

# Planning and environmental aspects of the National Infrastructure Plan and Autumn Statement

HM Treasury has published the UK National Infrastructure Plan 2013 (NIP 2013)<sup>1</sup> which sets out the Government's strategic approach for providing the infrastructure needed in the UK in the next decade and beyond. It contains a number of announcements relevant to the planning system. The Chancellor of the Exchequer has also made his Autumn Statement<sup>2</sup> which contains some additional announcements on planning and environmental matters. This briefing looks at the key points.

## Top 40 Priority Projects

NIP 2013 sets out a list of the Government's top 40 priority projects for investment, updated from its 2011 plan. These projects cover energy, transport, water, telecommunications, flood defence and science sectors and each have an element of public funding. For these projects, NIP 2013 announces creation of a new Top 40 'hot-desk' within Infrastructure UK (IUK). This will aim to provide a point of liaison to help resolve project obstacles, with a channel up to Ministerial level if needed. A Major Infrastructure Tracking (MIT) unit within Infrastructure UK will then track progress of each project.

The Government will also take into account the "top 40" designation in the decision-making process for Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008.

## Judicial Review

The Government will press ahead with at least some of the changes to judicial review procedures which were subject to consultation in September 2013. These include:

- Establishing a specialist planning court to hear planning judicial review cases by early 2014 – this will have set deadlines to accelerate case handling;
- Changes to ensure claims based on procedural flaws are dealt with in a proportionate way; and
- Allowing cases to jump from the High Court directly to the Supreme Court in a more situations.

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<sup>1</sup> [National Infrastructure Plan 2013 – HM Treasury – December 2013](#)

<sup>2</sup> [Autumn Statement 2013 – HM Treasury – December 2013](#)

## Town & Country Planning system

Some additional changes are proposed to the town and country planning system to speed up decision-making:

- **Section 106 Agreements:** consideration will be given to a new threshold of 10 units below which affordable housing contributions will not be required;
- **Planning conditions:** planning conditions will be deemed satisfied where a local planning authority fails to discharge conditions on time. The Government will also seek to strengthen requirements on authorities to justify pre-commencement planning conditions;
- **Permitted Development:** The government will consult on relaxing controls on changes of use from retail to restaurant / assembly / leisure uses. Restrictions on mezzanine floors might also be relaxed to support town centres;
- **Decision-making by Secretary of State:** subject to consultation, the proposed powers to wrest control of planning applications from poor-performing local planning authorities will only apply where 40% of decisions are determined within relevant time periods (previous proposal was 30%);
- **Local plans:** The Government will consider introducing a statutory obligation to produce a local plan;
- **Statutory consultations:** The Government will consider reducing the number of applications where unnecessary statutory consultations are required; and
- **Community Infrastructure Levy (CIL):** The Government will pilot the sharing of Community Infrastructure Levy funds with individual households (this goes beyond the recently introduced requirements for local authorities to share funds with Neighbourhood bodies).

## Nationally Significant Infrastructure Project (NSIP) consenting

The NIP 2013 announces the launch of a further review of the NSIP consenting regime under the Planning Act 2008. A short discussion paper<sup>3</sup> sets out the following areas to be reviewed:

- Streamlining consultation and environmental information requirements;
- Introducing more flexibility to change Development Consent Orders (DCO) after they are made;
- Including more types of consent within the 'one stop shop' DCOs;
- Expanding efficiency and flexibility during the examination phases; and
- Producing stronger guidance on engagement between the developer, Statutory Consultees, Local Authorities and communities.

Planning application fees for the NSIP regime have also been frozen until the end of this parliament (expected in 2015).

## Financial Incentives for Renewables

NIP 2013 makes reference to announcement of the "strike prices" for the first phases of the new Feed-in-Tariff Contracts for Difference mechanism to support new renewable energy capacity. This is covered in our briefing: [Strike Prices for Contracts for Difference published and other EMR news](#).

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<sup>3</sup> [Reviewing the Nationally Significant Infrastructure Planning Regime - A discussion document – DCLG December 2013](#)

## Environmental measures

The following measures were announced in the Autumn Statement:

- CRC Energy Efficiency Scheme allowance prices for the 2014 / 2015 compliance year will be £15.60/TCO2 in the forecast sale (i.e. the first sale at the beginning of the compliance year) and £16.40/TCO2 in the compliance sale (i.e. the second sale at the end of the compliance year).
- A new "climate change agreement" for data centre sectors (allowing significant reductions from the climate change levy).

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