been quashed since February

# RECENT DEVELOPMENTS – DELAYS AND QUASHINGS



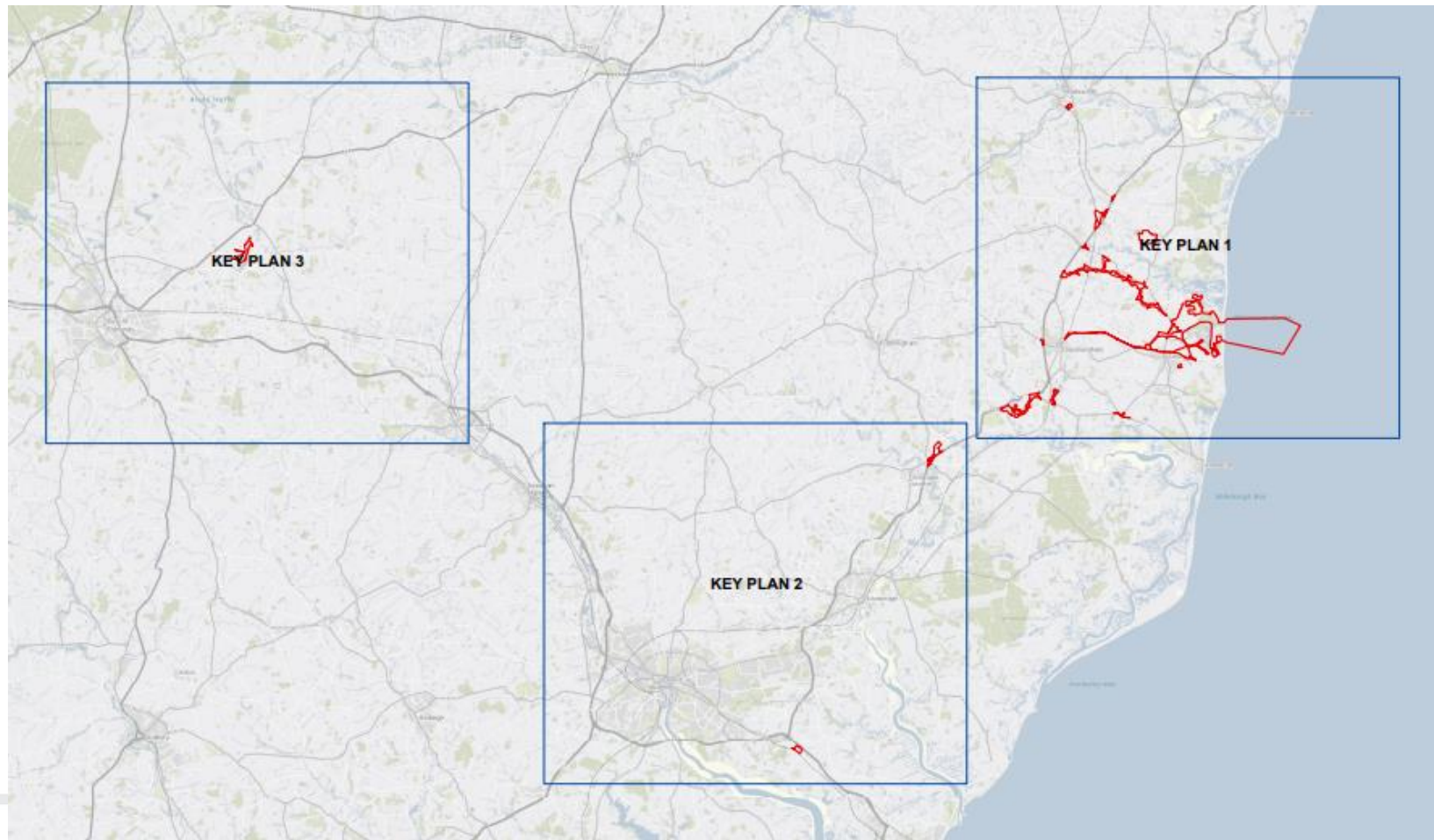
## CASE STUDY – SIZEWELL C

- A third nuclear power station (two reactors of 1800MW each) at Sizewell north of Aldeburgh on the Suffolk coast
- Sizewell A is closed, Sizewell B is in operation



## CASE STUDY – SIZEWELL C

- Size: big
  - Five inspectors appointed
  - 1,287 representations received
  - 2,229 questions asked in first round
  - 4,169 documents on the PINS website
- Timings:
  - Application made 27 May 2020
  - Preliminary meeting split over two days, 23 March and 14 April 2021
  - Examination held 14 April – 14 October 2021
- Geographical extent:



# CASE STUDY – SIZEWELL C

- Issues:
  - Delivery of accommodation campus
  - Water supply issues

## OTHER EAST OF ENGLAND INTEREST

- East Anglia One North and Two offshore windfarms had delayed examinations, decisions due 6 January 2022
- Norfolk Boreas offshore windfarm is one of the delayed decisions, currently due 10 December
- Norfolk Vanguard offshore windfarm is one of the quashed decisions, currently being redetermined
- Lower Thames Crossing made an application in November 2020 but withdrew it; a further consultation was undertaken and a new application is expected soon

**ANY (MORE) QUESTIONS?**

