
NSIPs – where are we now?

ADEPT lunch & learn

24 February 2023

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- Specialist NSIP lawyers, as part of wider planning practice
 - Advised on over 50 NSIPs across range of transport, water and energy sectors
 - Advising Anglesey Council since 2011 on Wylfa new nuclear & grid NSIPs
 - Advising Gloucestershire County Council on M5 Junction 10 NSIP
 - Board of National Infrastructure Planning Association
 - ADEPT Corporate members since 2018
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NSIP sector overview

- Wave of **solar** NSIPs – up to 50 schemes in public domain or emerging 150MW to 500MW+
 - **Carbon capture** & pipeline NSIPs – at least 3 networks
 - **Hydrogen** production & pipeline NSIPs – at least 2 networks
 - **Water infrastructure** – big wave of reservoirs, water transfer pipelines, desalinisations – NSIPs & section 35 DCOs
 - **Waste water** infrastructure NSIPs
 - **Rail** – East West Rail NSIP; local authority rail NSIPs (e.g. Bristol MetroWest)
 - **Strategic Rail Freight** NSIPs – wave coming to an end
 - **Ports** NSIPs – new wave emerging
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NSIP sector overview

- **Highways** NSIPs – National Highways & local authority NSIPs
 - **Offshore wind** NSIPs – another wave coming through
 - **Interconnector & National Grid ‘bootstrap’** NSIPs – ScotWind – another wave emerging
 - National Grid **GREEN overhead line** NSIPs – monsters!
 - **Airports** NSIPs – Gatwick, Luton, (Heathrow)
 - **Gas** power stations NSIPs – hydrogen only now
 - **Energy from Waste** NSIPs
 - **Nuclear** power station NSIPs
 - **Nuclear waste** – geological disposal facility NSIP
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NSIP & wider planning reform

- DLUHC NSIP Action Plan including ‘Project Speed’– imminent launch [now launched – see later]
 - A66 as pilot for Project Speed
 - Fast track for offshore wind
 - Levelling Up and Regeneration Bill
 - National Infrastructure Commission – review of National Policy Statement process
 - Environmental Outcomes Reporting – continuing uncertainty re what this means in practice
 - Review of Habitats regime
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NSIP hot topics

- Delayed reviews to National Policy Statements
 - Delays to NSIP decisions – transport & energy
 - Judicial reviews & crowdfunding
 - Resourcing for LPAs and statutory bodies to participate in NSIP process – role of PPAs at each stage, including post consent
 - Hot spots of NSIP activity affecting particular LPAs e.g. Suffolk & Norfolk
 - Resourcing at PINS to cope with number of NSIPs
 - Carbon
 - Air quality
 - Biodiversity net gain – recent announcement
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NSIP hot topics

- Clusters of electricity projects around substations – batteries & solar
 - Offshore transmission network review
 - Community benefit
 - Alternatives – Stonehenge, AQUIND interconnector
 - Safeguarding applications
 - ‘Out of area’ Habitats compensatory measures
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NSIP Action Plan – 23 February 2023

- Ministerial foreword - DLUHC, DESNZ, DfT, Defra
 - NSIP regime needs to be:
 - Better
 - Faster
 - Greener
 - Fairer
 - More resilient
 - Evolution, not revolution – but a major refresh/reset, 18 months in the making
 - Aiming to get back to original certainty of 17 month timetable, with a fast track for less complex projects which meet quality standards
 - NB the Action Plan is not for consultation – detailed consultations to follow
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NSIP Action Plan

- **Reform Area 1: Strategic direction**
 - National Policy Statements to be kept up to date
 - National Infrastructure Commission review of NPS process
 - Water resources NPS – Q1 2023
 - Energy NPSs – further consultation imminent, designation by Q2 2023
 - National Networks NPS – review under way, designation during 2023
 - **Reform Area 2: Operational reform for faster process [see later slide]**
 - **Reform Area 3: Better outcomes for the environment**
 - Environmental Outcome Reporting instead of EIA
 - Streamline assessment process & focus on environmental commitments
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NSIP Action Plan

- HRA reform
 - Biodiversity Net Gain (onshore & intertidal) for all NSIPs “from November 2025” (precise trigger not stated)
 - Special changes for offshore wind HRA
 - **Reform Area 4: role of local communities & engagement**
 - More funding for Local Authority Innovation & Capacity Fund (10 existing projects)
 - Funding for earlier engagement by LPAs with NSIPs to support better outcomes for communities
 - Measures to support more effective use of PPAs
 - Local Authority Support Network, building on reform Working Group
 - Guidance on community engagement expectations
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NSIP Action Plan

- **Reform Area 5: system capability**
 - Workforce strategies
 - Full and proportionate cost recovery
 - Quality standards for fast track applications

NSIP Action Plan

- **Reform Area 2: Operational reform**
 - Enhanced (paid) pre-application service for applicants
 - Updated guidance on acceptance test
 - More proportionate examination process – process of engagement with process
 - Review of Examination procedure rules, especially for less complex projects
 - Fast track option (4 months Examinations), linked to quality standards & use of enhanced pre-application service
 - Review of post consent material and non-material change process
 - New PINS application service portal
 - Pilots and ‘early adopter programme’ is in preparation
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NSIP Action Plan

- **Spring 2023:** consultations expected on streamlining the examination process, fast track consenting process (including identification of suitable projects) and full cost recovery
 - **September 2023:** pilot for key aspects of the reforms including new fast track consenting process to take place
 - **Spring 2024:** key regulatory and guidance changes to be introduced including recovery of proportionate costs by PINS and consultees
 - **General Election:** end 2024/early 2025
 - **From 2025:** Environmental Outcome Reports to be introduced and a more digital and agile PINS will be unveiled
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Contact

- We are happy to discuss NSIP issues informally or provide more detailed NSIP training for a group of ADEPT members (normally free of charge)
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