



KEY INSIGHTS

THE PROMOTION OF MAJOR
INFRASTRUCTURE:

MASTERING THE PLANNING
PROCESS

2024

WELCOME TO KEY INSIGHTS - MASTERING THE PLANNING PROCESS

What's driving - or preventing - the efficient promotion of major projects right now, and what will be at the top of the agenda in the next five years?

This was the question that we asked **65 industry leaders** across the major projects community, from sectors including government, energy, utilities, transport, engineering, construction, legal and more.

These invaluable insights were presented to the Major Projects Association and published in our first edition of the [Key Insights - Consents and Engagement](#).

The second edition of our [Key Insights - Delivering Engagement Excellence](#) provides insights into the challenges of managing a wide range of complex stakeholder issues.

In this third edition, we examine the main findings related to **PLANNING AND CONSENTS**.

It is acknowledged that effective management of planning policy and the Development Consent Order process for Nationally Significant Infrastructure Projects is critical - so why is it that so many projects struggle to gain approval in a timely manner?

Here we present the findings of our research and the output from a roundtable discussion held with experts from the planning community, that will deliver better outcomes for projects and the communities that they impact.

VIEWS FROM THE TOP

CJ Associates would like to thank the Major Projects Association and its members and other industry leaders who gave their time to share their experiences and insights to create this edition of Key Insights.

Who we talked to:



THE DEVELOPMENT CONSENT PROCESS

Background

Nationally Significant Infrastructure Projects (NSIPs) require development consent using procedures introduced in the Planning Act 2008.

Development consent when granted takes the form of a Development Consent Order (DCO). DCOs can be applied to projects relating to transport, water, waste and energy.

The types of projects which can be considered as NSIPs are currently under review as part of the government consultation on the National Planning Policy Framework which introduces data centres, giga factories, laboratories, digital infrastructure and large-scale freight logistics as developments which in the future could benefit from the DCO process.

Timetable

The DCO process follows six key stages which largely have set timeframes:

Pre-Application: The timescales vary but this period allows interested parties to respond to and influence the design proposals.

Acceptance: The Planning Inspectorate has 28 days to decide whether or not to accept an application.

Pre-Examination: Interested parties register their interest by making relevant representations to the Planning Inspectorate and a preliminary meeting of all parties is held by the Examining Authority. There is no set timescale for this part of the process, but it usually takes about three months.

Examination: This is a six month process which involves submission of written statements by the applicant and interested parties, a Hearing and Compulsory Purchase Hearings.

Recommendations and Decisions: Within three months of the end of the Examination the Planning Inspectorate makes recommendations to the Secretary of State, who then has a further three months to make a decision.

Post Decision: Following the Secretary of State's decision there is a six week period in which interested parties can seek a Judicial Review through the High Court.

Challenge

When introduced, DCOs were heralded as a new approach which would speed up the consenting process for major infrastructure projects.

Since their introduction however, there has been a gradual slowing down of the process and an increase in the number of legal challenges.

So is the DCO consenting process still fit for purpose? Is the system broken? Or should we be optimistic about the future role that planning has to play in the country's economic prosperity?

Here we examine some of the strengths and perceived weaknesses of the DCO process.

Strengths

Certainty - The purpose of introducing DCOs was to give developers, investors and stakeholders greater certainty over timescales and costs, and to front-load the process to address concerns and objections early to ease later implementation.

Multiple consents, one DCO - The process strengthens the planning permission by combining multiple consents such as utilities, heritage, highways and environmental consents into one DCO.

Compulsory purchase - Compulsory purchase of land required for the development can also be agreed as part of a DCO, eliminating the need for potentially numerous separate agreements and reducing the risk of agreement not being reached.

Balance - The system balances the need to support developments that are in the national interest with the acknowledgement and mitigation of local impacts.

Benefits for the community should be clearly stated and the community should be consulted on the process so that they can influence design.

One determining authority - DCO applications are evaluated by the Planning Inspectorate and a recommendation is made to the Secretary of State who ultimately issues a decision. In the case of linear projects or projects which cross local authority boundaries, this has the advantage of relying on one determining authority, reducing the number of consenting bodies and resulting in one consent.

THE DEVELOPMENT CONSENT PROCESS

Perceived weaknesses

Length of process - There is concern among promoters that the DCO process is lengthy and a major commitment at the outset of a project.

The reality is that major infrastructure projects are by their very nature complex and of a scale that is likely to involve a diverse range of stakeholder, environmental and engineering challenges.

The certainty which comes with the defined timescales for the examination of applications is a major benefit of the DCO process, unlike other forms of application where the timescales are much less clear and can run on for considerably longer than DCO determinations.

Cost of process - The DCO is a front-loaded process. It requires considerable investment in consultation, environmental surveys and reporting, and development of the scheme and the consenting application early in the project lifecycle.

While the upfront costs may seem considerable, this is an opportunity to de-risk a project further down the line by ensuring that stakeholder concerns are understood early along with environmental impacts. This then allows the design to develop in cognisance of these issues and to incorporate solutions early, rather than relying on redesign and retrofits later and at considerably more expense.



“It would help the programme for DCO Hearings if the Inspector gave some further consideration as to whether it is necessary to look at every issue raised by consultees, for example where local plans support the proposal can objections which are not consistent with the local plan be put to one side?”

Jonathan Douglas-Green
Technical Director - Town Planning
Mott MacDonald



“Introducing an entirely new planning or environmental assessment regime that is greatly different from what the industry is familiar with (as would be the case with Environmental Outcome Reports), would almost certainly jeopardise government ambitions for accelerating decision making for new infrastructure.”

Nick Geisler
Head of Profession, Environmental
Management & Assessment Director
WSP

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There is reason to be optimistic!

We recognise that the consenting process for NSIPs has the ability to give programme certainty to applicants, while balancing the infrastructure requirements with the mitigations necessary to meet community and environmental needs.

DCOs are a powerful tool for delivery.

We are in a time of change, the new government is looking to improve the existing system and to engage with those of us working in this sector to strengthen the consenting process for major infrastructure projects.

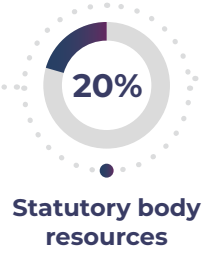
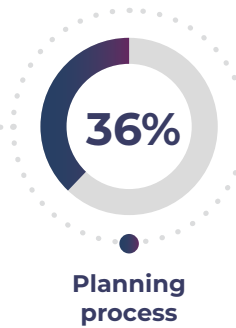
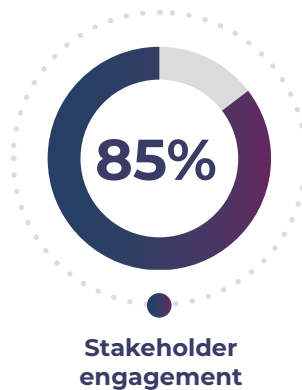
We have witnessed:

- Government's consultation on changes to the National Planning Policy Framework, suggesting a widening of the definition of NSIPs
- The King's Speech announcing the forthcoming Planning and Infrastructure Bill aimed at speeding up the delivery of infrastructure
- The English Devolution Bill which will devolve power from Westminster and give greater planning powers to elected mayors and combined authorities.

This is potentially the most significant review of major infrastructure planning since the 2008 Act, which brought into being the Development Consent process. We are encouraging clients to engage in forthcoming consultations and to help to influence this new era for planning and economic growth in the UK. We have an opportunity to make long term improvements to the way in which infrastructure is delivered and we will work with you to grasp that opportunity.

WHAT HAS BEEN YOUR GREATEST CHALLENGE IN THE PLANNING PROCESS?

The findings of our research revealed four key challenges facing the industry in the planning and consenting of major infrastructure projects. These concerns were discussed at the roundtable hosted with the Major Projects Association, the findings of which follow:



“It is critical that planning and stakeholder engagement is embedded from project inception to minimise risk to consent and improve outcomes.”

Viral Desai
Practice Director
Planning, Environmental Consenting
and Communities
AtkinsRéalis



“The number, and level of detail that’s needed to discharge requirements and other consents once the Order is made is huge and should not be underestimated.”

Liz Wood-Griffiths
Head of Consents Authority
Tideway

STAKEHOLDER MANAGEMENT

Challenge

The critical importance of engaging and consulting stakeholders and the community in the development and delivery of major infrastructure projects was the key issue raised in the research.

85% of respondents emphasised that engaging stakeholders is the greatest challenge and a significant risk to gaining consent.

Our **2nd Key Insights - Delivering Engagement Excellence** provides insight into the challenges and solutions for managing a wide range of complex stakeholders, the need for senior skilled resources to deliver early and ongoing tailored engagement, compelling project narratives and robust lawful consultations.

Stakeholders often feel alienated from the process while promoters often feel too much information is required by stakeholders leading to costly delays. The answer surely lies somewhere in between.

Legal requirement - Stakeholder engagement and consultation is a statutory obligation and a legal requirement of the DCO process.

In the past stakeholder management might have been thought to be a 'side issue' or 'nice to have'. But without robust engagement, the planning process and subsequent project delivery will be delayed, impacting both programme and costs.

In addition, applications for development consent will not be accepted for examination if the applicant does not demonstrate that meaningful consultation has taken place.

Ongoing engagement - Engagement needs to take place from the very outset and throughout the life of a project, including during construction.

Technical capability - Engagement specialists manage and organise the process of engagement, but they are dependent on technical specialists to present information and to respond to concerns of stakeholders.

Stakeholder engagement is everyone's responsibility and the value of those who can explain technical design issues to a non-technical audience should not be underestimated.

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We recognise that a national conversation about the need for and the benefits of major infrastructure projects would raise the public's understanding of why projects are being proposed in their local area.

Big engineering projects are not easy to understand and affected communities need to know how they can influence the design process and benefit from the proposals.

Effective stakeholder management is fundamental to the successful delivery of major infrastructure. The importance of investing early in this part of the process cannot be overstated.

Project teams need to recognise this and resource appropriately and at a senior level, so that they will be able to develop the long term and meaningful relationships necessary to support project delivery.



“One of the failures of engagement with stakeholders is the volume of documents. In particular there needs to be better scoping of environmental topics. Communication of environmental impacts and mitigation needs to be clearer.”

Eleri Wilce
Head of Offshore Consents UK & Ireland
RWE Offshore Renewables Management

IMPORTANCE OF POLICY

Challenge

Government policy sets the context for development, but too often consideration of major infrastructure applications fail to recognise existing policy, or policies have not yet been adopted. This leads to valuable time during the DCO process being wasted in addressing policy rather than the merits of the application.

Awareness of policy context - Any major project is more likely to gain consent if it is backed up by strong planning policy.

It's important that promoters of projects are aware of the policy context surrounding their project and participate in consultations relating to local and national planning policy in order to lobby for their interests to be considered in the formulation of future policy.

It is also hugely beneficial to the DCO process if the Planning Inspector states the weight that is to be given to specific policies, to help the determination of applications in order that there is no ambiguity and time is not lost to debating policies that have already been consulted on and agreed elsewhere.

Local Plan coverage - Government has set out its aim to have universal local plan coverage as soon as possible or by the end of the current Parliament at the very latest.

Government recently consulted on revisions to the National Planning Policy Framework (NPPF) which includes provision for Ministerial powers of intervention if a local authority fails to do what it is required to do in order to put a plan in place. This is an ambitious target for plan-making but

is likely to mean that there will be a lot of activity in the development of local plans and planning policy during the lifetime of this Parliament. As a result, there will be a lot of opportunity to respond to consultations and to influence policies relevant to major infrastructure projects.

Consultation on the draft NPPF has concluded. It is anticipated that the final version of the NPPF - due to be published in late 2024 - will provide a high level framework within which further major infrastructure policy will be formulated.

Economic growth - Government acknowledged in the King's Speech (17 July 2024) that this is a new era for planning and economic growth in the UK and our industry has a critical role to play in supporting economic prosperity.

By proposing the introduction of the Planning and Infrastructure Bill, government has sent a strong signal the legislative change is intended to strengthen and support infrastructure delivery.

National Policy Statements - Currently National Policy Statements (NPSs) comprise government's objectives for the development of nationally significant infrastructure. NPSs take account of how major projects will contribute to sustainable development and how objectives are integrated with other government policy, in order to provide a clear framework for investment and planning decisions.

Government is likely to review and update existing NPSs. This will be completed following consultation. The views of industry specialists and promoters will be critical in ensuring that an effective national policy framework is created to promote major infrastructure development.

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Industry and government need to work in partnership to achieve economic growth through the delivery of major infrastructure.

Our clients are clear that only with strong overarching policy objectives can promoters of projects be given the certainty needed to make the necessary investment in infrastructure projects.

Major infrastructure projects need to be able to react to policy rather than policy reacting in the face of public reaction to infrastructure proposals.

To that end it's vital that national and local planning policy is regularly reviewed and updated to reflect wider environmental, societal and economic needs.



"It would be helpful if the examining authority would indicate at the start of the hearing, the weight it intends to give to national, regional and local plan policy particularly in the context of section 35 projects."

Neil Chester
Head of Planning, Environmental
Assessment & Management
Arcadis

PLANNING RESOURCES

Challenge

There is a shortage of qualified specialists to deliver the coming wave of NSIPs about to be submitted.

So how should the industry respond? How can we attract more people? Are there other ways to reduce the risks to delivery such as more efficient ways of working?

Applicant resources - Major projects by their very nature are large scale multidisciplinary projects which need to be properly resourced to meet the multiple challenges associated with securing project consent.

This means they need to be resourced across disciplines and due consideration given to the need to employ planners, environmental specialists and stakeholder and community engagement specialists, as well as engineers and designers.

Resourcing of consent granting bodies -

Efficient determination of applications for major infrastructure projects relies on the right level of resource and expertise within the numerous organisations involved in the process.

There is general concern within the wider major projects industry about the level of resourcing of consent granting bodies and statutory consultees.

Without the right level of resourcing, timescales are often challenging for consent granting bodies and therefore are not met.

Pool of knowledge - Resourcing concerns are not only about the number of specialists working within the industry but also about the pool of knowledge available.

The number of NSIP applications that have been granted and delivered are limited, as is their geographical spread.

This means that many future applications will be considered by officers unfamiliar with the NSIP process. There is a risk that they are unwilling to relinquish the normal process of which they are familiar, leading to a lengthened process and potential dispute.

Funding dedicated resources - NSIP applicants have often addressed the problem of resourcing by funding a dedicated resource to work within an organisation responsible for determining consent.

That person's primary responsibility will then be the workload relating to the NSIP application, although paid for by the applicant the officer works directly for and on behalf of the consent granting body thereby negating any conflict of interest.

The benefit to the applicant is that the officer's time is dedicated to the project, helping the project to meet its programme.

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We recognise that all parties involved in the delivery of major infrastructure projects will need to employ the necessary resources to meet the defined delivery programme.

It's important to fully understand the roles of each party and the scope of works, but also to understand the constraints within consent granting bodies.

A significant number of planning resources will be needed to deliver the large number of forthcoming complex infrastructure projects. The current shortage will impact applicants, local government, statutory bodies, the Planning Inspectorate and Government Ministries.

We encourage our clients to recognise the importance of sharing knowledge and lessons learned within the wider industry and to identify where efficiencies can be achieved. This is critical if we are to deliver infrastructure and economic growth.



“There is an uneven geographic distribution of DCO applications and knowledge of the process across local authorities. It's important to retain that knowledge where it exists and to assist authorities new to DCOs in developing their understanding of the process. The Planning Inspectorate have an important role to play here.”

Monika Paplaczuk
Investment Director
Thrive Renewables

ORGANISATIONAL DESIGN

Challenge

Major infrastructure projects are delivered by multidisciplinary teams and cannot be viewed as merely big engineering projects.

For a project to be successful engineers, designers, environmental specialists, stakeholder managers and town planners need to work collaboratively together. But this is often stifled by organisational design which does not give sufficient recognition to all disciplines or promotes a silo mentality.

A balanced team - Major infrastructure projects are significant engineering works but it's important at the outset to balance this with the requirement to obtain consent. The NSIP process is a consenting process where equal weight should be given to design, planning, environment and stakeholder management.

This approach will result in a fully integrated project team including all the key workstreams necessary to deliver a DCO. For a team to have the agility to be able to respond to the requirements of each discipline, it is important that all disciplines are represented at senior management level.

Programme management - The consenting stage of the project relies on numerous disciplines playing key roles in delivery and being reliant upon each other for information and for keeping their own individual programmes on track.

It is important to have a strong programme management team with an overarching project programme which allows the team to understand the inter-dependencies which exist within multidisciplinary delivery teams.

Integrated team - It's important that multidisciplinary teams are fully integrated. This means design, engagement, environment and planning working together from the outset to ensure that design is informed by engagement and environmental awareness and is tailored to meet planning and consenting requirements.

Retain project knowledge - Don't lose the knowledge at key points in the process. It is common to consider a major infrastructure project broadly split into two key stages: consent delivery and construction.

This risks losing knowledge if separate teams are set up to deliver each stage which imports cost and risk. It takes years to develop trusted relationships with stakeholders. Changes in personnel can cause confusion and jeopardise that trust, which will ultimately cause delay.

Ongoing consents - Gaining a DCO is not the end of the story for consenting. Within the DCO there will be numerous requirements and protective provisions that require further approval of details. The resourcing, cost and programme implications of this need to be acknowledged and a fully integrated team retained to meet the challenge.

Compliance - As design develops and construction proceeds it is a legal obligation to ensure that the project proceeds in compliance with the consent. This requires consents to be an integrated part of the project assurance process.

Team wellbeing - The major projects environment can be stressful, particularly during the DCO process. We must ensure the wellbeing of our teams by creating a psychologically safe space that encourages teams to raise issues and discuss wellbeing.

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“A balanced team is critical to project success.”

We hear this time and time again, but we do not always see sufficient funding for an experienced, well-resourced planning team to design and deliver a strategic integrated programme.

Major projects are complex with many interfaces. Fostering relationships, managing concerns and building consensus is difficult. It requires experienced leadership.

Our clients who understand this, benefit from having an experienced team capable of managing external interfaces and identifying early any risks that could delay the project.

A strategic, proactive and project managed approach to planning, engagement and consultation processes brings significant benefits to projects.



“Project programmes need to cover all disciplines including planning consents, stakeholder engagement and environment throughout the lifecycle of a project in order to drive delivery.”

Nigel Coatsworth
Head of Programme Management Office and
Procurement Governance
UK Power Networks

ADAPT NOW

As government looks to the development of infrastructure projects to play a critical role in the future economic growth of the nation, the importance of delivering major infrastructure projects more efficiently is under the greatest scrutiny.

It is in everyone's interests to have an effective planning system that contributes towards net zero and improves environmental outcomes both nationally and for local communities.

Doing nothing is not an option, so collaborative cross discipline and cross government cooperation will be needed to deliver the growing number of infrastructure projects being proposed. The solutions are in our grasp, we can rise to meet the challenges and accelerate progress with:



Strong project leadership recognising the need for cross discipline representation within management team



Investment in training and retention of planning and consents specialists



Clear policy narrative starting at a national strategic level and reflected in relevant up to date local planning policy



Urgent refinement of the DCO process to provide sponsors confidence in progressing their projects



Should you wish to discuss this report and our research into planning, consents and engagement in major infrastructure projects, please get in touch.

CJ Associates is a specialist consultancy. For over 30 years we have helped shape and deliver some of the UK's most complex and high-profile projects through:

- Authorisations & consents, land & property
- Stakeholder engagement & social value
- Consultation & communications
- Programme & technical management
- Commercial management
- Strategy development & implementation

Michael Summerfield

Managing Director

CJ Associates

✉ msummerfield@cjassociates.co.uk

☎ 020 7529 4900