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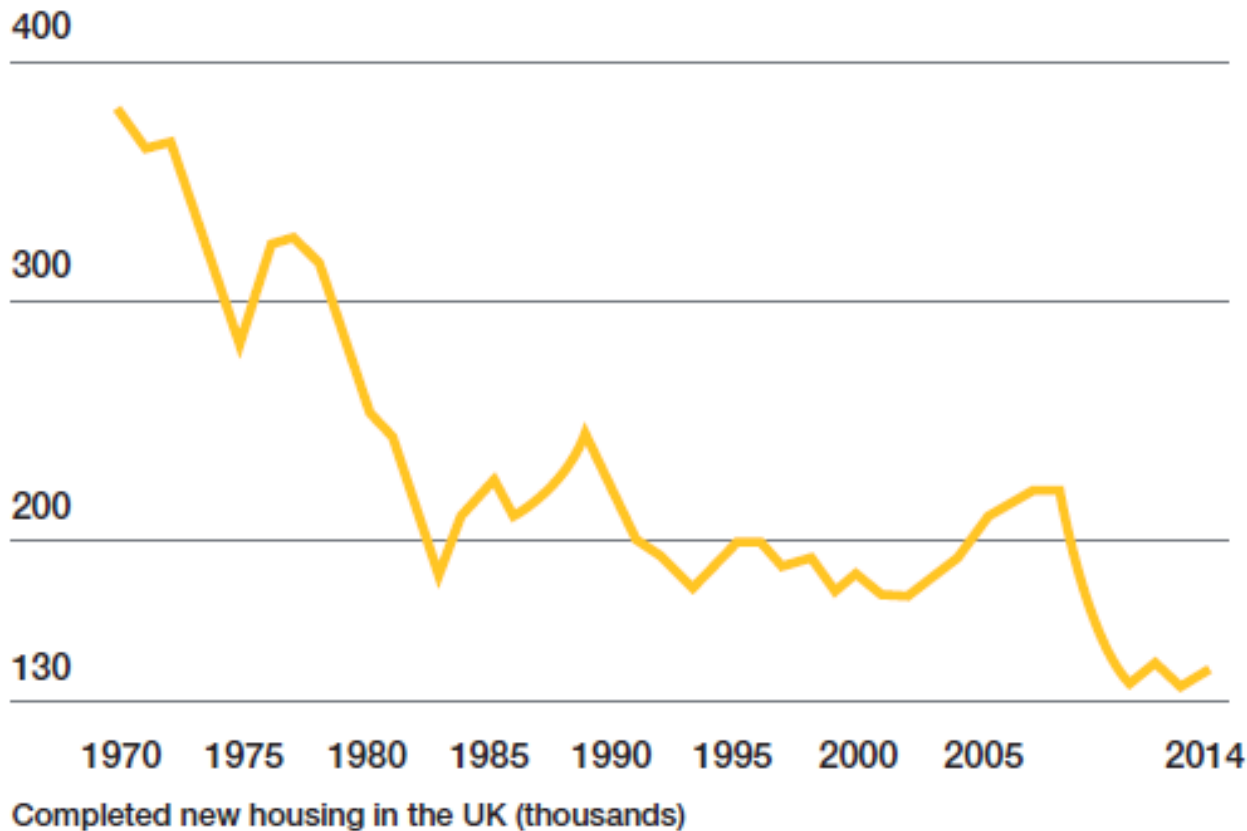
Housing – Nationally Significant Infrastructure?

Kevin Gibbs, partner

Bond Dickinson LLP

Crisis .

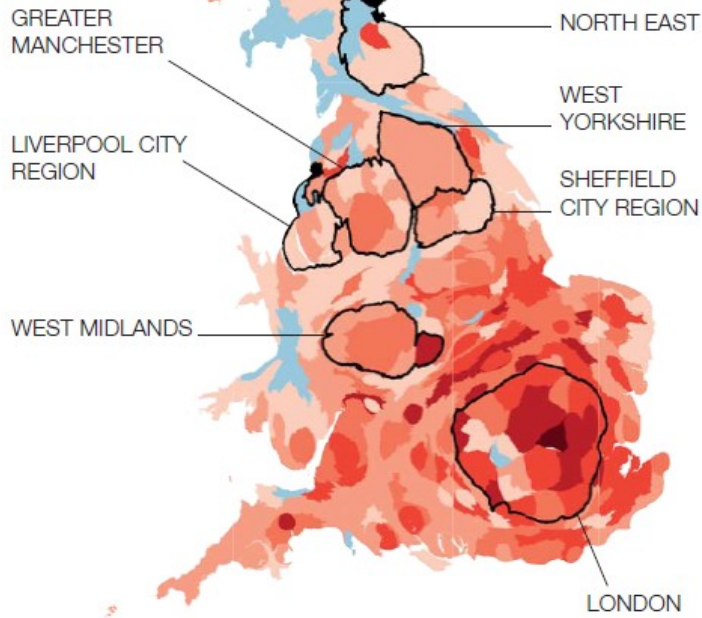
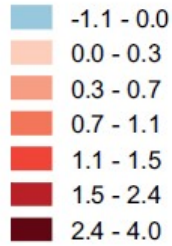
Figure 1:
Housing completions falling



Source:
<http://www.independent.co.uk/news/business/news/house-prices-hit-record-high-as-uk-housing-crisis-worsens-10189495.html>

POPULATION

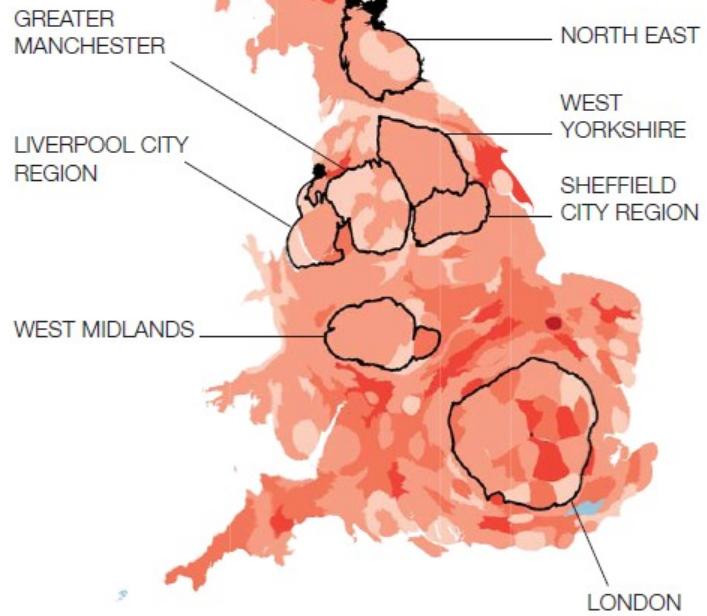
ANNUAL GROWTH 2012-2014, %



Source: Quod

HOUSING

ANNUAL GROWTH 2012-2014, %



Source: Quod

Where are we now?

- Refresh new Towns legislation?
- Garden Cities?
 - April 2014 Prospectus developing a 'locally led solution'
 - "Significant element" of brownfield land
 - Assistance with land ownership – acquisition powers?
- Wolfson Prize, UDCs, Mayoral DCs?
- Planning Act 2008 – how does it work?

Planning Act 2008

- S. 14 – list of projects which amount to an NSIP
- S. 5 - NPS – currently 12 NPSs
- S 35 – Direction of the SoS for development to be treated as development for which a Development Consent Order (DCO) is required – includes Business and Commercial – not housing
- Pre Application consultation – duty to consult LAs
- Draft DCO and compulsory acquisition provisions
- Funding Statement
- Application and Acceptance

Planning Act 2008

- Examination – 6 months maximum, 3 months for report and SoS 3 months for decision. Approx. 15 months in total.
- Associated Development
- S 104 – regard to NPS, Local Impact Report and satisfied that the adverse impacts of the proposed development would outweigh its benefits
- 42 DCOs made to date – recent decision on Navitus off shore windfarm refused on local impacts and other reasons

Planning Act 2008

- 2014 extension to Business and Commercial
- Two current applications
- Regulations specifically exclude dwellings as associated development
- Hinckley decision
- 2015 Budget - legislate "to allow major infrastructure with an element of housing" to be included
- Associated development or part of the scheme?

The Report

Bond Dickinson



Published 21 September

- The Times
- Daily Mail
- Daily Telegraph
- City AM

- Independent research
- 17 Interviews

Housing – Nationally Significant Infrastructure?

Bond Dickinson and Quod commissioned Report September 2015

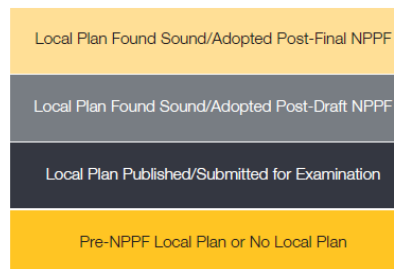
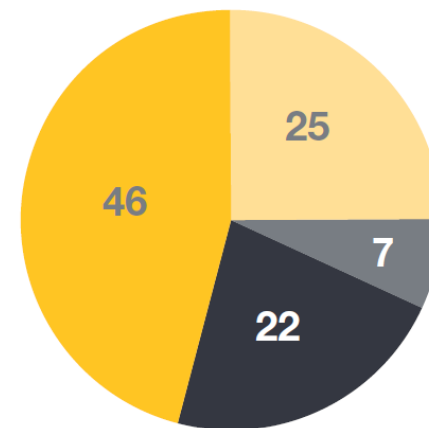


Recommendation: In light of the specific advantages of the NSIP regime, central government, should as a matter of urgency, consult on a proposal to bring housing within the NSIP regime as an alternative to or additional to existing frameworks capable of bringing forward large-scale housing schemes for consent.

What is the case?

- Current reliance on public sector land assembly
- Resources
- Planning for housing need
 - Only 25% of LPAs have an adopted Local Plan
 - 46% of LPAs have no plan/ or pre-NPPF plan
 - 33% of plan examinations have been suspended due to housing issues

Local Plans (strategic issues/'core strategies') progress



What is needed?

- Legislation and policy support
- National Policy Statement (NPS) for Housing – Need ?
- Existing Policy Framework - NPPF?
 - Precedent – Business and Commercial projects
- Focused Policy Statement?
 - Additional criteria ? - LA support for allocated site in LP; LP unallocated site and identified shortfall; no LP and identified shortfall, multiple LA boundaries, S 35 direction.
- Minimum size? – 1500 (Lord Best), 5000
 - Northstowe 9500, Bicester 13,000, Ebbsfleet 15,000

Embedded in NSIP process - LAs

- Statements of Community Consultation
- Pre-application consultation
- Local Impact Reports; Written representations
- Negotiation and discharge of “Requirements”
- Monitoring and enforcement post-consent
- Other areas:
 - Section 106 agreements and statutory agreements
 - Negotiation of Statement of Common Ground
 - Planning Performance Agreement

Advantages?



- Defined timescales for decision
- One stop Shop for consents
- Single process even if LA boundaries crossed
- Availability of compulsory acquisition powers
- Greater certainty plus 3 years to implement
- LA resource implications
- Transform the ability of the private sector to contribute



What is next?

- Housing Bill – this month
- Autumn Statement – 25 November



Planning & Infrastructure



Kevin Gibbs

Partner

Planning and Infrastructure

T: +44(0) 117 989 6930

E: kevin.gibbs@

bonddickinson.com



Anthony McNamee

Solicitor

T: +44(0) 117 989 6778

E: anthony.mcnamee

@bonddickinson.com

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download a copy of @Bond_Dickinson housing report commissioned with @quodplanning here ow.ly/Sszwc #NSIPHousing



Thank you

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