



## **NSIPs Highways Guidance**

Tuesday July 16th 2024

Funded by



Department for Levelling Up,  
Housing & Communities

# Today's Session

- Introduction/Housekeeping
- Introducing the new Highways Guidance developed by Suffolk, Essex and Norfolk County Councils.
- The context of the guidance – the NSIPs ongoing in Suffolk, Norfolk and Essex.
- The aims and objectives of the guidance.
- Q&A
- Lessons learnt from the Bramford to Twinstead DCO.
- Q&A

# Today's Speakers

## **Essex County Council**

- Chair - Mark Woodger, Principal Planning Officer (National Infrastructure)
- Joseph Hough, Principal Transportation and Infrastructure Planner
- Matthew Bradley, Strategic Planning Manager (North)

## **Norfolk County Council**

- John Curtis, Engineer – Major and Estates Development

## **Suffolk County Council**

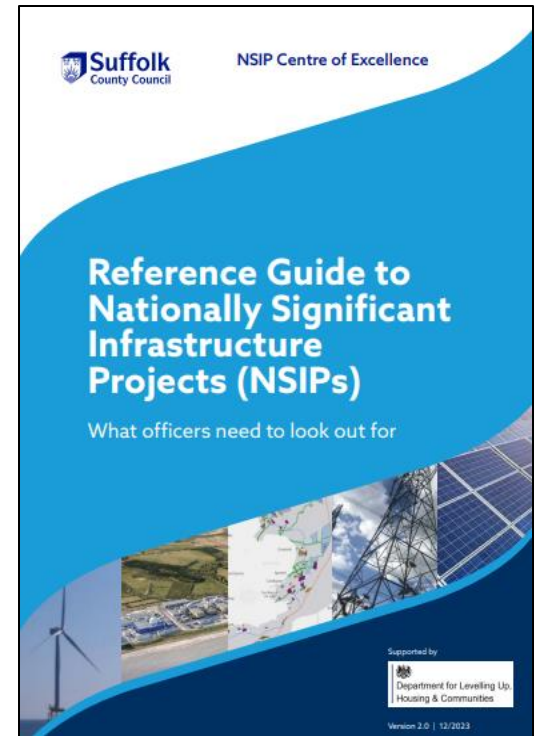
- Roly Arbon, Project Manager (PMO)

## **Sharpe Pritchard LLP**

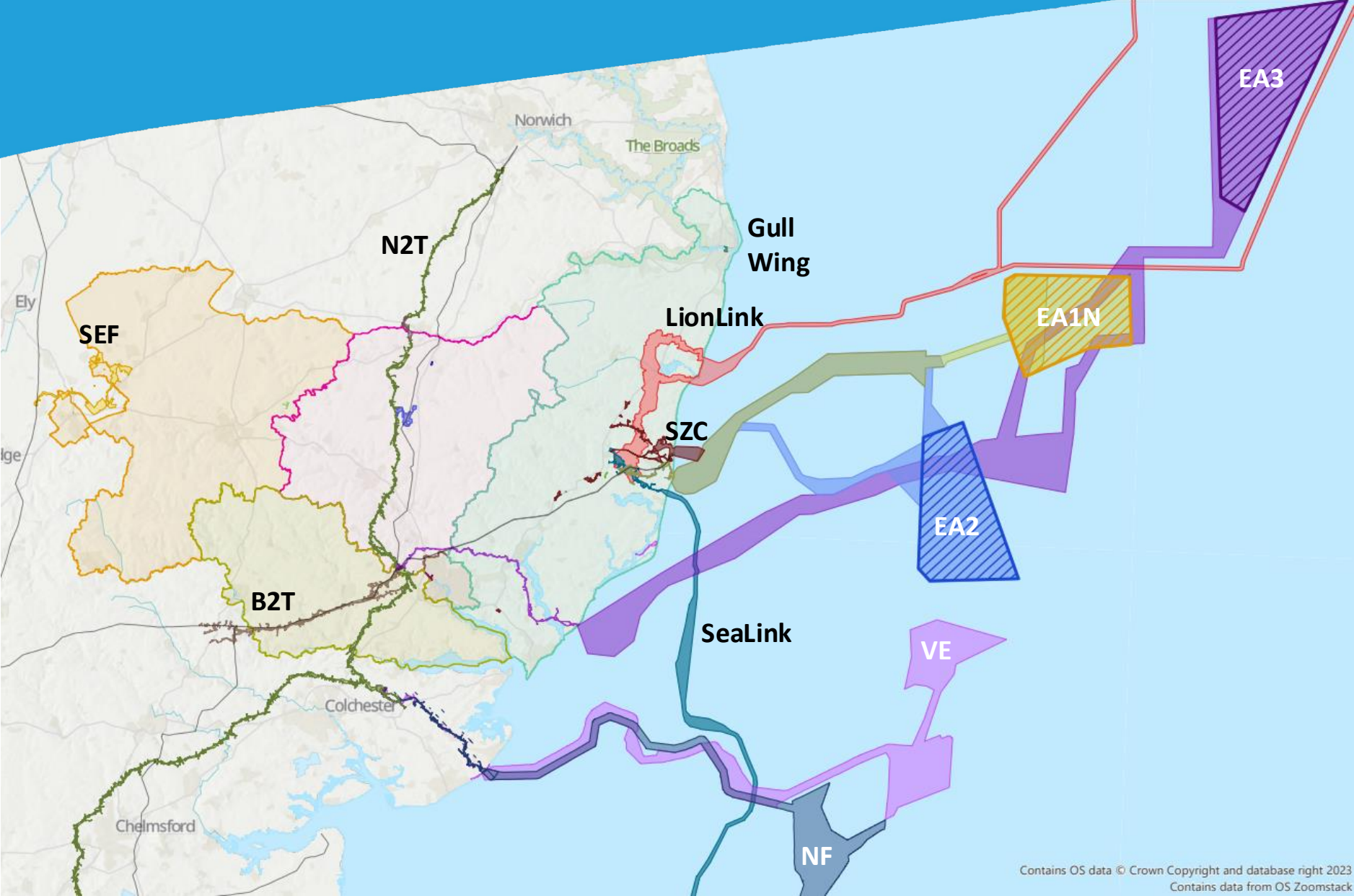
- Emyr Thomas, Partner and Parliamentary Agent

# NSIP Centre of Excellence

- Hosted by SCC - funded by DLUHC Innovation and Capacity fund.
- Developed to utilise the experience gained by Suffolk County Council officers who have dealt with and continue to deal with a number of NSIPs over the past few years.
- Aims to deliver training and guidance to Local Authorities who are new to or have limited experience of engaging with NSIPs.
- Delivered five webinars and an in-person Conference at The Apex, Bury St Edmunds
- Produced guidance documents for developers on key topics such as PPAs, Solar and PRoW and advice for Town and Parish Councils on engaging with NSIPs.



# NSIPs In Suffolk



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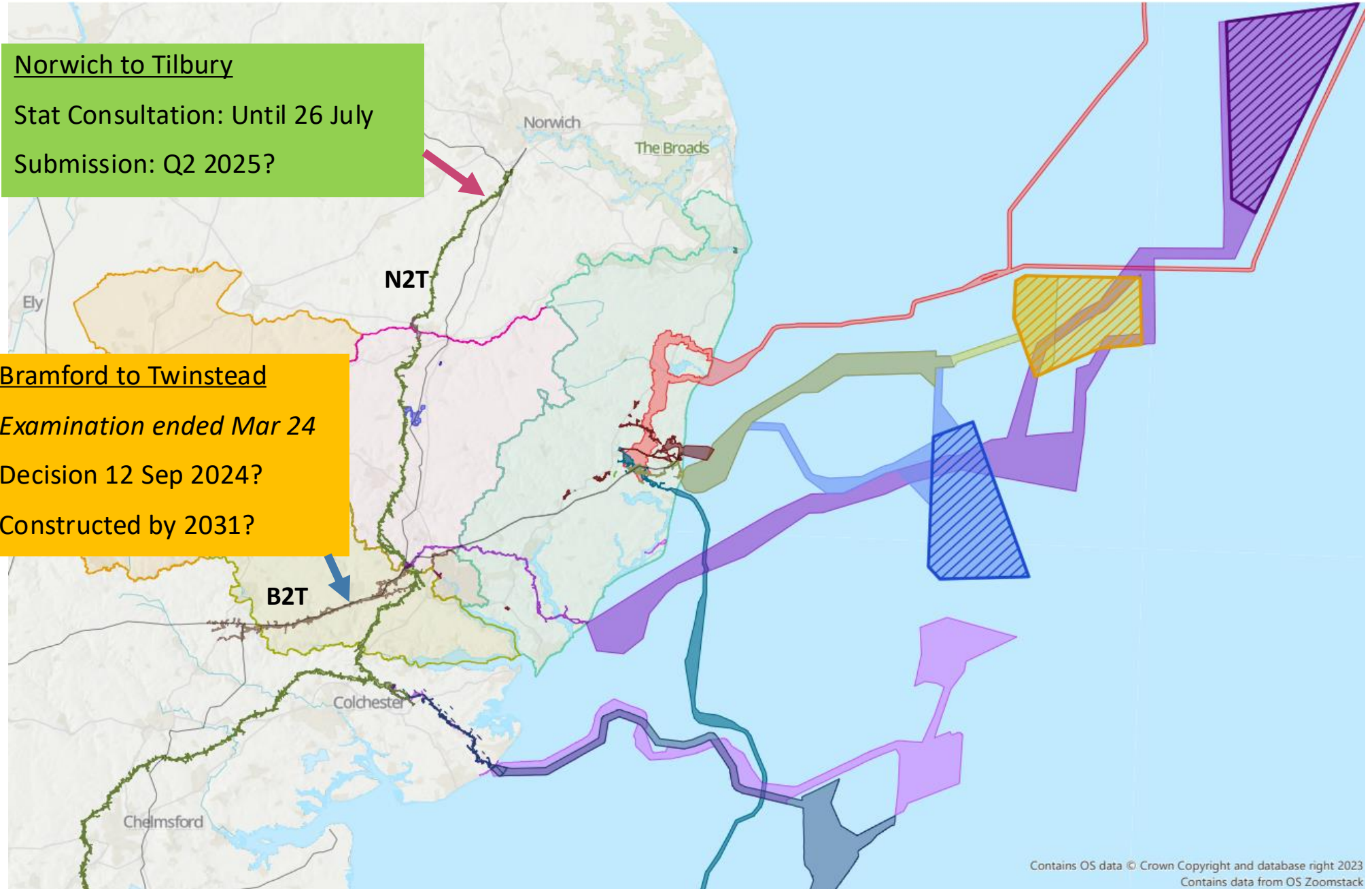


# Sizewell C Timescales

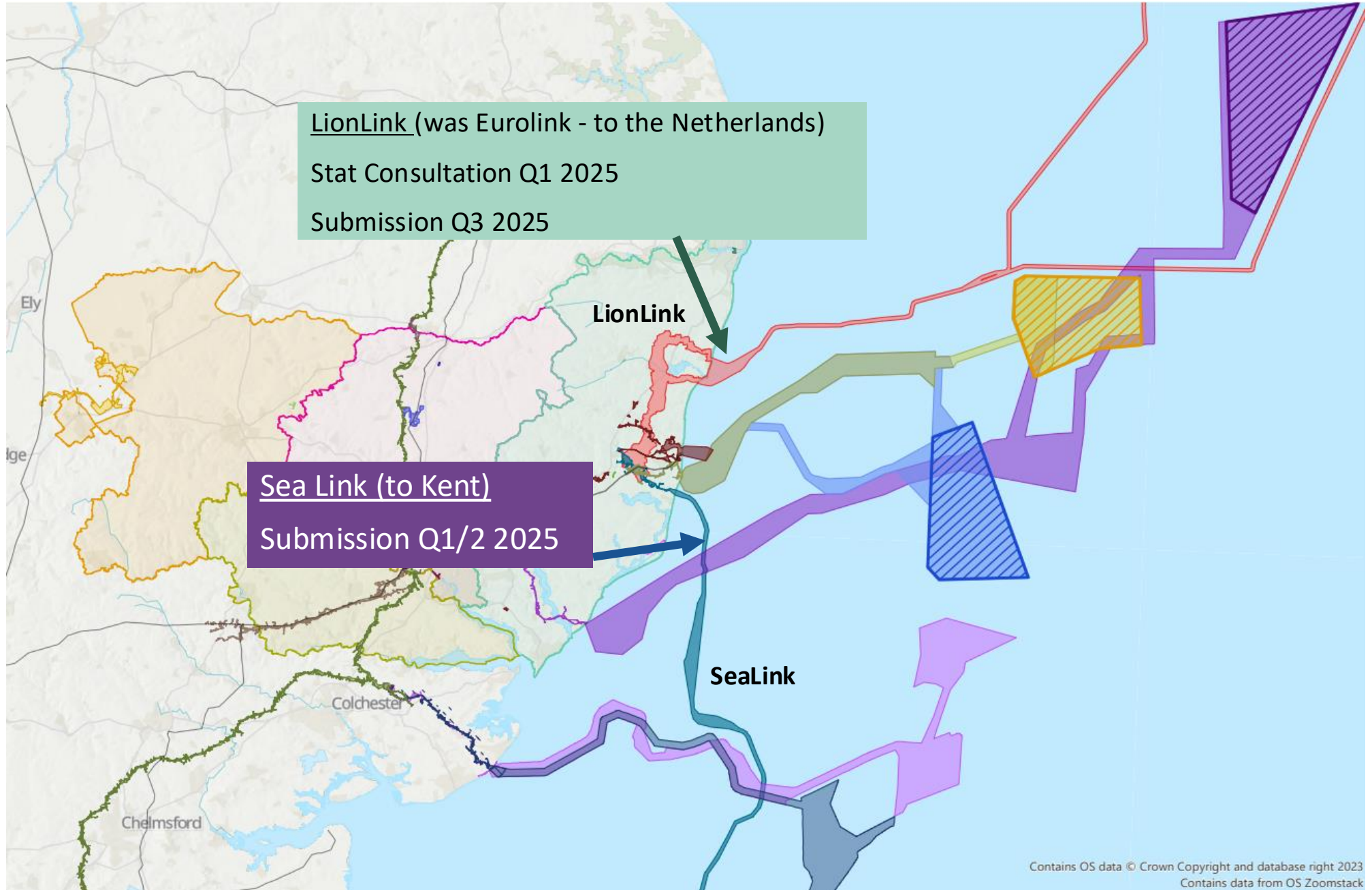
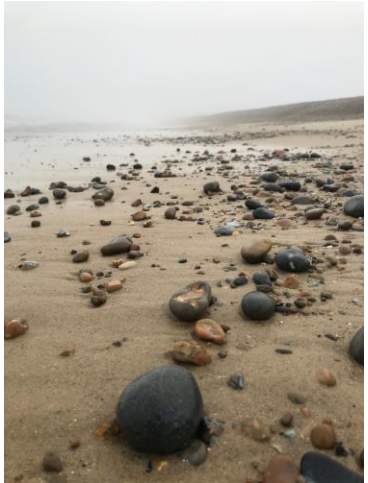
2008/2010	Proposals launched
May 2020	Submission of the Application
April-Oct 2021	Examination
<b>July 2022</b>	<b>Approval by Secretary of State</b>
<b>Nov 2022</b>	<b>Government Investment Decision</b>

Jan 2024	<b>Commencement of construction</b>
May 2024	Legal challenge appeal refused
<b>Second half 2024</b>	<b>Final Investment decision</b>
2024-2036	Construction

# Suffolk Onshore Grid Reinforcement Projects

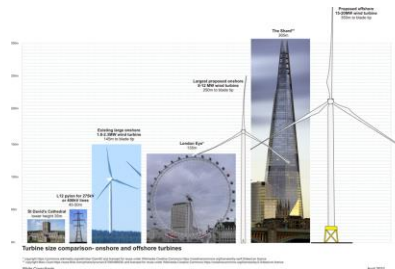
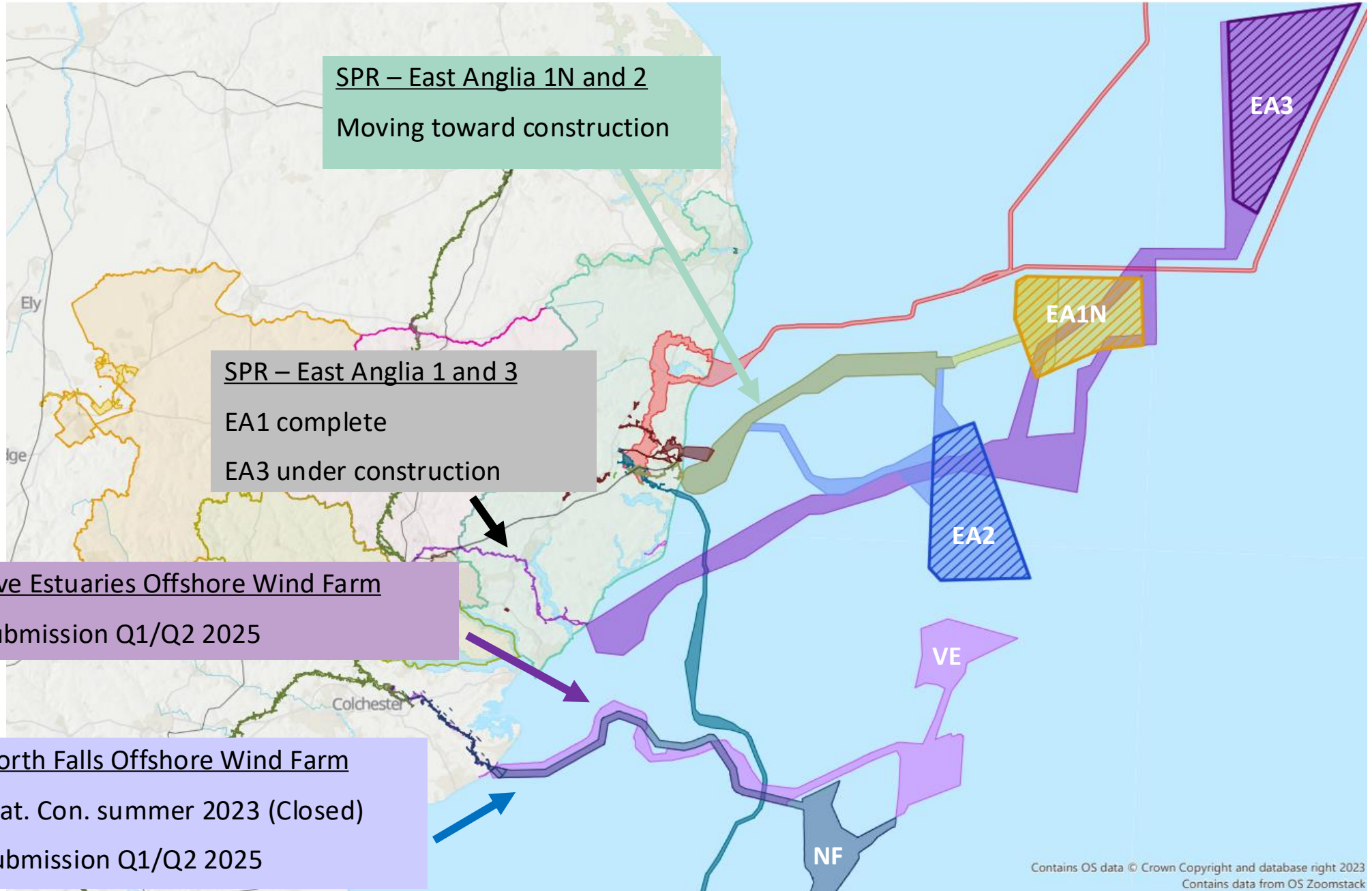


# Suffolk Subsea Inter- connectors



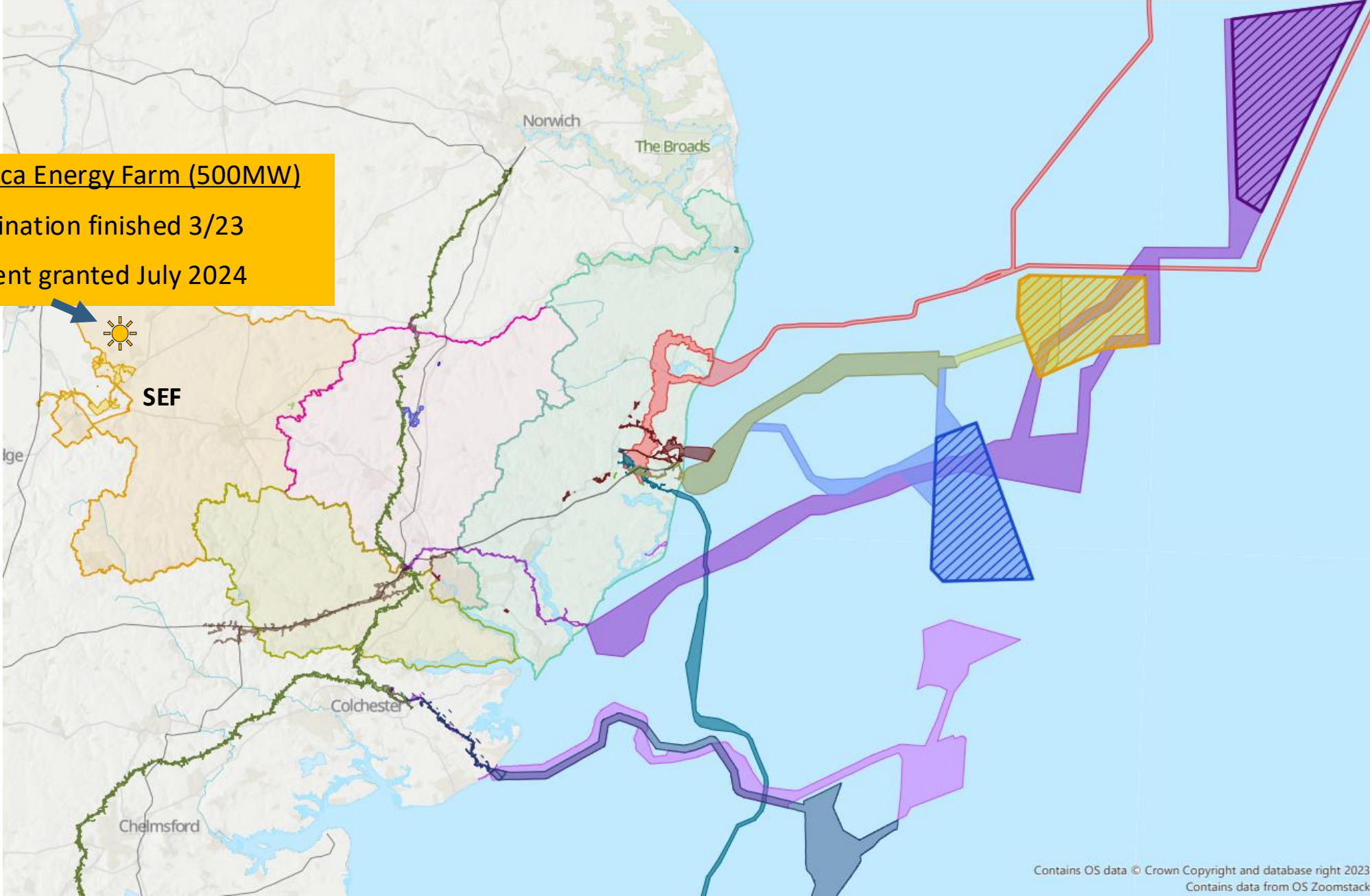


# Suffolk Offshore Wind Farms



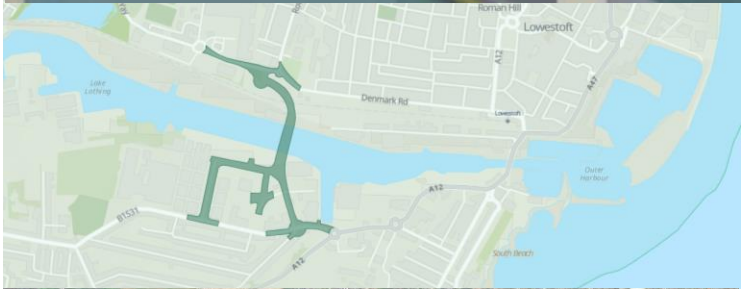
# Sunnica Energy Farm

Sunnica Energy Farm (500MW)  
Examination finished 3/23  
Consent granted July 2024



# Gull Wing, Lowestoft

- DCO by Suffolk County Council.
- Third crossing of Lake Lothing.
- Alleviate congestion in the town and stimulate regeneration and sustain economic growth in Lowestoft.
- DCO Consent 2020 – Works commenced 2021.
- Works nearing completion with bridge currently under testing.



# Essex County Council

## **Mark Woodger, Principal Planning Officer (National Infrastructure)**

Mark has been in post since January 2019 and now works exclusively on NSIP Proposals. He has represented Essex County Council on a number of projects including A12 – A120, Lower Thames Crossing, Bramford to Twinstead and Rivenhall Energy to Waste DCO.

## **Matt Bradley, Strategic Development Manager (North)**

30 years of experience at Essex County Council working in various highway disciplines, predominantly development management related. Responsible for highways input to NSIPs.

## **Joseph Hough, Principal Transportation and Infrastructure Planner**

A Transport Planner with approximately 15 years' experience in the field, of which the last seven years have included engaging on behalf of highway authorities on a number of NSIPs. This includes responding to scoping, statutory consultations and DCO submissions, and attendance at examination, for a range of projects including highways infrastructure, offshore windfarms, transmissions lines, solar farms, and nuclear.



# NSIPs in Essex

May 2023



# A12 Widening – Network - Highways

- DCO consented
- Legal challenge in place
- ECC in discussions with National Highways regarding potential DoRs



# **Bramford to Twinstead - Onshore Transmission and Reinforcement**

- **Examination completed**
- **Decision expected 12 September 2024**



# Norwich to Tilbury Energy – Onshore Transmission and Reinforcement

- **Currently out to Statutory Consultation with response due 10 July 2024**





# Longfield Solar Farm

## - Energy

- **18/01/2023 - Examination for development consent application closed**
- **The Examining Authority has 3 months to write its report and make a recommendation to the Secretary of State. The Secretary of State has a further 3 months to make their decision**
- **14/07/2023 – Decision from Secretary of State**



# Lower Thames Crossing – Network - Highways

- DCO accepted for examination Q4 2023
- Decision delayed until 4 October 2024



# North Falls Wind Farm – Energy

- **Statutory consultation submitted and will run from 16/05/23-14/07/23 which ECC will respond to in partnership with Tendring Council**
- **Submission of DCO likely Q3/4 2023**



# Five Estuaries Wind Farm – Energy

- DCO accepted for examination
- ECC awaiting examination timetable



# Rivenhall Airfield EfW-IWMMF – Waste to Energy

- Currently at Examination



# Bradwell B

## Energy – new nuclear power station

- Work on DCO has been paused



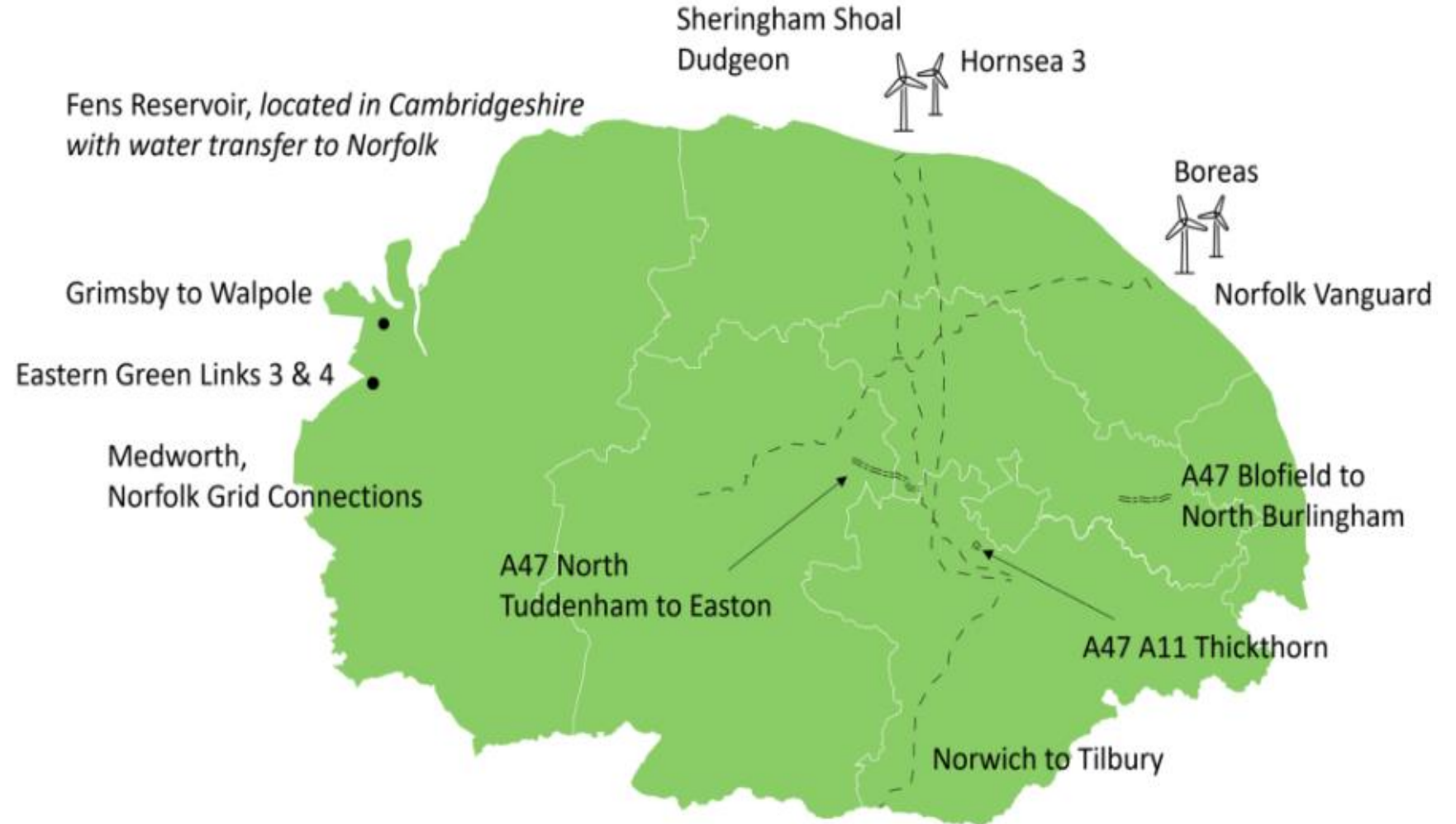
# Oikos MSSD – Energy

- Currently awaiting revised timetable from applicant



# Norfolk's NSIPs

July 2024





# A47 Blofield to North Burlingham Dualling

- Dualling current single carriageway
- Developer: National Highways
- Stage: Post-examination
- Supreme Courts dismissed appeal
- Projects now progressing, awaiting Programme



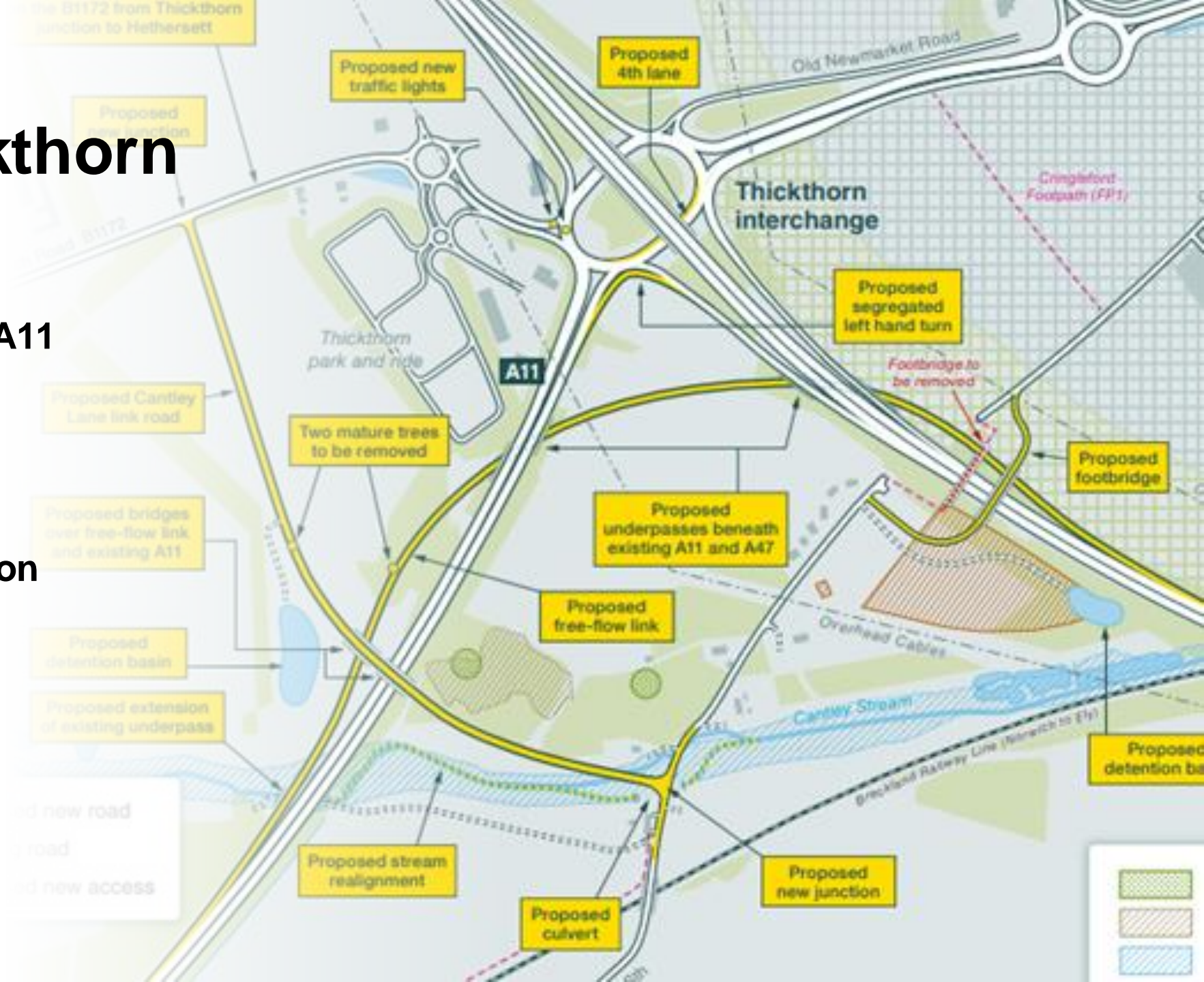
# A47 North Tuddenham to Easton Dualling

- Dualling current single carriageway
- Developer: National Highways
- Stage: Post-examination
- Supreme Courts dismissed appeal
- Projects now progressing, awaiting Programme



# A47/A11 Thickthorn Junction

- Link road connecting A11 northbound to A47 eastbound
- Developer: National Highways
- Stage: Post-examination
- Supreme Courts dismissed appeal
- Projects now progressing, awaiting Programme



# Norfolk Vanguard

- Offshore windfarm with onshore grid connection
- Project sold and taken over by RWE
- Developer: RWE (previously Vattenfall)
- Stage: Post-examination
- DoR in progress



# Norfolk Boreas

- **Offshore windfarm with onshore grid connection**
- **Project sold and taken over by RWE, looking to reinstate the project**
- **Developer: RWE (previously Vattenfall)**
- **Stage: Post-examination**
- **DoR in progress, continued aligned with Norfolk Vanguard**



# Hornsea Three

- **Offshore windfarm with onshore grid connection**
- **Developer: Orsted**
- **Stage: Post-examination**
- **DoR progressing**



# Sheringham Shoal and Dudgeon Extension Project

- **Two offshore windfarms with onshore grid connection**
- **Developer: Equinor**
- **Stage: Post-examination**
- **SoS granted development consent 17 April**



# Medworth

- **New energy from waste combined heat and power**
- **Developer: MVV**
- **Stage: Post-examination**
- **SoS granted development consent 20 February**





# Norwich to Tilbury

- **Proposal for new 400KV pylon route**
- **Developer: National Grid**
- **Stage: Pre-application**
- **S.42 consultation went live in April**



# Fens Reservoir

- **New reservoir project with accompanying infrastructure in Norfolk**
- **Developer: Anglian Water/Cambridge Water**
- **Stage: Pre-application**
- **2<sup>nd</sup> non-statutory consultation went live 30 May**



# Grimsby to Walpole

- New pylon route with substation in Norfolk
- Developer: National Grid
- Stage: Pre-application
- Non-statutory consultation response submitted March



# Eastern Green Link 3&4

- Underground cabling, two new converter stations, substation twin tracked
- Developer: National Grid
- Stage: Pre-application
- Non-statutory response submitted July



## Why do we need an NSIP Aims & Guidance?

- **Developed a Highways / Transport Procedures document for handling NSIP through all stages of the DCO applications.**
- **To build resilience**
- **Documentation for all personnel**
- **Replicated to other NSIP departments**

# The Guidance (Aims)

## General Aims

Gives an indication of what our expectations should be around any submission

- Safe access
  - Minimising use of unsuitable roads, carbon footprint, construction traffic during peak periods, impacts on residents
  - Minimising disruption to highway network and PRow network,
  - Identifying opportunities for enhancement, identifying mitigation where necessary, committing to transporting reasonable proportions of staff by sustainable modes.
- 
- Sets out expectations around cost recovery for the Council.

# The Guidance (Assessment)

## Assessment Method

Sets out the requirements for the assessment of impacts:

- PRow – as its own chapter
- General details expected from a TA
  - Network baseline, road safety, traffic generation, traffic distribution, committed developments, junction assessments and mitigation)
- Further details that are less common in a TA
  - Profile of construction traffic across the project, HGV numbers and routeing, ALL routeing, consideration of multimodal use of freight, shift patterns.
- Expectations around assessment of environmental impacts
  - Severance and amenity including timeframes, link sensitivities and cumulative effects.

# The Guidance (Access and Routes)

## **Construction Traffic Management Plan**

Sets out the requirements for managing construction traffic.

- Which work is subject to the CTMP?
- Access arrangements and routeing
- Staff travel, including sustainable transport
- Controls, management measures and reporting
- Traffic management

## **Access Details**

- Detailed plans (accesses and crossing points)
- Visibility, highway boundary, RSA1
- Structures on route
- Links to relevant ECC services (e.g. highway boundary).



# The Guidance (Highway Works)

## Design

- Aim
  - To ensure that layouts reflect local setting and are fit for purpose
  - Ensure we can deliver our statutory duties.
- Sets out the information required for technical approval
  - Engineering layout, drainage, signage, street lighting, landscaping, levels etc
- Sets out the preferred process for delivering highway works
  - Communication with Project Engineer and permitting team
  - Highway Works Agreement, with required payments, certification, bonds, land dedication, TROs
  - Provides links to relevant materials – Construction Manual.
  - Street works – notice periods for road closures and processes for Temporary TROs

*SHARPE PRITCHARD*

# **Points arising from the draft Bramford to Twinstead DCO**

Emyr Thomas, Partner &  
Parliamentary Agent

# The draft Bramford to Twinstead DCO

## Contents

- (1) Pre-commencement operations
- (2) Problematic control documents
- (3) Deeming provisions
- (4) The appropriate discharging authority

# **(1) Pre-commencement operations**

The significance of “pre-commencement operations”.

Standard provision in DCOs.

The concern: the absence of control.

The resolution: amendments to requirements.

# (1) Pre-commencement operations

“pre-commencement operations” means operations consisting of engineering investigations and surveys, environmental (including archaeological) investigations and monitoring, surveys and monitoring investigations for the purpose of assessing ground conditions, diversion and laying of services, **demolition of existing buildings, site clearance**, environmental mitigation measures, remediation in respect of any contamination or other adverse ground conditions, set up works associated with the establishment of construction compounds, **temporary accesses**, erection of any temporary means of enclosure or temporary demarcation fencing marking out site boundaries and the temporary display of site notices or advertisements;

# (1) Pre-commencement operations

Requirement 3(1) –

“Unless otherwise agreed with the relevant planning authority, **written notice setting out the anticipated programme for the carrying out of pre-commencement operations** must be given to the relevant planning authority **no less than 7 days prior to the date on which those pre-commencement operations are first carried out**”.

# (1) Pre-commencement operations

Requirement 4(3) –

“... all pre-commencement operations **must be carried out in accordance with** the ...”

- Construction Environmental Management Plan;
- Materials and Waste Management Plan;
- Construction Traffic Management Plan;
- Landscape and Ecological Management Plan; and
- Public Rights of Way Management Plan.

## **(2) Problematic control documents**

Requirement 4(1) –

“All construction works forming part of the authorised development must be carried out in accordance with the plans listed in sub-paragraph (2) below, unless otherwise agreed with the relevant planning authority ...”



## **(2) Problematic control documents**

The problem.

SCC's solution.

## **(3) Deeming provisions**

Included in several articles.

Their effect: if a decision in respect of certain applications is not made within 28 days, consent is deemed to be granted.

Well precedented provision.

Justification: to prevent delay to development.

Arguments for a longer timeframe.

## (3) Deeming provisions

Example: article 11(3) (street works)

Art.11(2): A. must obtain the street authority's consent before entering on any street and carrying out street works.

“If a street authority that receives an application for consent under paragraph (2) fails to notify the undertaker of its decision within 28 days **(or such other period as agreed by the street authority and the undertaker)** beginning with the date on which the application was **made received**, that authority will be deemed to have granted consent”.

## (4) The correct discharging authority

Requirement 5(1) –

“No stage of the authorised development may be brought into operational use until, for that stage, a Drainage Management Plan, to address operational surface water management matters, has been submitted to and approved by **the relevant planning authority**, after consultation with **the relevant highway authority**”.

## (4) The correct discharging authority

The problem: the approval of the drainage management plan should sit with the lead local flood authority.

SCC's solution: LLFA should approve the DMP, following consultation with the relevant planning authority.

Another problem: s.120(2)(b) Planning Act 2008:

“The requirements may in particular include ... requirements to obtain the approval of the [SoS] **or any other person** ...”

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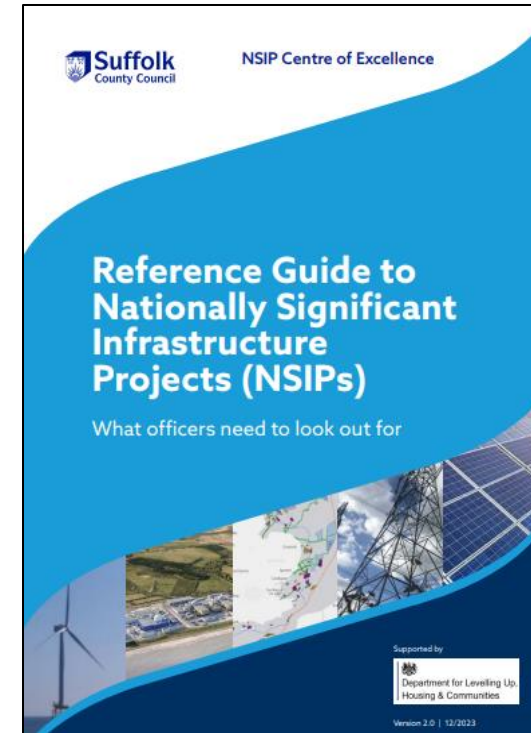


Public Law

## Visit our NSIP Centre of Excellence website for:

- Slides from this and all of our previous seminars and conferences.
- Our NSIP guidance for local authorities, and for town and parish councils.
- NSIP developers' guidance for various topic areas.

Visit [www.suffolk.gov.uk](http://www.suffolk.gov.uk) (search for "*Suffolk's Centre of Excellence*")



Suffolk County Council's NSIP Centre of Excellence now also offers ***bespoke virtual (or in-person) training sessions*** and wider support for other local authorities. Contact us at [nsips@suffolk.gov.uk](mailto:nsips@suffolk.gov.uk)

# Coming Up

## Save the Date!



NSIP Centre of Excellence  
Conference 2025

11<sup>th</sup> June 2025

The Hold in Ipswich

