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Martin Broderick & Bridget Durning

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Decision-making for major infrastructure during a pandemic – the response of the Planning Inspectorate in England

Martin Broderick and Bridget Durning 

School of the Built Environment, Oxford Brookes University, Oxford, UK

ABSTRACT

This paper sets out the response of the Planning Inspectorate (PINS), the UK Government's Executive Agency responsible for the decision-making process for Nationally Significant Infrastructure Projects (NSIPs) in England, to the COVID-19 public health emergency in 2020. Adopting a reflecting-in-action methodology, the paper focuses on how, during a national 'lockdown', PINS 'pivoted' the technology of public participation from in-person to virtual to ensure that the publics and wider stakeholders could continue to contribute to decision-making, despite restrictions imposed by the public health emergency. It proffers an example of how the Government agency, through being adaptive and reflective, was able to continue the co-production participatory decision-making process for NSIPs. It also adds to the ongoing discussions regarding the evolution in digital/online/virtual engagement tools for future decision-making and emphasises these may need to be part of a 'toolbox' of approaches depending on the nature of the proposed project and the wishes of those publics and stakeholders being invited to engage and participate in decision-making.

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1. Introduction

The role of infrastructure as a driver for economic growth, in both developed and developing economies, is well established (e.g. Vagliasindi 2022; National Infrastructure Commission 2023). Alongside this, are associated concerns that delays in decision-making impose economic costs on developers and on whole economies (Owens 1985; Marshall and Cowell 2016). Up until 2008, the decision-making process for major infrastructure in England was observed to be a 'lengthy process' which imposed cost, uncertainty and delays on all involved (Marshall and Cowell 2016). In 2008, to 'speed up' the process, the UK Government implemented the Planning Act (2008). This introduced a new legal process for these projects (termed 'Nationally Significant Infrastructure Projects'- NSIPs) which, notably, set legally binding time limits for each stage in the process (see Figure 1). Authority for operating the PA2008 NSIP process lay within the Planning Inspectorate (PINS) (an administratively distinct unit within a Government department).



The NSIP sectors comprise energy, transport, water, wastewater and waste. National Policy Statements (NPS), designed to emphasise the need for the infrastructure (Marshall and Cowell 2016), exist for each of the different industrial sectors (Planning Inspectorate 2012a). NSIPs are subject to legislative requirements in the IP-EIA (2017) as to whether an

environmental impact assessment (EIA) needs to be carried out. Some NSIPs would require mandatory EIA whilst others would be screened as to whether an EIA is needed.

Embedded in both PA2008 and IP-EIA2017 is the statutory requirement for consultation and engagement with publics and other stakeholders. PA2008 (section 47) includes a legal 'duty to consult local community'. This requires the project proponent ('Applicant') to 'prepare a statement setting out how the applicant proposes to consult, about the proposed application, [the] people living in the vicinity of the land'. It requires that 'the applicant must:

- Make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land,
- Publish in a newspaper circulating in the vicinity of the land a notice stating where and when the statement can be inspected and
- Publish the statement in such manner as may be prescribed'.

IP-EIA2017 legislation cross-references to the PA2008 'duty to consult' statement in that it must state whether the proposed development is EIA development, and if so, how the applicant will consult publics and stakeholders on a 'preliminary environmental information' report (PEI) (GOV.UK 2020a).

CONTACT Bridget Durning  bdurning@brookes.ac.uk  School of the Built Environment, Oxford Brookes University, Headington Campus, Oxford OX3 0BP, UK

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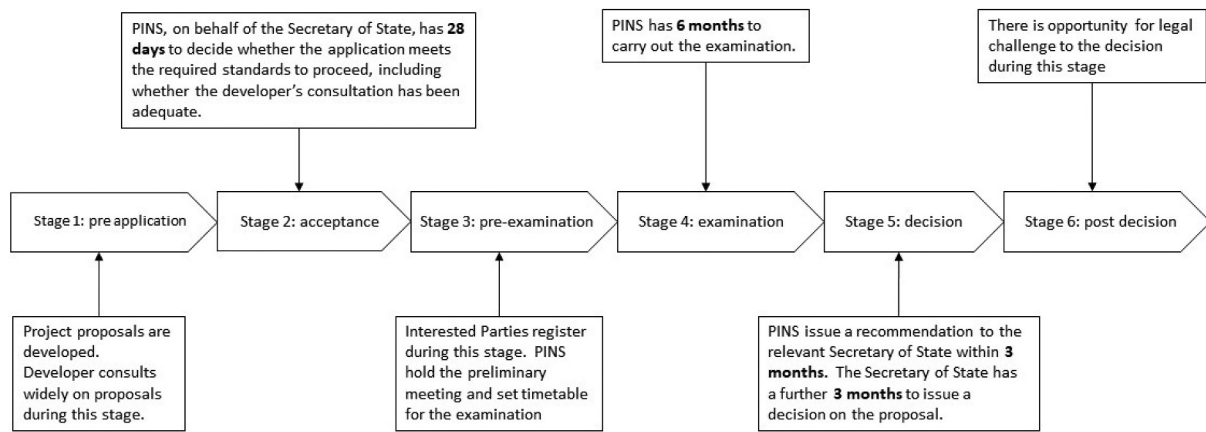


Figure 1. Six-stage NSIP examination process (based on Planning Inspectorate 2012b).

The legal requirements to consult and engage with publics and stakeholders occur at many points in PA2008, including before the application for consent is made. They are required to be undertaken in a way that is '*reasonably convenient*' for the publics, including where hard copy information can be consulted in-person. However, the public health emergency caused by the COVID-19 pandemic meant the process could not continue in this form. England went into its first legislated 'lockdown' on 23 March 2020. This was lifted in June 2020, although further local and national lockdowns and limits on contact continued for another 2 years until April 2022 (Sherrington 2022). During the first legislated 'lockdown' many businesses quickly adapted their procedures and ways of working (where possible) to allow for continued services and productivity (Infrastructure and Projects Authority 2020). This paper explores how PINS rapidly 'pivoted' its decision-making process for NSIPs to ensure the publics and other stakeholders could continue to be consulted and engaged in the process.

The paper begins with a brief consideration of the need for participatory decision-making for NSIPs in England. It then briefly explains at which point publics and other stakeholders are involved in the NSIP process, how PINS administered it and what the COVID-19 'pivot' involved. The particular focus is on how PINS were able to continue to engage the publics and stakeholders in the process to comply with their legal '*duty to consult the local community*'. How this 'pivot' occurred in practice at the time (mid-2020) is considered through short case studies of projects in two of the six stages of the process at the time, highlighting notable points. As the paper adopts a reflecting-in-action methodology of the 'PINS pivot', a detailed analysis of participation levels before and after the 'pivot' has not been undertaken.

This paper adds to existing literature by considering how being adaptive in decision-making processes during a public health emergency can aid in maintaining the objectives of public participation in

decision-making through a co-production, reflective, participatory process (Glucker et al. 2013; Chilvers and Kearnes 2016). The example of the response of PINS in England also provides an international comparator to administrations in other countries, who were proposing to reduce environmental and social impact assessment and public involvement in decision-making (Aggarwal 2020; McIntosh 2020; IAIA [date unknown]). It also allows for reflections on the challenges of ensuring effective digital participation in an era of increasing push for more digitisation within EIA processes (Uhlhorn et al. 2024) and concerns over publics being able to engage with those processes (Northmore and Hudson 2022).

2. The need for participatory decision-making for NSIPs in England

Through PA2008, consent is made in the form of a Development Consent Order (DCO) which is a legal document unique to each development (Planning Inspectorate 2018). PINS 'examines' the application for the DCO and makes a recommendation to the relevant Government Department Secretary of State (Planning Inspectorate 2012b) who then decides whether to grant (or refuse) consent. The provision for public involvement in decision-making was ratified by the UK Parliament in 2005 (UK Parliament 2006) following the signing of the Aarhus Convention (UNECE [date unknown]). The principle approach is the publics' right to participate and that information about environmental matters in relation to development proposals should be accessible (Morphet and Clifford 2017). Studies into participatory experiences in decision-making for major infrastructure, argue that having procedural rights to participate, does not guarantee that there will be '*useful exchanges*' between publics and decision-makers (Lee et al. 2013, Natarajan et al. 2019). Further studies identify that the publics and other stakeholders, desire '*meaningful dialogue*' to address some of the challenges which often exist

during the NSIP DCO (Morphet and Clifford 2017; Natarajan et al. 2018, 2019).

The call for deliberative procedures in the planning and delivery of development is well established in the planning literature (e.g. Natarajan et al. 2019). In recent years the need to enhance public participation in EIA, and the efficacy of alternative mechanisms in achieving this goal, have also been central themes in the EIA literature (e.g. O'Faircheallaigh 2010; Glucker et al. 2013). The PA2008 process was introduced to streamline the decision-making process for major infrastructure projects. However, speeding up and closing down decision-making procedures, even after deliberative strategy making, can undermine relationships with engaged communities and fuel '*antagonistic responses*' (Natarajan et al. 2019).

3. Involvement of publics in stages of decision-making for NSIPs in England

The stated aim of introducing PA2008 was to speed up the process of decision-making for major infrastructure, although some (e.g. Marshall 2013a, 2013b, 2016; Morphet 2016; Walker 2018) have questioned the success in achieving this aim. The whole process is essentially a written, '*inquisitorial*' process (Walker 2018) with ways of working designed essentially for paper-based activities and face-to-face in-person meetings/hearings. One of the '*selling points*' (Walker 2018) of the process is that post-Stage 1 (pre-application), there are set time limits for completion, that cannot be exceeded without the consent of the UK government. This '*certainty*' of the time limits has been stated by industry as one of the strengths of the process (Walker 2018; Carpen and Montgomery 2020).

The process allows for participation by publics and other stakeholders at several times. Stage 1 (pre-application) involves early and often lengthy periods of engagement by the Applicant. At this stage, publics and stakeholders are consulted on the PEI reports and can shape the EIA process. This applicant-driven phase is cited by industry research (Carpen and Montgomery 2020) as one of the '*success stories*' of the PA2008 process by bringing in a '*step change*' where the Applicant is legally responsible for the early consultation on proposals.

The PINS-driven decision-making stages (Stage 2 onwards) begin once the application is submitted. Stage 2 (Acceptance) is a formal review process by PINS and some applications do get rejected at this stage. In Stage 3, the legal '*duty to consult local community*' comes into force and the applicant has to provide details (by placing newspaper adverts and posting physical site notices – both required by legislation) aimed at publics and other stakeholders about how to formally register their interest in the decision-making process for the proposed development. Those

that do register are termed an 'Interested Party' (IP). They become actively involved in the next stages and it becomes a process of co-production (Chilvers and Kearnes 2016), with active mediation of the participating publics. This is done through a meeting between PINS and the IPs termed the 'Preliminary Meeting' (PM). At this meeting, PINS set out its initial assessment of the principal issues related to the proposed development that it will be exploring during Stage 4 (the Examination). These issues are discussed and debated at the PM. The IPs have the opportunity to shape the process of the Stage 4 hearings (which starts the day after the PM) by proposing to PINS other issues that should be addressed; these could be EIA-related aspects of particular interest to the IPs and concerns to the local community. The Stage 4 hearings and examination of application documents are therefore unique and are designed to reflect the particular circumstance of each case (Walker 2018).

4. 'Pivoting' the NSIP decision-making process

The principles of the NSIP process are essentially ones of inclusivity through physical engagement. The COVID-19 public health emergency and national lockdown in England from March 2020 affected the efficacy of all the elements designed to facilitate public participation. The UK Government recognised the importance of continuing to progress the decision-making process for NSIPs, despite the lockdown and restriction on meetings in public. PINS sought to adopt reflective practices to ensure that any change needed would be inclusive and supportive. They explored ways of pivoting its technology of participation from in-person to virtual to allow the (Stage 3) PM and (Stage 4) examination hearings to proceed in an open, fair and impartial manner while ensuring the protection of public health.

PINS began notifying parties in late March 2020 that they were proposing to conduct events via telephone or video-conferencing for all the projects at that time in Stage 3 and Stage 4. PINS conducted its first digital hearing event on 11 May 2020 and then scaled up further virtual events during May and June 2020 (where this was consistent with fair participation). The 'pivot' process provided opportunities for parties with an internet-connected device (computer, laptop, tablet or smartphone) to access and speak at the Stage 4 hearings using a video link provided by PINS. Parties who did not have an internet connection, or did not feel confident in using technology or were not able to use an electronic device, but who had a telephone with a keypad, were instead able to dial in to the meeting to hear and to speak.

In the following section, we explore some examples of how this 'pivot' worked in practice. We focus on

projects that were in Stages 3 and 4 of the PINS system in mid-July 2020 to provide a 'snapshot in time' of the adaptive processes being implemented.

4.1. Projects in stage 4 (examination)

As of 22 July 2020, there were five projects at Stage 4 (see Table 1). PINS had successfully progressed them through the first COVID-19 lockdown period, albeit with some delays as noted below. The longest virtual hearing occurred over a period of 5 days and comprised up to three virtual events per day. The duration of Stage 4 for two projects was extended (one by 5 months and one by 2 months) which required approval of the UK Government.

The first project of those in Stage 4 to 'pivot' (in April 2020) was a road project (A38 Derby Junctions). As the PM with IPs could not be in-person, to continue the co-production participatory principles on engagement with the publics and other stakeholder organisations, PINS wrote to all IPs asking for their views on which issues should be addressed in the Examination and what the specific arrangements they would need for the Hearings to go ahead. IPs were asked to submit their responses via a 'paper' questionnaire sent out by email to be completed and emailed back to PINS (Planning Inspectorate 2022 – note this is the updated guidance as of January 2022. The original guidance from 28 May 2020 is no longer available online). Engaging with this process did assume that all publics and stakeholders would have access to email. Whilst digital exclusion can be due to factors such as access and affordability, some people do decide to deliberately disengage with digital processes (UK Parliament 2024). PINS did not assume that all IPs would be able to access technology to be able to actively engage in virtual meetings. Therefore the questionnaire also asked for IPs to provide information on their access to video conferencing facilities or to audio (telephone) facilities and their confidence in using the technology.

The first virtual hearings for this road development took place on 9–10 June 2020 and, as with most projects, addressed a number of EIA topics (transport networks and traffic; biodiversity; landscape and visual; noise and vibration; air quality; climate change) ensuring that active inclusive engagement in the EIA process could still go ahead. Feedback received by PINS and published in their reports, generally acknowledged that the virtual hearings format was effective with one community group stating in relation to this project: *'I would like to thank the Planning Inspectorate for their consideration and professional handling of this enquiry.'* Audio recordings of the hearings were published on the PINS website, although notably, this was standard practice in pre-COVID-19 times.

The second road project (M25 Junction10) had to have scheduled meetings postponed. PINS concluded that for it to examine remaining issues and to ensure fairness (as more than twice the number of IPs had registered interest in this project as in the A38 Derby Junctions project (see Table 1)), more time was needed. This required making a formal request to the Government for an extension, which is not something that is done without careful consideration. A 2-month extension was granted. All parties were updated by a letter (the legal term being a 'Rule 8(3)' letter) with information on the proposed new arrangements. Continuing the evolution of processes in the 'pivot', the letter also included a slightly amended and shortened version of the questionnaire (first used for the A38 Derby Junctions project). This requested information on who would participate in a virtual hearing, their access to video conference/telephone facilities and confidence in use. What is notable in this case, is that whilst a key legal requirement in PA2008 is for notice of the Application to be published widely (e.g. through physical site notices) PINS waived this legal requirement, but instead asked that an additional newspaper notice (also a legal requirement) be published to compensate, i.e. it sought to be adaptive whilst still ensuring compliance with legislated processes.

The third road project in Stage 4 (A1 Birtley to Coal House Improvement Scheme), was a relatively uncomplicated and uncontroversial project (in comparison to the other two). Whilst the 'pivot' required the timetable of events to be varied to accommodate virtual hearings (and again all IPs were sent a 'Rule 8(3)' letter explaining the revised process) there was no requirement for an extension and this Stage was completed on schedule. All hearings were reported to have proceeded without any technical difficulties, and the verbal feedback from participants was positive (as expressed in the audio recording of those attending the Hearing). It is notable that for this project the 'pivot' appeared to occur easily but whether this was due to the 'maturing' of the pivot processes or to the uncomplicated and uncontroversial nature of the proposed development is not known.

The Stage 4 process for the first of the two renewable energy projects in this stage (Norfolk Boreas Offshore Wind Farm (OWF)) began in November 2019 where 18, out of the 113 IPs who had registered their interest in the project, spoke at an in-person 'Open Floor Hearing (OFH)' (Table 1). However, subsequent hearings were cancelled due to the COVID-19 lockdown. PINS received many requests for an extension to the Examination process and as required by legislation, wrote to the Government in early April 2020 to extend the Examination period. The revised timetable was issued on 19 May 2020 and the first virtual meeting took place in July 2020, attended by six IPs. This

Table 1. Summary of key statistics for projects in Stage 4 (examination) on 22 July 2020 (see note at end of the table for an explanation of abbreviations).

Project	Number of publics and other stakeholders who registered their interest in the Examination of the project	Total number of documents in application [number of which comprise documents forming the Environmental Statement]	Date of Acceptance of application (Stage 2)	Date of start of Examination (Stage 4)	Period over which Hearings were held prior to lockdown i.e. before 23 rd March 2020	Number and type of Hearings during 'lockdown'	Date to which deadline for Examination was extended	Key dates pre-COVID-19 lockdown (i.e. pre-23 rd March 2020) with an original timetable completion date for this Stage	
								Revised key dates – during first COVID-19 lockdown – for Hearings	
National Network (road): A38 junctions (A38/A5111 Kingsway Junction – A38/A52 Markeaton Junction – A38/A61 Little Eaton Junction.	31	254 [204]	21 st May 2019	8 th October 2019 Originally scheduled completion date: 8 th April 2020	ISH, OFH and CAH held 8 th October 2019 to 18 th February 2020	ISH and CAH held 9 th and 18 th June 2020	8 th September 2020 (6-month extension) Examination completed 'early' on 8 th July 2020 – i.e. 3-month delay		
National Network (road): M25 Junction 10/A3 Wisley Interchange Improvement	62	140 [86]	17 th July 2019	12 th November 2019 Originally scheduled completion date: 12 th May 2020	ISH and OFH were held 13 th to 15 th November 2019 January 2020	CAH held 16 th to 18 th June 2020. No ISH or OFH were held in the lockdown period	12 th July 2020 (2-month extension) Examination completed on 7 th July 2020		
National Network (road): A1 to Coal House Improvement Scheme	31	174 [150]	10 th September 2019	21 st January 2020 Originally scheduled completion date: 21 st July 2020	ISH held in January 2020	ISH, OFH and CAH held 22 nd and 30 th June 2020	None – Examination completed on schedule on 21 st July 2020		
Renewable energy: Norfolk Boreas Offshore Wind Farm (maximum generating capacity 1.8GW)	113	718 [140]	4 th July 2019	12 th November 2019 Originally scheduled completion date: 12 th May 2020	ISH, OFH held between November 2019 and January 2020. No CAH were needed.	ISH and OFH held 2 nd and 24 th July 2020	12 th October 2020 (6-month extension) Examination ongoing at the time of 'snapshot' (22 July 2020).		
Renewable energy: Wheelabrator Kemsley Generating Station (K3) and Wheelabrator Kemsley North (WKN) Energy from Waste (upgrade of existing facility with maximum capacity 75 MW and additional new facility with capacity 42 MW)	9	155 [68]	8 th October 2019	19 th February 2020 Originally scheduled completion date: 19 th August 2020	ISH held February 2020.	None at the time of 'snapshot' (22 July 2020)	Timetable not varied and no extension given. Examination ongoing at the time of 'snapshot' (22 July 2020).		

Hearing Abbreviations.

ISH – Issue Specific Hearings – which are hearings which focus on the principal issues agreed at the Preliminary Meeting (PM).

OFH – Open Floor Hearings – which are hearings for all IP to state their views on the application.

CAH – Compulsory Acquisition Hearings which are hearings where the case for the granting Compulsory Acquisition powers is examined, and those affected can present their case.

Further explanation is available at <https://infrastructure.planninginspectorate.gov.uk/application-process/frequently-asked-questions/#exam>.

was a gap of 8 months between first meetings and subsequent meetings. Whilst a significant amount of time, it still ensured that input of IPs to the decision-making process could occur.

The final project in Stage 4 (Wheelabrator Kemsley K3 and WKN Energy from Waste) comprised two developments – an extension to the capacity of an existing facility at Kemsley and a new energy from waste facility located on an adjacent site. In March 2020, meetings scheduled for April 2020 were postponed by PINS. Only nine IPs had registered their interest in the project and were notified with a 'Rule 8(3)' letter asking whether they would prefer virtual meetings (and if so, what access they had to video conference/telecom facilities for virtual meetings as per the now established practice) or to dispense with any form of meeting and make use of a written procedure (i.e. exchange of documents). Responses from IPs indicated a preference for the written procedure. PINS agreed to this 'pivot' as it was considered a relatively uncomplicated and uncontroversial proposed project with relatively few registered IPs.

4.2. Projects in stage 3 (pre-examination)

Nine projects were identified as being in Stage 3 on 22 July 2020 (see Table 2). Six had reached the step of inviting IPs to register their interest and three had not.

The following therefore only addresses the six projects where IPs had been invited to become involved in the process.

For the two Renewable Energy OWF projects, PINS made the decision to postpone the PM and first round of hearings on 17 March 2020, just before the formal announcement by the Government of national lockdown. This was followed by a 2-month delay before PINS wrote to IPs on 21 May 2020 requesting information from all IPs on how hearings might be held. Notably, this 'pivot' process had evolved since being first implemented on the Stage 4 projects in April and the information was now an online questionnaire rather than a document which had to be completed and submitted by email as previously.

The Renewable Energy EfW project (South Humber Bank Energy Centre) was accepted on 4 May 2020. It was the first to be accepted since the COVID-19 lockdown restrictions had been implemented in March 2020. As by May 2020, there had been some lifting of restrictions, the Applicant notified PINS in May 2020 how it intended to comply with the legal 'duty to consult local community'. This demonstrates the next period in the PINS 'pivot'. The Applicant intended to include in its notice for IPs, details of where hard copies of the application documents (which included the EIA documents) were available (the legal term is 'deposited') for the public to

Table 2. Summary of key statistics relating to projects in Stage 3 (pre-examination).

Name of project	Number of publics and other stakeholders who registered their interest in the project	Total number of documents in application [number of which comprise documents forming the Environmental Statement]	Date of Acceptance of application (Stage 2)	Date arranged (at time of 'snapshot') for PM (end of Stage 3)
Renewable Energy: East Anglia TWO Offshore Wind Farm (OWF) Two (up to 900 MW energy generating capacity)	883	598 [526]	22 nd November 2019	16 th September 2020
Renewable Energy: East Anglia ONE North Offshore Wind Farm (OWF) One (up to 800 MW energy generating capacity)	878	574 [502]	22 nd November 2019	6 th October 2020
National Network (road): M54 to M6 Link Road	43	231 [180]	28 th February 2020	Not known at time of 'snapshot' (22 nd July 2020)
Electricity Network: AQUIND Interconnector (electrical connector between England and France with a nominal net capacity of 2000 MW)	211	507 [391]	12 th December 2019	18 th August 2020
National Network (rail): Portishead Branch Line – MetroWest 1	129	212 [99]	12 th December 2019	Not known at time of 'snapshot' (22 nd July 2020)
Renewable Energy: South Humber Bank Energy Centre Energy from Waste (EfW) up 95 MW energy generating capacity)	Not known at the time of 'snapshot' (22 nd July 2020)	141 [107]	4 th May 2020	Not known at time of 'snapshot' (22 nd July 2020)

The following projects were also in Stage 3 of the PINS process, all having entered Stage 2 (Acceptance of Application) on 24th June 2020. However, at the time of the 'snapshot' (22nd July 2020) it was too early in the process for the details to be available.

- National Network (road): M25 Junction 28.
- Fossil Fuel Plant: Thurrock Flexible Generating Plant (gas-powered plant up to 600 MW energy generating capacity and battery storage with up to 150 MW capacity).
- Nuclear Power Plant: Sizewell C Project.

National Network (road): M25 Junction 28.

Fossil Fuel Plant: Thurrock Flexible Generating Plant (gas-powered plant up to 600 MW energy generating capacity and battery storage with up to 150 MW capacity).

Nuclear Power Plant: Sizewell C Project.

view. This had not been possible during the COVID-19 lockdown but could now go ahead, albeit by appointment only to ensure compliance with public health restrictions.

The '*duty to consult local community*' requires that the notice is published in '*a newspaper circulating in the vicinity of the land*'. As the print media industry had also been affected by COVID-19 restrictions (Sweney 2020), this remained a challenge. The Applicant indicated it had been proactively liaising with the local authority to 'pivot' how the notice should be circulated to the local community.

The National Network (Road) project (M54 to M6 link road) also struggled with similar issues. A hard copy of the accepted application documents was made available at six deposit locations between 9 March 2020 and 19 March 2020 for the publics and other stakeholders to view. However, these were closed during the lockdown and after that were only available online.

The final two projects comprising an Electricity Network and National Network (rail) were in the early phase of this Pre-Examination stage on 17 July 2020. The letter from PINS (dated 26 March 2020) in relation to the Electricity Network (AQUIND Interconnector project) to IPs confirmed the postponement of the PM, which had been due to take place a month later. Notable in the evolving process in the 'pivot' is where consideration of whether virtual public hearings were needed or whether the process could follow other remote routes (e.g. through the exchange of written documents) (as used in Stage 4 of the Wheelabrator Kemsly application). Although whichever route was followed, what was still paramount was that consultation with IPs on these decisions was essential. In May 2020 PINS consulted with IPs on the options. The outcome of this project was that IPs wanted public meetings and the decision was taken to hold virtual meetings in August 2020.

At the time the 'snapshot' in July 2020, PINS was still consulting with IPs on whether and if so, how, virtual public events should proceed for the Portishead Branch Line project.

5. Discussion of the PINS 'pivot' and digital participation processes

The public health emergency in England, due to COVID-19, generated an acknowledgement of the need to move to greater reliance on digital technology for consultation and public engagement (UK Parliament 2020). The drive for more technological methods of engagement is evolving rapidly post-COVID (e.g. in relation to 'digital EIA' IEMA 2020, 2024). In order to achieve some of the key objectives of participation, such as influencing decisions and

testing the robustness of information (Glucker et al. 2013), active engagement and participation of the public in decision-making is considered to be the 'ideal' in many arenas of infrastructure planning and EIA. The introduction of PA2008 in England (and associated Infrastructure EIA Regulations) has shown how reflective, co-production processes can contribute to public confidence in decision-making: Walker (2018) notes the '*inquisitorial*' approach of the process often involves PINS '*putting local residents*' concerns to applicants directly – a source of some frustration to applicants which Walker opines can lead to a '*levelling of the usual inequality of arms*' between developers and public. The decision-making process for major infrastructure can be seen as overwhelming for the public even in non-COVID-19 times (Natarajan et al. 2018), therefore, any future 'pivot' (or evolution) to virtual systems, if not undertaken comprehensively and well, has the potential to be more excluding particularly to some hard to reach groups, those with least resources, or least potential access to those resources (NIPA 2020). The reflective, co-production participatory process adopted by PINS during COVID-19 aimed to recognise and take into account, some of these issues. In implementing the 'pivot', PINS demonstrated the successful use of technology to continue their work. They recognised that the use of technology to support virtual events may be challenging for many participants and aimed to ensure that the process enabled fair participation. PINS has also identified that there were exceptional circumstances where a virtual event may not be appropriate (e.g. Kemsley EfW case study) and therefore made decisions about how to proceed based on the facts of each case. PINS published updated guidance relating to documentation (GOV.UK 2020b) and virtual hearings in the latter part of 2020. The guidance for hearings has since been updated (Planning Inspectorate 2024) and in-person, virtual or a mix of both (termed 'blended events') still form standard practice.

COVID-19 and its associated lockdowns created a greater engagement with being online but also highlighted issues of digital exclusion (Romanowski and Lally 2024). Globally, digital engagement in decision-making processes is seen as a tool for 'democratising participation' in processes which contribute to the delivery of major infrastructure (e.g. Anafo and Takyi (2021) who consider the role of emerging technologies and public participation in relation to spatial planning in Ghana). Often, in any consideration of strategy, the focus is on the publics who are participating and the need to develop and enhance their digital literacy and engagement. However, one barrier to the further evolution of engagement with digital technologies in decision-making is the oft-neglected aspect of the skills and knowledge of those responsible for delivering the digital transition. Research by Uhlhorn et al.

(2024) focusing on EIA practitioners in Germany and Austria, identified that practitioners had concerns about their skills and confidence in using advanced digital tools (as well as issues relating to the use of technologies e.g. security, legal uncertainty). Fothergill and Murphy (2021) also noted this in a global study on the uptake of digital impact assessment practice.

What the example of PINS NSIP 'pivot' to technological engagement in decision-making during COVID-19 highlights, is that technological 'answers' can be implemented quickly. The value of a legislated process (PA2008) which supports decision-making with clear boundaries as to what changes can occur, also demonstrates how co-production participative processes involving publics and other stakeholders can continue, even during a global pandemic. It also highlights that digital/online/virtual engagement tools in future decision-making may need to be one of a number of 'tool-box' of approaches which may be needed in different cases, depending on the wishes of those publics and stakeholders being invited to engage and participate.

Disclosure statement

No potential conflict of interest was reported by the author(s).

ORCID

Bridget Durning  <http://orcid.org/0000-0002-8181-8212>

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