

Consents and stakeholders – embracing the planning process

Highlights

Highlights from the Major
Projects Association event
held on 7th February 2024



**MAJOR PROJECTS
ASSOCIATION**

'It is popular rhetoric to say planning reform is the answer, with the attitude of let's throw it all up in the air and change everything! The popular misplaced mantra being – planning is the problem!'

Jan Bessell, Strategic Planning Adviser, Pinsent Masons LLP

In his introduction, Andy Murray, Executive Director of the Major Projects Association, noted that when this event was conceived over 12 months ago no one could foresee how topical it would be in 2024, as indicated by a recent article in the *Financial Times* questioning whether the UK can afford to build better infrastructure.

The timeliness of the event was reinforced by the Chair, Michael Summerfield, Managing Director, CJ Associates. Michael highlighted that the **Boston Consulting Group report** referenced in the *Financial Times* article clearly identified the challenge this event was intended to spotlight: a massive pipeline of infrastructure investment, which entailed increasing complexity, placing increasing burden on the planning process that was experiencing more active influence of project stakeholders.

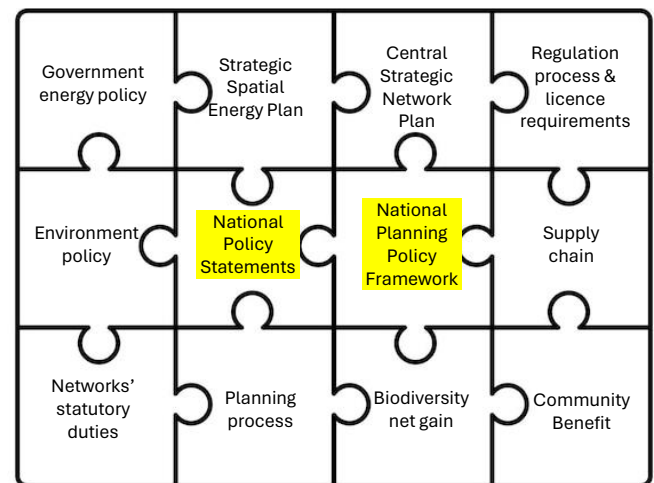
During the 'Inclusion moment' Al Simmonite, Managing Director, Advance Consultancy, built on the importance of stakeholder engagement when he noted that inclusive design requires thinking wider than physical aspects, and the same goes for the consents process – *'Are we putting in place processes that engage and include wider groups?'*

This question was in part addressed by Jan Bessell, Strategic Planning Adviser, Pinsent Masons LLP and Board Chair, National Infrastructure Planning Association, who provided an overview of changing planning processes (legislation, policy and practice) from March 2020 (ministerial statement and policy paper) to Royal Assent of the **Levelling-up and Regeneration Act (LURA) 2023**.

Jan identified an obsession by some on operational reform leading to *'faster consenting'*, and she balanced this by saying in her view that we need *'better consenting with better outcomes'* and that if *'we go faster in doing better and achieving those outcomes then that is a good thing'*. To illustrate this Jan highlighted that *'It's not just the consenting, it's how you communicate and engage, can you implement and deliver it, whilst achieving sustainability, good outcomes and operation.'*

Timothy Bull, Strategic Consents Manager, National Grid, noted that there has never been a more exciting time to be in National Grid, given the Government's target ambitions for a net zero network by 2035. Setting out the scale of this challenge in terms of scope and timescale, Timothy explained this would require increasing the size of the network in the next 10 years by five times more than the previous 30 years. He referenced back to Jan's point that faster is not always better, and noted that National Grid needs to be both faster and better in its planning processes.

Timothy used the diagram below to illustrate the critical role for planning and the need for coordination across strategically important projects. As the diagram indicates, there are lots of people engaged in this, all cutting out their own pieces of the jigsaw as they see it. But are these linking up if we do not look at the overall picture?



Timothy Bull, Strategic Consents Manager, National Grid

Planning is in centre of the jigsaw, but this cannot be done in isolation and needs to consider all the connecting pieces. Therefore we need to be engaging and collaborating better, starting across Government and then down to our suppliers and communities. If we can land that, then we can all head in the same direction together.

Digital Planning

Returning to the need for better, more diverse engagement with communities within planning, Francesca Johns, Strategic Engagement Lead for Digital Planning, Department for Levelling Up, Housing and Communities, outlined a number of pilots and initiatives being led by the Digital Planning team.

Francesca referenced the fact that much of the planning process is still analogue based, and that difficulties in accessibility to the process leads to low levels of engagement.

'We are working in a planning system which is rich in data but data that is not easily accessed, analysed or shared.'

Francesca Johns, Strategic Engagement Lead for Digital Planning, Department for Levelling Up, Housing and Communities

The vision for Digital Planning is to make the planning system fit for the 21st century. This will need to be a cultural as well as a system change.

As with many facets of our lives, Digital Planning are looking to see how AI could be used in a variety of different planning applications e.g. tagging policy ideas, or sentiment reports. Francesca acknowledged this is a difficult time to talk about AI, but key is to ensure we retain the human in the loop so that AI enhances rather than replaces.

The need to enhance planning systems was reinforced by Timothy Bull in response to a question on skills shortages in planning, when he shared the struggles in getting people into a new planning business unit within National Grid, and how suppliers were unable to fill this shortfall due to their own skills shortages.

Lower Thames Crossing case study

Dr Tim Wright, Head of Consents, Lower Thames Crossing (LTC), outlined the Development Consent Order (DCO) application process undertaken by the project, and in particular the submission of the DCO in October 2020. Tim noted that this did not quite go to plan, and before the 28 days was up the project withdrew the application.

Concerns had been raised about consultation and engagement, given the scale of the project and how difficult it was for people to engage with consultation. That had not been the intention of the project and there had been lot of meetings and consultation days. It was played back that the consultation was done to meet process requirements but not necessarily with a view to changing the scheme.

There were two elements to this:

1. Failure to tell the story about how the consultation had changed the scheme. Did not report back on the smaller changes that had been made.
2. This was a controversial scheme with a lot of people against the project in principle. As a result, some discussions came up against red lines on the project and gave the impression that the project was unwilling to listen and engage.

The project undertook a lot of hard discussions internally and externally to understand what had happened and needed to change.

The conclusion was that despite having given out a lot of information, the process had not been a two-way engagement even though both parties had come with that intention.

'Are you engaging in a two-way conversation or simply providing information?'

Dr Tim Wright, Head of Consents, Lower Thames Crossing

Taking on board this conclusion the project recognised that consultations had been complex and hard for people to engage with. In response they introduced a very local view of the project and also enhanced the digital content, which led to far more responses than analogue content, reinforcing the importance of the initiatives being led by Francesca's Digital Planning team.

Despite having recently completed the examination phase of the DCO (December 2023) and now awaiting what will hopefully be a successful decision, Tim posed a cautionary note in following the LTC precedent too closely.

He stressed that his experience had shown each planning submission should reflect the unique characteristics of the specific project.

Asking not telling

‘Why is engagement seen as the thing that happens at the end and can be done by anyone?’

Leonie Dubois, Head of Engagement, Land and Consents, Thames Water

The importance of engaging in conversation rather than simply conveying information was reinforced by Leonie Dubois, Head of Engagement, Land and Consents, Thames Water. Leonie referred to her first project role in the construction of the M8 motorway near Uddingston in Scotland.

Having witnessed a colleague repeatedly fail to secure access agreements from local landowners, Leonie instead built relationships, talking about the project and what it meant for people, before asking for what the project needed.

The success achieved in this way underpins a guiding principle of ‘empathise and prioritise’ – as observed by Leonie, all too often we do not put ourselves in the stakeholder’s position or prioritise them.

Leonie stressed the need to be clear on the difference between consultation and engagement, and for engagement not to be seen as an isolated activity outside of ‘core’ activities within the project.

Leonie proposed that promoters should make sure stakeholders are well educated, so that they ask the right questions at the right time i.e. early on, so they can be addressed/incorporated, rather than at the point of DCO submission – or worse, in front of the examining body.

In closing the event, the Chair acknowledged that all engaged on major projects are under a massive amount of scrutiny as an industry, and this can be very difficult when large projects come under pressure.

He added that there were key lessons to learn from the event which all attending could reference as a standard bearer for doing things differently when returning to their organisation.

He also urged delegates to read the **report** that CJ Associates had produced following their survey of Major Projects Association members.

Points for further discussion

- As practitioners, how can we be bolder and more active in engaging with Government?
- How do we capture and apply lessons learned on how best to set up as a consenting team and transition to delivery?
- How do we engage with and influence those on our project teams who do not think about consents and engagement on a daily basis?
- If AI is part and not all of the solution to the problem, what else do we need to do to make the most of its benefits?

Chair

Michael Summerfield, Managing Director, CJ Associates

Contributors

Jan Bessell, Strategic Planning Adviser, Pinsent Masons LLP and Board Chair, National Infrastructure Planning Association

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Leonie Dubois, Head of Engagement, Land and Consents, Thames Water

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Participating organisations

Advance Consultancy Ltd

Agilia Infrastructure Partners

Arcadis (UK) Limited

BAE Systems

CJ Associates

Costain Ltd

Crossrail International

Department for Levelling Up, Housing and Communities

Department for Transport

HS2 Ltd

Infrastructure and Projects Authority

Jacobs

Lower Thames Crossing

Major Projects Association

National Grid

Network Rail Ltd

Pinsent Masons LLP

Sir Robert McAlpine

Sunbeam Management Solutions

Tetra Tech

Thames Water

The Bartlett School of Sustainable Construction, UCL

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