

Christopher Pincher MP
Minister of State for Housing, Communities and Local Government
House of Commons
London, SW1A 0AA

By email

6 September 2021

Dear Minister Pincher,

Nationally Significant Infrastructure Projects regime: operational review

We write regarding your letter and subsequent address to the National Infrastructure Planning Association (NIPA), published on 7 July 2021, and your survey on the National Infrastructure Planning Reform Programme published on 12 August.

The purpose of our letter is to propose that you commission more detailed research into the experience of the environment, charity and community sector with the NSIP regime in order to gain a broader perspective on the challenges they face and how to address these through the operational review. We set out further details below.

Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 60 organisations to use their strong joint voice for the protection of nature.

Many of our members have been engaged in the NSIPs regime from its conception in the White Paper of 2007 and the Planning Act 2008 to the present day. Although none of our members are members of NIPA, we have considerable experience of how the system works from the perspective of the environment, charity and community sectors. This experience spans every part of the NSIP process, from engaging in pre-application and consultation processes to the formal giving of evidence; indeed as we write, Link members are taking part in hearings at the Sizewell C examination.

The Government's overriding concern with the NSIP regime appears from your letter to NIPA to be accelerating the speed of the process. However, a number of recent court decisions which have overturned Development Consent Orders have highlighted flaws in the decision-making process, and while we welcome your recognition of the need to drive progress towards net zero, a key outcome for the NSIP regime must be quality decisions which result in zero-carbon development and the protection and enhancement of nature, not just the speed of decision-making. Only a system which delivers this will be fit for the nature and climate emergency we face.

Clearly, giving the right policy direction in National Policy Statements is vital, and we welcome the commitment by BEIS to review the Energy NPS and by DfT to review the National Networks NPS. Other departments need to follow suit across the full range of NPS. At the project level, allowing all those who speak up for the environment to play a full role in the NSIP regime, not just statutory environmental bodies, is a crucial means of ensuring that outcomes are good for nature and the climate, as well as for local communities. However, the experience of Link members is that it can be very challenging to work with the NSIP regime, and there is certainly a perception that developers are gaming the system. Some of the problems encountered include:

- **Pre-application:** insufficient detail and engagement to enable key issues to be sorted at pre-application stage or for meaningful engagement with the public. Includes failure to acknowledge seriousness of concerns raised by stakeholders which can lead to subsequent delays e.g. Able Marine Energy Park, A27 Arundel Bypass.
- **Post-application and examination:** persistent submission of additional or amended information during the Development Consent Order process, leaving stakeholders struggling to respond e.g. most offshore wind farms, Wylfa nuclear power station.
- **Examination:** Demanding timetable for the volume of work involved especially when combined with additional and amended information.

Link members vary greatly in size and capacity. Even the larger and better-resourced charities struggle to fully engage, particularly with the increasing demands of an NSIP examination. Our resources are limited and will never be comparable to those developers have at their disposal. If this is the case for national charities, this suggests that local charities and community groups are effectively excluded from much of the process.

We will respond to the online MHCLG survey in due course, but it is vital that MHCLG engages in depth with the environment, charity and community sector in its review of the NSIPs regime. Given the capacity challenges we have described above, our proposal is that MHCLG should commission some detailed research on the experiences of a wide variety of interest groups with the NSIP regime, not just those who might respond to an online survey. This could include using PINS data to assess the involvement of interest groups in the formal NSIP process but also critically should seek to elicit the perspective of a variety of interest groups, not just the usual suspects.

We hope that these comments are helpful and would be glad to discuss them further.

Yours sincerely,

Simon Marsh MBE, Head of Nature Protection, RSPB

Dr Tony Gent, CEO, Amphibian and Reptile Conservation

Kate Ashbrook, CEO, Open Spaces Society

Kit Stoner, CEO, Bat Conservation Trust

Jamie Robins, Projects Manager, Buglife

Darryl Cox, Senior Science and Policy Officer, Bumblebee Conservation Trust

Russel Hobson, Director of Evidence and Resources, Butterfly Conservation

Jason Reeves, Head of Policy, CIEEM

Ruth Bradshaw, Policy and Research Manager, Campaign for National Parks

Philippa Oppenheimer, Land Use Officer, CPRE

Rebecca Murray, Senior Planner, Friends of the Earth England

Joan Edwards OBE, Director of Public Affairs and Marine Conservation, The Wildlife Trusts

Rebecca Pullinger, Policy Advocate, Woodland Trust

Chris Todd, Director, Transport Action Network

Dr Richard Benwell, CEO, Wildlife and Countryside Link