



*Response to:*

**Consultation on operational reforms  
to the Nationally Significant  
Infrastructure Project (NSIP)  
consenting process**

## Introduction

Transport Action Network (TAN) welcomes the opportunity to respond to this consultation which could severely impact on the way that the public and local communities can engage or even influence with Nationally Significant Infrastructure Projects (NSIPs).

This response is being sent in by email as a separate submission because the online portal did not allow comments to be added to all questions, thereby denying us the ability to add any context or qualification to some of our responses. We have used the questions and headings set out on the consultation page online<sup>1</sup> in this response and not those in the Citizen Space online survey, where the wording was slightly different in places.

## Headlines

TAN's headline comments are as follows:

- 1) We support the proposal to *“strengthen the role of pre-application and ensure consultation is effective and proportionate”*, but this needs to be organised by an independent body, as in France, rather than being run by applicants.
- 2) Cutting time for public engagement risks breaching international law and increasing risk of backlash.
- 3) Proposed fast track quality standard:
  - Should be about quality and need, rather than applicant asserting the project is not controversial
  - Oppose squeezing time for public engagement, especially as most of the delays have been due to promoter incompetence or down to the government (more so if include delays to refreshing National Policy Statements (NPSs)) and not due to interested parties or the Examination Authority.
  - Only infrastructure essential for net zero should be fast trackable. This means that highway schemes should be ruled out unless they deliver significant modal shift (e.g. bus lane) and until an independent roads review has been carried out as recommended by the Climate Change Committee (CCC). Similarly, aviation expansion should be ruled out at least until the CCC recommended review on demand management has occurred.

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<sup>1</sup> [Consultation on operational reforms to the Nationally Significant Infrastructure Project \(NSIP\) consenting process](#), DLUHC, July 2023

- 4) Unrealistic timescales: Consultation says reforms brought in from spring 2024 but we would question whether this is realistic given the delays to new NPSs which will lead to greater uncertainty. This will lead to a longer, not shorter decision-making process.
- 5) Who is the customer? Planning decisions are supposed to be about the public interest. However, if scheme promoters are seen as the customer, since they are paying for the Examination, the risk is that their views and needs are seen as privileged while others are marginalised.

## **Responses to consultation questions**

### **2. Strengthening the role of pre-application and ensure consultation is effective and proportionate**

**Question 1:** *Do you support the proposal for a new and chargeable pre-application service from the Planning Inspectorate?*

Yes (agree), it is a small step forward, but broader change is required. Alongside the pre-application service from PINS focused on the content of DCO applications, there needs to be a new independent body, mirrored on the French Commission for Public Engagement, to manage pre-application consultation.

**Question 2a:** *Do you agree with the 3 levels of service offered?*

Yes (agree), subject to our concerns about the fast-track set out below. Alongside these levels of service and to ensure transparency, it is important that Section 51 advice given to applicants is published promptly on the PINS website.

**Question 2b:** *If you are an applicant, which of the 3 tiers of service would you be most likely to use and for how many projects?*

Not applicable.

**Question 3:** *Would having the flexibility to change subscriptions as a project progresses through pre-application be important to you?*

Not applicable.

**Question 4:** *To what extent do you agree that the overall proposals for merits and procedural advice will enable the policy objective to be met?*

Disagree: At best, it would have a limited impact on identifying and resolving, or reaching clear positions on potential examination issues. The Planning Inspectorate's expertise is on

technical and procedural issues. By contrast different skills are needed to seek to resolve issues. A separate independent commission on engagement, or at least accredited mediators, would be more appropriate to seek to resolve issues.

**Question 5:** *Do you have any specific comments on the proposals in the Table above?*

We are concerned about the proposals for the Planning Inspectorate to offer advice on merits and on the planning balance at the pre-application stage, because it will be overly reliant on information from the applicant who will inevitably downplay issues and concerns.

We are also concerned about proposals for it to “[p]rovide assertive advice on ways forward where disagreements/ stalemates concerning key issues” at the pre-application stage, including providing “assertive opinion on main residual issues for the examination”. Other participants are unlikely to be fully prepared at that stage and there will not have been disclosure of the full impacts etc. of a scheme.

Non-statutory participants risk being disadvantaged and sidelined before they have had a chance to get to grips with the issues in a DCO application or indeed the DCO process itself. Moreover, the Planning Inspectorate has performance targets that may influence the exercise of its discretion. It would be better for the Inspectorate to focus on procedural issues, with a neutral third party to seek to resolve wider disagreements. In addition, or in the alternative, the Inspectorate should only be assertive towards the applicant not third parties.

**Question 6:** *Do you agree with the proposed changes to the consolidated list of statutory consultees outlined above?*

Yes.

**Question 7:** *Are there any other amendments to the current consolidated list outlined in table 2.1 that you think should be made?*

Yes. The following should be added:

- **Active Travel England** is a statutory consultee for major housing developments, so should be for transport NSIPs and other major schemes on land as well.
- **Local Nature Partnerships**, which are key to ensuring ecologically coherent opportunities to restore nature are included in NSIPs. The Levelling Up and Regeneration Bill is being amended to help deliver this.
- **Sub-national transport bodies**, which are important to understand transport needs between the local and national. All but one are currently non-statutory.

There is no statutory body at present that addresses climate change mitigation issues in the planning system, which is a major governance oversight. Although directly outside the scope of this consultation, this does need to be addressed urgently.

**Question 8:** *Do you support the proposed introduction of an early ‘adequacy of consultation’ milestone?*

Strongly disagree to the way proposed, which sounds like form over substance, a check list rather than a mark of there being genuine, substantive engagement. It would be more accurate to describe this as an adequacy of consultation arrangements milestone. We set out views on the larger transformation required elsewhere.

**Question 9:** *Are there any additional factors that you think the early ‘adequacy of consultation’ milestone should consider?*

If the milestone is to be truly about consultation adequacy, it should consider the substance of the process, including whether local authority and community views about how they want to be engaged.

Broader issues should be considered, for instance, has the applicant genuinely considered and consulted on alternatives, including low-carbon, non-road options instead of simply variations of routes for a new road? Also, are the consultation materials adequate in terms of giving a rounded view of proposals or are they more like promotional materials? Applicants such as National Highways have underplayed or even not included in their consultation materials their schemes’ impacts on climate change, for instance, and the need to reduce traffic to meet legally binding targets. Non-Technical Summaries should be short, concise, with all the key, direct impacts listed together in one table. Currently they can be over 60 pages long yet still not set out the impacts clearly<sup>2</sup>. Applicants should take advantage of new technology to ensure consultees can visualise the impacts of a scheme.

Currently under the provisions of the Planning Act 2008 only the statutory consultation is considered, whereas consultations before the statutory consultation can often be more important, for instance in option selection, or deciding a route of a road scheme. Similarly, consultations that occur after the statutory consultations can often be very substantial with major changes made to the scheme. The adequacy of **all** consultations should be considered, not just the statutory consultation.

Equalities issues should be considered here, not simply in terms of how representative consultation has been of the affected communities’ demographics but more broadly

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<sup>2</sup> The Environmental Statement Non-Technical Summaries for the [A66 Northern Trans-Pennine](#) and the [Lower Thames Crossing](#) are both more than 60 pages long

whether there have been proactive efforts to consider how equality of opportunity can be improved in terms of both engagement and the proposals themselves.

Section 48 of the Planning Act 2008 prescribes how statutory consultations and statements of community consultation (SoCC) should be publicised. However, the publicity options are now out of date and anachronistic. Applicants should be required to publicise consultations and SoCCs on popular social media channels where they will be seen, rather than obscure gazettes and the notice sections of faraway local newspapers which are rarely read. Local authorities should be given a minimum of four weeks to comment on SoCCs. Applicants should use both traditional and new forms of media to reach wider audiences and ensure both older and younger people are reached.

**Question 10:** *Our evidence shows that there is a substantial amount of community consultation that happens during the lifetime of an NSIP. To guide our reforms, and to ensure that reforms support faster consenting, preventing consultation fatigue, more proportionate community consultation, with clearer tests for adequacy, it is important to gather further information about the causes for multiple consultations. What are the main reasons for consulting with communities multiple times during the lifetime of an NSIP application?*

- *What constitutes adequate consultation is not clear from legislation.*
- *What constitutes adequate consultation is not clear from guidance.*
- *What the Planning Inspectorate will accept as adequate consultation is not clear.*
- *It is challenging to get the right level of information from consultations.*
- *The age of the National Policy Statements means more consultation is needed than before.*
- *It is the main way to update a community on changes that are made to a project.*
- *It is hard to engage with the correct communities.*
- *It is a means to mitigate legal challenge for the project.*
- *It is part of how to build enthusiasm for a project over time.*
- *It is a helpful way to develop the project.*

*Are there any other factors that play a part in multiple consultations seen to be required by developers?*

We agree that the fact NPSs are so out of date means that more consultation is required. Equally out of date projects, that conflict with newer policy, continue to be progressed as though nothing has changed in the wider world, resulting in increased pushback.

Probably the biggest issues behind multiple consultations, however, is inadequate pre-application consultation with misleading or inaccurate information provided as well as a poor selection of options to start with. Poor project design, which requires constant changes, and inflexible mindsets amongst project leaders, mindsets that are poorly adapted to increasing complexity in projects and the wider world, add to an already struggling system.

**Question 11:** *Are there any other measures you think that government could take to ensure consultation requirements are proportionate to the scale and likely impact of a project?*

First, we agree with the acknowledgement that “*more consultation is needed than before*” because NPSs are so out of date. Simply updating NPSs will not solve this, as NPS consultation is so poor and as many NPSs are too high level, lacking spatial detail, cumulative assessment, or a credible range of future scenarios (rather than simply those acceptable to current ministers) to underpin their assessment of need. TAN welcomes DHCLG’s ambition in its infrastructure action plan for assessment of environmental impacts at a strategic level and strategic mitigations (paragraph 4.2) but this is not being delivered in the current draft NPSs and, with the Government yet to accept the National Infrastructure Commission’s recommendation to review NPSs every five years, is unlikely to change this decade.

A bigger change would be to triage schemes based on their benefits for net zero. This would reflect the recommendation of the BEIS committee’s 2021 report on the energy NPSs, which said that net zero should be the primary consideration, as well as the CCC’s 2023 Progress Report. Essential schemes, such as renewables and public transport, could be green lighted, with consultation focused on details such as location not need. By contrast schemes consenting fossil power and roads that do not deliver significant modal shift would be red lighted and not proceed. Schemes in between would receive an amber light, and be treated similarly to at present.

The proposal for independent community chairs would only be suitable for smaller, uncontroversial schemes, where there is no need issue. Any such chairs should be chosen by or at least jointly by local authorities. Pre-application consultation for other schemes should be handled by an independent commission, learning from the successes of this approach in France.

### **3. Operational reform to support faster and more proportionate examinations**

**Question 12:** *To what extent do you agree with the proposal to remove the prohibition on an Inspector who has given section 51 advice during the pre-application stage from then being appointed to examine the application, either as part of a panel or a single person?*

Disagree, in particular for an inspector examining as a single person. It could be difficult in practice for an inspector to fully dissociate themselves from earlier advice. In any event what is most important for public confidence is that there is no impression of bias. This change would affect that.

**Question 13:** *To what extent do you agree that it would lead to an improvement in the process if more detail was required to be submitted at the relevant representation stage?*

Disagree. It often takes time to develop a full response, especially if faced with voluminous documentation, which can benefit from some reflection. Rushing to provide a fuller response right at the outset of the examination, in what is a short deadline given the size of documentation, could lead to lower quality submissions and increase problems later on during an examination.

Even statutory bodies that are familiar with DCO processes face a capacity challenge, especially after savage cuts by as much as 75% in real terms<sup>3</sup>. It might be easier once DCO documentation is digitalised and capability has developed to harness efficiencies from this, as well as new NPSs being designated and familiar. But for now, this is extremely premature.

Examining Authorities are already able to set out detailed questions early on and this system works well. Where there is scope to improve the process would be to automatically publish developer documentation as soon as the application is submitted, rather than waiting until the acceptance decision or for the agreement of the developer. This would give communities, NGOs, etc. more time to read the application documents and prepare.

**Question 14:** *To what extent do you agree that providing the Examining Authority with the discretion to set shorter notification periods will enable the delivery of examinations that are proportionate to the complexity and nature of the project but maintain the same quality of written evidence during examination?*

Strongly disagree.

The suggestion that shorter times “will not affect the engagement of those impacted by the application” ignores the ability to engage *effectively*. Already paragraph 8.2.2 acknowledges that DCOs are “*time consuming and resource intensive, involving tight deadlines*” for local authorities, yet the consultation proposes making things worse for participants, especially

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<sup>3</sup> [Funding cuts have put communities and environment at risk, EA chair tells Eustice](#) (ENDS Report 2021)



under resourced NGOs and local communities who currently often struggle to engage in a meaningful way, usually with no resources and whilst juggling other work and caring commitments.

The argument that current timescales are based on posting information rather than sharing it digitally ignores the fact that documentation is more complex and voluminous now. Indeed this point is accepted elsewhere in the consultation, for instance in paragraph 9.2 that authorities need more support to deal with the “*number and complexity*” of DCOs. This is even more the case for communities, NGOs etc.

The consultation refers to discretion for other deadlines that can be specified but the deadlines proposed to be changed regarding written representations are key. There is a real risk of this breaching the provisions of the Aarhus Convention<sup>4</sup>. Article 6.3 requires “*public participation procedures [to] include reasonable time-frames...for the public to prepare and participate effectively during the environmental decision-making*”. Indeed, because the volume and complexity of DCO documentation has significantly increased since the start of the PA2008 system, it is arguable that the failure to lengthen deadlines already amounts to a breach of the Convention. The growing delays to decision-making are largely due to ministers taking longer to consider recommendations, as well as failing to update NPSs. It is entirely inequitable that rather than tackling this, these reforms propose to disadvantage further people seeking to engage in planning processes.

Because DCOs are statutory instruments, Article 8 applies which requires state Parties to “*promote effective public participation*” and that “[t]ime-frames sufficient for effective participation should be **fixed**” (emphasis added). By ignoring these provisions of a treaty that the UK has ratified, the proposals in this consultation would breach international environmental law.

**Question 15:** *To what extent do you agree that moving to digital handling of examination materials by default will improve the ability for all parties to be more efficient and responsive to examination deadlines?*

Disagree.

While the change in the default makes sense and could prevent paper being used unnecessarily, it will not have any impact in terms of responsiveness to examination deadlines. That would need tools and capabilities to leverage the potential of digitalised materials, for example, better search tools for the contents of documents in an examination library. The Planning Inspectorate’s beta website is little more than cosmetic tweaking to

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<sup>4</sup> [Text of the Aarhus Convention](#) (UNECE) (Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, 1998)

improve accessibility. It relies on the generic gov.uk search function, which is simply not optimised for voluminous DCO documentation.

**Question 16:** *To what extent do you agree that the submission of 'planning data' will provide a valuable addition as a means of submitting information to the Planning Inspectorate?*

Disagree.

It will only be valuable if a broader technical and governance infrastructure develops. This requires useful and user-friendly data standards, which can evolve as new issues arise, for instance around implementation of targets set in the 2023 Environmental Improvement Plan as well as Levelling Up metrics. Without this, it will be difficult for the market to offer affordable software or for local authorities and NGOs to develop capabilities and skills to make use of the data.

Consultants typically use their own data schema, making it difficult and time-consuming even for big NGOs to work with data. Metadata can be unclear and vary between different firms on the same scheme. Finally, unless there is a final, consolidated version of environmental impact assessments at the end of an examination, it can be impractical to use and learn from that data for future schemes.

**Question 17:** *Are there any other areas in the application process which you consider would benefit from becoming 'digitalised'?*

DCOs could perhaps be made machine readable, as an iteration of the standardised clauses of DCOs. That would make it easier to analyse and learn from earlier decisions. Written submissions too could be enriched with metadata, for instance helping structure them and making it clearer what is an objection to what element of a scheme.

#### **4. Establishing a fast-track route to consent**

**Question 18:** *To what extent do you agree that projects wishing to proceed through the fast track route to consent should be required to use the enhanced pre-application service, which is designed to support applicants to meet the fast track quality standard?*

Agree.

However, we have misgivings about the standard and do not believe that it is adequate.

**Question 19:** *To what extent do you consider the proposed fast track quality standard will be effective in identifying applications that are capable of being assessed in a shorter timescale?*

Strongly disagree.

The reliance on the main test on scoping disagreement between parties requires a credible and independent pre-application consultation process. Otherwise this would incentivise developers to cut corners and downplay concerns, so as to minimise perceived disagreement.

The fast track should only apply for a limited range of scheme types, which are proven essential for net zero.

**Question 20:** *On each criteria within the fast track quality standard, please select from the options set out in the table below and give your reasoning and additional comments in the accompanying text boxes. Please also include any additional criteria that you would propose including within the fast track quality standard?*

<i>1. Principal areas of disagreement</i>	Strongly disagree
<i>2a Fast track programme document</i>	Neither agree/ disagree
<i>2b(i) include fast track intention in consultation material</i>	Neither agree/ disagree
<i>2b(ii) formal agreement to use enhanced pre-application</i>	Neither agree/ disagree
<i>2b(iii) publicise fast track programme</i>	Neither agree/ disagree
<i>2b(iv) provide evidence at submission of 2a – 2c</i>	Neither agree/ disagree
<i>3. Regard to advice</i>	Neither agree/ disagree

Additional criteria needed: scheme essential for net zero.

**Question 21:** *To what extent do you agree that the proposals for setting the fast track examination timetable strike the right balance between certainty and flexibility to handle a change in circumstance?*

Disagree.

This could potentially disadvantage local communities who already struggle with the demanding and intensive 6-month examination timetable. As the criteria for determining which schemes would fall under this fast track regime have not been included in this consultation it is impossible to determine specific issues.

**5. Reviewing the processes for making changes to Development Consent Orders post consent**

**Question 22:** *To what extent do you agree that there is a need for new guidance on which application route proposed changes should undergo?*

Agree.

This is an evolving area and new guidance would be helpful but it may become quickly out-of-date so it would be helpful to provide resource to update it regularly as practice develops.

**Question 23:** *In addition, what topics should new guidance cover that would help to inform decisions on whether a proposed change should be considered as material or non-material?*

Guidance needs to consider cumulative impacts. There were 32 changes for the A66 DCO, but it appears they were only considered as material or non-material on an individual basis. Even simply in terms of the time required for participants in an examination to respond, a large number of non-material changes should count as material. Increased negative impacts on targets, such as species recovery, carbon and air quality that are already off track being met, should make a change material.

(Note the Citizen space questionnaire makes little sense here asking for the responder to agree or disagree with this question when it is only asking for additional topics)

**Question 24:** *To what extent do you support the proposal to introduce a statutory timeframe for non-material change applications?*

Disagree.

Timeframes will need to vary depending on the complexity of the scheme and the number of changes. Earlier this year National Highways proposed 32 changes midway through the examination of the A66 DCO. It would be wrong to set the same timeframe for these as for a single non-material change in a simple, uncontroversial scheme. This is best dealt with by guidance. Applicants should not be rewarded for making changes to an ill-prepared and rushed DCO application, with a streamlined decision making process. This will only incentivise rushed and sloppy applications. Instead, Applicants should be penalised for making changes.

*What do you consider is a reasonable timeframe for determining non-material applications? Please note, determination is referred to as the time it takes for the relevant department to make a decision on an application once the appropriate consultation has been undertaken. Any timeframe included in legislation would need to provide a specific timescale for determination.*

It depends on the scale of the non-material change application and indeed the volume but

- 10-12 weeks

## 6. Resourcing the Planning Inspectorate and updating existing fees

Question 25: *Taking account of the description of the services in section 2.2.1 to what extent do you believe a cost-recoverable pre-application service will represent value for money in supporting applicants to deliver higher quality applications with minimal residual issues at submission?*

It will help but the bigger issue remains the lack of an independent body to manage pre-application consultation. We set out ideas in our answer to question 38.

Question 26: *To what extent do you agree with the proposal to charge an overall fee (appropriate to the tier of service that will cover the provision of the service) for a fixed period?*

Agree.

Badly prepared schemes like the Lower Thames Crossing have overrun and used up a disproportionate amount of the Planning Inspectorate's time. Even if setting a fee for a fixed period does not change the behaviour of applicants with deep seated internal challenges, it would at least provide some fairness in cost recovery. Financial penalties should be considered for applicants who make significant or multiple changes to their DCO application post submission, to deter rushed applications and to reflect the inconvenience caused to the Inspectorate and to Interested Parties.

It is worth noting that in Rule 6 Letters issued by the inspectorate, there is a paragraph about the awards of costs against Interested Parties, but no such requirement for developers not to act in an unreasonable or disruptive way, or for public redress if they do:

### ***"Awards of costs***

*We also draw your attention to the possibility of the award of costs against Interested Parties who behave unreasonably. You should be aware of the relevant costs guidance 'Awards of costs: examinations of applications for development consent orders' which applies to Nationally Significant Infrastructure Projects. This guidance is available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/guidance/>"<sup>5</sup>*

27. *The government has set out an objective to move to full cost recovery for the Planning Act 2008 consenting process. To what extent do you support the proposal to support the*

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<sup>5</sup> Extract from [A303 Stonehenge Rule 6 letter](#), 4 March, 2019

*Planning Inspectorate to better resource their statutory work on consenting by reviewing and updating existing fees, and introducing additional fee points?*

Neither agree nor disagree.

*28. To what extent do you support the proposal to review and update existing fees in relation to applications for non-material changes to achieve cost recovery and support consenting departments in handling these applications?*

Neither agree nor disagree.

*29. To what extent do you agree that the proposed review and update of existing fees and introduction of additional fee points will support the Planning Inspectorate to better resource their statutory work on consenting?*

Neither agree nor disagree.

## **7. Strengthening performance of government's expert bodies**

**Questions 30 to 33:** No comment.

**Question 34:** *To what extent do you agree with the key principles of the proposed charging system? Please select from the options listed in the table below and give reasons in the 'comment' text box.*

*Initially limit the ability to charge to the organisations listed in table 7.1*

Strongly disagree.

Active Travel England, Local Nature Partnerships and sub-National Transport Bodies ought to be included and be able to charge for advice. As already mentioned in Question 7, there is no statutory body charged with scrutinising climate mitigation in the DCO process, which is a serious omission in the planning process. Consideration should be given to amending the remit of the Office for Environmental Protection or the Climate Change Committee to cover this crucial gap, and to provide sufficient resource for them to perform this function.

*Recover costs for non-statutory and statutory services provided throughout Pre-application, Pre-examination, Examination and Post-Decision*

Strongly agree.

It is important that the Government's expert bodies, which are significantly underfunded, have the resources to respond and engage with NSIP applications.

**Question 35:** *Do you have any comments on the scope and intended effect of the principles of the charging system?*

The effect of the charging scheme should be to properly resource expert bodies so they can help deliver the best possible outcomes, rather than the least worst option as is often the case for road schemes.

## **8. Improving engagement with local authorities and communities**

**Questions 36 and 37:** No comment.

**Question 38:** *To what extent do you agree that these proposals will result in more effective engagement between applicants and local communities for all applications?*

Strongly disagree.

Relying on more prescriptive guidance and an “*adequacy of consultation*” process milestone is insufficient. NGOs have been highlighting how poor the Planning Act 2008 consultation processes are for over a decade and pointing to French Commission Nationale du Débat Public as a better approach. In 2017 the Institute for Government (IfG) reported that “[t]he UK is poor at engaging the public and local communities on major infrastructure projects” but that “*efforts to improve infrastructure decision making have largely focused on streamlining processes and avoiding public challenge, rather than engaging local communities in constructive dialogue*”<sup>6</sup>. It is extremely disappointing that six years later this consultation proposes more of the same.

The IfG, Green Alliance, CPRE and many others all have called for a Commission for Public Engagement (CPE) to be set up, modelled on French practice. According to the IfG, this is excellent value for money, only costing a few million pounds a year to run. The majority of schemes in France are changed and approved by the pre-application stage, by contrast the English system can only cite how 94% of major schemes are consented. Delays and challenges are increasing because of growing complexity.

These reforms attempt to hold back the tide, rather than considering how processes need to evolve to deal with it. Research on project leadership is highlighting the importance of taking a more socialised perspective, one that is alive to the challenges of changing technologies, increasing stakeholder complexity with multiple understandings of value, and growing ecological concerns<sup>7</sup>. Unless an independent body is set up, problems will only increase.

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<sup>6</sup> [How to design an infrastructure strategy for the UK](#) (Institute for Government, 2017)

<sup>7</sup> [Project leadership: A research agenda for a changing world](#) (Project Leadership and Society, 2022)

Consideration should be given to providing some funding to help communities engage with DCOs, especially those in areas facing multiple applications. The Mayor of London provided such funding for marginalised communities affected by the Thames Gateway Bridge and there are positive examples from the continent too. In return, those communities receiving funding should be expected to share learnings with other communities.

## **9. Building the skills needed to support infrastructure delivery**

**Questions 39 to 41:** Not applicable

## **10. Updates to the national infrastructure planning guidance**

**Question 42:** *To what extent do you agree that updated guidance on the matters outlined in this consultation will support the Nationally Significant Infrastructure Project reforms?*

Neither agree / disagree.

It is unclear and will depend on the detail. Overall, in some cases it sounds like a step in the right direction. In others, such as in terms of community engagement expectations, the proposals sound trivial compared to the substantial change required to remedy one of the worst performing parts of the Planning Act, one that often precludes communities participating in a meaningful way.

**Question 43:** *Do you support a move towards a format for guidance that has a similar format to the national planning practice guidance?*

Agree.

Yes. This would be much more user friendly, in particular it would be easier to view on smaller screens, for those requiring assistive technology and to link specific paragraphs. Some people continue to prefer PDFs, for instance to print out, so as with the NPPG this should remain as an option.

**Question 44:** *Are there any other guidance updates you think are needed to support the Nationally Significant Infrastructure Project reforms?*

Yes. First, there should be a triaging of projects into green, amber and red channels, as covered by Question 11. Green covers schemes essential for net zero, such as renewables in designated zones, and sustainable transport schemes. Red would cover schemes for which there was a strong presumption against, such as unabated fossil power stations, airports and roads that do not deliver significant modal shift. Amber could cover the rest and be dealt with as per existing processes.



Second, until a Commission for Public Engagement can be set up to improve pre-application consultation, there should be guidance on using independent mediation and also how to explore alternatives in the pre-application stage.

**Question 45:** *Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?*

The consultation text sets out incorrectly the legal obligations in section 149, ignoring the requirement to increase equality of opportunity, rather than simply avoid impacts to protected groups. In order for respondents to be able to provide informed comment, this consultation ought to have set out evidence as to how protected groups are currently affected by infrastructure schemes.

Besides gathering data, DHLCG should provide funding for innovative tools and approaches to engage a wider range of people in NPSs and NSIPs. Younger people for instance are put off by the convoluted processes, despite being the generation that will be most affected by major infrastructure in addition to climate change, whilst older people often struggle with exclusively digitalised processes. There is a particular need to improve search and filter tools for the new Planning Inspectorate website, see our answer to question 15.

September 2023

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Transport Action Network

Transport Action Network provides free support to people and groups pressing for more sustainable transport in their area and opposing cuts to bus and rail services and active travel, damaging road schemes and large unsustainable developments

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