

## Recent Infrastructure Projects and Proposals in the UK

Meyric Lewis Barrister Francis Taylor Building Temple, London, UK



#### **Current climate in the UK – cricket season**





#### **Current climate in the UK – Soccer World Cup**





# Current climate in the UK – united in happiness





#### Current climate in the UK – err...





## United in a sense of common purpose? Well, no – Scotland largely in favour of remaining





#### On the other hand – Wales largely pro leaving





#### Northern Ireland just in favour of remaining – but "no border"





#### Where to next?







reat Guide family taway



w Gordon judge a age by

ple want in know who is coming into their country and have control of May and Trump show that opposites attract as trade".

couple

president predicts a

fantastic' relationship its Peter Dominicusk

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OCTION ANTON & WARDSTON IN THE days following his election victory in Neversiter, Denaid Transp could barry be reached on the telehis wife, Melania, would later this year come on a full state visit to the UK and meet the Queen.

Abcad of their talls, Mrs May Just said "thank yos, Mr President" as he phone by Theresa May. Inst sesterday Mr Trange marked the start of "this must special relationship" by taking her hand. ill that he has returned to the Oca y taking her hand. If that he has returned to the Ocd The brief moment of familiarity Office after it was removed by Barock





#### **Or perhaps**





#### Despite current uncertainties, many large projects in progress/at planning stage – Third runway for Heathrow Airport



Did you know? Heathrow Expansion will provide ...

#### £187 bn

Up to £187 billion in economic growth benefits across the country.

#### **New Routes**

An expanded Heathrow will create new domestic routes.

#### 180,000 Jobs

Up to 180,000 new jobs created across the UK.



#### Large area required for expansion including people's homes Project costs of £14bn (?)





#### Vocal opposition/resignations from Government





#### "7 Hurdles" according to Stop Heathrow group

- "725,000 people already impacted by aircraft noise
- Air pollution levels already exceed EU legal limits
- 3,750 homes would need to be demolished
- Millions of people are already firmly opposed to 3rd runway
- Transport infrastructure could cost taxpayer up to £18bn
- 3rd runway would increase chance of a plane crash by 60%
- 3rd runway means impossible for UK to meet climate targets".
- Objections will be heard in a "public examination" ie not an adversarial "inquiry" – of a development consent order (DCO) application



### Longford Village By David Hawgood, CC BY-SA 2.0, https://commons.wikimedia.org/w/index.php?curid=9236729





#### Less controversial? Crossrail/the Elizabeth line A new underground line for London Opening late 2018; project cost £15bn Promoted as a Bill in Parliament





#### To be followed by Crossrail 2 (new northsouth line; opening 2030s; project cost £30bn)





#### A recognised need? Thames Tideway Tunnel DCO London's new "super sewer" (£5bn)





#### Some back story – the Great Stink of 1858





#### **Bazalgette sewer constructed in 1860s**





#### Renewal of old/provision of new infrastructure - an ongoing issue eg London's C19 water

pipes





#### The aftermath





#### More controversy – High Speed/HS2: London to Birmingham then Manchester and Leeds (£56bn)





#### (Like Crossrail) promoted as a Bill in Parliament Right to be heard but cannot question principle





#### Formal dress optional:





#### **Objections**:

Many businesses displaced (or if no alternative, extinguished) Many homes acquired or rendered uninhabitable In urban areas, home and business owners have only limited rights to compensation – see below





### A continuous process – balancing the needs of society against the rights of individuals

Some other "major infrastructure" DCO schemes:

- Wylfa Nuclear Power Station (9,000 construction workforce) Cleve Hill Solar Park
- London Paramount Entertainment Resort
- Currently approx. 50 new road proposals by Government

Plus housing and other regeneration "CPOs" (compulsory purchase orders) – objections heard at a public inquiry

HS2 and Crossrail were promoted as Bills in Parliament

- all 3 processes can include forcible expropriation of land



#### Wylfa Newydd nuclear power station





#### **Anglesey**, North Wales





# E.g. of Welsh coast (not subject to development)





#### Menai Strait – only way across is 2 bridges but max 9,000 construction workers needed





# Cleve Hill Solar Park (890 acres) – "to provide power for over 100,000 homes"





### **County of Kent**





#### Wildlife Trust objection – protected areas





#### London Paramount Resort DCO (on hold?)





#### Housing/regeneration CPOs eg Aylesbury Estate in South London





#### Popular impression of UK compulsory purchase:





#### Objections to compulsory purchase order heard at "public inquiry" ("examination" for DCOs)

- 566 new homes to be provided
- Tenants in local authority units all relocated
- 74 "leaseholders" had bought their homes. 10 objected but only 4 remained in occupation at the date of the decision (2016)
- Objection upheld: displaced owners could not afford comparable properties in local area NB "public sector equality duty" elderly and ethnic minorities over-represented among the poor
- Government agreed error in decision because relocation policy not properly taken into account reconsideration awaited



#### UK confirmation process for proposals

Development consent orders (DCOs) – like Heathrow, Thames Tideway and Wylfa – considered at Inspector-led "examination" rather than an adversarial public inquiry, ie no oral evidence, no cross-examination of experts or promoting party. Timelimited decision making process. Can involve taking of land.

CPOs – solely involves taking of land. Considered at public inquiry. Cross-examination allowed. Can be longer process. "Planning permission" required in addition.

Bills in Parliament – like HS2 & Crossrail – considered in both houses by committees of MPs/Lords. Cross-examination allowed but principle of project cannot be questioned.



#### **Key Issues/tensions**

Pressing need to encourage and foster economic growth Pressing need to upgrade and maintain essential infrastructure Pressing need to provide more housing (300,000 units a year?)

#### All these to be balanced against

Environmental issues (ecology; heritage; climate change; air quality)

**Construction impacts** 

Citizens' rights – private property not to be acquired save in accordance with the law

Keeping impacts to the minimum reasonably possible



# Lastly – a creative use of compulsory powers!





#### Now back to gloomy old Britain – & Thank you!





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