



## **Suffolk County Council (20041323)**

Comments on D1 Submissions and  
Response to Comments on RRs

**Bramford to Twinstead (EN020002)**

Deadline 2

11 October 2023

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## Glossary of Acronyms

<i>AIL</i>	<i>Abnormal Indivisible Load</i>
<i>AONB</i>	<i>Area of Outstanding Natural Beauty</i>
<i>AQMA</i>	<i>Air Quality Management Area</i>
<i>ASI</i>	<i>Accompanied Site Inspection</i>
<i>DCO</i>	<i>Development Consent Order</i>
<i>ExA</i>	<i>Examining Authority</i>
<i>ISH</i>	<i>Issue Specific Hearing</i>
<i>LHA</i>	<i>Local Highways Authority</i>
<i>PROW</i>	<i>Public Rights of Way</i>
<i>REAC</i>	<i>Register of Environmental Actions and Commitments</i>
<i>RR</i>	<i>Relevant Representation</i>
<i>USI</i>	<i>Unaccompanied Site Inspection</i>

*“The Council” / “SCC” refers to Suffolk County Council; “The Host Authorities” refers to Suffolk County Council, Babergh and Mid Suffolk District Councils, Essex County Council, and Braintree District Council.*

## Purpose of this Submission

The purpose of this submission is to provide responses to the Applicant’s Deadline 1 (D1) submissions, comment on the Applicant’s draft itinerary for an Accompanied Site Inspection (ASI) and respond to the Applicant’s comments on Relevant Representations (RRs). Examination Library references are used throughout to assist readers.

## 1 Comments on any other Submissions received at Deadline 1

Comments on ExA Unaccompanied Site Inspections [EV-019] and [EV-020]

- 1.1. SCC (Planning) acknowledges that the notes for these Unaccompanied Site Visits were published some days before Deadline 1 but due to SCC's need to focus on the completion of its Local Impact Report [REP1-045] and associated documentation for submission to that deadline, it was unfortunately not possible to make comments on these notes at Deadline 1. SCC is therefore making these comments at Deadline 2 and asks that they are considered by the ExA.
- 1.2. SCC (Local Highways Authority (LHA)) welcomes Unaccompanied Site Inspection 3 (USI3) undertaken by the ExA on 13 September 2023 and the accompanying note [EV-019]. The Council notes that the USI3 route was informed by the highways locations suggested in SCC's Procedural Deadline A submission [PDA-007]. The Council recognises that the ExA noted a lack of vehicle weight restriction signage on the A14 and B1113. However, the Council were making the point that there are weight limits on many structures for loads greater than 44 tonnes (for example at Orwell Bridge), hence restricting Abnormal Indivisible Load (AIL) movements including the A14 and B1113. AIL movements are managed through a booking system but are becoming increasingly difficult to route. An example would be the AIL movement from Ipswich to Eye that has to be routed through Ipswich, and on local roads, to avoid restrictions on the A14.
- 1.3. SCC (Landscape) welcomes Unaccompanied Site Inspection 4 (USI4) undertaken by the ExA on 13 September 2023 and the accompanying note [EV-020]. The Council notes that the USI4 route was planned around the landscape and visual locations as suggested in SCC's Procedural Deadline A submission [PDA-007].
- 1.4. SCC (Landscape) have reviewed the submission and welcome that their suggestions for further mitigation have been acknowledged for viewpoint F10. There are several other locations where SCC consider further

mitigation should be included and would welcome the opportunity to discuss these in detail with the Applicant.

#### Comments on the Applicant's Written Summary of Oral Representations to Issue Specific Hearing 1 [REP1-024]

- 1.1. Regarding Table 4.2 part ii, SCC (LHA) notes that it has not been consulted with regard to enforcement of parking restrictions although the matter has been informally discussed in regular transport meetings.
- 1.2. Regarding Table 4.2 part iii, SCC (LHA) concurs that speed limits shall be self-enforcing and this self-enforcing. SCC Guidance on Speed Limits can be found in footnote 2 in SCC's ISH1 post hearing submission [REP1-043].
- 1.3. Regarding Table 5.1 part ii, SCC (LHA) notes that embedded mitigation should be as stated embedded in the management documents, for example shift patterns defined within the CTMP. It would be helpful if the realistic works case HGV movements, routes, timing, and worker numbers are also secured within the management documents.

#### Comments on Document 8.3.9: Applicant's Response to Issue Specific Hearing 1 Action Points [REP1-034]

- 1.4. The Applicant's response to AP19 includes a new Appendix D Example of Proposed Updated Register of Environmental Actions and Commitments (REAC): The purpose of the REAC is to record the various commitments made by the Applicant during the iterative development of the project design and during the examination process.
- 1.5. It should also be clear and legible to the public to improve trust and confidence. This expectation is in accordance with final recommendations pp40-42 in NIPA Insights II, *Preparing a Flexibility Toolkit, Project A, continuation project: Consultation and Engagement in the DCO process 2019* (see Appendix 1).
- 1.6. While SCC (Landscape) welcomes the additional information provided in the Example for the Updated REAC, in particular the grouping of commitments within topic areas, it is considered that there is still too much reliance on cross-referencing. While cross-referencing is necessary, the

proposed REAC does not go far enough, when it comes to describing the individual commitments and measures and their site-specific locations.

Any interested party should be able to look at the REAC and be able to ascertain, which commitments have been agreed, and in which locations.

- 1.7. While a set of plans would probably be required to accompany the REAC, it should not be necessary to read it alongside the CoCP or any other documents but should be a stand-alone/one-stop-shop document. The proposed update is an improvement but does not yet deliver this.
- 1.8. Regarding AP12, SCC (LHA) feels that it is unclear from the applicant's response if the routes to the access points are fixed at this stage or still remain to be determined once a contractor is appointed, noting SCC's concerns that there does not seem to be a consultation, approval or notification process for this. The Applicant is requested to clarify its position and SCC will reserve further comment until it has seen that clarification.
- 1.9. Concerning AP16, the Applicant has stated that 2021 surveys were undertaken over a ten hour period but not stipulating the exact hours of surveys. SCC (PROW) would note that usage of PROW is often the is high prior to standard working hours, particularly during Summer months, to cover key dog walking and exercise use. Details would be required of exact days surveyed and times of the day to gather a full assessment for impact.
- 1.10. Concerning AP17, SCC are the Highway Authority covering Public Rights of Way. Nature England oversee Open Access Land, SCC (PROW) recommend the Applicant checks Natural England guidance and mapping for Open Access land.<sup>1</sup>
- 1.11. Concerning AP18, SCC (PROW) have been advised by the Applicant that there will be a separate PROW Management plan and this is welcomed.

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<sup>1</sup> <https://www.gov.uk/guidance/open-access-land-management-rights-and-responsibilities>

## **2 Comments on the Applicant's Draft Itinerary for an ASI [REP1-026]**

- 2.1. SCC (Landscape) notes that the Applicant has responded to locations identified in the Council's Deadline A submission in Table 2.1 (Excluded locations), in all cases these are either already included elsewhere in the draft Itinerary or are excluded due to existing public access meaning they can be viewed on an Unaccompanied Site Inspection. As a result, the Council is satisfied with the Applicant's suggestions for a proposed Accompanied Site Inspection (ASI).
- 2.2. SCC (Landscape) agrees with the note made by Essex Place Services, instructed by Babergh and Mid Suffolk District Councils (as outlined in their Deadline 2 submission) on the draft itinerary regarding visiting viewpoints on the PROW network unaccompanied.

### 3 Responses to Comments on Relevant Representations [REP1-025]

- 3.1. SCC (Planning) notes the Applicants’ comments and in the first instance refers to the ExA to the LIR [REP1-045] which provides further justification for the Relevant Representations. Over and above this, SCC has provided some additional comments, in Table 1 below, in direct response to the Applicant’s comments.
- 3.2. Table 2 provides additional Council’s concerns with further DCO provisions.

*Table 1 – Suffolk County Council’s Response to Comments on Relevant Representations*

Topic	Applicant’s Comment	SCC’s Response
Planting and Climate Change	<p>Section 8.2 of the LEMP [APP-182] details that ‘trees and shrubs will be of local provenance (to reduce risks associated with disease when importing stock from overseas sources). Local provenance plants are considered to be suitable to local conditions, including soil and climate. The LEMP [APP-182] is secured via Requirement 4 of the draft DCO [APP-034]. The Applicant notes the request to explore the use of climate resistant stock.</p> <p>Additionally, Requirement 9 (reinstatement planting plan) of the draft DCO [APP-034] prevents any stage of the authorised development from being brought into</p>	<p>The use of plants of local provenance is a widely accepted practice. However, given the anticipated changes in climate it is increasingly important that the planting stock is climate change adaptable. When sourcing planting stock, the predicted changes in climate must be factored in. Plants of local provenance may not, in all cases, be able to adapt to the changing growing conditions that are expected over the next decades. SCC therefore considers this approach insufficient ([RR-006], paragraph e).<sup>2</sup></p>

<sup>2</sup> <https://www.suffolk.gov.uk/asset-library/energy-and-climate-adaptive-infrastructure-policy.pdf>

Topic	Applicant's Comment	SCC's Response
	operational use until a reinstatement planting plan for trees, groups of trees, woodlands and hedgerows to be reinstated during that stage has been submitted to and approved by the relevant planning authority. The reinstatement planting plan must be in general accordance with the LEMP [APP-182] approved under Requirement 4.	
Landscape Impacts (General)	Paragraph 2.8.2 of NPS EN-5 (2011) states that 'Government does not believe that development of overhead lines is generally incompatible in principle with developers' statutory duty under section 9 of the Electricity Act to have regard to amenity and to mitigate impacts. Additionally, paragraph 5.9.8 of EN-1 recognises that 'virtually all nationally significant energy infrastructure projects will have effects on the landscape'. Further details on the planning balance of the project can be found in Section 10.6 of the Planning Statement [APP-160].	<p>While SCC (Landscape) acknowledges that most nationally significant energy infrastructure projects will have effects on the landscape, the Council considers that the full mitigation hierarchy should be applied, which should include compensation measures as set out in the definition of the mitigation hierarchy set out in glossary of draft NPS EN-1, p. 158 (2023) (LIR [REP1-045], paragraphs 6.19 - 6.20).</p> <p>Across the project as a whole the proposals for additional mitigation, and for Landscape Softening in particular, are neither considered sufficient, nor sufficiently secure to provide the required enhancements (LIR [REP1-045], paragraphs 6.112 - 6.117).</p>
Landscaping around Bramford Substation	See Table 2.26 Thematic comment 26: Cumulative Effects.	SCC (Landscape) acknowledges that in some locations, such as around Bramford substation, the significant adverse residual effects are not capable of direct mitigation. However, this should not preclude the



Topic	Applicant's Comment	SCC's Response
		<p>applicant from taking a comprehensive approach to design of planting and landscaping in this area to compensate for the adverse impacts in accordance with the mitigation hierarchy. (LIR [REP1-045], paragraphs 6.19 - 6.24).</p> <p>The applicant highlights the level of uncertainty regarding the relationship between this project and the Norwich to Tilbury Project in the Bramford Area. However, SCC considers that, given these are projects promoted by the same applicant, an integrated design approach should be sought as far as possible, rather than dismissed, and such an approach could certainly inform, post consent, the detailed design of this area of the Bramford to Twinstead project. This would maximise the opportunities to achieve good design in this part of the scheme.</p>
Vegetation Removal around Bramford Substation	The development authorised by the DCO must be undertaken in accordance with the LEMP [APP-182], pursuant to Requirement 4 of the draft DCO [APP-034]. The LEMP includes Appendix A: Vegetation Retention and Removal Plan [APP-182] and Appendix B: Vegetation Reinstatement Plan [APP-183] which are secured through Requirement 9 of the draft DCO [APP-034].	<p>SCC acknowledges that the LEMP Appendix A: Vegetation Retention and Removal Plan [APP-182] details, on Sheet 01, the vegetation removal proposed along Bullen Lane, to allow safe vehicular access to Bramford Substation.</p> <p>SCC would welcome clarification, on whether any further works to trees and hedgerows would be required along Bullen Lane, outside the DCO limits and the scope of the arboricultural and hedgerow surveys. Further SCC would</p>

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	<p>The LEMP Appendix A: Vegetation Retention and Removal Plan [APP-182] details on Sheet 01 the vegetation removal proposed along Bullen Lane, to access Bramford Substation. This comprises pruning to the roadside hedgerows and lines of trees (H-AB-018 &amp; H-AB-064) to allow safe access for construction vehicles.</p>	<p>welcome clarification whether H-AB-18 is refers only to the hedge on the southern side of Bullen Lane (Bullen Lane is vegetated on both sides in this location). Further, SCC would welcome clarification, why there is no entry for T1 and G1001- G1004 (neither in the original, nor in the updated Arboriculture Impact Assessment [APP-067 / REP1-011], and very limited information for hedgerow H-AB-018 in the Important Hedgerows Assessment [APP-115]).</p>
<p>CSE Compound Embedded Measures, and Placemaking</p>	<p>The Applicant has undertaken an options appraisal of the CSE compounds, which considered alternative locations and took into account the local landform and existing screening when determining the preferred locations. The environmental effects associated with each of the different CSE compound locations explored are presented in Table 3.13 of ES Chapter 3: Alternatives Considered [APP-071].</p> <p>Planting has been embedded into the design of the project at each CSE compound to help filter views of it from surrounding receptors. See EM-D01, EM-F01, EM-G03 and EM-G06 in the REAC [APP-179] and as shown on LEMP Appendix B: Vegetation Reinstatement Plan</p>	<p>Generally, SCC (Landscape) considers that further mitigation is required at the CSE compounds (in particular for the Dedham Vale West CSE compound at Leavenheath), and that for the Stour Valley West CSE compound at Alphamstone clarification is required, why the embedded measure EM-G06 (landscape planting around the compound) is not reflected in the year 15 photomontage G-07 (LIR [REP1-045], paragraph 6.139 - 6.145). The Council considers that the outline proposals should be fully agreed prior to consent being granted.</p> <p><b>Placemaking and the Involvement of Local Communities</b></p> <p>The purpose of participatory place making with local communities, during the final design stages of a project, is to ensure that the local community can engage with the final details of the design of the project the mitigation</p>

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	<p>[APP-184] which shows the location of proposed embedded planting at the CSE compounds.</p> <p>The detailed design and procurement stage of the project, which would happen post-consent, will further refine the design and layout of the CSE compounds within their site, taking into account detailed ground levels and the final positioning of the embedded planting and fencing.</p> <p>Requirement 9 (Reinstatement planting plan), Schedule 3 of the draft DCO [APP-034] prevents any stage of the authorised development from being brought into operational use until a reinstatement planting plan for trees, groups of trees, woodlands and hedgerows to be reinstated during that stage has been submitted to and approved by the relevant planning authority. The reinstatement planting plan must be in general accordance with the LEMP [APP182] approved under Requirement 4, Schedule 3 of the draft DCO. At this stage, the Applicant will consult the</p>	<p>strategy and its implementation, as both will dictate the long-term outcomes, with which residents will live.</p> <p>National Grid have previously adopted a participatory approach to the design of their infrastructure in Suffolk. Specifically, the Yaxley substation, this exemplary engagement which did much to minimise or eliminate local concerns, is discussed in detail in a report for NIPA. See Appendix 1 (case study 2, pp. 16 - 28) (NIPA Insights II, <i>Preparing a Flexibility Toolkit, Project A, continuation project: Consultation and Engagement in the DCO process 2019</i>).</p>

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	<p>relevant planning authority on the detailed design.</p> <p>Adopting a placemaking approach implies creating the right to public access which is not proposed for any of the CSE compound locations.</p>	
<p>Dedham Vale East CSE (within RR of Babergh and Mid Suffolk District Councils only)</p>	<p>See Table 2.12 Thematic Comment 12: Options and Routing – Cable sealing end (CSE) compound.</p>	<p>This matter does not concern SCC's RR.</p>
<p>Extent of Undergrounding (within RR of Babergh and Mid Suffolk District Councils only)</p>	<p>The Applicant notes the Councils' comments concerning the proposals for an overhead line between the AONB and the Stour Valley Project Area (Section F: Leavenheath/Assington); as this section falls between two sections of underground cable.</p> <p>The extent of undergrounding on the project has been a key theme raised and considered throughout the various consultations and project engagement. Thematic Comment 7</p>	<p>This matter does not concern SCC's RR.</p>

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	<p>considers the relative merits of underground cables versus overhead lines on the project.</p> <p>Consultation was originally undertaken in May 2012, focussing on the indicative alignment and provided information on undergrounding in two sections of the route (one in Dedham Vale AONB and the other in the Stour Valley). The Connection Options Report (COR) [APP-164] considered an underground option for each section of the project and assessed the environmental, socio economic, technical and cost issues associated with each option. The Applicant considered whether the use of underground cables, rather than overhead lines in Section F, was an appropriate approach in the context of national policy and the Applicant's various statutory duties.</p> <p>The estimated capital cost of undergrounding through Section F: Leavenheath/Assington was estimated at £111.8m, compared to a cost of £8.4m for the interim overhead alignment. The estimated lifetime costs are £117m and £22m respectively (correct at the time of publication of the COR). The COR [APP-164] also considered</p>	

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	<p>the planning policy context at that time, which the Applicant notes, has moved on since 2012 (and the Government are currently in the process of adopting replacement NPS). The Applicant has continued to backcheck earlier work against new and emerging policy, including the consideration of the extant and draft replacement NPS in the Planning Statement [APP-160] in respect to the topic of undergrounding.</p> <p>Following feedback received during consultation on the project, the Applicant undertook a back check and review to see if there was justification to extend the underground cable through Section F: Leavenheath/Assington. This came to the same conclusion as the COR [APP-164], that Section F is not designated and is not considered to be particularly sensitive in the context of paragraph 2.8.2 of NPS EN-5.</p> <p>The Applicant undertook a Setting Study on the Dedham Vale AONB which forms ES Appendix 6.2 Annex A Dedham Vale AONB Approach and Identification of Setting Study [APP-099].</p>	

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	<p>ES Chapter 6: Landscape and Visual [APP-074] subsequently concluded that, although parts of Section F lie within the setting of the AONB, the magnitude of change associated with the project is considered to be small, when seen in the context of the existing 400kV overhead line (and the removal of the existing 132kV overhead line). Therefore, undergrounding within Section F: Leavenheath/Assington is considered to be disproportionate, having regard to the policy tests set out in NPS EN-5, given that the landscape outside of the AONB is not designated or particularly sensitive, although some areas are within the area identified as part of the setting.</p> <p>The Applicant has concluded that, when taking into account all of their duties and the baseline environment and consultation feedback in this Section, overhead lines should remain the preferred approach in Section F: Leavenheath/Assington. More details on the approach to undergrounding can be found in Chapters 5 and 7 of the Planning Statement [APP-160].</p>	

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<p>Cumulative Impacts with Norwich to Tilbury</p>	<p>See Table 2.26 Thematic Comment 26: Cumulative Effects.</p>	<p>Please see response to Landscaping around Bramford Substation above.</p> <p>SCC (Landscape) agrees with the views of Essex Place Services, instructed by Babergh and Mid Suffolk District Councils (outlined in their Deadline 2 submission), that the proposed mitigation and landscape softening is insufficient to address the adverse cumulative effects of the scheme and has commented on this issue in the Local Impact Report [REP1-045, paragraphs 6.15, 6.20-6.24, 6.76, 6.102, 6.129].</p>
<p>Placemaking around Bramford Substation</p>	<p>Some of the cumulative developments around Bramford Substation are at an early stage of development and therefore could change through landowner engagement and negotiations, technical design considerations, consultation and the EIA process during later stages of development. At this stage it is not possible to predict the location of infrastructure to inform any further planting proposals to reduce cumulative landscape and visual effects. The Applicant will of course continue to work internally with the Norwich to Tilbury project and its appointed landscape architects and are committed to engaging more widely with other developers in the area to ensure a</p>	<p>Please see response to CSE Compound Embedded Measures, and Placemaking above.</p>



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	<p>combined and joined up approach to landscaping proposals around Bramford Substation. The Applicant is committed to Mid Suffolk District Council's strategic cumulative working group in the Bramford area and is happy to engage and provide appropriate information on its proposals as required.</p>	
Hintlesham Woods Routeing	<p>The Council's acknowledge that the routeing option at Hintlesham Woods would avoid potentially unacceptable impacts upon the Hintlesham Woods SSSI.</p>	<p>Suffolk County Council acknowledges that the routeing option at Hintlesham Woods would avoid potentially unacceptable impacts upon the Hintlesham Woods SSSI. However, the route to the west of Hintlesham Woods, which is now the preferred route, impacts upon the setting of a number of listed buildings (LIR [REP1-045], paragraph 8.5 and LIR Annex B [REP1-044]).</p>
Biodiversity Net Gain	<p>Requirement 13 (Biodiversity Net Gain), Schedule 3 of the draft DCO [APP-034] provides that, unless otherwise agreed, written evidence (in the form of the outputs of the biodiversity metric) demonstrating how at least 10% in biodiversity net gain is to be delivered as part of the authorised development, must be submitted to the relevant planning authority no later than the date on which that part of the authorised development comprising the installation of new overhead electricity transmission line and underground electricity</p>	<p>SCC (Planning) defers to Essex Place Services, instructed by Babergh and Mid Suffolk District Councils on this issue.</p>

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	transmission line is first brought into operational use. No further securing mechanism is required.	
Hintlesham Hall Micrositing & Mitigation	<p>ES Appendix 8.2: Annex A Hintlesham Hall Assessment [APP-128] presents the assessment of effects on Hintlesham Hall and its ancillary buildings. This concludes that there would be a minor adverse effect on these receptors that is not significant and also notes that although there would be harm to the setting of Hintlesham Hall and its ancillary buildings, this would be less than substantial. Paragraph 4.5.4 of Appendix 8.2: Annex A Hintlesham Hall Assessment [APP-128] states that 'This level of harm would be justified given the public benefits of the project, which enables the transmission of greater amounts of energy around the electricity network'.</p> <p>Additionally, the Applicant has included a commitment in the REAC [APP-179] which states 'The Proposed Alignment to the north of Hintlesham Hall is based on the pylon locations from the optimised alignment discussed with English Heritage (now Historic England) in 2013. The Applicant will continue to work with</p>	<p>SCC (Planning) welcomes the comments by the applicant on this matter and understands that Historic England are in ongoing discussions with the applicant on this matter. The issue of control measures for tower micro siting in order to both ensure and secure less than substantial harm, is covered in detail in [REP1-045] paragraph 17.9 Limits of deviation.</p> <p>For the avoidance of doubt, the position of the Council on this matter, at the pause of the project in 2013, is set out in Annex B of [REP1-044].</p> <p>Furthermore SCC (Planning) concurs with the views of Essex Place Services, instructed by Babergh and Mid Suffolk District Councils (outlined in their Deadline 2 submission), which highlight that although Hintlesham Park is an undesignated heritage asset, it provides an important setting for Hintlesham Hall. The Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> Edition identifies that landscape is important for creating a sense of place and history, a source of memories and associations and an</p>

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	<p>Historic England as the designs develop to identify the most suitable location for the pylons in relation to the setting of Hintlesham Hall, taking into account the limits of deviation and technical considerations such as distance between conductor spans’.</p> <p>No significant effect has been identified to Hintlesham Hall or its setting and, therefore, no additional mitigation is proposed (additional to the planting proposed as an embedded measure shown on LEMP Appendix B: Vegetation Reinstatement Plan [APP-183]). However, the Applicant is proposing to partially restore the original tree lined avenues to the south-west of Hintlesham Hall as detailed in the Environmental Gain Report [APP-176] (Environmental Area: ENV02). The enhancement proposals seek to balance enhancing the parkland features whilst limiting impacts on the surrounding land use and local farming businesses.</p>	<p>inspiration for art.<sup>3</sup> The Council’s position remains that the option proposed in relation to Hintlesham Hall and its setting is unsatisfactory. Further that should the project go ahead in its current form, consideration should be given to additional mitigation and compensation planting to offset the cumulative harm on the local landscape, recreational receptors and the setting of the hall. Overarching draft National Policy Statement for Energy (EN-1) (March 2023) identifies in para 4.15 that <i>“In considering any proposed development [...] the Secretary of State should take into account [...] measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy” (Council’s emphasis).</i></p>
Archaeological Mitigation	Requirement 6 (Archaeology) of the draft DCO [APP-034] includes an overarching	SCC (Archaeology) has no further comments at this time.

<sup>3</sup> GLIVIA 3<sup>rd</sup> Ed Paragraph 2.11

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	<p>requirement that the authorised development must be undertaken in accordance with the AFS [APP-186] and the Outline Written Scheme of Investigation (OWSI) [APP-187]. Securing these measures as part of the REAC [APP-179] in addition to Requirement 6 of the draft DCO [APP-034] would lead to duplication and potentially conflict of wording.</p>	
Surface Water During Construction	<p>The impacts of the project on the water environment are provided in ES Chapter 9: Water Environment [APP-077]. The good practice measures set out in the CEMP [APP-177] (in particular Section 9 which sets out measures that will be implemented to reduce the risk of surface water runoff during construction) and Appendix A of the CEMP (CoCP) [APP-178] which includes measures to manage construction site runoff (e.g. W03 to W08) will be implemented to protect the water environmental from pollution.</p>	<p>SCC is the Lead Local Flood Authority (LLFA) for Suffolk and has responsibility for managing the risk of flooding from surface water, ground water and ordinary watercourses. SCC (as LLFA) consider that there is a need for a construction surface water management plan for the proposed cable sealing end and temporary construction compounds.</p>
Mineral Safeguarding	<p>The Applicant welcomes the comments in respect of the project's acceptable impact upon existing minerals resources. ES Appendix 10.3: Minerals Resource Assessment (MRA) [APP-123] contains the MRA for the project.</p>	<p>SCC (Planning) has no further comments at this time.</p>

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Best and Most Versatile Land	<p>See Table 2.23 Thematic Comment 23: Agriculture and Soils.</p> <p>ES Chapter 11: Agriculture and Soils [APP-079] details the likely significant effects of the project on Agriculture and Soils. Agriculture and soil receptors include BMV land (as defined by the Agricultural Land Classification (ALC) system) and land holdings in agricultural use. As detailed at Section 11.12 of Chapter 11: Agriculture and Soils [APP-079], the assessment has concluded that there are no likely significant residual effects in relation to agriculture and soils during construction or operation. Chapter 11 of the CEMP [APP-177] outlines the measures that would be employed by the main works contractor during construction in relation to soil management.</p>	<p>Notwithstanding overall significant effects on agricultural soils, it is essential that agricultural soils and drainage, are properly restored to protect the viability of individual farm business ([REP-045], paragraph 11.1 – 11.4).</p>
Monitoring and Enforcement of Construction Traffic	<p>Chapter 8 of the CTMP [APP-180] describes the proposed monitoring and checks that would be undertaken by the Applicant and its main works contractor during construction to check compliance with the CTMP. Chapter 8 of the CTMP also describes the implementation and enforcement process.</p>	<p>SCC (LHA) is not yet content that the CTMP secure effective monitoring or enforcement to ensure that the traffic movements identified in the assessment are not exceeded.</p>

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Pre-Commencement Operations	Requirement 4 (Management Plans) of the draft DCO [APP-034] clarifies that 'pre-commencement operations' will be controlled by the CEMP [APP-177] (which includes by way of appendix, the CoCP [APP-178] and the REAC [APP-179]) the CTMP [APP-177], the Materials and Waste Management Plan (MWMP) [APP-181] and the LEMP [APP-182] each of which the Applicant will be required to comply with in carrying out the authorised development.	Subject to agreement of the contents of the management plans, SCC (LHA) are content that these will cover pre-commencement activities.
Environmental Impact of Temporary Accesses	An EIA has been undertaken for the project including temporary access routes and is presented in the ES in Volume 6 of the application for development consent. The EIA presented in the ES will help inform the decision-making process. The ES documents the likely significant effects that are anticipated as a result of constructing and operating the project. Where a significant effect has been identified, the ES presents the proposed mitigation that would be implemented to reduce the significance of the effect.	SCC (LHA) remains to be convinced that the plans and data provided by the applicant are of sufficient detail to ensure that all impacts of constructing temporary and permanent accesses have been identified. The significant length of the site has resulted in plans of insufficiently detailed scale which do not enable 'drilling' down into details for the individual accesses. Experience from delivery of other NSIPs has shown that omissions at the DCO stage can result in compromises having to be made at a later date.

Topic	Applicant's Comment	SCC's Response
	<p>See Table 2.23 Thematic Comment 23: Agriculture and Soils and Table 2.21 Thematic Comment 21: Surface Water Management.</p> <p>ES Chapter 7: Biodiversity [APP-075] defines the study area for biodiversity which relates to construction activities, including compounds and temporary access routes. As detailed in Section 7 of the LEMP [APP-182], vegetation removed during the construction phase would be reinstated post-construction. The development authorised by the DCO must be undertaken in accordance with the LEMP [APP-182], pursuant to Requirement 4 of the draft DCO [APP-034]. The LEMP includes Appendix A: Vegetation Retention and Removal Plan [APP-182] and Appendix B: Vegetation Reinstatement Plan [APP-183] which are secured through Requirement 9 of the draft DCO [APP-034].</p>	
Public Rights of Way (PRoW)	See Table 2.25 Thematic comment 25: PRoW.	SCC (PROW) has no further comment at this time.
Air Quality Management Area	The Applicant confirms proposals to avoid construction traffic routeing via Sudbury Air Quality Management Area (AQMA), as secured	SCC (Planning) is content following the confirmation from the Applicant that they will follow proposals to avoid construction traffic routeing via the Sudbury AQMA.

Topic	Applicant's Comment	SCC's Response
	via good practice measure AQ01 as detailed in the CoCP [APP-178].	
Dust	A Dust Risk Assessment [APP-135] has been produced to support and inform ES Chapter 13: Air Quality [APP081]. This concludes that following the application of the good practice measures set out within the CEMP [APP177] and CoCP [APP-178] that the residual risk of dust would be reduced to negligible and therefore no additional mitigation is required.	SCC (Planning) is content that the methodology in the Dust Risk Assessment [APP-135] guarantees that the residual risk of dust would be reduced to negligible.
Working Hours	See Table 2.17 Thematic Comment 17: Construction Considerations.	<p>The Council (Planning) remains very concerned regarding the proposed working hours, particularly that work could occur on Sunday and Bank Holidays. Whilst the Council understands that the Applicant continues to argue that a main works contractor is yet to be appointed, however, leaving the working hours wide opens the Applicant to significant criticism regarding works at inappropriate moments of the year, such as at significant junctions nearby the Dedham Vale on a Bank Holiday weekend. Whilst SCC recognises that there will be a rolling linear construction programme, this does not mitigate for this impact as outlined.</p> <p>Whilst accepting that some activities such as cable stringing may require continuous operation SCC does not see a reason for other works such as construction of the</p>



Topic	Applicant's Comment	SCC's Response
		<p>substation, conversions stations or underground cable sections should not be subject to similar restrictions placed on other NSIPS (SPR EA1(N), EA3, Sizewell C, Sunnica). This would spare local communities much of the disruptive and intrusive HGV traffic associated with these activities on Sundays and Bank Holidays</p>
<p>Socio Economic and Tourism</p>	<p>The Scoping Report [APP-156] concluded that the project was unlikely to result in significant effects on socio economics, recreation and tourism, when taking into account the embedded and good practice measures. The Planning Inspectorate (on behalf of the Secretary of State) in the Scoping Opinion [APP-159] broadly agreed with the scoping out of aspects as a standalone chapter, but identified that further information, including an updated baseline, was required in some areas to support the scoping conclusion. As such, the Socio Economics and Tourism Report [APP-066] was submitted as part of the application which confirms this conclusion, that there are no likely significant effects from the project in relation to socio economics including impacts to businesses, job creation and employment, and tourism. As such, no further assessment is proposed on this issue.</p>	<p>SCC (Skills) disagrees with the scoping out of economic development, skills and tourism. We are unable to determine the sufficiency of the assessment of impacts, and therefore mitigation, due to a lack of reference to data and policy and an inadequate wider study area. Inter-project cumulative impact does not consider implications on local and regional workforce availability for businesses in the area and does not take into account existing skills and employment issues locally.</p> <p>SCC (Skills) hopes that the Applicant will take a coordinated and strategic approach to their projects in the region and proactively participate in a working relationship with the regional skills coordination function at the Council. SCC would welcome the opportunity to collaborate on a skills strategy for the Applicant's projects to secure benefits for the region.</p> <p>SCC (Economic Development) remains concerned by the omission of consideration for the visitor economy. The</p>

Topic	Applicant's Comment	SCC's Response
		<p>Council also has concerns that another large-scale energy project will impact on the available labour force and, if external workers are brought into the county, will only have a short-term positive impact on the tourism economy. Whilst accommodation providers many benefits during the construction period, SCC would want to see a balanced thriving tourism economy afterwards.</p> <p>Specific detail of these concerns can be found in section 15 of the LIR [REP1-045].</p>
Community Benefits	<p>Whilst it has been determined that there are no likely significant effects on socio economics and tourism associated with the project, the Applicant is committed to continuing discussions with the host Authorities and other key stakeholders regarding their aspirations in respect of community benefits. These discussions would be outside of the DCO process whilst we await the outcome of the Government's consultation.</p>	<p>SCC (Planning) notes that community benefit sit outside of the planning balance and therefore the Council queries the Applicant's reference to "no likely significant effects on socio economics and tourism associated with the project" in relation to community benefits.</p> <p>SCC (Planning) is ready to engage with the Applicant regarding aspirations for community benefits, in tandem with the other host authorities, and welcomes the Applicant's commitments to continue discussions. The host authorities, with in the AONB, sent a letter to National Grid on 6 October 2023 outlining their joint positions and principles for community benefits following a consultation with town and parish councils within, and immediately adjacent to, the Order Limits. This was swiftly followed by</p>

Topic	Applicant's Comment	SCC's Response
		<p>a meeting, organised by the Applicant, on 11 October 2023 to initiate formal discussions.</p> <p>For the avoidance of doubt, SCC (Planning) agrees with the Applicant that “these discussions would be outside of the DCO process whilst we await the outcome of the Government’s consultation”.</p>
Electric Magnetic Fields (EMF)	<p>The UK has implemented a number of policies for managing and protecting against EMF from anthropogenic sources. This includes both numerical exposure guidelines to protect against established, acute effects of EMF, and precautionary policies to provide appropriate protection against the possibility of chronic effects of EMF at lower levels. These policies have been set by the Government on the advice of their independent advisers (the UK Health Security Agency) and are incorporated into the decision-making process for development consent in the NPS for Electricity Networks Infrastructure (EN-5). The Electric and Magnetic Fields Compliance Report [APP-056] submitted as part of the application for development consent, sets out the Government's policy on electric and magnetic field exposures and demonstrates the projects</p>	<p>As noted in SCC's Relevant Representation [RR-006], the Council has been reassured that all recognised standards in respect of EMF will be adhered to.</p>

Topic	Applicant's Comment	SCC's Response
	<p>compliance with those polices set to provide protection against exposure and precautionary policies in NPS EN-5. There are no established health effects of low frequency EMF below these guideline limits. The Applicant's expert in this field held a seminar with the host authorities to explain the contents of this report.</p>	
<p>Draft Development Consent Order (DCO)</p>	<p>The Applicant was grateful to receive comments from the Council on an early draft of the DCO which was shared with the Host Authorities on a without prejudice basis in August 2022. The Applicant has had due regard to all comments received. As has been noted, a number of points raised by those Host Authorities were subsequently incorporated in the draft DCO submitted with the application for development consent [APP-034].</p> <p>Where changes were not ultimately capable of being incorporated, the Applicant considers that necessary justification for the approach taken has been provided in the Explanatory Memorandum [APP-035].</p> <p><b>The Definition of 'Commencement'</b></p>	<p><b>(i) Definition of Commencement Article 2 (interpretation)</b></p> <p>SCC maintains its position, as set out in paragraph 17.4 of the LIR [REP1-045], that several of the carve-outs of the definition of "commence" would seem capable of giving rise to significant environmental effects including: the demolition of existing buildings, site clearance, the provision of temporary accesses and, the erection of any temporary means of enclosure.</p> <p>SCC notes that paragraph 3.6.15 of the Explanatory Memorandum [APP-035] states –</p> <p>"... The works and operations within the definition of "pre-commencement operations" are either de minimis or have minimal potential for adverse impacts ..."</p> <p>As stated in paragraph 17.7 of the LIR [REP1-045] –</p>

Topic	Applicant’s Comment	SCC’s Response
	<p>The definition of ‘commence’ set out in Article 2(1) of the draft DCO [APP-034] closely follows the equivalent definition used in previous National Grid projects, save that a decision was taken by the Applicant to include in Article 2(1) a separate definition of ‘pre-commencement operations’ for reasons of clarity. Paragraphs 3.6.14 to 3.6.16 of the Explanatory Memorandum [APP-035] explain how the Applicant anticipates that the definitions of ‘commence’ and ‘pre-commencement operations’ will operate in practical terms, and in light of the control mechanisms set out in the Management Plans (comprising the CEMP [APP-177] (which includes by way of appendix, the CoCP [APP-178] and the REAC [APP-179]), the CTMP [APP-180], the MWMP [APP-181] and the LEMP [APP-182]). Compliance with the Management Plans is secured through Requirement 4 of the draft DCO.</p> <p><b>The Limits of Deviation</b></p> <p>The Applicant notes that the approach sought in respect of the limits of deviation for the project is well precedented. Taking into account the nature of the project, the Applicant requires</p>	<p>“The Councils would welcome further explanation as to which of the carve-outs are <i>de minimus</i> and which have minimal potential for adverse impacts. The Councils would also welcome an explanation of where each has been assessed”.</p> <p>SCC notes that Requirement 4 of the dDCO secures compliance with the Management Plans. Requirement 4 will therefore only work if the Management Plans are fit for purpose. The LIR [REP1-045] sets out certain of SCC’s concerns with the Management Plans and it is essential those are addressed as soon as possible. (See, for example, the following LIR [REP1-045] paragraphs: CEMP: 6.172 to 6.178, 6.182; COCP: 6.175; 12.7.4; REAC: 6.175 and 6.176; CTMP: 12.75 to 12.94, 12.98, 12.104 and 12.109).</p> <p><b>(ii) The Limits of Deviation</b></p> <p>Paragraph 17.9 of the LIR [REP1-045] states –</p> <p>“As set out in their detailed landscape comments, the Councils are concerned that the Limits of Deviation in relation to pylons and overhead lines in sensitive locations are too broad. Whilst the LEMP [APP-182] envisages (in section 2.4) a process of micro-siting of the final alignment as part of detailed design, no role is</p>

Topic	Applicant’s Comment	SCC’s Response
	<p>horizontal (i.e. lateral and longitudinal) and vertical limits of deviation for the overhead electric line works and the underground electric line works, as well as other permanent (non-linear) above ground structures forming part of the authorised development.</p> <p>Paragraph 3.9 of the Explanatory Memorandum [APP-035] explains in detail the purpose and effect of Article 5 of the draft DCO [APP-034]. Paragraph 3.9 should be read alongside the Guide to the Plans [APP-007a], the Work Plans [APP-010] and ES Chapter 4: Project Description [APP-072].</p> <p><b>Street Works</b></p> <p>The Applicant notes the comments raised in respect of Articles 11, 15, 17 and 47, and Requirement 11 of the draft DCO [APP-034].</p> <p><b>Stopping up Streets and PRow; Constructing, Altering and Maintaining Streets and Regulating Traffic</b></p> <p>Paragraphs 3.15, 3.19, 3.21 and 3.51 of the Explanatory Memorandum [APP-035] explain in detail the intended purpose and effect of</p>	<p>provided for local authority oversight or approval in the process. Even consultation is only to be undertaken with landowners. The Councils consider that, as a minimum, the Limits of Deviation for Work No.2 (which will affect the Hintlesham area) need to be refined so that the pylon siting remains in the locations previously agreed with SCC and Historic England, and further that the LEMP is revised to incorporate a need to prepare more detailed proposals which are then the subject of consultation with relevant bodies, including the local authorities, and approval by the relevant planning authority”.</p> <p><b>(iii) Street Works</b></p> <p>The following comments on Articles 11, 15, 17 and 47, and Requirement 11 of the dDCO are taken from the LIR [REP1-045]. In addition, SCC’s LIR comments on article 16 are included.</p> <p><b>Article 11(2) (street works)</b></p> <p>Under several of the draft DCO articles (including article 11(2)), SCC is required to grant approval for certain street works, and provision is made to say that approval must not be “unreasonably withheld or delayed” and there is also a provision that it is deemed to be given after a short period. In several cases this appears to be unprecedented in DCOs or not well preceded.</p>

Topic	Applicant's Comment	SCC's Response
	<p>Articles 11, 15, 17 and 47 in the draft DCO. Paragraph 4.3.31 of the Explanatory Memorandum addresses Requirement 11 (Highway Works) of the draft DCO.</p> <p>The Applicant proposes to enter into a framework highways agreement (or similar) with Essex County Council and Suffolk County Council (each in its capacity as local highways authority) in order to regulate how powers derived pursuant to Articles 11, 15, 17 and 47 would be exercised during construction of the project. Article 18 of the draft DCO anticipates such an agreement being entered into. The Applicant envisages that such an agreement, once concluded, would obviate the need for any additional requirements to be included in Schedule 3 to the draft DCO.</p> <p><b>Felling or Lopping of Trees</b> Paragraph 3.52 of the Explanatory Memorandum [APP-035] explains in detail the purpose and effect of Article 48 of the draft DCO [APP-034]. The Applicant considers that the powers set out in Article 48 are both necessary and proportionate given the</p>	<p>The Councils will be receiving considerable numbers of requests for approval and will ensure that they are dealt with as quickly as possible. With the deeming provisions included there is no need to say that the approvals must not be “unreasonably withheld or delayed”. Moreover, by section 161(1)(b) (breach of terms of order granting development consent) of the Planning Act 2008, it is an offence for a person to fail to comply with the terms of a DCO. The Councils consider it excessive for it to potentially face criminal liability in these circumstances. The Councils note from paragraph 3.15.1(c) of the Explanatory Memorandum [APP-035] that the cited precedent is article 11 of the Thames Tideway Tunnel DCO 2014 (S.I. 2014/2384), however the relevant provision in that Order (article 11(3)(b)) does not refer to consent not being delayed.</p> <p>In the light of the deeming provision in article 11(3), which makes the words “unreasonably withheld or delayed” unnecessary, the Councils request that article 11(2) is amended as follows –</p> <p>“Without limiting the scope of the powers conferred by paragraph (1) but subject to the consent of the street authority, <del>which consent shall not be unreasonably</del></p>

Topic	Applicant's Comment	SCC's Response
	<p>overriding need to ensure that minimum electrical safety clearances are capable of being maintained at all times during construction and operation of the project.</p> <p><b>The Drafting of Certain Requirements</b>                      Paragraphs 4.3.21 to 4.3.31 (inclusive) of the Explanatory Memorandum [APP-035] explain in detail the purpose and effect of Requirements 7, 8, 10 and 11 of Schedule 3 to the draft DCO [APP-034]. The Applicant considers that the above mentioned Requirements are appropriately drafted taking account of the overarching needs case for the project, the nature and geographic location of the project and approach successfully adopted by the Applicant and other promoters on other recent linear infrastructure projects.</p> <p><b>Timeframes for Determining Applications and Fees</b>                      Paragraph 4.4 of the Explanatory Memorandum [APP-035] explains the approach taken by the Applicant in respect of the matters set out in Schedule 4 to the draft DCO [APP-034]. The Applicant would also note that its proposed</p>	<p><del>withheld or delayed</del>, the undertaker may, for the purposes of the authorised development, or for purposes ancillary to it, enter on so much of any other street whether or not within the Order limits, for the purposes set out at sub-paragraph (1)(a) to (i) and paragraph (3) of article 8 (application of the 1990 Act) shall apply”.</p> <p>The Councils request that similar amendments are made to the following provisions: articles 14(4) (power to alter layout, etc. of streets), 15(5)(b) (temporary stopping up of streets and public rights of way), 16(1)(b) (access to works), 19(3) (discharge of water), and 47(2) (traffic regulation).                      [Paragraphs 17.10 to 17.14 of the LIR <b>[REP1-045]</b>].</p> <p><b>Article 11(3) (street works)</b>                      By article 11(3), an application for consent under article 11(2) must be determined within 28 days of the application or consent is deemed to be granted. While SCC will ensure that any application for consent will be dealt with as quickly as possible, it will be remembered that SCC will be receiving a considerable number of requests for approval across several nationally significant infrastructure projects. A 28-day decision-making period in this context is unrealistic and potentially detrimental to the effective consideration of applications.</p>



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	<p>approach in terms of both the timescales and fees for determining applications submitted pursuant to the DCO (if made) is reflective of the approach successfully adopted by the Applicant in relation to the delivery of other linear infrastructure projects, including those spanning multiple administrative boundaries.</p> <p>The Applicant would intend to work closely with the relevant discharging authorities to ensure that the timescales set out in Schedule 4 can be met. In particular, the Applicant anticipates that close future engagement will be facilitated by a Planning Performance Agreement (PPA). It is envisaged that, as part of a future PPA, pre-application 'shadow' submissions to the relevant discharging authority would be made by or on behalf of the Applicant. Comments raised by the relevant discharging authority as part of that pre-engagement process would, where appropriate, be addressed by the Applicant prior to the formal submission of the application pursuant to Schedule 4. This process, which the Applicant would be pleased to discuss in detail with the relevant discharging authorities, will allow all future applications to</p>	<p>Given the volume of work which will arise from the number of NSIPs being delivered in Suffolk, SCC considers 28 days is too short and requests that it is replaced with 56 days. SCC also considers that this period should be paused if the highway authority considers that additional information is reasonably required to make a decision. SCC requests that 28 days is replaced with 56 days in the following provisions: 14(5) (power to alter layout, etc. of streets); 15(9) (temporary stopping up of streets and public rights of way); 16(2) (access to works); 19(9) (discharge of water); 21(8) (authority to survey and investigate land), 47(8) (traffic regulation) and 48(5) (felling or lopping) a deemed consenting regime.</p> <p>A similar point applies in respect of Schedule 4 (discharge of requirements), which is mentioned below. [Paragraphs 17.16 to 17.19 of the LIR <b>[REP1-045]</b>].</p> <p><b>Article 15 (temporary stopping up of streets and public rights of way)</b></p> <p>By article 15(1), the undertaker may, "for a reasonable time" divert traffic from the street or public right of way; and prevent all persons from passing along the street or PROW.</p>

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	<p>be determined swiftly and within the timescales set out in Schedule 4 to the draft DCO [APP-034].</p>	<p>SCC would welcome more information as to what “a reasonable time” might be.</p> <p>In addition, SCC considers that article 15 should provide that any temporary diversion specified in column (4) of Part 1 of Schedule 7 must be open for use, and in the case of a street, must be completed to the reasonable satisfaction of the street authority, before the corresponding street or public right of way is temporarily stopped up, altered or diverted.</p> <p>Moreover, paragraph 3.19.5 of the Explanatory Memorandum [APP-035] states that any alternative route under this article should be provided on a like-for-like basis. Owing to this, SCC would suggest that article 15(6) be amended as follows –</p> <p>“(6) Where the undertaker provides a temporary diversion under paragraph (4), the temporary alternative route is not required to be of a higher standard <b><u>and must be of no lower standard</u></b> than the temporarily closed street or public right of way in columns (1) and (2) of Parts 1 and 2 of Schedule 7 (streets or public rights of way to be temporarily stopped up)”.</p>

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		<p>It would also be helpful to know how National Grid proposes (i) to inform SCC of any stopping up etc. and (ii) how it proposes to keep temporary working sites under paragraph (2) to a minimum in terms of time and area. [Paragraphs 17.20 to 17.25 of the LIR <b>[REP1-045]</b>].</p> <p><b>Article 16 (access to works)</b>                      The Councils consider the works authorised by article 16(1)(a) should be subject to the consent of the relevant highway authority.                      [Paragraphs 17.26 of the LIR<b>[REP1-045]</b>].</p> <p><b>Article 17 (construction, alteration and maintenance of streets)</b>                      The Councils request that paragraphs (1) and (2) are amended as follows –</p> <p>“(1) Any street (other than any private streets) to be constructed under this Order must be completed to the reasonable satisfaction of the street authority and must, unless otherwise agreed with the street authority, be maintained (including any culverts or other structures laid under that part of the highway) by <b><u>and at the expense of the undertaker for a period of 12 months from its</u></b></p>

Topic	Applicant's Comment	SCC's Response
		<p><b><u>completion and at the expiry of that period by and at the expense of</u></b> the street authority.</p> <p>(2) Where a street is altered or diverted under this Order, the altered or diverted part of the street must be completed to the reasonable satisfaction of the street authority and must, unless otherwise agreed with the street authority, be maintained (including any culverts or other structures laid under that part of the highway) <b><u>by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of</u></b> the street authority”.</p> <p>17.30 The Councils note that the bold and underlined words are included in the cited precedent, article 12 of the Thames Tideway Tunnel DCO 2014 (S.I. 2014/2384). The Councils consider that commuted sums for future maintenance might also be required. [Paragraphs 17.27 to 17.31 of the LIR <b>[REP1-045]</b>].</p> <p><b>Article 47 (traffic regulation)</b> The Councils request that article 47(1) is amended as follows –</p>

Topic	Applicant's Comment	SCC's Response
		<p>“Subject to the provisions of this article, <b><u>and the consent of the traffic authority in whose area the road is situated</u></b>, the undertaker may, for the purposes of the construction of the authorised development ...”</p> <p>The precedent cited in paragraph 3.51.2 of the Explanatory Memorandum [APP035], (article 40 of the National Grid (Hinkley Point C Connection Project) Order 2016 (S.I.2016/49)), includes the bold and underlined words, as does the Network Rail (Norton Bridge Area Improvements) Order 2014 (S.I.2014/909; see article 38), which is cited in a footnote to paragraph 3.51.2. (The words are included in the corresponding provisions of other DCOs which are not cited in the Explanatory Memorandum).</p> <p>SCC requested that the same amendment be made to the final draft version of the Sizewell C (Nuclear Generating Station) Order 2022 (S.I.2022/853)) and, following the Examining Authority’s recommendation to include the words, they were included in the Order made by the Secretary of State.</p> <p>The Councils are concerned that the consultation requirements under this article are insufficient and considers they should better reflect the consultation regime set out in regulation 6 of the Local Authorities' Traffic</p>

Topic	Applicant's Comment	SCC's Response
		<p>Orders (Procedure) (England and Wales) Regulations 1996 which SCC would have to follow when making a TRO. The Councils would welcome the Applicant's explanation as to why this article departs so far from the 1996 Regulations. The Councils would also like to know how any objections would be dealt with.</p> <p>For TROs in Schedule 12 which are modified or where new orders are required, SCC considers that, as a minimum, the consultation regime under regulation 6 of the 1996 Regulations should apply. SCC also requests that its costs for the associated are recoverable.</p> <p>In addition, the Councils would encourage the Applicant to follow SCC's Consultation and Engagement Charter (which enshrines good practice) and would welcome discussions with the Applicant on this point. [Paragraphs 17.33 to 17.39 of the LIR <b>[REP1-045]</b>].</p> <p><b>(iv) Stopping up Streets and PRow; Constructing, Altering and Maintaining Streets and Regulating Traffic</b></p> <p>SCC welcomes the Applicant's proposal to enter onto a framework highways agreement (or similar) and considers</p>

Topic	Applicant's Comment	SCC's Response
		<p>negotiations on the form and content of the agreement should begin as soon as possible.</p> <p>SCC notes the Applicant “envisages that such an agreement, once concluded, would obviate the need for any additional requirements to be included in Schedule 3 to the draft DCO”. It will be noted that, in respect of the dDCO, SCC’s highways concerns are primarily concerned with the drafting of articles 11, 15, 16, 17, and 47.</p> <p><b>(v) Felling or Lopping of Trees</b>  <b>Article 48 (felling or lopping)</b>                      The Councils request that the words “or near” are removed from article 48(1) as they are too vague.</p> <p>The Councils would also like to see a plan showing the location of all trees and hedgerows that will be affected by the works, along with timings of the proposed removal. There needs to be an assessment procedure in place ahead of any tree or shrub works with respect to bats and nesting birds, and possibly dormice in relation to hedgerows.</p>

Topic	Applicant's Comment	SCC's Response
		<p>Furthermore, a detailed compensation planting plan is required, showing how any tree and hedgerow lost will be compensated, either within, or close to, the Order limits. [Paragraphs 17.40 to 17.42 of the LIR <b>[REP1-045]</b>].</p> <p><b>(vi) The Drafting of Certain Requirements Schedule 3 (requirements)</b></p> <p>Set out below are SCC's concerns about paragraph 1 of Schedule 3, together with the concerns about Requirements 4, 6, 7, 10, and 11.</p> <p><b>Paragraph 1</b></p> <p>Paragraph 1(2) states –                      “Where under any of the Requirements the approval or agreement of the relevant planning authority is required, that approval or agreement must be given in writing”.                      Shouldn't there be an equivalent provision for an approval or agreement given by the relevant highway authority?</p> <p>Paragraph 1(4) states –                      “Where an approval or agreement is required under the terms of any Requirement or a document referred to in a Requirement, or any Requirement specifies “unless otherwise approved” or “unless otherwise agreed” by the relevant highway authority or the relevant planning</p>



Topic	Applicant's Comment	SCC's Response
		<p>authority, such approval or agreement may only be given in relation to minor or immaterial changes and where it has been demonstrated to the satisfaction of the relevant highway authority or the relevant planning authority that the subject matter of the approval or agreement sought <b><u>is unlikely to</u></b> give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement”.</p> <p>No explanation for this provision is given in the Explanatory Memorandum [APP-035]. While it is precedented, the precedents usually include “does not” instead of “is unlikely to”. (See, for example, paragraph 1(3) of Schedule 2 (requirements) of the Sizewell C (Nuclear Generating Station) Order 2022 (S.I.2022/853)). SCC considers “does not” should be included in paragraph 1(4) and, if the Applicant disagrees, SCC requests the Applicant provides an explanation.</p> <p>[Paragraphs 17.51 to 17.56 of the LIR <b>[REP1-045]</b>].</p> <p><b>Requirement 4 (management plans)</b></p> <p>Requirement 4(1) requires compliance with the specified management plans. The Councils would support such a provision, in principle, provided that the content of the management plans was either (a) sufficiently detailed and precise at this stage so that they could be satisfied during</p>

Topic	Applicant's Comment	SCC's Response
		<p>the Examination process that the management plans would ensure that a satisfactory form of development would come forward (and that unsatisfactory ways of achieving the development were precluded) or (b) that the content of the management plans included explicit provision for the preparation of more detailed plans, which would be subject to a further approval process. However, as matters stand, the Applicant has structured the draft DCO so that there are 'high level' management plans that are to be certified documents but which are light on detail and leave too many matters at large and yet the draft DCO does not require any further approval process in relation to matters which are not satisfactorily specified in the management plans. The Councils do not see this as acceptable and would ask the Applicant to review its approach in this regard.</p> <p>In any event, Requirement 4(3) should be amended to provide that any departure from the Construction Traffic Management Plan should be agreed with the relevant highway authority. [Paragraphs 17.57 to 17.58 of the LIR <b>[REP1-045]</b>].</p> <p><b>Requirement 6 (archaeology)</b> The archaeological evaluation within the undergrounding area is currently on going, because of this we have not had the report on the trenching submitted for review and</p>

Topic	Applicant's Comment	SCC's Response
		<p>decisions on appropriate archaeological mitigation cannot be made. There is also concern from the submitted Outline Written Scheme of Investigation (OWSI) that there is no further evaluation considered for the overhead sections of the proposal, for any new pylon bases that are to be constructed. Recent archaeological evaluation for the Anglian Water B to C scheme has identified Roman archaeology in the vicinity of the B2T overhead line, and of particular note is a Roman building recorded on the HER (HAD 014) in close proximity to a section of the overhead line, located to the south of Hadleigh.</p> <p>A draft copy of the OWSI was submitted to Suffolk County Council Archaeological Service (SCCAS) and EPS for review, the document 7.10 submitted with the ES does not appear to have taken onboard our comments, and the OWSI requires amendments prior to being acceptable (Please see attached comments). It is essential that the document provides clarity on the overall process for further archaeological work, including further evaluation in the overhead sections and archaeological mitigation strategies. As the OWSI will be a standalone document that will be directly referenced in the DCO requirements it is paramount that the document is approved early in the examination process.</p>

Topic	Applicant's Comment	SCC's Response
		<p>Currently the DCO wording for archaeology (Schedule 3, requirement 6), does not allow for reporting and archiving of the archaeological works, and so SCCAS would recommend the following wording:</p> <p>“(1) The authorised development must be undertaken in accordance with the Archaeological Framework Strategy and the Outline Written Scheme of Investigation (OWSI).</p> <p>(2) No stage of the authorised development must commence until either a Preservation in situ management plan, or a Detailed Written Scheme of Investigation of areas of archaeological interest relevant to that stage (if any) as identified within the OWSI or identified through evaluation work as set out in the OWSI has been submitted to and approved by the relevant planning authority.</p> <p>(3) Any Detailed Written Scheme of Investigations must be in accordance with the OWSI and must identify areas where archaeological works are required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found. Any Detailed Written Scheme of Investigation must include:</p> <p>(a) an assessment of significance and research questions</p>

Topic	Applicant's Comment	SCC's Response
		<p>(b) the programme of methodology of site investigation and recording</p> <p>(c) the programme for post-investigation assessment</p> <p>(d) provision to be made for analysis of the site investigation and recording</p> <p>(e) provision to be made for archive deposition of the analysis and records of the site investigation</p> <p>(f) nomination of a competent person or persons/organisation to undertake the works set out within the Detailed Written Scheme of Investigation</p> <p>(g) an implementation timetable.</p> <p>(4) Any archaeological works must be carried out in accordance with the approved Detailed Written Scheme of Investigation for that stage.</p> <p>(5) No later than three years from commencement of the authorised development, post-investigation assessment must be completed for all stages in accordance with the programme set out in the OWSI and the Detailed Written Schemes of Investigation, and provision made for analysis, publication and dissemination of results and archive deposition secured in accordance with a scheme-wide Updated Project Design and timetable that has been</p>

Topic	Applicant's Comment	SCC's Response
		<p>submitted to and approved by the relevant planning authority.”                      [Paragraphs 8.45 to 8.52 of the LIR [REP1-045]].</p> <p><b>Requirement 7 (construction hours)</b>  <u>Paragraph 1: the core hours</u></p> <p>Paragraph (1) of Requirement 7 states –</p> <p>“Subject to sub-paragraphs (2) and (3), work may only take place between 0700 and 1900 Monday to Friday and between 0800 and 1700 on Saturdays, Sundays and Bank Holidays (the core working hours), unless otherwise approved by the relevant planning authority”.</p> <p>While these core hours are included in other National Grid DCOs (for instance, Requirement 7 of both the National Grid (Richborough Connection Project) Development Consent Order 2017 (S.I.2017/817) and the National Grid (Hinkley Point C Connection Project) Order 2016 (S.I.2017/49)) no justification for their duration is provided in the Explanatory Memorandum [APP-035], which simply states: “Core construction hours are included at sub-paragraph (1)”.</p>

Topic	Applicant's Comment	SCC's Response
		<p>This approach is inconsistent with that required in Advice Note 15, which states –</p> <p>“If a draft DCO includes wording derived from other made DCOs, this should be explained in the Explanatory Memorandum. The Explanatory Memorandum should explain why that particular wording is relevant to the proposed draft DCO ... the ExA and Secretary of State will need to understand why [the wording] is appropriate for the scheme applied for”. [Paragraph 1.5].</p> <p>Owing to the lack of information in the Explanatory Memorandum, it is difficult for the Councils to understand why these core hours have been chosen for this project.</p> <p>Whilst the Councils would prefer the weekday core hours to end at 1800 rather than 1900 (it will be remembered that, by Requirement 7(3), the core hours exclude start up and close down activities up to 1 hour either side of the core working hours, meaning activities could end at 2000), The Councils are particularly concerned by the duration of core hours for weekends and Bank Holidays and their impact on public amenity and tourism. For instance, there are numerous residential and tourist facilities along the project route, including Polstead Heath village near to the Sealing End compound and Hintlesham Hall, which is a well-known wedding venue.</p>

Topic	Applicant's Comment	SCC's Response
		<p>In the light of its concerns, the Councils consider Saturday hours should be between 0800 and 1300 and there should be no working on Sundays and Bank Holidays. The Secretary of State considered a similar approach appropriate in the East Anglia ONE North Offshore Wind Farm Order 2022 (S.I.2022/432). Requirement 24 of that Order states the core hours are “between 0700 hours and 1900 hours Monday to Friday and 0700 hours and 1300 hours on Saturdays, with no activity on Sundays or bank holidays”, subject to certain exceptions listed in sub-paragraph (2).</p> <p>Absent justification from the Applicant – which takes account of the Council’s concerns – for (i) the need for Sunday and Bank Holiday working on this project and (ii) for weekend working to end at 1700, rather than at 1300, the Councils consider paragraph (1) should be amended as follows –</p> <p>“Subject to sub-paragraphs (2) and (3), work may only take place between 0700 and 1900 Monday to Friday and between 0800 and <del>1700</del> <b>1300</b> on Saturdays, <b>with no activity on</b> Sundays <del>and</del> or Bank Holidays (the core working hours), unless otherwise approved by the relevant planning authority”.</p>



Topic	Applicant's Comment	SCC's Response
		<p>[Deletions shown struck-through; amendments in bold].</p> <p>While the hours are shorter than sought by the Applicant, amended paragraph (1) would still allow the Councils to approve departures from the core hours, providing flexibility in the event it is required.</p> <p><u>Paragraph 2: exceptions to the core hours</u></p> <p>Paragraph (2) of Requirement 7 lists 10 operations which may take place outside the core working hours referred to in paragraph (1). While paragraph 4.3.22 of the Explanatory Memorandum states "...sub-paragraph (2) lists a number of activities which are not subject to the core working hours", it does not explain why each operation should be able to take place outside of core hours for this project.</p> <p>It is noted the list of operations is longer than in the equivalent provision of the Richborough and Hinkley Point C Connection Project Orders mentioned above.</p> <p>The Councils would again welcome an explanation of why the operations should be able to take place outside the already extensive core hours. (the Councils do not consider an explanation is required in respect of exception (h):</p>

Topic	Applicant's Comment	SCC's Response
		<p>“activity necessary in the instance of an emergency where there is a risk to persons or property”.</p> <p>[Paragraphs 17.60 to 17.74 of the LIR[<b>REP1-045</b>]].</p> <p><b>Requirement 10 (implementation and maintenance of reinstatement planting scheme)</b></p> <p>Paragraph (3) states –</p> <p>“Any trees or hedgerows planted as part of an approved reinstatement planting scheme that, within a period of 5 years after planting, are removed, die or become in the opinion of the relevant planning authority seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority”.</p> <p>The reference to “5 years” should be changed to “10 years”, which would provide greater ecological improvements.</p> <p>[Paragraphs 17.75 to 17.77 of the LIR [<b>REP1-045</b>]].</p> <p><b><u>Requirement 11 (highway works)</u></b></p> <p>SCC considers requirement 11 should be amended to cover all highway works.</p> <p>[Paragraph 17.78 of the LIR [<b>REP1-045</b>]].</p>

Topic	Applicant's Comment	SCC's Response
		<p><b>(vii) Timeframes for Determining Applications and Fees</b></p> <p><b>Schedule 4 (discharge of requirements)</b></p> <p>The following comments are taken from the LIR [REP1-045]]. Addition comments, in response to the Applicant's [REP1-025], and so which were not included in the LIR, follow.</p> <p><u>Timescales</u></p> <p>The timescales in Schedule 4 are too short and should be changed so that they are, at the very least, no shorter than those set out in Advice Note 15. The Explanatory Memorandum [APP-035] justifies the shorter timescales as follows –</p> <p>“Whilst it is acknowledged that the time limits included in Schedule 4 (in relation to the determination of applications made pursuant to the Requirements and any requests made by the relevant discharging authority for further information) do differ from those recommended in Advice Note 15, National Grid considers that shorter time limits are necessary and proportionate in light of the immediate and pressing national need which the project is intended to address” (paragraph 4.4.2).</p>

Topic	Applicant's Comment	SCC's Response
		<p>This is an unconvincing argument: the 28 day decision-making period in paragraph 1(1) of Schedule 4 (compared to the 42-day period in paragraph 1(2) of Appendix 1 to Advice Note 15) is unlikely to affect “the immediate and pressing national need which the project is intended to address”.</p> <p>While the Councils will ensure that any request for approval will be dealt with as quickly as possible, it will be remembered that SCC will be receiving a considerable number of requests for approval across several nationally significant infrastructure projects. A 42-day decision-making period would be challenging in this context; the reduction of the time-frame to 28 days is unrealistic and potentially detrimental to the effective consideration of requests.</p> <p>Owing to the circumstances summarised in the preceding paragraph, the Councils consider a 56-day decision-making period would be reasonable.</p> <p><u>Fees</u></p> <p>The fees proposed in paragraph 3(1) are unreasonably low and need to be increased.</p>

Topic	Applicant's Comment	SCC's Response
		<p>Moreover, paragraph 3(2) is unreasonable and should be deleted. (Paragraph 3(2) provides for the refund of fees in certain circumstances).                      [Paragraphs 17.79 to 17.85 of the LIR <b>[REP1-045]</b>].</p> <p><u>Additional comments</u></p> <p>SCC notes the Applicant's comment <b>[REP1-025]</b> that "its proposed approach in terms of both the timescales and fees for determining applications submitted pursuant to the DCO (if made) is reflective of the approach successfully adopted by the Applicant in relation to the delivery of other linear infrastructure projects, including those spanning multiple administrative boundaries".</p> <p>SCC cannot comment on the success or otherwise of other projects the Applicant has promoted; SCC can, however, comment on the effect of hosting several NSIPs in its administrative area. SCC's experience has led it to conclude that Schedule 4 would be inappropriate in its present form for the instant application. That, surely, is a more appropriate test to apply than the "one size fits all" approach which the Applicant seems to be suggesting. As Advice Note 15 states: "It is not sufficient for an Explanatory Memorandum to simply state that a particular provision has found favour with the Secretary of State</p>

Topic	Applicant's Comment	SCC's Response
		<p>previously; the ExA and Secretary of State will need to understand why it is appropriate for the scheme applied for”.</p> <p>In respect of the proposed “shadow submissions” mentioned by the Applicant [REP1-025], NSIP promoters in Suffolk whose DCOs include timeframes which are more consistent with those in Advice Note 15 do this already. While SCC welcomes the shadow submissions” suggestion, it will be necessary for more realistic deadlines to be provided.</p> <p>Finally, SCC welcomes the fact that “the Applicant anticipates that close future engagement will be facilitated by a Planning Performance Agreement (PPA)” [REP1-025] and looks forward to entering into discussions with the Applicant regarding the PPA.</p>

Table 2 – Suffolk County Council’s concerns with other dDCO Provisions

	<b>Provision</b>	<b>SCC’s Concern</b>
(i)	Article 46 (defence to proceedings in respect of statutory nuisance)	Article 46(1)(a)(ii) and (3) refers to the Construction Environmental Management Plan “approved under Schedule 3”; however, the requirements do not provide a mechanism for approving that document. SCC requests that the Applicant re-considers these provisions (Paragraph 17.32 of the LIR [REP1-045]).
(ii)	Article 53 (safeguarding)	SCC is unconvinced this provision is necessary and would welcome justification for its inclusion in the DCO (Paragraph 17.43 of the LIR [REP1-045])
(iii)	Schedule 1 (authorised development)	<p>Paragraph (r) of Associated Development ends with the following words –</p> <p>“... and which do not give rise to any materially different environmental effects from those assessed in the Environmental Statement”.</p> <p>SCC assumes it should end as follows –</p> <p>“... and which do not give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement”.</p>

	Provision	SCC's Concern
		<p>If the Applicant does not consider the bold and underlined words should be included in paragraph (r), SCC requests that the Applicant explains how paragraph (r) relates to article 2(10) (Paragraphs 17.44 to 17.50 of the LIR [REP1-045]).</p>
(iv)	<p>Schedules 7 (streets or public rights of way to be temporarily stopped up), 8 (access to works), and 12 (traffic regulation orders)</p>	<p>SCC requests the Applicant confirms that the streets and PROW referred to in these schedules have been described in accordance with the street gazetteer and the definitive map (Paragraph 17.86 of the LIR [REP1-045]).</p>



**Appendix 1 - NIPA Insights II,  
*Preparing a Flexibility Toolkit,  
Project A, continuation project:  
Consultation and Engagement in  
the DCO Process (2019)***

*NIPA Insights II Programme Research Project*

*Preparing a Flexibility Toolkit*

Project A continuation project:

# **Consultation and Engagement in the DCO process**

**Dr Ben Clifford and Professor Janice Morphet**

May 2019



## Introduction

Following the publication of the research undertaken for NIPA Insights *Infrastructure Delivery: the DCO process in context* on flexibility and deliverability<sup>1</sup> in relation to the delivery of Nationally Significant Infrastructure Projects (NSIPs) in June 2017 by Janice Morphet and Ben Clifford of UCL, NIPA commissioned further research on some of the issues raised in the first project with a view to preparing a toolkit for the NSIP process. The continuation research was divided into two projects. In Project A, the UCL team was tasked to:

- (i) identify any record of how flexibility has been considered/ explained/ proposed through the pre-application process;
- (ii) identify any commitments to further consultation beyond the DCO decision;
- (iii) assess – where possible - any correlation in proposed engagement beyond the DCO as the need to secure support for greater flexibility.

The scope of Project A was restricted to desk research and UCL's proposal responded to these tasks, though noted that there were some limitations to desk-based research in drawing firm conclusions, particularly in the case of (iii) above and that any follow up work would need to be considered separately.

Following the preparation of the report in relation to Project A, NIPA decided to commission an extension to this project that would focus on case studies of three specific examples of consultation within the whole NSIP process, with a focus on consultation following the issuing of the Development Consent Order (DCO) to the point of operational handover.

## Main issues from the first report

In our initial report on project A, we examined, via desktop study, all the NSIPs that had progressed to an approved DCO, considering particularly consultation and post-consent engagement. In reviewing each NSIP, there was an initial process of examining the consultation as set out in the consultation reports which must be submitted alongside an application for development consent to the Planning Inspectorate (PINS). These consultation reports are required to demonstrate conformance with specific legislative processes (including that consultation has been undertaken in accordance with the Statement of Community Consultation (SoCC)). Before accepting an application for examination, PINS provides the consultation report to host local planning authorities, seeking their views on the adequacy of consultation undertaken, including whether the process in SoCC was followed. In examining these reports, the analysis in this research focused on the consultation undertaken with four main parties:

- local authorities
- statutory consultees including statutory undertakers
- landowners and those parties with an interest in land (PIL)
- community groups.

In the review of consultation undertaken at the pre-acceptance stage, there was a focus on the commitments that NSIP scheme promoters made to the four groups identified above. Through textual analysis of the consultation reports that were published for every consented NSIP and some specific findings on the process were made, together with some observations about the way in

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<sup>1</sup> Infrastructure Delivery: the DCO process in context [https://www.nipa-uk.org/uploads/news/\(UCL\)\\_Morphet\\_and\\_Clifford\\_-\\_NIPA\\_Main\\_Report\\_-\\_June\\_2017.pdf](https://www.nipa-uk.org/uploads/news/(UCL)_Morphet_and_Clifford_-_NIPA_Main_Report_-_June_2017.pdf) ; [https://www.nipa-uk.org/uploads/news/\(UCL\)\\_Clifford\\_and\\_Morphet\\_-\\_NIPA\\_Technical\\_Report\\_-\\_June\\_2017.pdf](https://www.nipa-uk.org/uploads/news/(UCL)_Clifford_and_Morphet_-_NIPA_Technical_Report_-_June_2017.pdf)

which each of the four groupings were involved in this consultation stage. The review did not make any assessment of the methods, means or adequacy of the consultation methods used by the NSIP promoter but rather the record of this engagement and submitted to PINS.

This review found that while the four sets of stakeholder's views could be identified in the consultation report, their comments were increasingly grouped together as the practices of pre-acceptance consultation progressed over time. It was also clear from this pre-acceptance review of consultation, that many promoters make commitments to stakeholders to further action at the delivery stage of the NSIP after the DCO process: this was the case in over 30% of NSIP schemes that were consented. This review also found that there was widespread use of Codes of Construction Practice (CoCP) and Construction Environmental Management Plans (CEMP) as a means of guaranteeing specific standards of delivery although these all vary and are bespoke for each NSIP. In none of the NSIP pre-acceptance consultation reports was there a list, table or summary of the commitments made to the four stakeholder groups in the process of consultation. In some cases, the promoter has made the same response to every consultee.

In examining the requirements sections of consented DCOs, it was found that some NSIP promoters made specific commitments to undertaking community consultation during the design, construction and sometimes operation of the NSIP project either through stand-alone requirements or through commitments as part of a CoCP or CEMP which were then governed through the requirements. We argued in the initial Project A report that such clear commitments could improve stakeholder confidence in the delivery process. We noted requirements relating to post-consent engagement made by a number of projects and this included the A14 Cambridge to Huntingdon Improvement Project (a highways project), Thames Tideway (a waste water project) and Progress Power station (an energy project).

## **Objectives of this study**

In this follow-up report, we were asked to produce a Case Study on each of the following three projects:

- (i) A14 Cambridge to Huntingdon Improvement Scheme, by Highways England
- (ii) Progress Power Station, by Progress Power Limited
- (iii) Thames Tideway Tunnel, by Thames Water

The objective of each Case Study is to better understand how the engagement processes that were committed to by promoters through the consenting stages of the project have performed in the implementation stage and identify examples of, or recommendations for best practice.

The brief required that each case study should:

- (i) Summarise the post-consent requirements for each project
- (ii) Attempt to chart, in the first instance, through documentation in the public domain, how these have been complied with, and seek further information as required from relevant parties
- (iii) In discussion with project-specific stakeholders, notably those named in the post-consent requirements, participants in any constituted groups, host local authorities and scheme promoters, examine the range of views on inter alia the effectiveness, efficiency, practicality of the post-consent engagement process.

## **Approach taken**

The approach taken to undertake this further work was as follows for each case study:

- Stage 1            summarise the post-consent requirements for consultation for each project using desk review methods
- Stage 2            assess and indicate the compliance with these agreed consultation requirements through document reviews and interviews with scheme promoters and local authorities
- Stage 3            engage directly with community groups engaged with the promoter during the delivery of the project
- Stage 4            write up each of the case studies including some contextual information
- Stage 5            using the analysis of the case studies, provide recommendations on best practice in post-consent engagement

Overall, in addition to further desk research of public documentation relating to each of the three case studies, we have interviewed 15 people, attended one community information evening and conducted on parish council focus group to collect new data for this project.

## Case study 1: A14 Cambridge to Huntingdon Improvement Scheme (Highways England)

### Context

The A14 Cambridge to Huntingdon Improvement Scheme is a £1.5bn project to upgrade 21 miles of the A14, build 12 miles of new road between Swavesey and Brampton, bypassing Huntingdon, and widening 2 miles of the A1 between Alconbury and Brampton, as well as the modification and improvement of the associated local-road network within this corridor.

The application was accepted for examination on the 27 January 2015 and consented by the Secretary of State on 11 May 2016. Work officially started in November 2016 and the new road is expected to be complete and open to traffic by the end of 2020. The project is the largest highway scheme in the UK for many years. Figure 1, below, is a map illustrating the project and its location.

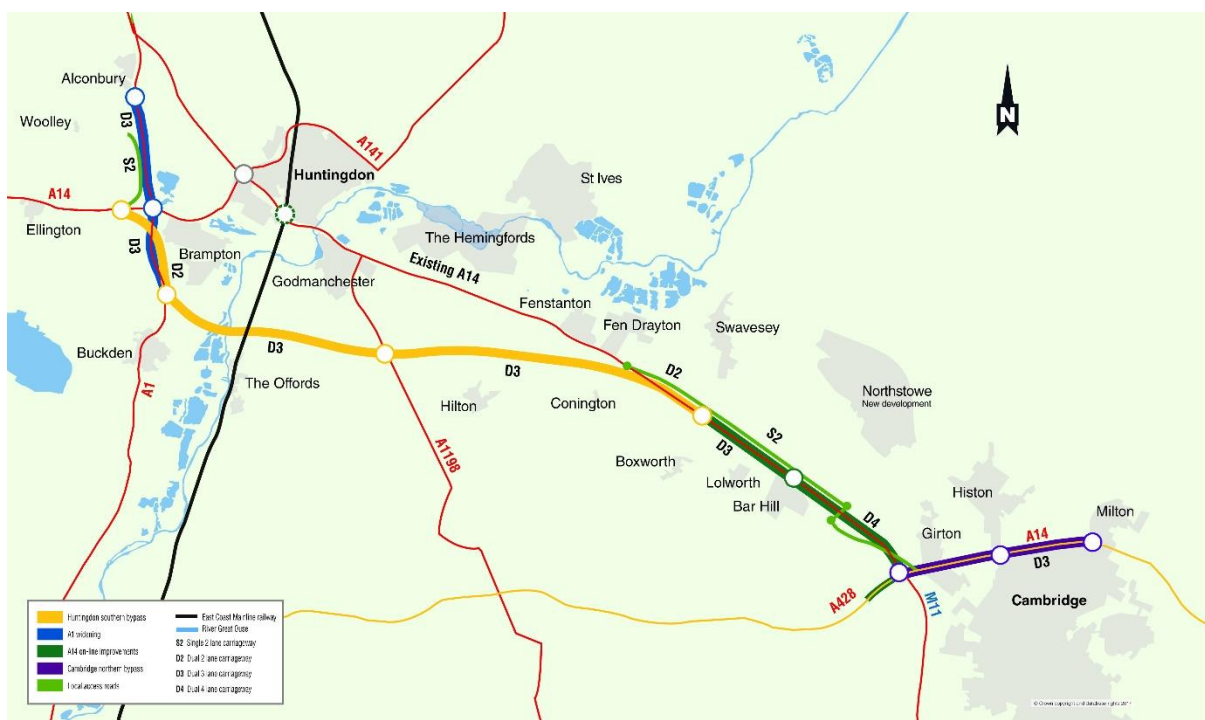


Figure 1: The A14 Cambridge to Huntingdon Improvement Scheme (source: Highways England<sup>2</sup>)

### Pre-consent engagement

In the pre-acceptance consultation process, the promoters made a commitment to the use of CoCP as a means of ameliorating community concerns about various types of disruption in the construction phase of the project. There were also concerns about drainage raised by the local authorities and the use of local and recycled materials in the construction of the scheme. Local communities were also concerned about biodiversity and the level of restoration that would be achieved after the scheme is completed. There were also numerous community concerns about lighting, access to property and cycling. Assurances in relation to mitigating some of these issues were made through the means of the Environmental Statement.

<sup>2</sup> <https://highwaysengland.co.uk/a14-cambridge-to-huntingdon-improvement-scheme-about/>

## Post-consent consultation commitments

Many requirements require engagement with local authorities and statutory consultees post-consent. There are a number of explicit mentions to further community engagement in the requirements. Four requirements are particularly noteworthy. Firstly, requirement 3 on 'detailed design', which includes the following clause:

(4) The undertaker must, in the course of developing the detailed design of the authorised development, consult with the relevant planning authorities, the Parish Forums, the Community Forums, the Landowner Forums and the Environment Forum in accordance with the provisions of the code of construction practice.

Secondly, requirement 4 on the 'Code of Construction Practice' states:

**4.**—(1) The authorised development must be carried out in accordance with the provisions of the code of construction practice.  
(2) The undertaker must make the local environmental management plans produced in accordance with the code of construction practice available in an electronic form suitable for inspection by members of the public.

Requirement 19 on 'details of consultation' states:

**19.**—(1) With respect to any requirement which requires details to be submitted to the Secretary of State for approval under this Schedule, the details submitted must be accompanied by a summary report setting out the consultation undertaken by the undertaker to inform the details submitted and the undertaker's response to that consultation.  
(2) The undertaker must ensure that any consultation responses are reflected in the details submitted to the Secretary of State for approval under this Schedule, but only where it is appropriate, reasonable and feasible to do so, taking into account considerations including, but not limited to, cost and engineering practicality.

Finally, Requirement 22 on the 'register of requirements' states:

**22.**—(1) The undertaker must, as soon as practicable following the making of this Order, establish and maintain in an electronic form suitable for inspection by members of the public a register of those requirements contained in Part 1 of this Schedule that provide for further approvals to be given by the Secretary of State.  
(2) The register must set out in relation to each such requirement the status of the requirement, in terms of whether any approval to be given by the Secretary of State has been applied for or given, providing an electronic link to any document containing any approved details.  
(3) The register must be maintained by the undertaker for a period of 3 years following completion of the authorised development.

As we have noted previously, the fact that requirements for the A14 are usually being discharged by the Secretary of State as opposed to relevant local authorities is the reason that there was agreement at the Examination for such explicit commitments to consult and make publicly available details of the discharge of requirements.

Turning to the Code of Construction Practice, the version submitted for the examination in November 2015 (authored by Highways England) contains a section on 'community engagement requirements'.<sup>3</sup> This includes commitments that there will be a 'a programme of high quality, effective and sustained communications' during detailed design and construction (page 19), making use of online channels, a newsletter, parish / community / landowner / environment forums, and notification to local residents, businesses and parish councils.

<sup>3</sup> <https://infrastructure.planninginspectorate.gov.uk/nwp-content/ipc/uploads/projects/TR010018/TR010018-002368-HE-A14-EX-244%20Code%20of%20construction%20practice.pdf>

There is then a commitment to ‘engage with relevant stakeholders’ on detailed design matters (page 21) with this being done through specified parish, community, environment and landowner forums, and a ‘Strategic Stakeholder Board’. A Design Council Design Review Panel is also specified.

The CoCP then moves onto ‘enquiries and complaints’, noting that:

‘The Highways England Customer Contact Centre (HECCC) will be used to deal with enquiries and complaints from the public. This consists of a phone line, email and website contact facility. The information line is staffed by Highways England’s 24 hours a day, 7 days a week’ (page 25).

The project website still links to this version of the CoCP, so we assume it is the most up-to-date one and being used in practice.

## **Compliance with these agreements**

### Desk research

The project has a dedicated website (<https://highwaysengland.co.uk/a14-cambridge-to-huntingdon-improvement-scheme-progress/>) and Facebook group (<https://www.facebook.com/A14C2H/>). The website includes general information about the project, road closure details, project progress updates (including videos), newsletters, details of the mobile visitor centre, and general contact details. It is clearly regularly updated.

The CoCP is linked from the project website and appears to be being followed. The LEMPs are publicly available via the project website (indirectly, through the register of requirements). The public register of requirements is available via a link from the project website and contains a fairly user-friendly overview of the discharge of each requirement, with numerous associated documents linked from the overview register and that are helpfully publicly available.<sup>4</sup>

The documents from the Secretary of State confirming the discharge of requirements do make reference to consultation summary documents being submitted, so there does appear to be compliance albeit that the specific consultation report documents are not available, although this might have been helpful.

Both the register of requirements and project website reference the various forums but the register of requirements claims dates of the meetings of these forums are available on the project website but they do not appear to be. Evidence from the interviews and focus groups does, however, show these have been taking place. The register of requirements also contains an interesting document from the Design Council, demonstrating that the design review process on detailed design has happened.<sup>5</sup> This makes reference to the Design Council’s recommendation that a ‘people focussed approach to detailed design’ is taken and mentions work with stakeholders and communities to attempt to ensure that the scheme, as far as is practicable, meets their needs and gives the example of provision for non-motorised users on local roads (page 8).

### Interviews and focus group

#### *The promoter*

Highways England have a strategic stakeholder manager who has been there since pre-application, who was present at much of the Examination and is now still involved post-consent, dealing with

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<sup>4</sup> <https://kol.withbc.com/pub/english.cgi/0/346860739?op=lp>

<sup>5</sup> [https://kol.withbc.com/pub/english.cgi/0/348241228?op=download\\_page&id=348241228](https://kol.withbc.com/pub/english.cgi/0/348241228?op=download_page&id=348241228)



local authorities. There are also three stakeholder managers for landowners, local businesses and the public. Parish Councils are shared between all four team members. It was felt that it's important to have a recognised name and face that people can relate to rather than an anonymous organisation. It was also felt that stakeholders like continuity and the ability to deal with the same person repeatedly, who then gets to know people like the local farmers and landowners.

There is also a member of staff from the comms team who is responsible for the website, social media and the newsletter full time, whilst another staff member does stakeholder liaison with road users, particularly around information and traffic management.

The promoter's staff felt that the DCO process was better than that used for the old Highways Act in terms of the set timeframe and that an examination would not drift on for years in the same way as a public inquiry. There was some feeling, however, that at the examination more detailed designs than the outline designs that were being presented for the A14 would have been preferred. The approach used, in submitting less detailed designs, reflected the rush to get consent through the DCO as there were financial pressures to implement the project. After the consent was issued, there was apparently a Ministerial push to get on and build the project which then meant a rush to prepare the detailed design, get requirements discharged and then get on site.

The perception was that from pre- to post-consent, local communities remain interested in what's happening. People notice things and specifically want to know what Highways England and their contractors are doing. The level of engagement has remained steady from pre- to post-consent and it was felt to be important that engagement did not drop-off once consent was achieved. The focus of that engagement has, however, shifted. Early engagement was very much about the benefits of the scheme, why it was being done, and explaining the process. Later engagement has been more about what's going to happen (now the project definitely is being implemented) and how people will be impacted.

A range of engagement tools are used. There is a 3.5 ton van which acts as a mobile visitor centre and is taken to community events, festivals, supermarkets, schools and colleges and people can invite it to their event. There has been increasing use of social media as the project has progressed. There are 10,000 people who follow the Facebook page and 3,500 who follow the project's twitter account. Social media has even been used to engage football fans who might only use the road twice per year as they follow their (not locally based) teams. The project progress pictures and time lapse videos seem to have been particular popular, so for example people can see why there's been a full road closure and what's been achieved over that period. There has also been some element of self-policing on social media as many locals strongly support the project.

Despite the success of the online and social media presence, there is, however, a recognition that some people (often older people) still prefer face-to-face meetings and there are newsletters as well as attendance at Parish Council meetings. These seem to reach a different audience from other channels. Flexibility in communication channels allows people's different preferences to be accommodated. An annual communications survey allows feedback on the channels used and the type of information shared.

There is a strategic stakeholder forum, although the frequency of meetings has reduced post-consent (at request of the strategic stakeholders). The scheme is split into three geographical sections for Parish forums, and relevant Parish Councils in each section are brought together every two months. Post-consent they've been updated on progress with the detailed design, the contents of the CoCP / CEMP / LEMP, and construction progress. This seemed to have worked well, although it was noticeable that different Parish Councils appear to want a different amount of information.

Parish Councils have also been able to bid for community funds and the project has donated excess materials, for example to help improve local footpaths, paved a church access road and assisted a school playground and animal shelter. People are increasingly interested in how the scheme can help the community and over time that has become a greater focus of attention than the design.

In terms of closure information, it seems that people want to know what's happening in about the next three months so they can plan around closures. Timing is vital though, as people forget if told too early, but do want some notice. It seems people like to be warmed-up a few months before and then have confirmed full details 2 weeks before a big closure. It is also noticeable that people are often interested in their local area but not the whole project as locals often don't do the whole journey. This is primarily online information. There is also signage on road gantries 11 days before any big closure. Weekly bulletins are emailed out to a large subscriber list.

There was some concern expressed that the national 'Traffic England' website is not very good at giving information about road closures for this type of project so they have been trying locally to make greater use of their own project specific website, but Highways England policy is to direct people to the national website for traffic information.

The key issue of complaint with local communities has not been the road closures on the existing A14, but rather what some HGVs (not construction related but general freight HGVs) do when there is a road closure, as they tend to ignore the lengthy diversions and instead use unsuitable country roads at night. National diversionary signage has been changed as a result of this project (there are very long diversions, and people seem to prefer to follow a road number and direction than a symbol). People can also report contractor traffic ignoring signage to the project that has met a prompt response as the project are keen to be good neighbours given that construction will take 4 years.

It was felt that the local authorities support the scheme and have always understood this is a big project in which people will notice construction, however once this impacts people's daily lives (for example road closures or night time working noise) then there can be local discontent. Local authorities are concerned when councillors receive complaints, which they then pass on to Highways England for a response. In this sense, the local authorities often act as a post-box for local concerns and complaints and hence regular liaison between them and Highways England is important.

The requirements for air quality monitoring stations came from the Examination, where local authorities pushed for their inclusion. They needed to be operational six weeks before construction started but were going to be put on third-party land, which required negotiations, and there are still ongoing issues around this, as unexpected hurdles kept emerging. This is an issue that has had an impact post-consent.

In terms of the detailed design, our promoter interviewees felt that local communities have not been offered much choice on the whole scheme but there was some input on things like fences and private access, which was incorporated. In that sense, requirement 3 on detailed design has more been about Highways England giving information about the detailed design as it progressed. This informational consultation has apparently not been onerous and was good practice, helping build better relations locally.

The CoCP was discussed at Parish Forums and put on the project website, making it available publicly, and there have not been many questions about it since. The requirements to consult on,

and make a public register, for the discharge of requirements have also been complied with and were not overly onerous.

There is the Highways England 24/7 contact centre but the project's own contact number is office hours only with a voicemail outside this. Similarly people might leave messages on Facebook over the weekend but these would not be picked-up by the project communications team until Monday morning. Nevertheless, there was a feeling that the reputational risk for Highways England is taken seriously. Contractors seem to want to get in and out as quickly as possible, and some are better at PR and engagement than others. It was recognised that everyone needs to see good communications as part of their job.

The A14 is the biggest project undertaken by Highways England and there is a challenge to get the whole organisation to understand what is needed, but the project team are trying to get information proactively and learn lessons. There was a feeling this project has actually pushed Highways England practice and expanded views about the range of communications channels that can and should be used.

On the promoter's side, the key lessons from this NSIP around post-consent engagement have been:

- Have staff continuity around engagement
- Try to have local staff who know and care about the local area, allowing them to better understand the place and its communities and can build a rapport with them
- No project will always get it right (there was an early issue with the accidental removal of the Cambridge Crematorium bus stop), but in such cases it is best to be open, admit mistakes and learn from them
- It's important to be up front about what you know at the time, even if this involves transparency that you do not yet have the full picture

#### *Local authorities*

The **county council** are the highways authority and have a county traffic control room. They liaise directly with the A14 project team on traffic management and participate in the monthly traffic management forum (also involving the police) as well regular direct contact and having a member of staff who spends a day a week at the project offices. This is seen as important as the project involves a lot of road closures which impact heavily on the county road network. There's a need to avoid A14 project closures coinciding with those for other works and to inadvertently cut off any areas given the limited road network in the rural areas locally.

There was a feeling that there was a good working relationship between the county and the promoter's project team, with staff continuity helping with consistency of engagement. The structure provided by a regular monthly forum is felt to be helpful. The county council were engaged on the traffic management side about some detailed design issues, for example relating to traffic signals. There is also the over-arching strategic stakeholder forum where key frustrations post-consent have been around air quality issues. This meets less frequently and, it was suggested, this might be because of a lack of staff at Highways England for multiple meeting levels.

An important concern during construction is about people, particularly HGV drivers, not following advertised diversionary routes (impacting both villages but also city roads in Cambridge). The county council has tried to work with Highways England to improve signage (which has received a proactive response) but other measures are hard to implement, for example the police do not have resources to help enforce this.

There are also complaints about noise from night closures where construction works are close to villages, like Hilton. This is difficult as the County Council want to ensure the best traffic management (and the impacts from day time closures would be too great) but the District Councils are responsible for noise management from an Environmental Health perspective.

In general, complaints tend not to come to the Country Council but go to the A14 project team directly and sometimes to district councils. There have been some FOI requests about how diversionary routes were agreed and on the decision-making around night-time versus day-time works. County Councillors are keen to have regular updates in relation to the project.

The complaints that they are aware of are usually about the fact there is a closure at all, rather than a lack of information about closures. Highways England were felt to have been good in terms of communications around closures. There have been some concerns raised about the impacts of additional traffic on county roads during diversions (e.g. A1198) and due to construction traffic in/out depots which are accessed from county roads. The officer interviewed was not sure a proper 'before' survey was done on these roads and really there should have been a before and after survey with an agreement about meeting the costs of the additional maintenance required.

There are three **district councils** along the project route, including South Cambridgeshire District Council (SCDC). SCDC have had a project officer working on the A14 improvement ever since 2002. Other officers from environmental health and up the management chain have become involved since 2015 with the approval of the LEMP and dealing with complaints and standards relating to noise, vibration and air quality.

SCDC has received a large number of complaints since March 2018, when construction works in their area really took off. An A14 action group was a feature of the local elections in May 2018, when control of the council switched from the Conservative to the Liberal Democrat party. The complaints relate to those elements of the project near residents, rather than the construction in the open countryside.

SCDC found dealing with the discharge of requirements quite challenging, as a forward programme of work from Highways England was not forthcoming, and hence they could not plan workloads. Requests apparently often landed on their desks without warning, for example of landscaping, and it was then hard to resource accordingly. There was a feeling there wasn't a 'sharing culture' between Highways England and the local authorities, even though they are supporters of the project.

There is no Planning Performance Agreement (PPA) in place between Highways England and SCDC, and apparently they refused to enter into one as 'they're a public body delivering highways projects in the public interest', yet the project has been a real drain on council resources that has been more than anticipated. They did not predict how demanding it would be dealing with local community concerns and complaints, in particular. In addition to resources, a PPA gives governance with structured senior level contact, which would have been very helpful here.

SCDC has direct responsibilities to give consents for the construction works under Section 61 of the Control of Pollution Act 1974 (Environmental Health), but again this has placed a big resource demand on the council (and neighbouring Huntingdonshire district council). Issues like statutory nuisance and noise monitoring (particularly out-of-hours noise monitoring) are significant for a project of this scale, and the district has had to use a consultant to assist them.

There was some feeling engagement with the various forums (economic, landowner, Parish) has been less full and structured post-consent compared with pre-consent. Apparently, Highways England did not send prior notification letters to warn neighbours of the commencement of construction works and got off on a bad footing with local communities. The district council feels it has had to act as a mediator at times, even though most local people actually support the scheme (just not how it is being delivered). The council hosts a monthly community engagement meeting, with Highways England in attendance. There are also working groups on noise, air quality and legacy landscaping but it has sometimes felt that the first two have descended into shouting matches, albeit there is a view that the legacy landscaping group having made a real difference.

It was considered that Highways England were good at putting information out, doing things like road shows, but much less good at responding to issues when they arose and being able to make changes to react to complaints.

In terms of complaints, noise from night-time construction works has been a top issue, alongside air quality and vibration. As Environmental Health issues, these fall within the district council's area of responsibility. It was recognised that as a linear project with machinery moving around a lot, it is harder to mitigate than a static work site (where you might have a limited number of sources and receptors and put a noise fence up). The timing of these night time works can make a real difference to people's lives (e.g. students during GCSE and A-level exams) yet were not clearly explained ahead of works commencing.

There was an impression amongst SCDC officers that Highways England was struggling to deal with the level of complaints that had been received (a handful each day). Responding to these through website updates seemed to have been challenging and there have been difficulties putting in place a process to try and ensure there was not duplication between Highways England and local authorities in responding to complaints (for example a log showing complaints received and what is being done in response). This was promised by Highways England but not yet implemented at the time of the interview due to resource constraints. The district council has actually set-up its own web page to give local communities additional information and its role in relation to the project (<https://www.scambs.gov.uk/community-development/transport/a14-cambridge-to-huntingdon-improvement-scheme/>).

A big issue was apparently that the public expect they can telephone someone in the middle of the night if construction works are taking place and have someone respond to their complaint there and then. This is normal practice on a large town and country planning consented development (details of the contractor contact who will know what is going on right there, right now) but was not provided for by Highways England in a way that the district council would expect on any other major development site. More recently, a night time direct contact number was provided (although this is on the district council website but not the Highways England one). The council also reported that Highways England would not go for the 'considerate contractors' status for the project, which includes set engagement with communities and local authorities.

Apparently, there have been some difficulties around certain pre-commencement requirements (particularly related to the removal of trees) and the requirements relating to night time working and air quality monitoring. There have also been issues around mitigation measures such as triple glazing, with difficulties associated with the noise assessments in some locations and the complexities of the rules around this. These issues are felt to have led to a decline in trust locally in the promoter.

Other areas of concern are about the impact of road closures and diversions, for example HGVs taking non-official diversions down unsuitable village and country roads (although the council officers recognised the difficulties dealing with this). More generally, any road closures can lead to long delays on the local road network as there are so few diversionary routes possible (given the geography of the Fens). In one early case, there was apparently traffic chaos at Bar Hill due to inadequate temporary traffic light sequencing but the contractors responsible did not seem interested or engaged in responding to the concerns raised.

On the detailed design, it was felt that this was essentially just sent around on a shared site and the council officers told to look at it rather than being more actively engaged. Those we interviewed from SCDC did not have much sense of what happened in response to the feedback given.

On documentation availability, SCDC officers themselves found the numerous versions of documents on the PINS website could make it hard to find the correct version in use. It was acknowledged the LEMP is available online via the Highways England website, but apparently it often cross-references the CEMP yet this is not available, as contractors say it contains confidential information. The district council have received numerous FOI requests in relation to the DCO requirements and their discharge.

Within SCDC, local councillors have been very engaged and at one point were having weekly meetings with officers to get updates. There is a desire from the council for more transparency around the project. The post-May 2018 administration is apparently much more concerned with air quality than the previous administration. The project is still supported by the council, but now within a policy context that is seeking zero carbon by 2050 and air quality improvements in the district.

There was recognition that Highways England have done lots of good work on legacy and have undertaken additional landscaping to mitigate noise and air quality issues. The civil engineering information on detailed design, through models and virtual 'flyovers', have been good and the district council officers felt there has been great work around archaeology too.

There is a general concern at the council that the Oxford to Cambridge arc will bring lots more big infrastructure projects, and these need to be managed effectively as they are implemented. The council are therefore keen that lessons from this project are learned.

The key lessons from the perspective of the district council in relation to post-consent engagement on the A14 Cambridge to Huntingdon Improvement Project are:

- There needs to be consistency between what is promised pre-consent and what happens post-consent and accountability around this
- Promoters need to be responsive to the local community
- Promoters should work closely with local authorities, who have knowledge of local communities and expertise around community work on big development projects, and see the local authority as a partner
- A narrative is needed to bring the community with you, including a realistic timetable and sense of construction impacts
- A PPA with a local authority might help them resource the intensive work needed as an NSIP is implemented, but also contain useful senior oversight governance arrangements
- An effective complaints procedure needs to be specified in a CoCP and to involve proper engagement by contractors. Complaints actually need to be responded to so they do not spiral into more negative frustrations

### *Local communities*

We held our own focus group with Parish Council representatives from the length of the project in January 2019 as a way of gaining a sense of the community perspective. This was well attended. There was general support for the project, with some wishing it had been built 20 years before, and it was noted that the current A14 is at complete capacity so even a very minor accident leads to chaos.

It was felt by several attendees that the DCO process felt like a rubber stamp, with the argument that the project is for the greater good overriding any concerns about local impacts. There had been legal action by the Offords A14 Action group over the routing decision. There were some unresolved concerns regarding traffic modelling. However, there was also a suggestion that Brampton Parish Council had been able to influence the design of the A1/A14 intersection and some Parish Councils reported having had some useful engagement with the Highways England experts on air quality.

Post-consent, there were mixed views in relation to the detailed design process. In general, it was felt that once the project had consent, it became harder to have an influence than it had been pre-consent. The consultation events on detailed design were felt to have been more information-giving than proper engagement, and there was a sense that the detailed design was done behind closed doors rather than incorporating local knowledge and views. This is despite important elements, like the design of the Great Ouse Viaduct, being done post-consent. In the early days, there was felt to be a lack of detail on issues local communities really cared about and a minimalist approach to mitigation was reported.

It was also reported some elements had changed, for example a promised footbridge not now being built, without Parish Councils being told. Furthermore, the recent announcement that the scheme was going for motorway status was a big surprise to many attendees at the focus group and led to further questions about the detail of signage, lighting and whether there would be any impacts on layout from this change in road status.

In terms of the project's construction phase, a range of adverse impacts were reported by various attendees at the focus group. Things apparently started badly with the destruction of trees being far greater than many people were expecting. The impacts of construction were generally felt to be worse than had been expected, and there could have been more transparency on how disruptive things would be. Some specific concerns in relation to drainage issues and land prices were raised.

There were particular concerns about traffic impacts, with HGV drivers diverting on unsuitable roads through villages like Swavesey, Hemingford Grey and Fen Drayton, and a lack of ability for the police to assist (although improved signage seemed to have helped a bit). Very long diversions are not popular, hence people taking alternative routes. A reported increase in rat-running has seen 6,500 vehicles daily through villages like Boxworth compared to 800 before works started. On occasion A14 closures have coincided with other closures in the area, which has caused issues. There were also concerns around impacts from this project on country roads.

That said, it was felt that in general the CoCP is adhered to, and working hours specified are followed. New road surfaces were felt to have reduced traffic noise. Announcing and explaining night working to local communities had apparently improved recently. Mud is cleared off roads as promised. In general, there was some feeling that it was easy to forget long-term project benefits when suffering shorter-term construction impacts, and greater early transparency about this would have helped.

There was some concern about the accessibility of contractors on this project in relation to complaints, and the issue of who you could complain to immediately when something is happening during construction (for example a contractor removing trees when they perhaps shouldn't be). It was felt that people would rather direct such complaints directly to Highways England and their contractors rather than having to go through the district council. The approach of Highways England to engagement was felt to be one where information was given rather than a collaborative approach to problem solving. One attendee described it as a 'brickwall-like approach to communication'. The fact you could only talk to Highways England, and never to their contractors, was a cause of some concern.

The liaison officers from the project were, however, felt to be good and had made a real effort to communicate with the Parish Councils and keep them informed. Having a directly contactable, named and known liaison person was appreciated. These liaison officers come to events and Parish Council meetings, which is helpful. The closure information was initially felt to have been quite poor but had recently improved. The road shows and mobile visitor centre had been popular. The dedicated website was felt to have become better as the project has progressed, and there has been the offer of things like coach trips to the construction sites. People like signage explaining what's going on (e.g. this is an archaeological dig).

The scheme was reported to be having some positive legacy and cited, for example, the donation of speed enforcement monitors to one Parish Council and the legacy fund supporting some new paths and pavements. There had apparently been some tree planting already, although this had not been well promoted. It was suggested that there was some inconsistency in the distribution of legacy funds.

More generally, there are apparently unresolved questions about what local traffic movement around Brampton / Huntingdon is like once the old A14 viaduct goes. This is not a Highways England responsibility, but is clearly an impact from this project and causes local concern. There is also concern about a lack of joined-up approach between the A14 and other large development proposals, for example thousands of new houses in developments like Northstowe. Will the legacy road be sufficient for the predominance of car based commuters in this area? How much coordination is there between this NSIP and other significant development and infrastructure projects proposed in the area?

Overall, it was felt that Highways England liaison with Parish Councils post-consent had been reasonable in terms of making an effort to keep them informed and having dedicated contact channels through project liaison officers. There were, however, some concerns about elements of the detailed design process and management of construction impacts.

## **Conclusions on the A14 Improvement Project**

The A14 project DCO requirements make commitments to consult on the detailed design stage, to publish the CoCP and LEMP, to consult on the discharge of requirements and have a public register of these. These requirements appear to have been complied with. There has been proactive work to engage Parish Councils and other local stakeholders, and the project website contains useful information relating to the discharge of requirements. The work of the project's stakeholder liaison officers has generally been appreciated; particularly the consistency there has been in some staff from pre- to post-consent. A proactive approach to giving information about the project at events has helped, and social media has been used effectively. The project's website has apparently developed and road closure information has become better as construction has continued.



There have, however, been some concerns that the approach to 'consultation' is more a 'decide and defend' type approach where information is given and comments allowed but then not much happens in response. A potentially slightly rushed detailed design stage appears not to have had much scope to really incorporate feedback from local communities, authorities and other stakeholders so not making for meaningful engagement.

There have also been particular concerns about the transparency of the impacts of construction processes, and the complaints procedures in relation to them. There have been issues as to who can be contacted who knows what's happening on site there and then (particularly at weekends and evenings). There appears to have been a lack of joined-up working with local authorities which is particularly important given their role in relation to Environmental Health, and there has been little apparent consideration of the resource implications on local authorities from a project of this scale. Improvements in these areas could help smooth the implementation of a project that in theory is widely supported locally.

## Case Study 2: Progress Power Station (Progress Power Limited, now owned by Drax)

### Context

Progress Power is a proposed simple cycle gas turbine power station with a nominal generating capacity of up to 299 MW, to be built on the former World War II airfield at Eye in Suffolk. The project includes a power peaking plant on the former airfield (which is now due to incorporate a single gas turbine generator with a single exhaust flue stack), a new electrical connection cable to a new substation and a new gas pipeline.

The application was accepted for examination on 25 April 2014 and consent was granted by the Secretary of State on 23 July 2015. The current owner of Progress Power is Drax Group, who purchased the consent from the original promoters (Stag Energy). Figure 2, below, illustrates the location of the project.

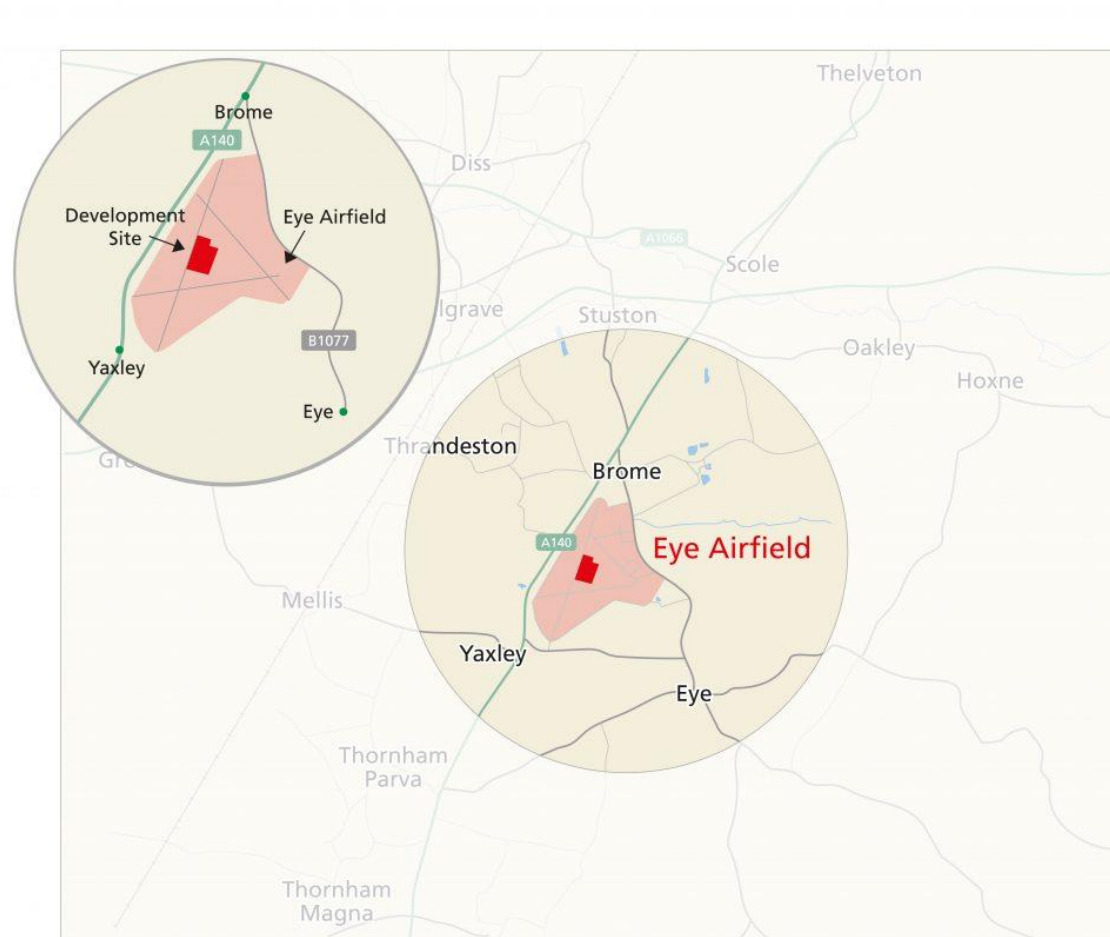


Figure 2: Progress Power station location map in Suffolk (Source: Progress Power<sup>6</sup> - NB: the locally controversial sub-station is not shown on this map, but lies to the west of the A140 from the Eye Airfield)

<sup>6</sup> <http://www.progresspower.co.uk/>

## Pre-consent engagement

The consultation report for Progress Power Limited (PPL) committed to longer term engagement with stakeholders. The consultation report made several commitments into the DCO, delivery and operational elements of the project. These included meeting concerns of PIL for landscape mitigation through an Outline Landscape Mitigation Strategy and Outline Landscaping Plans in the context of the local authority's design principles that also had to be agreed with the local authority before construction. There were also landowner concerns about access to the electrical connection compound but the promoter, while addressing these, did not include them within the DCO.

In recognising concerns for landowners during construction, the promoters indicated that they would be adopting a CEMP and a Construction Management Traffic Plan that would be included within the DCO. There was also a commitment to engage with stakeholders, local authorities and local communities as the project progressed, including issues for access to the Electrical Connection Compound and a landscape strategy to screen its components. There was also commitment by the promoters to continued engagement with the local community and key stakeholders following submission of the DCO Application, as well as throughout the construction, operational and decommissioning phases should a DCO be granted. There was also a stated intention to agree protective provisions with National Grid in the DCO.

There were commitments to achieving good design in the project, the use of environmental standards and the use of the best available technology as suggested by a Statutory Consultee. The consultation report referred to the design standards included within the Design and Access statement.

The community was particularly concerned about the potential of the project to bring jobs to the area both in construction and during the operational phases of the project. The promoter pointed out that the project would also bring a considerable addition to business rates and expected benefits to local business.

The consultation report also mentioned the discussions that were underway with the local authorities at the time for a Section 106 Agreement for a community fund and the draft set of heads of terms for the proposed section 106 Agreement was mentioned as being available. The proposed areas of mitigation that were to be covered by the section 106 Agreement are: 1. To undertake agreed measures for socio-economic and educational improvements within the vicinity of the Proposed Development. 2. To assist with enhancing and/or improving connectivity between the Proposed Development and Eye. 3. To assist with enhancing and/or improving landscape and visual amenity within the Amenity Area.

There were a range of issues in relation to the construction phase including regard to be made to underground assets, lighting, traffic, safety, habitats and human health. There were considerable concerns expressed about maintaining access for landowners during construction and these were specifically addressed in the consultation report, but it was stated would not form part of the DCO.

The consultation report also mentioned community concern about the design of the project and whether the extent of detail provided in the pre-acceptance consultation was adequate for stakeholders, PIL and the community to comment on the proposal project. This was particularly in relation to the proposed number of stacks in the completed project. The promoter's response was based within Not Environmentally Worse Than (NEWT) arguments. However, the commitment to the quality of the final design were included in the design and access statement. As part of the embedded design mitigation, the promoters stated that the defined land take had been minimised

wherever possible and the Gas Connection and Electrical Connection have been designed the follow field boundaries as much as possible to reduce the loss and severance of agricultural land. The DCO Application seeks consent for between 1 – 5 stacks, depending on final technology choice.

There were also several community issues related to the scheme once in operation including lighting and access mentioned in the consultation report. The promoters made a commitment to adopt lighting design principles for the project in operation. For access, the DCO included a permanent access to the project once in operation to allow for vehicles to access the site for maintenance and in any emergency.

### Post-consent consultation commitments

As is usual, many requirements require direct engagement with the local authority and some other statutory consultees, like Natural England, in connection with their discharge. Unlike the A14, there are no explicit requirements around consultation on discharging requirements or for a public register in relation to this. There is, however, within requirement 11 on a ‘Construction Environment Management Plan’, the following:

**11.**—(1) No part of the authorised development shall be commenced until a construction environment management plan covering that numbered work has been submitted to and approved by the relevant planning authority, in consultation with the Environment Agency. The final construction environment management plan must be in accordance with the outline construction environment management plan and must include the following—

- (a) complaints procedures;
- (b) provision for setting up a Community Liaison Group;

The final, approved version of the CEMP is not available via the project website or PINS website. The outline draft submitted at Examination is, however.<sup>7</sup> This document, authored by Parsons Brinckerhoff in December 2014 notes that the final CEMP will need to consider complaints procedures (page 11). A section on public relations notes that ‘steps will be taken to make the public aware of the activities on site and the available lines of communication with PPL’ including the establishment of a Community Liaison Group, neighbour notification of construction works, that ‘A telephone number for environmental complaints will be published local to the site. The site safety, health and environment (SHE) officer will be responsible for dealing with any complaints and will have the appropriate authority to resolve any issues that may occur. The SHE and Site Managers out of office contact details will be available at all times’ and that this SHE will maintain close liaison with the local authority environmental health officers (page 16).

The final version of the CEMP was written by Peter Brett Associates in August 2018, approved by Mid Suffolk district council and is available by searching their planning application database for the ‘discharge of conditions’ related to Progress Power.<sup>8</sup> This document has a section on ‘complaints procedure’ which notes that ‘complaints will be possible via telephone or in written form (web-based... Both the telephone voicemail and website will be checked at least 3 times per day for any complaints received’ (page 14) and places key responsibilities on the owner and contractor site managers. A commitment is made that ‘the complaint log can be discussed during Community Liaison Group meetings, if considered appropriate, so that the local authorities are assured that any

<sup>7</sup> <http://www.progresspower.co.uk/wp-content/uploads/2017/12/PPL-Outline-Construction-Envrionmental-Management-Plan.pdf>

<sup>8</sup> [https://planning.baberghmidssuffolk.gov.uk/online-applications/files/CFE7D1D0C180B7411B8002EA2AF3016E/DC\\_18\\_02693-CONSTRUCTION\\_ENVIRONMENT\\_MANAGEMENT\\_PLAN-7053644.PDF](https://planning.baberghmidssuffolk.gov.uk/online-applications/files/CFE7D1D0C180B7411B8002EA2AF3016E/DC_18_02693-CONSTRUCTION_ENVIRONMENT_MANAGEMENT_PLAN-7053644.PDF)

such complaints are being taken seriously and addressed' and 'the complaint log can be made available for inspection by the local authority at any time, should it be requested' (page 15).

The next section of the CEMP deals with the Community Liaison Group and notes that 'the Owner will pay particular attention to managing the relationship with local residents that may be affected by noise or other amenity aspects caused by the construction works' (page 15). The CLG is specified to include local community membership, with several listed organisations (including Parish Councils) as well as the district and county councils.

The CEMP notes that:

'The Community Liaison Group will be a mechanism by which the occurrence of any construction-related issues arising to date can be reviewed and comments fed back to the relevant EPC Contractor and Owner to take into account for future construction activity' (page 16)

Close liaison with local authority Environmental Health Officers is also committed to.

Finally, the issue of a design review process (particularly in relation to the sub-station) arose during the research for this case study. There is nothing specific in the requirements section about this; however, from the Examining Authority Report it is clear that during the examination there was concern from local authorities and the local community about the adequacy of the submitted Design and Access Statement.<sup>9</sup> As a result of this, a new design principles statement was submitted by the promoter and accepted by the local authorities via a Statement of Common Ground. This talks about commitments that in discharging the requirements relating to detailed design, the promoter would guarantee a process of community involvement and consultation and a formal Design Review.<sup>10</sup> The accepted design principles statement is itself secured under Requirement 3 of the DCO, so securing the commitment to further engagement.

## **Compliance with these agreements**

### Desk research

The project has a dedicated website (<http://www.progresspower.co.uk/>) which includes general information about the project, commitments to a Community Benefit Fund and a commitment that a proactive approach will be taken to supporting local businesses during the 30 month construction phase (which will apparently need about 150 staff).

There are some updated under the 'news' section on the website from 2013 to 2018, but nothing since February 2018 (when it was announced there had not been success in the capacity auction).

The project has not formally started construction yet, so there is no expectation for the Community Liaison Group to have been instigated. There is, however, documentation on the project website showing that a design workshop relating to the sub-station was held with the local community in January 2018. There have also been community information / update events held in July 2017, October 2017 and January 2019, and details of these are on the website.

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<sup>9</sup> <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010060/EN010060-001045-Examining%20Authority's%20Report%20of%20Findings%20and%20Conclusions%20for%20the%20Progress%20Power%20Station%20project,%20dated%2024%20April%202015.pdf>

<sup>10</sup> <http://www.progresspower.co.uk/wp-content/uploads/2017/12/PPL-Design-Principles-Document1-1.pdf>

The project website contains a document outlining the expected timetable for discharge of pre-commencement requirements. The actual documentation and results of these requests to discharge requirements are not available via the project website, but can be found on the Mid Suffolk District Council's planning database, as can details of some recent Town & Country Planning Applications for associated development to support implementation of this nationally significant infrastructure project.

#### Interviews and community information event

##### *The promoter*

This scheme is one on several schemes that are being located on a former airfield, and although the power station on the airfield itself does not seem to have caused great concern, the combination of several industrial schemes and proposed new housing together do cause some concern in the community. In relation to this particular NSIP, there has been more difficulty with the sub-station in open countryside than with the main power station, and the landscape impact of this. There have also been concerns relating to ecology and hedgerow removal and the relationship between things like the temporary access road and field boundaries.

The promoter has almost identical NSIPs for gas turbine power stations through this Progress Power scheme but also at Hirwaun in South Wales. However, there have been more difficulties around the Suffolk site than the Welsh one (which is entirely on a brownfield site, in an industrial location). This shows the importance of the particular local geography and context to schemes. There was some recognition that the consultation process could have been improved in the earlier parts of the process up to obtaining the DCO, and a feeling levels of trust were low.

Following the change of promoters there had been a concerted effort to try and have better relations with local communities and stakeholders. Improved relationships were felt to be a priority given the length of time required to deliver the project, and because the current promoter would be the operator of any completed power station. This included running informational events and trying to engage the five different Parish Councils in the area, landowners and those who would be involved / affected by the archaeological works. It was noted that different local groups and individuals are often interconnected and share information. There was a feeling that relations with landowners and parish councils had improved over the last year.

Following the informational events, community workshops were then held as part of the design review process. In doing these, there was awareness of expert / lay differences in judging design and that there were certain constraints that the sub-station design would have to work within. Nevertheless, there was a feeling that the workshops had gone well and added vital transparency to the detailed design process.

The detail design requirement has now been discharged, but the programme of informational events will continue, with presentations put onto the project website. Informational emails are also sent round updating stakeholders on project updates. The Community Liaison Group (under the CEMP requirement) will only start to meet six weeks before construction starts, but the membership and terms of reference have been agreed.

Local councillors would be involved in the Community Liaison Group and have been invited to the information events and workshops. It was felt important to engage them and seek good relations given that planning applications have been submitted to vary some proposed associated development, including hedgerow removal.

Relations were apparently initially also slightly difficult with the local authorities, but have improved, with regular in-person meetings as well as email and telephone exchanges over the requirements. There has been a process of checking things before formally submitting them for discharge, with a nominated point of contact in the district council planning department who has been a source of much useful advice on how best to approach issues and ensuring coordination with other specialist officers and councillors.

The county and district councils were both at the design review workshops and community information events. The community benefit fund is managed through the district council and there is a Section 106 agreement with Mid-Suffolk district council making various commitments as to how the promoter will work with them, but no Planning Performance Agreement. The local authorities have also been supportive where Requirement 22 has been utilised to make some minor amendments, for example changing engineering diagrams to fit national grid codes.

The promoter felt that post-consent engagement is important, including some elements where there was a real opportunity for community input (for example the design workshops) and others which have more about informational updates. The promoter has exceeded the post-consent engagement requirements in order to try and address community fears, build better relations and achieve what is best for the project. It was felt, however, that there must be some honesty, realism and care taken to avoid over-committing in a way that the promoter might not be able to fulfil. A proper communications strategy for the discharge of requirements is vital as people want information and transparency and an absence of this can lead to unhelpful speculation.

#### *Local authorities*

Suffolk County Council has been involved in several NSIP schemes and has therefore been able to build up some experience and expertise. Officers welcome the opportunity to engage early with schemes through the NSIP regime's pre-application requirements, and in this case were able to agree much before examination such as draft CEMPs. However, several issues were left unresolved pre-application, particularly around the sub-station.

Although quite a small NSIP, the project was very controversial locally. There were key issues around amenity related issues such as construction transport management and access, noise and dust, around historic field boundaries and landscape issues with the sub-station. Although it is understandable, from the perspective of the County Council, that promoters and their contractors will need some commercial space to implement schemes post-consent, going for the worst case scenarios and utilisation of the Rochdale Envelope can apparently make it harder for communities to understand the true impact of the final scheme. It was stated that this makes it more vital to give assurances about engagement post-consent and transparency about the way the promoter will seek to minimize and mitigate things post-consent so the worst case will not happen.

There was some feeling that the initial engagement of communities and stakeholders by the previous promoter was poor. They may have been more focussed on getting the DCO and then selling on the consent rather than having a long-term interest in the scheme's delivery and a longer-term relationship with the community. The difficulties with community consultation at the outset relate to the scheme promoter's expectation of a fixed term engagement with the project. For other schemes in the County Council's experience, such as offshore energy scheme, there is an expectation of a long-term relationship between scheme and local people.

The result was that the Parish Councils, in particular, became well organised. Some issues became difficult at the examination, and the local authorities pushed requirements to engage the community

on detailed design and to have a Community Liaison Group during construction. Securing these clearly in the requirements was felt to be essential to give confidence.

The County Council officer also felt that regardless of the change of promoter, the change over from an application team to a delivery team can often present challenges in NSIPs, with the risk of gaps in knowledge emerging. This can make it harder to make the requirements work, as the reason for certain commitments is not always fully understood. The team getting the consent just focus on the DCO, not what will come afterwards.

The change in promoter to Drax has apparently resulted in hard work to re-engage the local community. Certainty over design of the sub-station has been an important issue. There had apparently been three workshops with Parish Councils, the Design Council (CABE), promoter (Drax) and local authorities on the detailed design. These were felt to have been effective, and despite some initial difficulties the end result was rebuilding some confidence with local communities. Although the CABE panel were slightly constrained by what's in the DCO, some real choice was given, for example between some different sub-station building designs and colours. This process should pave the way to easier implementation.

The County Council officer felt that a local authority is at the centre of a community in the way that other statutory consultees are not. People will often contact the local planning department if not happy with something, even if the project is an NSIP and local authorities need to be at the centre of the implementation of such projects. There seems to be a growing awareness of this from the promoters, with local councillors and Parish Councils given early sight of the proposed Town and Country Planning Applications being submitted for this project, and increasing thought as to how to present information and the concerns of local democracy and politics. There had apparently been issues with a lack of information given out about pre-commencement works (like hedgerow removal) and it is important to ensure people are informed and aware of such things.

For local authorities and other statutory consultees, the promoter is dealing with other professionals and these engagements can often be easier, in the view of the County Council officer, than when dealing with the community. For communities, it was felt that there needs to be careful management of engagement throughout the process, ensuring expectations are not unduly raised pre-application by those focussed on consent rather than delivery, and thinking about the end point of the operational phase (for the community, everything matters from proposal, through consent and construction to the operational phase).

More 'in principle' commitments about engagement through the discharge of requirements (especially on detailed design issues) can help manage the uncertainty generated by the Rochdale envelope. Overall, there was a desire to see an improved process to move from the consenting element of the NSIP into the delivery phase. There is another handover point to consider between the construction and operation of the project. The local authority is there throughout the whole process and as a consistent presence. The council can provide some continuity for the project and the community and act as a liaison with parish councils. The community is also a consistent presence and it is important to engage them fully early in the process and maintain this communication.

**The district council** has an area manager in the planning department who is effectively the single point of contact for the promoter. Although it's a small project in terms of NSIPs, for the district it is a big project and feels similar to a 300 unit housing development. It has been of high concern to the local community and local councillors. These concerns can include everything down to road junction design and signage. The district council is also aware that Eye Airfield will see a new chicken



processing plant and business park development and are keen to ensure that all these developments (including Progress Power) work well together, for which local understanding is vital.

The requirements section of the DCO is generally considered to be clearly set out. However, there have been some issues. It is not clear whether the water pipeline is covered in the DCO (needed to supply firefighting water in case of incident at the gas fired power station) and so a planning application is being prepared to cover it. The precise wording of elements of the DCO and requirements can be a challenge. A planning application was prepared to cover the hedgerow removal as, although this was possible via the DCO, the processes of discharging the requirements meant that this would not be possible before bird nesting season (when it couldn't be done, and a long delay would then accrue). Similarly, timing between the requirements relating to ecology and landscaping led to some issues around fencing.

Most of the requirements have now been discharged and there was a feeling that Drax, as a promoter, had been very engaging with the district council (and perhaps better than some housing developers can be on their planning conditions). The local authority have also been involved in a non-material DCO amendment and some variations under requirement 22, which has been worked through between district council, promoter, and other statutory consultees through joint meetings.

The district council has been working closely with the promoter on planning applications for a different temporary access road route (for construction), for the water pipeline, and to reroute the cable connecting the power station to the sub-station (as new contractor advice on drilling techniques means it will be possible to put the cable under the old runway – a heritage asset – without disturbing it, rather than having to go the longer way around). Local councillors are interested in these applications.

There was an awareness of the key concerns with the local community being the landscape impacts of the sub-station in open countryside near Yaxley (more so than the main power station on the Eye airfield site, which is quite an enclosed industrial site). A key concern has been the views from Yaxley and hence the design and colour of the sub-station. Local councillors have been concerned with the design, but also hedgerow removal and fencing. The Parish Councils have been concerned with the access road and its interaction with the former airfield's heritage elements (where minor bits of local knowledge come into play).

The hedgerow removal apparently caused a surprising amount of local issues, with the community questioning why it was necessary, and some potential misunderstanding about the extent of works (which was more cutting back than full removal). Drax were very helpful in giving further details to explain what was happening, and this did reduce concerns. Making such the local community are informed about works before a site notice appears is usually very helpful.

Overall, the district council officer felt that engagement post-consent has been good, with the promoter helpfully giving out what seems the right amount of information and working to keep in contact with the district and country council officers. It did apparently feel that a lot was left from the examination phase to be decided post-consent so the local authority has been kept quite busy in relation to the project. There is a Section 106 agreement which helps resource this work. Some areas seem to have a lot of scope to change things post-consent but other requirements are more tightly drawn. The council have to work with quite a lot of detail to understand why some things are set out as they are in the DCO.

The design workshop was considered to have worked well. There was thought given to the appearance of the sub-station in both summer and winter, and efforts to reach a consensus view

amongst the 30 people who attended. Members of the public, statutory consultees and planners were split into smaller groups and this well managed process helped rebuild trust with the local community following the tensions over the hedgerow removal. A planning application has been used to implement the chosen design of buildings and green and brown colour scheme. The appearance of the sub-station has been a really big community concern since the pre-application phase so giving different options and some local control really helped.

Some of the details relating to the CEMP were starting to come through to the district council at the time of our interview, and there were local concerns around mud on roads. The amended access road route seems better than the original proposal and should reduce impact on the A140 and demonstrate the promoter has listened to local concerns. The council have approved the terms and membership for the Community Liaison Group drafted by Drax, thinking about a previous windfarm group as an exemplar.

It was felt that continuous engagement is important, so that local people's knowledge and awareness is developed bit-by-bit rather than having any big shocks. The community information events seem to have dealt with most concerns and there have consequently not been too many questions to the district council directly from the public about the requirements (although there have been some queries from the Parish Council). It is important to ensure the right amount of information in community engagement (so as to keep people informed but not overloaded), and having face-to-face meetings as well as email and website updates helps. Having real people as contacts at the promoter and their planning advisor (rather than anonymous organisations) seemed to have gone a long way to build good relations post-consent around this project.

#### *Local communities*

We attended the community information event held in Eye in January 2019. This is attended by a standing group (including county / district / parish councillors, land agents, the Suffolk Preservation officer, members of the public, county and district officers, Drax staff and their planning consultant). The January meeting was to update the group on progress discharging requirements, the town and country planning applications, the position of the whole project vis-à-vis the capacity market auction, and to take questions.

The meeting was well attended. Those present were advised that the pre-commencement works were completed and the project was working through the requirements. The way that the timetable works within the landscape and ecology plans restricting certain works to certain times of the year was explained.

An explanation of the new horizontal drilling technique that deviates from the DCO work areas for gas and cable lines was given, hence the planning application. Similarly, the existing water supply is insufficient for firefighting needs hence the new water pipe needed via another planning application. Reassurances were given that farmers had been engaged in discussions about these route realignments.

The planning application for a new temporary works access to construct the sub-station was explained, with justification of less impact on the A140, reduced need to clear trees and hedges and better alignment to existing field boundaries. There was some discussion about the interaction of this with the WWII aircraft dispersal zone hardstanding, and its national significance. There was also discussion about the access road only being temporary and what would happen for ongoing maintenance, which had apparently been raised during Examination (which meeting attendees recalled). It was highlighted, however, that construction requires much bigger vehicles to access the site than ongoing maintenance, as confirmed by National Grid, and hence the revised proposals.

There was an explanation given at the meeting about the capacity market auction having been suspended due to a European legal ruling, and the potential delays for the project. A 'material start' needs to have been made by August 2020 or the DCO expires. Again, members of the audience recalled discussions from the Examination, where apparently it was suggested even without success at the capacity market auction, the project could be implemented and the electricity generated just sold. The meeting also discussed the Community Liaison Group.

There was a comment from an audience member that it was hard to keep track of commitments made years ago (pre-application or during Examination), especially for under resourced Parish Councils, and it was sometimes difficult to now understand why certain commitments were made three or four years ago. Further, the PINS website has so many documents that looking through all to see the commitments made was difficult and some sort of summary would help.

There was also question on whether DCOs appear on solicitor searches (in the way town and country planning applications do) and potential implications for house buying. The meeting was generally informative and respectfully conducted between all parties. It concluded with a note that there were no further information meetings scheduled as yet but that the Progress Power team were available open to communications directly in the meanwhile.

### **Conclusions on Progress Power**

Progress Power made commitments for post-consent engagement on detailed design, with community involvement and a design review process, and to have a Community Liaison Group during construction. The Community Liaison Group is clearly specified in the DCO requirements section but the design review process is less obviously secured: it came about as a result of a commitment made in a Statement of Common Ground with the local authority during the examination, which is then incorporated in the design principles statement which is agreed under the DCO requirements as a certified document. This highlights the issue of the range of places commitments can be made, and the difficulty keeping track of them was raised at the community information event we attended. The issue of consistency pre- and post-consent in terms of engagement and understanding of commitments was also raised.

Both of these post-consent engagement commitments differ from an originally identical DCO for another power station at Hirwaun, in Wales, and reflect the degree of local concern around this project. They have clearly been complied with. There was some perception that community relations had initially been handled badly, but with a change of promoter and more proactive work post-consent, things had improved. Allowing the community the chance to influence the sub-station design seems to have gone a long way to improving relations and addressing key concerns. Regular community information events (which are actually beyond the requirements and commitments for post-consent engagement) also seem to have worked well during the long gap between consent and implementation.

The important role of the local authorities in mediating between promoters, Parish Councils, local community members and other stakeholders was apparent in this project. With place knowledge, understanding of the interaction of different current and planned developments and awareness of local politics, there is a key role for local authorities even in Nationally Significant Infrastructure Projects. Indeed, the important role played by local authorities in helping projects move from consent to implementation, not just through discharging requirements but also through things like

town and country planning applications for associated development, was also noticeable. The resourcing of their work post-consent thus remains an important consideration.

## Case Study 3: Thames Tideway Tunnel (Thames Water / Bazalgette Tunnel Limited)

### Context

Thames Tideway is a 25km tunnel under London (primarily following the River Thames), that aims to enhance the existing (primarily Victorian) sewerage system and provide capture, storage and conveyance of almost all the combined raw sewage and rainwater discharges – tens of millions tonnes of which currently overflow directly into, and pollute, the River Thames every year.

The project is due for completion in 2024 and involves 24 construction sites from Acton in west London to Beckton in east London. The original promoter was Thames Water and Bazalgette Tunnel Ltd (trading as 'Tideway'), a consortium, is now the licensed infrastructure provider set-up to finance, build, maintain and operate the tunnel.

The application for Thames Tideway was accepted for examination on 27 March 2013 and development consent was granted by the Secretaries of State on 12 September 2014. Construction started in 2016 with primary works, and tunnelling commenced in 2018. The map below indicates the project location.

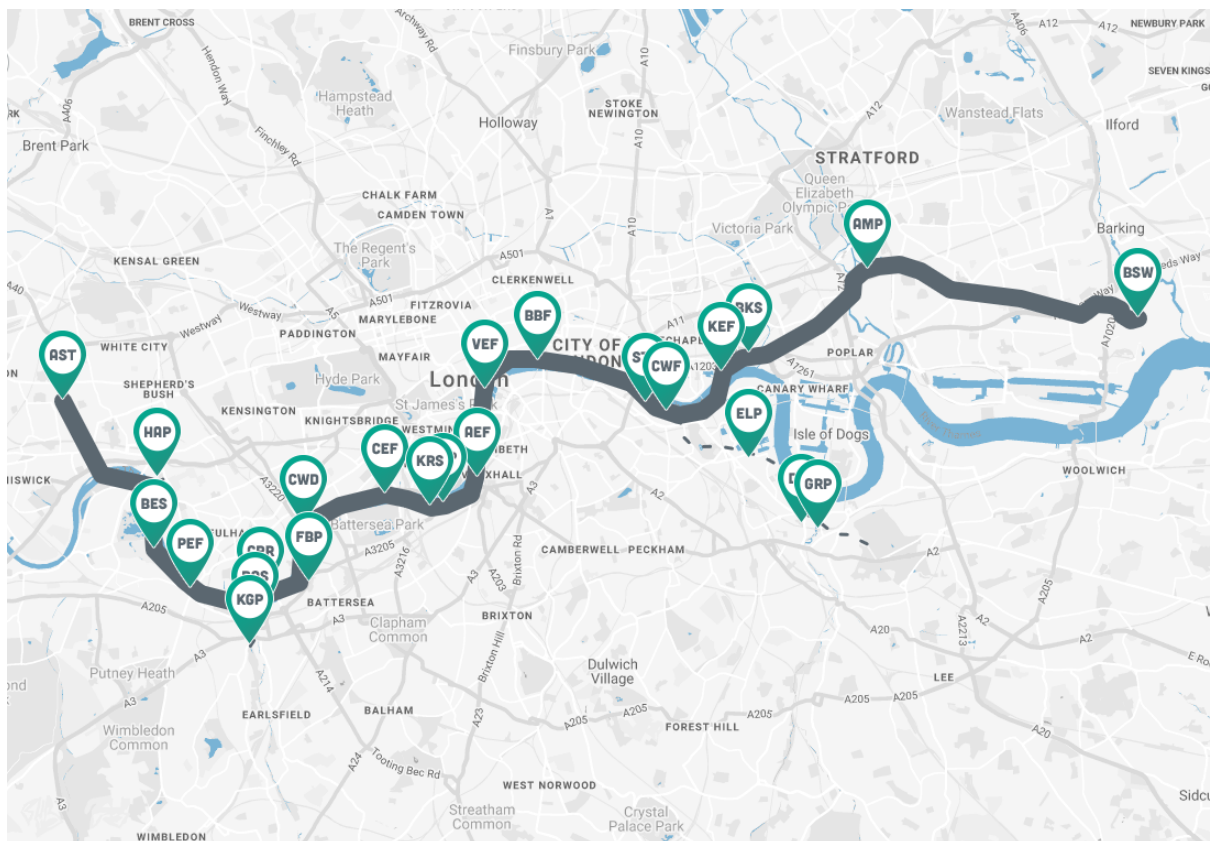


Figure 3: The location of the Thames Tideway project within London (Source: Tideway<sup>11</sup>)

<sup>11</sup> <https://www.tideway.london/locations/>

## Pre-consent engagement

As a linear project stretching across 14 local authorities, the Thames Tideway undertook its pre-acceptance consultation on a site by site basis and then these issues that were raised were themed and grouped in the overarching consultation report. In the consultation report there were commitments to further consultation and action beyond the DCO stage. As set out in the NIPA Insights 2 project B report, the promoters committed to dealing with these pre-acceptance consultation issues through the CoCP. Commitments on avoidance of damage to building during construction including heritage assets all secured through the CoCP were also set out in the consultation report. There is a commitment given for a Traffic Management Plan within the CoCP and that all road freight operators will be members of the Fleet Operator Recognition Scheme (FORS). There is a commitment to a construction communication plan which is contained within the CoCP.

The consultation report also included a section on the place of CoCP in the application and its structure. The project adopted a two-part CoCP. The consultation report stated:

‘Part A contains general requirements and has been produced to secure general agreement across all 14 potentially directly affected local authorities. Part B is site specific and allows changes to be recognised across the boroughs. This includes details on how working hours are defined and allows for variance in the authority specific methods for dealing with s. Drafts of Part A of the CoCP were made available as part of phase two consultation and Section 48 publicity. Part B of the CoCP accompanied the application. As part of the examination process, those with an interest in the project are able to make representations on the document to the Planning Inspectorate.’

The consultation report also indicated that the CoCP was considered as one of several mechanisms through which mitigation of the project would be secured.

## Post-consent consultation commitments

The requirements section of the Thames Tideway DCO is different from every other consented DCO (except Hinkley Point C) in that it is split into project wide and site-specific requirements. Overall, the number of requirements is over four times that of any other DCO (except Hinkley), reflecting the scale of this NSIP. These requirements require extensive engagement with local planning authorities, statutory and other consultees for their discharge. Interestingly, however, none make explicit commitments to further community engagement or consultation directly. There is, however, a requirement for both a project wide and site-specific Codes of Construction Practice (CoCPs), which do in turn make such commitments.

The project-wide CoCP is available from both the PINS website and also the project website and was authored by Thames Water in March 2014.<sup>12</sup> It notes that construction contractors will make CEMPs, which will need to comply with the CoCP and have specified sections including community liaison. Copies of these CEMPs do not appear to be available publicly. The CoCP, however, makes high level commitments that these CEMPs will consider community liaison, amongst other matters.

The CoCP notes that ‘When there are impacts from construction that cannot be mitigated at source, the *Non statutory off-site mitigation and compensation policy* is available to address the residual effects’ (page 8). It then makes a commitment to consult on further consents and approvals required

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<sup>12</sup> <https://www.tideway.london/media/2068/app20501-code-of-construction-practice-cocp-part-a-general-requirements.pdf>

under the discharge of requirements, noting that this might be through a number of channels, including working groups, community liaison, informal discussions, stakeholder engagement, or submission of documentation, and that any feedback received shall be taken into account.

The CoCP places obligations on both the promoter and their contractors for community liaison, specifying that:

‘The employer and the contractor shall take reasonable steps to engage with nearby residents, especially those who may be detrimentally affected by construction impacts. They shall provide stakeholder relations personnel who will provide information on the construction process and shall be the first line of response to resolve issues of concern.’<sup>13</sup>

The CoCP makes commitments to notify neighbours of works, and that contractors will make a community liaison plan approved by the relevant local authority and the promoter. This plan must apparently comply with the commitments made in the sustainability statement, include a communications plan to ensure the relevant planning authority, community, relevant stakeholders and affected parties are kept informed of construction works, establish a website to update people on tunnel boring progress, ensure that contractors liaise with local community projects, tenant and resident groups and employment and education initiatives, and plans to provide a survey and small claims process for any damage caused to properties.

The CoCP then notes that ‘Appropriate meetings will be held with residents (or their representatives), businesses and other local occupiers to keep them informed about the works and to provide a forum for them to express their views’, with the relevant local authority having a key role in agreeing the frequency of meetings.<sup>14</sup> The CoCP commits the promoter to operate a 24-hour freephone number during the construction period to deal with enquiries and concerns from the public. A complaints register is then to be maintained by the promoter, and shared monthly with local authorities. Finally, coordination and communication meetings will be held with key stakeholders including local authorities and statutory consultees.

There is then a site-specific CoCP for each work site. Some of these, such as the one for the Albert Embankment Foreshore, just say under communications and community/stakeholder liaison ‘As per the CoCP Part A’ (the project-wide CoCP already discussed).<sup>15</sup> Others make additional commitments. For example, at Chambers Wharf, the CoCP states that the promoter ‘shall convene a community liaison working group in accordance with Schedule 4 of the Section 106 deed with the London Borough of Southwark’.<sup>16</sup> At Deptford Church Street, there are some commitments about liaison with St Paul’s Church and a commitment that the ‘contractor shall provide a full-time community liaison person dedicated to the Deptford Church Street site’.<sup>17</sup>

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<sup>13</sup> <https://www.tideway.london/media/2068/app20501-code-of-construction-practice-cocp-part-a-general-requirements.pdf> (page 11)

<sup>14</sup> <https://www.tideway.london/media/2068/app20501-code-of-construction-practice-cocp-part-a-general-requirements.pdf> (page 12)

<sup>15</sup> <https://www.tideway.london/media/2056/app17827-code-of-construction-practice-cocp-part-b-site-specific-requirements-albert-embankment-foreshore.pdf>

<sup>16</sup> <https://www.tideway.london/media/2060/app17835-code-of-construction-practice-cocp-part-b-site-specific-requirements-chambers-wharf.pdf> (page 2)

<sup>17</sup> <https://www.tideway.london/media/2063/app17841-code-of-construction-practice-cocp-part-b-site-specific-requirements-deptford-church-street.pdf> (page 2)

## Compliance with these agreements

### Desk research

The project has a dedicated website (<https://www.tideway.london/>) which includes a wealth of general information about the project and news updates on progress as well as the 24-hour helpdesk telephone number. News updates have been frequently added. There is a general documents search area, where things like the CoCP documents can be found.

There is also a specific section for each work site, where there are works updates, details on construction working hours, meeting dates / minutes and presentations from community liaison working groups, a high-level overview of commitments at that site, and details of how to get involved or find out more.<sup>18</sup>

A forum for stakeholders has been established and its purpose is described as to:

‘Promote understanding and communication across a wide range of stakeholders with an interest in the successful implementation of the project; Encourage agreement around interpretation of the strategies, policies, and other commitments contained in the Development Consent Order; Ensure stakeholders are well informed and involved in Tideway's progress and are able to influence the thinking and direction of the project at both practical and strategic levels; Consider and seek resolution on issues affecting more than one London Borough or organisation’.<sup>19</sup>

An Independent Advisory Service and Independent Compensation Panel have been established to deal with mitigation of construction impact and related compensation. Full details of this are provided on the Tideway website.<sup>20</sup> There is also an Independent Complaints Commissioner, again with details on the Tideway website.<sup>21</sup>

Looking at local authority planning databases shows that the construction management documents have been considered by them as per the discharge of requirements process, and these include a ‘Community Liaison Plan’ for each work site.<sup>22</sup> These seem to follow a similar format for each work site, but with some information tailored as appropriate.

### Interviews

#### *The promoter*

On the client side, there are communications leads for each of the three contracts. These teams do communications and stakeholder engagement, with Tideway and contractor staff working together. Regular email updates and newsletters help communicate the project to communities and stakeholders.

The interviewee felt that levels of trust are better on Tideway than Heathrow, and that community relations are better than at other major projects like Heathrow or HS2. For stakeholders in the

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<sup>18</sup> For example, Putney Embankment Foreshore: <https://tideway.london/locations/putney-embankment-foreshore/site-info/#sub-nav>

<sup>19</sup> <https://www.tideway.london/about-us/thames-tideway-tunnel-forum/> (online)

<sup>20</sup> <https://www.tideway.london/contact-us/help-advice/compensation-information/#sub-nav>

<sup>21</sup> <https://www.tideway.london/contact-us/help-advice/complaints-procedure/>

<sup>22</sup> For example, the one for Putney Embankment Foreshore which has been approved by Wandsworth Council planners: <https://planning.wandsworth.gov.uk/WAM/doc/Report-3971721.pdf?extension=.pdf&id=3971721&location=VOLUME9&contentType=application/pdf&pageCount=1>



central section, key concerns are around minimising disruption and not preventing big events like Marathon and Ride London happening in the 'nation's living room'.

For residents, particularly towards the east area (although other developments mean there's an increasing number of residents close to the Battersea works site), the key concerns from residents are around noise and vibration as well as (often unfounded) fears over subsidence.

In terms of complaints, Tideway has a 24 hour freephone telephone number and an email address monitored round the clock as one point of contact. It was agreed that a response is required in 10 days, however post-consent the project team have felt this is too slow and they are committed to respond within 5 days but usually do so within 24 hours, which works contractors / site managers are now used to. It is felt that speedy responses encourage trust.

Some complaints go via borough councils, and even more rarely through councillor and MP casework, but the most usual approach is for residents to contact Tideway directly. Complaints statistics are shared with local authorities, and show wide variation between worksites even though many have similar works being undertaken at them. This shows the importance of local contexts. In total, Tideway is getting about 15-20 complaints per month, apparently much below the rate for some other big projects.

It was felt that Tideway had often exceeded their required responsibilities, for example they have given secondary glazing beyond the required affected areas. There is also a process to pay £30 to affected people to get out of their homes near construction sites and entertain themselves on very disruptive days.

Community liaison working groups are held quarterly, as required by the CoCP. The original idea of these was apparently that residents would have representatives attend, but there does not seem many people wanting to step forward and take these responsible roles on. Initially the groups did run in closed session format but there was a view that they were being dominated by certain individuals so now run as an open town hall style meeting every three months plus drop-in meetings between, with one meeting held for each work site. Further, these groups are apparently not to question what is going to do (which is consented already) but rather how and when things will be done. In some cases, these processes can't influence the decision making on the project particularly when there are construction constraints such as the need to pour concrete. Sometimes it is necessary to explain the parameters and thus constraints of the consent, which ultimately is being implemented.

Local authorities usually attend these community liaison working groups as well as local residents and Tideway staff. In the case of Blackfriars, there are no residents so different formats have been used including business breakfasts for Facilities Managers from local businesses and a Tideway staff member going into larger office buildings to engage their staff. Initially, it was considered that as a baseline, having such meetings once per quarter would work but there needs to be some flexibility to vary these (for example, at one stage they were having monthly meetings at Chambers Wharf, where there was a high attendance, whereas at Victoria Embankment attendance was very low). It might be better to specify a minimum frequency of event, but allow a choice of formats (working meeting, open town hall, drop-in session to adapt to local circumstances).

There is a wider forum which includes local authorities and allows wider issues to be thrashed out. Most local authorities have a SPOC for Tideway, usually a planner. Tideway fund a range of staff in different local authorities to support both consenting work and, in some cases, post-consent engagement work. The statutory consultees tend to be much more technical so are dealt with by the

planning team not the community team at Tideway. Local authorities are key partners, particularly given there have been over 100 town and country planning and environmental health related consents needed per site. The level of interest and engagement has, however, varied between boroughs along the route.

The member of the promoter's staff interviewed felt that, although it has on occasion been challenging, that post-consent engagement has been hugely important. The project has to adapt all the time, for example a delay in one thing can mean a delay on something else which might depend on a Spring Tide. Adaptations and complexities mean post-consent engagement needs to be ongoing. Contractors have come to understand this themselves and support it as well. It was also felt that it was important to keep local authorities on side, and of course resident complaints made to them matter to local authorities.

It was also considered vital that the framework for post-consent engagement is actually set out clearly in the CoCP. Although this might look like making additional commitments that could then be burdensome, if it is not there clearly then the resources needed to do it may not be provided. It's usually best if contractors do most of the response to construction related complaints, but if this is not clearly specified in the CoCP then those contractors will seek to minimise what they do to reduce costs.

Although contractors are best to respond to the 'here and now' construction complaints, there is still a need for the promoter to have staff involved in community and stakeholder liaison as contractors and engineers are not always experts on how to do this and can use specialist advice. Further, there's a need to ensure adequate client / contractor relationships internally about how to manage external relationships and complaints.

#### *Local authorities*

We interviewed officers from two local authorities along the project route. A number of these have staff who have worked for them on Tideway issues from pre- to post-consent. **Wandsworth and Richmond** Councils (the two boroughs having shared services), have a programme and consenting manager and team. They have seven work sites across the two boroughs.

The officer interviewed felt that the DCO process had worked fairly well in general. There was a logical process up to examination and the local authority had managed, through raising issues at preliminary hearing, to influence the selection of work sites. There was an open approach to communication and the Statements of Common Ground seemed to work well. There was a bit of a hiatus between consent and implementation with some staff moves and the handover from Thames Water to the new infrastructure provider but things then settled down again.

Post-consent there has been a significant volume of work for local authorities in relation to the discharge of requirements. Many elements of the consented DCO were quite outline in nature, so there has been a lot of detail to be considered through the requirements discharge. In some cases, these have even required pre-application negotiations between the promoter and the local authority. In some cases there are also complexities from the interaction of the DCO with other legislation, but local authorities help the promoter work through this. They have not actually refused to discharge any requirements, but regular face-to-face meetings have helped things to work effectively. Consistency of personnel on both sides helps build good working relations, although more recently there have been more changes of staff between Bazalgette Tunnel Ltd, Jacobs and other contractors.

The local authority officers have close working relations with staff from the promoter and their contractors in the contract areas covering the two boroughs. There is also close involvement in the inter-borough forum. An SLA with Tideway funds three posts at Wandsworth and Richmond and there is also a pot available for ad hoc local needs, for example in relation to ecology and parks. The funding agreement is reviewed annually against the anticipated scope of works for that year. It is considered essential to allow the boroughs to manage the considerable extra workload related to Tideway, which has included some town and country planning applications around Wandsworth, under conditions of local government austerity. Each requirement being discharged involved the equivalent work as a major planning application. There have been over 130 consents in Wandsworth alone.

Local councillors are closely engaged. The Leader of the council gets a formal annual update, and the responsible cabinet member gets more regular updates. There is direct correspondence between the Leader of the council and the Chief Executive of Tideway when required. There are clear escalation processes to senior managers on behalf of both the council and Tideway.

The council also engages other statutory consultees (for example the PLA, MMO, GLA, EA and TfL) and feel there is a close working relationship and understanding of each other's perspectives. This is helped through the regular forum meetings, which work by all the stakeholders having a meeting to discuss things with Tideway staff, then having a further session just between themselves.

There are Community Liaison Groups specific to each work site and the minutes of their meetings are placed on the Tideway project website. There are regular updates on air quality for each site, the number of complaints received, and project updates for the next three months (which are always keenly received by the local community). It was felt that having these Community Liaison Groups specified in the consent has been vital in ensuring that they actually happen and have been given appropriate attention by contractors. Most have seen active engagement and a high level of local knowledge from residents. It seems that a proactive engagement by the promoter reduces complaints and the burden on the local authority.

Construction impacts are, of course, what the local communities really care about. There have been some traffic management issues (some of which have resulted in complaints to local councillors), but Tideway have been responsive in trying to deal with these. Environmental Health issues do arise for neighbours to the work sites (in the case of Battersea, the number of neighbours is now much higher than when the DCO was consented given recent development). The key concerns tend to be about noise and air quality. So far the number of complaints around the main drive site has been low, but operations there are ramping-up so think there may be more in future. At Putney, there have been no complaints at all despite very intrusive piling works.

Residents usually address their complaints directly to Tideway. They provide direct contacts for site teams at night, with a named liaison person on site contactable directly. There's a monthly Environmental health meeting where they go through monitoring data, Section 61 applications and complaints. This involves the borough's Tideway Programme and Consent manager, their Environmental Health team, and the Tideway site teams. If a resident does complain directly to the Council, there is an agreed joint process between the local authority and Tideway to respond.

Tideway, as promoters, undertake high level community engagement directly but most day-to-day relationship and complaint handling is done by the contractors themselves. This seems to be done very professionally. There's also the Independent Compensation Panel and the Independent Complaints Commissioner who have ensured all processes are appropriate.

Lots of information is made publicly available. All applications under the discharge of requirements result in site notices and have their documentation put online, like any other planning application. The council does consult on requirement discharges, albeit there is no necessity specified for this. There was also consultation on the construction logistics and community liaison plans before these were approved by the council. On the whole, these get few comments from the public, but this could reflect the fact that people are well informed by the project.

The local community are keen to be involved in the long-term legacy elements of the project. Tideway are undertaking community and school visits, and are proactive in getting their own staff to undertake local benefit volunteering. Their contractors are all very branded and there is a real interest in their behaviour and ensuring a good reputation locally. Overall, there was a perception that Tideway have taken a 'bells and whistles' approach to post-consent engagement and have been very approachable.

In **Southwark** Council, as well as officers involved in consents, there is a consultation and involvement officer. This post exists to work with residents over Tideway in relation to any issues related to the project which impact them, be those environmental, complaints, understanding proposals and interpreting data, getting support in obtaining mitigation. The overall aim of the post is to improve dialogue. This role was created in 2018 as residents were keen for the council to support them and were apparently distrustful of Tideway. The post is funded by Tideway.

The project started with tensions locally and poor relationships as local residents and Southwark Council had objected to the use of the Chambers Wharf site (In Bermondsey) as one of the main drive sites. The council attempted a Judicial Review but was unsuccessful. Now that the project construction is underway, the council's priorities have shifted to ensure the best relationships between the council, Tideway and local residents, and hopefully ensure the best possible outcomes.

The start of building works on the foreshore affected some immediate neighbours quite severely, with long periods of noise, dust and vibration being experienced. An 'acoustic enclosure' (essentially a big metal shed) has now been built, which does mitigate much of the noise and dust, albeit having such a big structure on the river front, blocking some river views isn't that popular either. Local residents were apparently given the opportunity to see the proposed design of the acoustic shed before it was built.

Community Liaison Group sessions have been running on a monthly basis at Chambers Wharf, with a formal meeting every quarter and then drop-in sessions between. Attendance at the formal meetings has dropped to about 12 people per session, but this drop in attendance may be related to the acoustic shed as that does seem to have mitigated a lot of the early construction impact / environmental health issues and related resident concerns. Having these meetings is seen as vital, however it was also felt to be important that there are clear escalation procedures and senior contact directly between the council and the promoters as well.

Complaints from the local community tend to be sent directly to Tideway, although sometimes they are sent to the Council's housing and environmental health teams. There was apparently some accusation that lots of complaints being raised by residents at Chambers Wharf were nothing to do with Tideway at all. Council officers have monitored these complaints and most are indeed related to Tideway, however some are indeed on non-Tideway related issues, such as pot holes in an estate road. There is a large elderly and vulnerable population living within 100m of the construction site.

The council's consultation and involvement officer is trying to assist in dealing with the non-Tideway related complaints, as well as taking a holistic wellbeing approach to the local community.

Construction impacts can impact the mental health of residents and this links to a broader public health agenda. For example, getting residents out of their homes near the construction site to go on organised walks or attend things like cookery classes not only gets them away from the construction impacts but hopefully benefits their wellbeing more generally.

There is also apparently a need to sometimes manage the expectations of local residents as well. There is a consent to do these construction works, which will last for 5 years. There are various monitors around the site which are checked regularly by the council's Environmental Health team, and the project does usually stay within the agreed limits. In some cases, people might complain about noise from the construction site, but this is then checked by environmental health and found to be within acceptable limits. They would then be referred to the council's consultation and involvement officer to see if anything else could be done to help that resident, for example activities to get them out of their house during construction hours.

There are agreed mitigations, like window cleaning, and the council officer works to ensure a smooth process for residents (who can be elderly and vulnerable) to benefit from those. Different residents can want and need different mitigations so some degree of adaptive response is helpful. A proactive approach is taken to keep residents informed about what is coming-up and project milestones. Funding from Tideway, via Section 106 agreement with the council, also supports a community magazine as some residents do not have internet access to see the project website.

It was felt that the sites along the Tideway project vary enormously. At somewhere like the Albert Embankment in Lambeth there are no nearby residents, so the perception of construction impacts is less and the post-consent engagement needs are perhaps less, whereas at Chambers Wharf there are numerous residents very near to the construction site and many of these are vulnerable and it is predominantly social housing in the area. Given this, having a dedicated officer for community relations and work is very important. Having this role within the Council seems to be more trusted by local residents than if they worked for the promoter directly, albeit the post is funded by Tideway (for the duration of the construction period).

Southwark Council are currently producing a developer's charter and having an 'on the ground' liaison officer is now seen as a best practice for long-term construction projects. It was felt that giving residents a voice and say is important, and can help reduce complaints and smooth the implementation of projects whilst improving the wellbeing of local communities.

#### *Tideway forum and Community liaison groups*

The Thames Tideway Tunnel Forum has been established and has an independent chair. Membership includes all local authorities along the route, statutory consultees, government departments, the Consumer Council for Water, the Thames Estuary Partnership and TfL. It has an independent chair. They meet every three months. The most common format at these meetings reflect stakeholder requests for presentations and updates on specific requested items from Tideway.

The local authorities have a pre-meet chaired by an officer from Wandsworth and Richmond Councils. Each meeting includes an update on community engagement work conducted over the previous three months, and on complaints received.

The format seems to work well. The Forum started during the DCO process and it was Thames Water who wanted the independent chair model for the group, learning from the approach taken during Crossrail and before that the Channel Tunnel Rail Link.

One meeting a year is given over to an annual review of the project. Meetings are typically well attended, with 40-50 people present. Having the meetings every three months does mean that rather than dealing with high productivity, day-to-day matters (which tend to be handled on a bilateral approach between Tideway and the organisation concerned), instead the forum is for senior staff from the stakeholders to be kept up-to-date. It provides a valuable opportunity for them to network. This is felt to be important to maintain effective relations between organisations and promote partnership approaches to smooth project implementation.

An examination of the Community Liaison Working Group (CLWG) presentations and minutes shared online (via the project website) from December-February 2019 was also conducted. No minutes were available for the Albert Embankment Foreshore, Blackfriars Bridge, Falconbrook Pumping Station, Shad Thames Pumping Station or Victoria Embankment Foreshore sites. The CLWG meeting at Bekesbourne Street apparently runs as a drop-in session only, with no minutes. There were no recent minutes available for Chelsea Embankment Foreshore, Cremorne Wharf (where they note they only have a meeting every six months) or from King George's Park and Dormay Street (who were meeting in March 2019). Earl Pumping Station had a drop-in session in February 2019 where no residents attended at all.

At the Acton Storm Tanks site, the February 2019 CLWG meeting was attended by 12 people plus the Tideway and contract staff. Since the last meeting, there had been 6 complaints (related to noise, lights left on after hours, vehicle movements). Concerns were expressed in the meeting about noise levels, whether Tideway were honouring their commitments about this and whether they alternated periods of very loud and quieter work in order to reduce the overall average noise level. Concerns were also raised about how widely the information sheets were being delivered, with some local residences apparently not having received one.

At the Barn Elms and Putney Foreshore CLWG the minutes for the February 2019 meeting were not available at the time of our analysis, but the presentation was. There was nothing about complaints in this presentation (it is unclear if this means there haven't been any over the last three months, or if it has just not been included on the agenda).

For the Carnworth Road Riverside site, there are also no minutes from the February 2019 meeting available but the presentation is available. This follows a similar format to presentations at other CLWG meetings in including an update on the works since the last meeting (with photos), a look ahead to upcoming works, an update on the project timescale, and an update on things like noise / air quality / vehicle movements (with the amount of detail on each varying between different sites, perhaps according to the level of local concern). At Carnworth Road, a total of 21 complaints had apparently been received since the last meeting: 15 related to noise and vibration, 4 related to lighting, 1 related to barge movements and 1 related to air quality.

The Chambers Wharf February meeting notes shows nine people attended along with Tideway and Contract staff. There were some questions about noise and contractor staff walking routes to access the construction site. There was also positive feedback on the use of barges, reducing lorry movements.

At Greenwich Pumping Station and Deptford Church Street, the January 2019 CLWG meeting had 17 attendees plus Tideway and contractor staff. Noise and air quality were raised regularly, even though the Section 61 limits had not been exceeded, with one resident commenting the impacts of noise were subjective. There were also a number of issues around lorry movements and holding areas for the construction sites, and a clear desire to see more use of barge movements where possible.

The Hammersmith Pumping Station CLWG January 2019 meeting had 13 attendees plus the Tideway and contractor staff. The presentation shows they had had one complaint about the 24 hour working. This compares to 22 complaints in the previous period, so there was a feeling noted in the minutes of improvements at this site. Different options regarding an element of construction were discussed and resident feedback noted, including concerns about the implications on mature trees.

At Kirtling Street and Heathwall Pumping Station, the December 2018 CLWG meeting had eight attendees plus Tideway and contractor staff. Noise was discussed again, as well as lighting, working hours (particularly over Christmas), traffic diversions and the target end date for construction (which people seem keen is stuck to!).

Finally at King Edward Memorial Park Foreshore, the February 2019 CLWG had seven attendees at a drop-in session plus Tideway and contractor staff. A resident raised concerns about the frequency of CLWG meetings, and how well in advance they are publicized. The final detailed design of the foreshore is not yet complete and a resident asked for a greater opportunity for them to be involved in this.

### **Conclusions on Thames Tideway**

Tideway is a much larger project than either the A14 (itself not an insignificant NSIP) or Progress Power. The construction period lasts for years, and affects numerous sites across Greater London. These sites vary in proximity to residents and in terms of other sensitivities of location.

Although some local authorities objected to certain issues and sites pre-application, in general there appears to have been a good relationship post-consent. Whilst there is an awareness of all stakeholders and statutory consultees, it seems there has been an appreciation of the important role of local authorities as links between place, community, local politics and the project. There are also many consents required from each borough, and Tideway have been supportive of funding additional posts in relation to this, but also in some cases in relation to community engagement. There also appears to be a good structure, through the Thames Tideway Tunnel Forum and direct engagement, for senior level relationships between the local authorities and the promoters.

In terms of complaints, this has clearly been taken very seriously. There is a 24 hour telephone number, a regularly monitored e-mail address, and sharing of data between the promoter and the local authorities. There are contractor liaison officers who can be contacted in relation to what's going on at a particular site at a particular time, including out-of-hours. There is a sense of reasonable responses to complaints that get raised, and action taken as far as possible to reduce them. There is an agreed series of mitigation measures to help deal with construction impacts on residents, and an independent panel to consider these and any complaints.

Information sheets on upcoming works are sent to local residents around worksites by post, as well as by email where people are registered. A regular series of face-to-face CLWG meetings takes place across the different worksites, although the frequency and format of these does differ (presumably in agreement with the relevant borough councils). These do seem to be more about information giving on the project and complaint raising than meaningful input on things like detailed design, but across most sites they appear to be working effectively.

Overall, it does seem Tideway have taken a 'bells and whistles' approach to post-consent engagement in general. This does not mean everything has gone entirely smoothly. There have apparently been some difficulties, in particular concerns at the Chambers Wharf site (and we are

aware of a further, longer term study of this being conducted by our colleague from UCL Engineering, Professor Sarah Bell), but the level of commitment to mitigation / compensation in relation to construction impacts, engagement to keep people updated, and complaint handling on the Tideway project does seem to exceed a number of other NSIPs we are aware of and to follow best practice in a number of ways.



## Conclusion and recommendations

In our original *NIPA Insights II Project A* report in autumn 2018, we concluded that post-consent engagement and transparency were vital to maintain the trust of communities and help the smooth construction and operation of NSIPs. We commented that with deliverability a key golden thread running throughout projects, considering community and stakeholder engagement throughout the lifetime of these large projects is vital. That report was based on desk research only and looking across all 66 consented (at the time of the research) DCOs.

In this extension report, we have looked in detail at three projects either preparing for, or under, construction from three different sectors. Desk research has been supplemented by interviews with promoters, local authorities and engagement with local communities. Having conducted this further study, our overall conclusion as to the importance of post-consent engagement remains the same. Doing this well is vital for project deliverability.

All three projects considered here have had their own challenges, and all have elements of what we would argue to be best practice as well as areas they could improve. In all three cases, there are clear commitments around post-consent engagement, for example through the DCO requirements or a CoCP. There was widespread support for such commitments which were not seen as unduly burdensome but rather could help promote confidence, have the project seen as a 'good neighbour' and ensure sufficient resources were devoted to post-consent engagement.

In the case of the A14, we see the value of dedicated liaison officers who have largely been consistent from pre- to post-consent, building effective relations with all. We also see how utilisation of a range of different communication channels (website, social media, roadshow mobile visitor centre, structured forums, personal attendance at Parish Council meetings) helps keep a wider range of people updated about the project (in this case, in particular, construction works and the impacts of road closures).

In the case of Progress Power, the value of allowing the community a real input into the post-consent detailed design of the sub-station is apparent. This had been a controversial element of the project pre-consent, but the Design Review process enabled – within the constraints of the DCO – consensus to be reached as to the most desired local design from a range of options of building appearance and colour. This appears to have helped rebuild local confidence. We also see here the value in a continuing series of community information events during the long gap between consent and construction on this project.

In the case of Thames Tideway, we see the value of having an independent complaints and compensation process, and of having a robust approach to complaints handling that ensures a meaningful response and fully involves contractors as well as the promoter. A structured approach to community liaison groups, with documentation online, is also evident.

All three projects have had their challenges post-consent, as noted through our case studies, and in their own way all three have had challenges on the transition from consent to construction (none have yet reached the transition from construction to operation) but we concentrated on these areas of potential best practice when working towards our recommendations.

All three case studies also show the importance of local authorities in these projects. Although these are consented as nationally significant projects, the local authorities usually have important responsibilities for requirement discharge, and always have responsibilities in relation to environmental health consent and enforcement (this encompassing the construction impacts of

noise and air quality which people most often seem concerned about, alongside traffic). They also have important roles in place shaping and promoting wellbeing, understanding local communities, politics and the interaction of an NSIP with other planned significant developments. A partnership approach between promoter and local authority thus seems vital, and this will usually involve an element of assisting with resource, which we think important in this age of local government austerity (even when the promoter might be another public organisation).

## **Recommendations for post-consent engagement**

Having undertaken this additional detailed research, we continue to see the validity in the recommendations made in our autumn report. Indeed, we would start here from the recommendation we made for a register of commitments. Following from this research, we make the following additional recommendations:

### **1. Public register of commitments**

During this research, several comments were made on the difficulty of keeping track post-consent of the various commitments made pre-consent by promoters. These can be in consultation reports, Environmental Statements, Statements of Common Ground, made during examination hearings, in Section 106 agreements, in the DCO itself and the requirements section, in documents like the CoCP or CEMP and so on. A collated register of such commitments would greatly increase transparency and thus trust, as well as helping all parties keep track of commitments post-consent.

### **2. Importance of website and other channels of communication**

A good website for the project seems a key source of information for communities and all stakeholders, helping meet the desire for information and thus confidence in the project and its promoters. Websites need considerable maintenance with regular news updates, and should also have electronic copies of the final versions of documents like the CoCP. This will require resource to support. Other social media channels can also be used effectively, however elderly and vulnerable groups (in particular) may not have online access so there is still value in things like paper newsletters and public information events.

### **3. Effective liaison by promoters**

Work to engage communities and other stakeholders must continue post-consent and not drop off once the DCO has been achieved. Such consistency is vital as projects move to delivery. An effective approach seems to be liaison officers, who can spend time getting to know local contacts, as well as open forums such as Community Liaison Groups (which seem to us as essential). Making a commitment to these forums in the DCO requirements or codes governed by it ensures confidence in these arrangements continuing. Such arrangements should be seen as problem solving forums, as well as opportunities for information sharing, requiring liaison officers to have a real chance to influence issues on the promoter / contractor side.

### **4. Allowing community input into detailed design**

The DCO process rightly promotes effective pre-consent consultation. However, many projects involve quite outline consents with detailed design processes occurring post-consent. There may be a range of constraints governing these processes, but allowing some degree of community input into this can help capture local knowledges and preferences, and build a more positive relationship locally. Unfortunately it seems quite rare, with post-consent engagement of communities in NSIPs frequently being about information giving and

complaint handling (which are both important) rather than meaningful engagement. A design review process can work well and scope for community input into detailed design need not be a particularly slow or burdensome process for promoters.

**5. Honest information about construction impacts**

Construction of projects of the scale of NSIPs can be particularly impactful due to scale and/or duration. An honest approach to make the community aware of these impacts can help manage expectations. This might be accompanied by information on mitigation, and other positive benefits / legacies of the project. But this should not divert from the message as to how construction will realistically affect local residents and businesses.

**6. Effective construction complaints handling**

Given the scale of NSIPs, their construction is likely to lead to complaints. Further, it is not unknown for contractors to do things slightly incorrectly or beyond the consent and commitments made. There needs to be an effective process to receive, handle and respond to such complaints. The engagement of contractors in this is essential since they are the ones on site with the 'right here, right now' knowledge of what is going on. Ensuring sufficient resource is put into this by contractors can be achieved by making explicit commitments around it in documents like the CoCP. There should be a site liaison person, and if works are taking place out-of-hours then a 24 hour telephone number is required. There also needs to be an effective process to share complaints information with local authorities since this can avoid duplication of effort and since unresolved complaints may just end up being escalated to the local authority anyway.

**7. Mitigation and legacy**

Some construction effects are particularly impactful on immediate neighbours, and a fair and transparent mitigation process can have a role to play here. This may involve funds for glazing or other measures to promote people's wellbeing. Similarly, relatively small amounts of funding for community legacy activities can have a very positive impact and help the image of promoters who may be involved in a place for many years, if fairly distributed and actively promoted.

**8. Consistency of relations with stakeholders**

A structured approach to meeting statutory consultees and other stakeholders can help build relationships and thus smooth project implementation for all parties. A regular forum type approach means that time is actually made in people's diaries for these events and this is a fairly straightforward commitment that can be made pre-consent, to continue post-consent. If such commitments made, there may however be a need for some flexibility over meeting format and frequency if – by agreement of all parties – they wish to change this potentially some years down the line.

**9. Local authorities playing a central role**

With their responsibilities for place ownership and understanding of place, local authorities should be a key partner for the promoters of any NSIP. Regardless of views and relationships pre-consent, authorities usually play an important role in supporting project implementation post-consent. We have seen many NSIPs resort to town and country planning applications to vary associated development post-consent, for example. Local authorities are also well placed to assist with community liaison, including Parish Councils. A joined-up approach to construction complaints can also help resolve these issues. In all of this, local authorities need additional resource to fulfil these demands. A Planning Performance Agreement type approach can help ensure adequate, dedicated resource in local authorities to support NSIP

implementation. It can also give a structure for senior level contacts and escalation, if required by either partner.

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The interpretation of all information given to us is, of course, our own.

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### **Professor Janice Morphet BSc PG Dip TP, MA, MA, MA, PhD, FRTPi FAcSS @janicemorphet**

Janice Morphet is a Visiting Professor in the Bartlett School of Planning at University College London. She is currently working on infrastructure planning, health, smart cities and their infrastructure and governance and sub-state governance in the UK including the role of the British Irish Council and Devolution. Janice has held senior posts in local and central government, including as a Chief Executive and as a Director of Technical Services, was Head of the School of Planning and Landscape at Birmingham Polytechnic and on the ODA Planning Committee of the London 2012 Olympic Games. She was the main official between the local government division and other government departments for the then ODPM from 2003-2005. Janice is now a member of the Council of the National Infrastructure Planning Association (NIPA), a former trustee of the RTPI and the TCPA and was included in the Planning Power 100 for 2013. Since 2015, Janice has been a Built Environment Expert for Design Council/CABE specializing in infrastructure delivery.

Since 2006, Janice has acted as a consultant and academic working particularly on infrastructure planning and public sector change. Her recent books are *Modern Local Government* (2008), *Effective Practice in Spatial Planning* (2010) and *How Europe Shapes British Public Policy* (2013), *Leadership and management in Planning* (2015), *Infrastructure Delivery Planning – an effective practice approach* (2016) and *Changing Contexts in Spatial Planning* (2018). Janice is also the author of blogs and notes on Brexit for the national Planning Forum, Planning Futures, Planning magazine, the RTPI and the London Society and she has recently published *Beyond Brexit* (2017). Janice and Ben have received a grant to research the Local Authority Direct Delivery of Housing from National Planning Forum and the RTPI and subsequent grants from G L Hearn and the RTPI to investigate these issues further.