

Major Infrastructure Land Assembly Best Practice Summit

Monday 5 December 2011

The above summit took place on 5 December 2011 hosted by CBRE who did an excellent job as host. There were 38 attendees. The summit was chaired by Phil Maude.

The event was promoted as a summit and encouraged interactive discussion to look at the current approach to handling major infrastructure land assembly projects – in particular to stakeholder and community engagement and whether the current regime was working effectively. It also canvassed whether there was a need for training as a separate qualification to deal with consultations and whether there was a need or desire to promote a code of practice and set up a working party.

Randy Williams, the current World President of the International Rights of Way Association (IRWA) briefly summarised the role of the organisation and explained its function.

Faith Roland, a past President of IRWA talked about her experience in negotiating with local communities threatened by a major infrastructure project. She discussed some of the techniques that she used, and emphasised the need and importance of being open with land owners and for consulting them at an early stage, where there were still options for various routes so that the consultation could be seen as being meaningful.

In the afternoon, Angus Walker of Bircham Dyson Bell gave a personal view on the success of the IPC and the new regime and highlighted some of the faults in the system he felt needed to be addressed.

There then followed a general discussion about the current regime and the general feeling of the summit was that the balance was not right and that there was too much emphasis on consultation and that this needed to be speeded up. It is a concern that of the many projects notified to the IPC, not many were progressing. The public rationale behind setting up the IPC regime had been to handle large scale major projects, such as nuclear power stations, but unfortunately in promoting the new regime, many smaller schemes have been caught up with the process. There was also concern that once the scheme had been submitted there was no real opportunity to change it and this made applicants hesitate in putting the scheme forward. This led to a discussion on how effective consultation really was, since there would come a point where promoters would be reluctant to change the project yet again, so that ultimately more consultation would be meaningless.

The summit also considered whether there was scope for promoting a new qualification and training in consultation techniques. The summit's view was that people of various disciplines may have the skills to undertake consultation, and this was to some extent down to the individuals personality, rather than any special training requirement. Randy Williams said that in the United States, people seeking the SRWA qualification saw this as a kite mark in order to market themselves as experts in right of way negotiations. The summit felt that there was not the same demand for such qualification in the UK, and that the existing qualifications available may be sufficient.

The summit discussed whether the industry itself should promote a code of practice on consultation, or whether it should lobby government to do it.

Faith Roland said that in the United States some states issue a “bill of rights” to land owners to explain what they can expect from the process.

There was some discussion about an ethical code and complaints about cowboy surveyors who create unrealistic expectations for land owners and generate hostility to a scheme unnecessarily. It was recognised that there will always be cowboys surrounding controversial schemes but that it could be useful to have a code against which to measure individuals conduct and behaviour.

There was no appetite at the summit to set up a working party to take matters forward, and it was concluded that the CPA would consider carefully the comments that had been made at the summit before deciding on any next steps.

Recommendation

One of the purposes of the summit was to respond to the CPA’s commitment to the IRWA when signing the Memorandum of Understanding. Randy Williams, the current President of the IRWA declared the summit a success.

It is clear from the mood at the summit that people are not happy with the current regime and feel that it can be improved to the benefit of all.

NIPA has recently expressed an intention to embark on a reform agenda and there may be merit in the CPA drawing its conclusions from the summit to NIPA’s attention for action.

Given that there was no real appetite for introducing a training qualification, or a setting up a separate working party, NIPA seem the best vehicle to take reform of major infrastructure and land assembly procedure forward.

It is important however that the CPA continues to look at reform of compulsory purchase and compensation and to compliment any work carried out by NIPA. It is noted that NIPA has a Council of various promoters, and there may be merit in the CPA seeking to have a representative appointed to this body in order to feed in the views of the CPA.

P R Maude

December 2011