Bond Dickinson

Quod

Housing – Nationally Significant Infrastructure?

Bond Dickinson and Quod commissioned Report September 2015

Contents

Preface

England's shortfall in annual housing supply is unlikely to abate until radical steps are taken to meet the scale of demand.

Most commentators believe that any solution will need to involve not only brownfield sites and substantial urban extensions, but also large scale housing schemes and new settlements consisting of thousands rather than hundreds of dwellings, with associated major infrastructure and supporting development. The planning system has been singularly unsuccessful in delivering housing development on this scale since the era of the New Towns.

The research presented in this report is intended to take this debate forward, by exploring the option of delivering housing development in a more comprehensive way and on a larger scale, by using the consenting regime available for Nationally Significant Infrastructure Projects (NSIPs). Housing has been hitherto excluded from the NSIP regime. Whilst proposals were included in the July 2015 budget to legislate "to allow major infrastructure projects with an element of housing" to be included, housing led schemes remain excluded from the NSIP regime.

Advocates of extending the regime to housing led schemes argue that the complexity and uncertainty associated with the current planning regime and particularly the lack of power to deliver infrastructure and to compulsorily acquire land is a major impediment to the delivery of large scale development. The NSIP regime would tackle those issues head on. Opponents argue that the NSIP approach circumvents local authority planning processes, and consider there to be technical difficulties in making NSIPs work for large scale housing.

This report has been commissioned by law firm Bond Dickinson and planning consultants Quod to explore objectively whether the NSIP approach might be a useful mechanism in principle, the circumstances in which it might be appropriate to include housing, and the potential challenges associated with doing so.

It has been undertaken by independent consultants Hannah Hickman (of Hannah Hickman Consulting), and Dr Aidan While (Department of Urban Studies and Planning, University of Sheffield). Hannah is a freelance planning consultant and Visiting Research Fellow at the University of the West of England, with a background in senior management and strategic planning. Aidan is a Senior Lecturer with expertise in planning for housing. They have both worked on a number of UK government projects in support of increased housebuilding.

Their work has been informed by a detailed evidence review and a number of in-depth interviews carried out with a representative range of experts in the fields of housing and planning and those who have been closely involved either with the NSIP regime and or the delivery of large-scale housing schemes in England.

This report concludes that, 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.

1. Introduction

1.1 A call for action

"Everyone now accepts that we have a desperate housing shortage in England. Each year we build 100,000 fewer homes than we need, adding to a shortage that has been growing for decades. What's more our current house building system seems incapable of delivering growth on the scale required. Growing demand means that without a step change in supply we will be locked into a spiral of increasing house prices and rents – making the current housing crisis worse."

(Rob Campbell, Shelter Chief Executive, quoted in KPMG 2014, 3).

"Britain's housing crisis is a human disaster."

(Moore, 2015).

"The number of homes built in England from 2010 to 2013 was less than half the official estimate of how many more households would want to find somewhere to live."

(Barker 2014, vii).

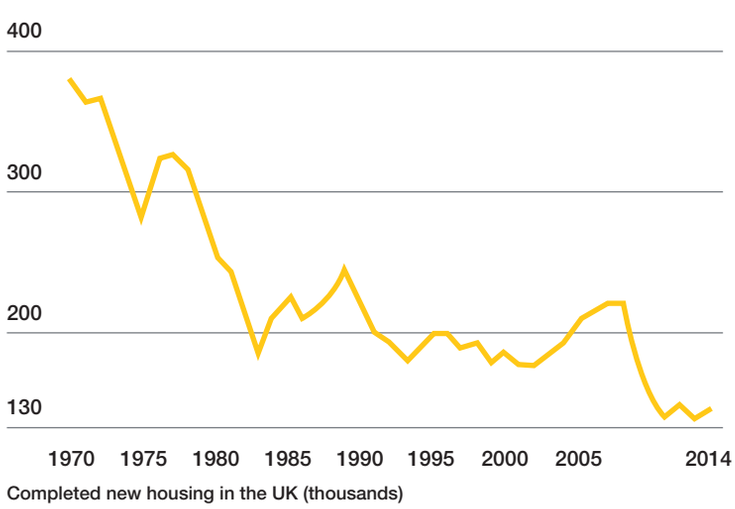
"We are just not building enough homes … The 141,000 new homes built last year were a fraction of those needed to meet demand."

(Sajid Javid, Business Secretary, 2015)

Newspaper headlines such as "Britain has a nightmare, and its name is housing" (Chu, 2014) and "UK housing crisis 'in breach of human rights'" (Booth, 2015) are not uncommon. There is a very little questioning of the need to increase housing supply in England; use of the terminology 'crisis' in respect of housing is common. Political support for increased levels of housebuilding was evident in the manifestos of all of the main political parties in the run up to the 2015 general election, with every party making bold claims about housing.

At least 240,000 new units are needed each year to address the housing need (see Holmans, 2013). Yet in 2013, whilst the building of 122,590 homes was started (the largest number since 2007 and a rise of 23% on the previous year) the number of homes completed was only 109,370. The number of completions was the lowest since 2010 (CLG 2014a). The release of this data (see **figure 1**) received wide comment including statements such as "without new homes, the housing crisis will get worse" (Sheffield, 2015). Recent research by Savills (2015) on local plan housing targets suggests that there is likely to be a shortfall of 180,000 homes against projected requirements over the next five-year parliamentary term.

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

Even where councils have an up to date local plan, the housing targets often appear to fall short, and sometimes significantly short, of the latest Strategic Housing Market Assessment (SHMA) for the local authority area. A SHMA is an objective assessment of local housing needs. The Government requires local authorities to prepare a SHMA and keep it reviewed.

The impacts of the housing delivery crisis are "profound and far reaching and hit the youngest and poorest hardest" (Lyons 2014, 14). Two themes stand out in particular: human cost and economic impact. There are now 93,000 children reported as homeless in Britain: "The housing crisis isn't about houses – it's about people. It's the family struggling to meet next month's mortgage payment. The young family renting a rundown flat, wondering if they'll ever be able to afford a home of their own. The children living in temporary accommodation, forced to change schools every time they move" (Shelter 2015). The housing supply crisis spans social and class divides: "in London, the south-east, much of rural Britain and several of the more desirable cities, you can be young, employed and even well-paid and have little prospect of acquiring a decent home" (Moore, 2015). Housing undersupply is having a significantly negative impact on the 'lived experience and future aspirations of young people' (IPPR, 2012). **Figures 2** and **3** from the Centre for Cities (2015a, 2015b) illustrate the substantial affordability challenge for many when comparing average house prices with average incomes, and the rate at which house prices have grown.

Figure 2:

Change in affordability, 2004-2014

Rank	City	Average house price: average earnings, 2004	Average house price: average earnings, 2014	Change 2004-2014
10 cities with the largest increase in their affordability ratios				
1	London	9.5	15.7	6.3
2	Cambridge	9.2	14.8	5.6
3	Oxford	12.8	16.1	3.3
4	Aberdeen	4.6	7.4	2.8
5	Brighton	9.4	12.2	2.8
6	Aldershot	8.4	10.3	1.9
7	Reading	8.3	10.1	1.8
8	Crawley	9.0	10.6	1.6
9	Worthing	8.3	9.5	1.2
10	Milton Keynes	6.9	8.0	1.1
10 cities with the smallest increase in their affordability ratios				
54	Portsmouth	8.4	8.2	-0.2
55	Birmingham	7.3	7.1	-0.2
56	Warington	7.1	6.9	-0.2
57	Swansea	6.9	6.7	-0.2
58	Liverpool	5.8	5.5	-0.3
59	Sunderland	6.1	5.8	-0.3
60	Bournemouth	11.1	10.8	-0.3
61	Mansfield	6.2	5.8	-0.4
62	Derby	6.4	6.0	-0.4
63	Nottingham	6.8	6.2	-0.6
	Great Britain	**7.8**	**9.6**	**1.8**

Source: Land Registry 2014, Market Trend Data, Price Paid, 2004 and 2014 data, Mean house prices, 2004 and 2014 data; ONS 2013, Annual Survey of Hours and Earnings (ASHE), average gross weekly residence based earnings, 2012 and 2013 data.
Note: 2014 prices in Scotland are an average of the first three quarters of 2014. House prices in England and Wales are an average of January to November prices.

Figure 3:
House price growth

Rank	City	Annual growth, 2013-2014 (%)	Average price, 2014 (£)	Average price, 2013 (£)	Difference in average prices, 2013-2014 (£)
10 cities with the highest rises in house prices					
1	Cambridge	14.3	412,600	360,900	51,700
2	Brighton	12.6	320,400	284,600	35,800
3	London	10.0	501,500	455,900	45,600
4	Oxford	9.7	426,700	388,900	37,800
5	Reading	8.9	307,900	282,700	25,200
6	Ipswich	8.4	168,400	155,300	13,100
7	Worthing	8.4	241,100	222,400	18,700
8	Newport	8.0	161,300	149,300	12,000
9	Milton Keynes	7.7	226,000	209,900	16,100
10	Bristol	7.6	232,900	216,500	16,400
10 cities with the lowest rises in house prices					
54	Blackpool	2.2	149,400	16,200	3,200
55	Warington	2.0	185,800	182,100	3,700
56	Hull	2.0	104,100	102,100	2,000
57	Blackburn	2.0	114,800	112,600	2,200
58	Leeds	1.6	174,500	171,800	2,700
59	Preston	1.5	159,200	156,900	2,300
60	Stoke	0.8	117,900	117,000	900
61	Telford	0.4	155,500	154,900	600
62	Dundee	-0.1	126,500	126,600	-100
63	Bradford	-0.1	145,000	145,200	-200
	Great Britain	**5.5**	**251,400**	**238,300**	**13,100**

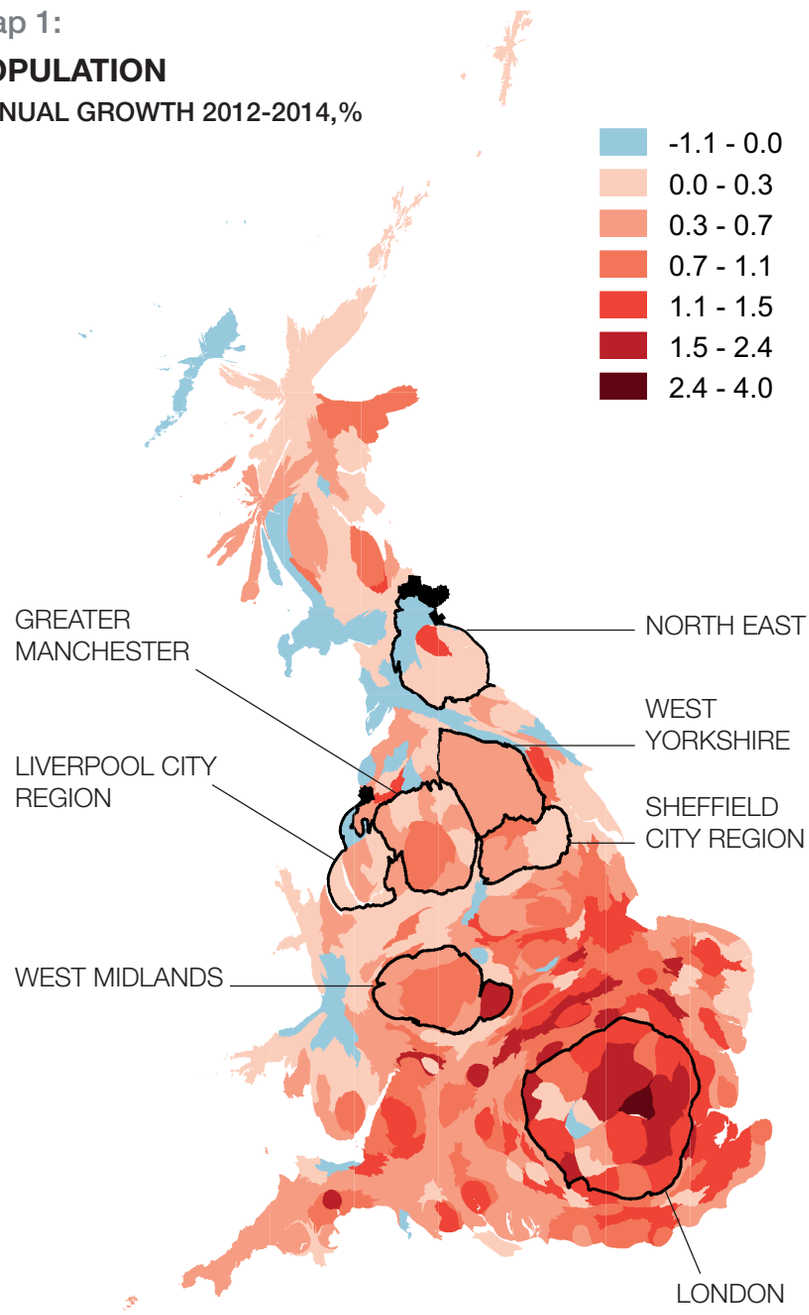
Source: Land Registry 2014, Market Trend Data, Price Paid, 2004 and 2014 data, Mean house prices, 2004 and 2014 data; ONS 2013, Annual Survey of Hours and Earnings (ASHE), average gross weekly residence based earnings, 2012 and 2013 data.
Note: 2014 prices in Scotland are an average of the first three quarters of 2014. House prices in England and Wales are an average of January to November prices.

Mark Carney, the governor of the Bank of England has asserted that problems with housing in the UK are one of the greatest risks to the economy at the national level (quoted in Moore 2015), with the shortage of housing putting a brake on economic growth (Lyons 2014, 14). At a local level, the relationship between housing provision and economic growth is being repeatedly tested at local plan examinations. Some plans have been found 'sound' (the test for local plans to be adopted by a local planning authority) despite Inspector reservations about an apparent mismatch between projected employment figures and planned housing supply (see Planning Inspectorate 2011). Furthermore, the two maps on the right show an inverse relationship between where housing is actually being built and where population growth pressures are the greatest.

Map 1:

POPULATION

ANNUAL GROWTH 2012-2014,%



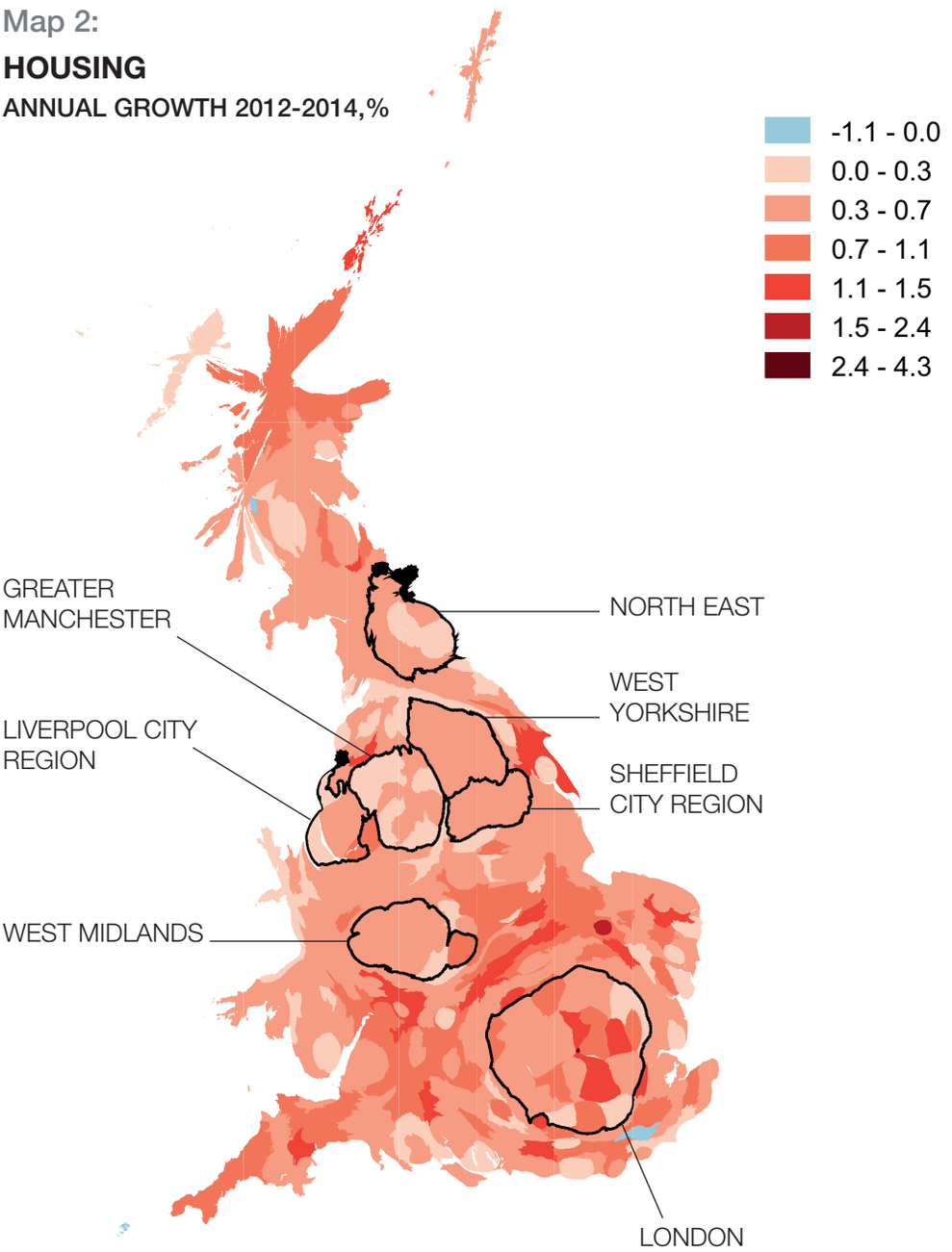
Source: Quod

Published: http://www.independent.co.uk/news/uk/politics/the-two-maps-that-show-the-government-isnt-building-enough-houses--and-the-ones-they-are-building-are-in-the-wrong-places-10414255.htm

Map 2:

HOUSING

ANNUAL GROWTH 2012-2014,%

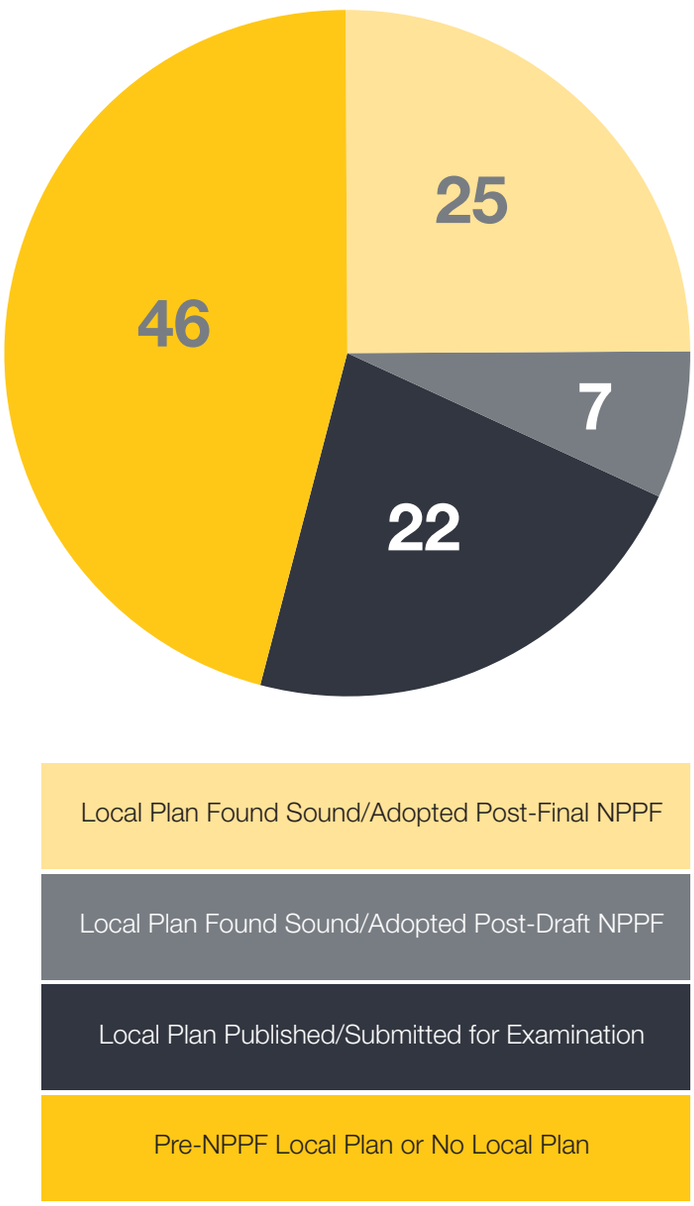


Source: Quod

Published: http://www.independent.co.uk/news/uk/politics/the-two-maps-that-show-the-government-isnt-building-enough-houses--and-the-ones-they-are-building-are-in-the-wrong-places-10414255.htm

Critically, recent research shows that only **25%** of local planning authorities have a local plan which has been examined and adopted as sound since the publication of the Government's National Planning Policy Framework (NPPF) in 2012, **46%** have no plan or are still working to a pre-NPPF plan, and **33%** of current plan examinations have been suspended due to housing issues (see Nathaniel Lichfield and Partners 2015).

Figure 4:
Local Plans (strategic issues/'core strategies') progress



Source: Nathaniel Lichfield and Partners, 2015

The housing supply crisis is a classic 'wicked' problem with multiple and complex causes, including planning constraints; failures and dysfunctions in land markets; weak mechanisms for capturing development uplift in the public interest; the need for more competition within the house building sector; and a national shortage of skills and labour. The issue has been addressed in a raft of recent reports. These include the Lloyds Banking Group Commission on Housing (2015), the Labour Party commissioned 'Lyons Review of Housing' (2014); the National Housing Federation's report 'Home Truths 2014/15: Broken Market, Broken Dreams'; Kate Barker's book 'Housing: Where's the Plan?' (2014); the KPMG and Shelter report 'Building the homes we need: A programme for the 2015 Government' (2014) and the RTPI's 2013 report on 'Delivering Large Scale Housing'.

A considerable part of the literature, discussion and debate is about bringing forward land for development and it is accepted that there are severe constraints for developers in securing the multiple consents needed for larger-scale housing development. The vast majority of studies conclude that increasing supply at the scale needed will not come from an accumulation of small sites.

The Lyons Review of Housing was clear that tackling need would involve major new urban extensions and new settlements. The Wolfson Prize for economics in 2014 was devoted to the question of how to deliver a new Garden City which is 'visionary, economically viable, and popular'. The Wolfson competition acknowledged that larger sites for housing are by virtue of scale complex, often spanning sites in multiple land ownerships and with large upfront infrastructure investment requirements. Three of the five finalists suggested building between 30 and 40 garden cities to meet Britain's housing need.

The Government's July 2015 budget included a raft of measures aimed at boosting house building. Included amongst them was a zonal system that would grant brownfield land automatic planning permission on suitable sites and to grant Government the power of intervention in local plans where authorities are failing to produce them (HM Treasury 2015). Whilst some of these measures have been cautiously welcomed, there is scepticism about their overall impact on the housing crisis (see Donelly 2015a).

1.2 Report purpose

This research report contributes to the debate about how to tackle England's housing crisis by examining the case for extending the consent regime for National Infrastructure Planning to large-scale housing.

There is no agreed definition for what constitutes a large scale housing development (RTPI 2013). Sir Michael Lyons suggested large sites as being anything in excess of 2,000 homes. However, in the case of new settlements these could contain upwards of 15,000 - 20,000 dwellings. It is clear, however, that large sites and schemes are deemed to consist of thousands rather than hundreds of dwellings with associated major infrastructure and supporting development. A perceived advantage of new settlements is that they may be expected to achieve better standards of sustainability, design, character and community than successive urban extensions to existing suburban estates. They may also be expected to provide their own new social (and other) infrastructure, rather than increase pressure on existing schools, medical centres and community facilities. Despite those perceived advantages, however, the town and country planning system has been singularly unsuccessful in delivering new settlements, since the end of the creation of New Towns.

When it was introduced in 2008 the NSIP regime excluded housing in any form, largely because successive governments have considered responsibility for decision making on housing to rest with local authorities. Nevertheless there has been on ongoing debate as to whether the NSIP regime could and should be extended to housing given the national need for new housebuilding, the continuing difficulties in delivering consent through the local planning system, and the proven effectiveness of the NSIP regime in overcoming barriers to development in the public interest. The NSIP regime was extended to business and commercial uses in 2013 and the Labour Party's 2015 election manifesto set out plans for an independent infrastructure commission to deliver a strategy which would include amongst its goals "the infrastructure, new towns and urban extensions to ensure 200,000 new homes a year by 2020 and that we are meeting need by 2025" (Labour Party 2015, 3).

In George Osborne's 2015 Productivity Plan the Conservative government announced plans to allow for an element of housing in projects brought through the NSIP regime. However this will not allow for housing-led projects and new settlements since the housing will need to be subordinate to the particular project.

The complexity and uncertainty associated with the current regime for the granting of planning permission is a major impediment to the bringing forward and building out of large scale development. Advocates of extending the NSIP regime to housing led schemes argue that it would encourage developers to bring forward projects because it allows for the granting of multiple consents in a short and fixed timescale. It is felt that extending NSIPs to housing led schemes could encourage innovative and creative solutions by the public and private sector. The development community is interested in the opportunities that the NSIP regime would create to work in partnership with local authorities and other organisations in bringing forward housing in the right locations.

However, bringing housing into the NSIP regime will not be without controversy given some of the perceived democratic deficits of the NSIP approach in circumventing local authority planning processes and often high levels of opposition to new housebuilding. However, it is becoming clear that a solution will not be found if governments are weak in the face of opposition. The question is whether the NSIP route can be part of the solution.

1.3 Research method

This research report has been commissioned from independent researchers Hannah Hickman (of Hannah Hickman Consultants), and Dr Aidan While (Department of Urban Studies and Planning, University of Sheffield University) on behalf of law firm Bond Dickinson, and planning consultants Quod. It is intended to inform the debate about including housing within the NSIP regime further by considering the circumstances in which it might be appropriate to include housing, and the extent of any potential challenges associated in doing so.

The report is informed by an evidence review and 17 in-depth interviews carried out with a representative range of experts in the fields of housing and planning as well as with those who have detailed practical experience of the NSIP regime. The 17 expert interviews were intended to provide a spectrum of opinion. Some of the interviewees were known to be in favour of the NSIP route, others chosen because they had been recorded as being more sceptical. Most of all though the study sought the views of those who have been closely involved with the NSIP regime and/or the delivery of large-scale housing schemes in England. The expert interviews were important in identifying potential challenges and difficulties involved in extending the NSIP regime to housing.

These interviewees, whose time and thoughts have been gratefully received, are listed in Appendix B. Their views, not directly attributed to particular individuals, are referred to in this report as 'expert opinions'.

1.4 Report structure

The report is divided into the following sections:

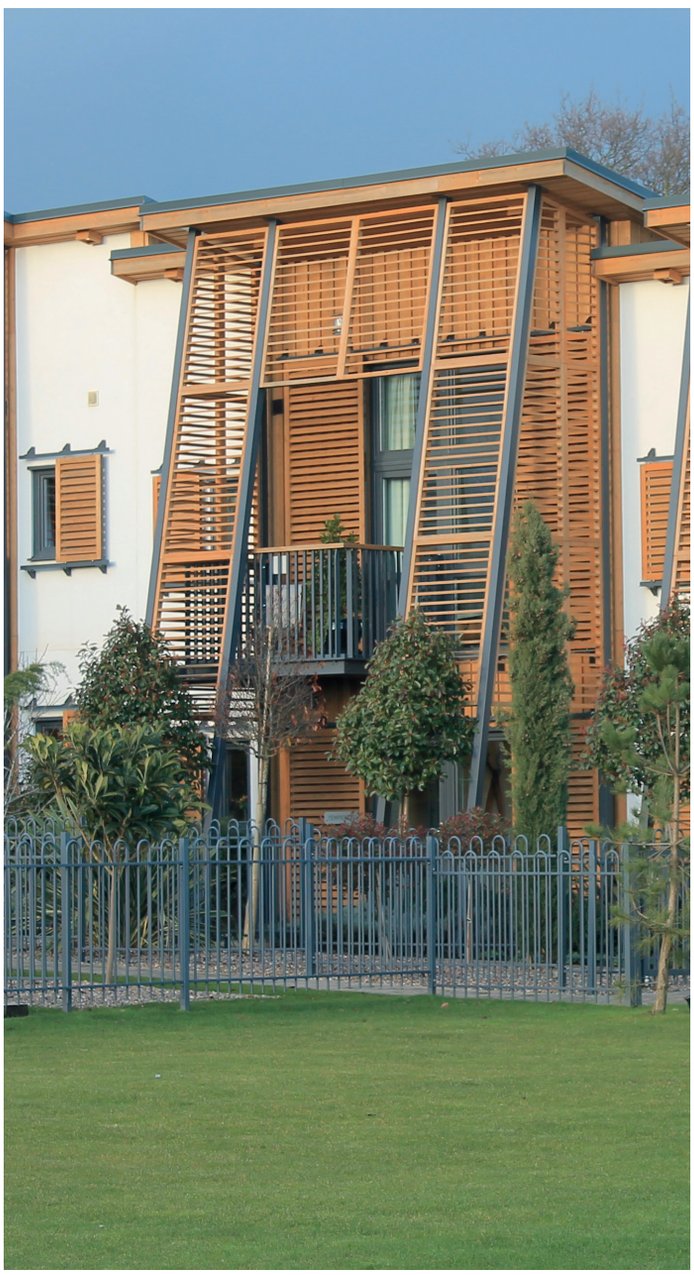
Section 2 identifies the barriers to large housing development;

Section 3 explores the background to the NSIP regime and considers evidence on its effectiveness to date;

Section 4 considers the case for and against bringing housing within the regime and the potential challenges in doing so;

Section 5 makes some brief comparisons between the NSIP approach and other existing consenting mechanisms; and

Section 6 provides a conclusion for taking the debate forward from this point.



2. Barriers to large scale housing development in English planning

2.1 Core Issues

There is considerable literature, discussion and debate on the barriers to new housebuilding in England and how they might be addressed (see for example Barker, 2014; KPMG/Shelter, 2014; RTPI, 2013; Lyons, 2015; and TCPA, 2015). There is agreement that there needs to be radical change if the required number of homes is to be built. However there are different diagnoses of the problem and therefore different solutions. Diagnoses of the 'housebuilding problem' include: problems in gaining planning permission because of the strength of opposition within local planning processes; the time taken to negotiate the planning system; difficulties in assembling land; high land values; and a lack of competition within the housebuilding sector.

The process of bringing forward and building out sites for large scale housing development is politically and technically complex. It is estimated that the average time from submission of an outline planning application for a sustainable urban extension to the delivery of the first houses is 8 years (Hourigan Connolly, 2013) and it can take longer. Northstowe - a substantial new town North West of Cambridge in an area of strong market demand - was first proposed in 2008, yet work started in only spring 2015 (with the intervention of the Homes and Communities Agency, 2015). As the Lyons Housing Review states,

> "it is clear from evidence from developers of a range of types and sizes that the planning process remains a source of frustration to developers and long standing concerns about the time, costs and complexity involved in securing planning permission remain"
> **(Lyons Review 2014, 70).**

It is generally accepted that securing the necessary consents in a reasonable time frame and assembling land will be extremely difficult without local authority support. Even if local authorities support or promote an application, decisions will take considerable time because of the complex range of consents and agreements that are required (including Section 106 agreements, non-planning consents, CPO, removal of easements and covenants) and the potential for opposition groups to delay decision-making. The resources, time and complexity of bringing land forward are likely to discourage local authorities and the private sector from coming forward with innovative ideas for sustainable settlements.

2.2 Specific barriers

The following sections examine key barriers to land assembly and consent for large scale housing in more detail in terms of:

- Local opposition to large scale housing development;
- Issues of cost, time and uncertainty in negotiating multiple consent regimes;
- Specific difficulties in the absence of compulsory purchase powers;
- Local authority capacity to support large scale applications; and
- Barriers to building out – infrastructure and development uplift.

2.2.1 Opposition and large-scale housing development

Opposition to housing development is a major constraint on housing land supply in England (RTPI, 2013). It is expected that most large scale housing applications will be opposed by well-organised opposition groups. There may be many reasons for opposition, but it is generally motivated by concerns about impacts on residential amenity. In some cases opposition will be embedded within local authorities. However it is possible that opposition and electoral pressures will influence the planning stance of local authorities that might otherwise support large scale housing development.

Allowing due weight to opposition arguments is an important part of the planning system and can lead to better development outcomes. The NPPF, which provides national planning policy guidance, sets out policy on how the balance should be struck. The question is whether dealing with opposition could be managed better? There is a view that

opposition groups can use the local planning system to exert disproportionate influence and draw out the process of granting planning permission by using mechanisms such as judicial review and by placing pressure on local representatives. For example, it is argued that opposition movements are dominated by 'loud voices' and sharp elbows; the RTPI talks of a 'silent majority' of residents who support new housing development but are not motivated to express their views in local planning arenas (RTPI, 2013). The prospect of a long and drawn out struggle over planning consent is likely to discourage developers and local authorities from pursuing large scale housing applications.

It is possible that a large scale housing scheme could be allocated in a local plan. This would add certainty and reduce delays in the granting of planning consent. The Government's latest budget proposals include several measures aimed at streamlining the 'length and process' of local plans and measures to 'intervene where necessary' (HM Treasury 2015). However, current plan-making whilst being required to be prepared for a 15 year time horizon, effectively remains locked into the short timescales of five year land supply which discourages long term strategic thinking. The Lyons Review of Housing reports that 'progressing through the Local Plan process is likely to take at least three years.' (Lyons, 2014, 95) and that is if local authorities and residents support the proposal.

The limited examples of large scale developments that have come through the system have all benefitted from local authorities that are particularly supportive, for example in the case of Bicester (in Cherwell) and Northstowe (in South Cambridgeshire) and/or where central government has identified sites (e.g. at Ebbsfleet). However those proposals are of fairly limited scale: Northstowe is for 9,500 homes, Bicester 13,000 and Ebbsfleet 15,000. Bicester and Ebbsfleet received 'garden city' status from Government in 2014 to seek to stimulate and speed up delivery with Grant Shapps, former housing and local government minister, describing development at Ebbsfleet as 'having been stuck on the drawing board for a decade' (BBC News Report 2014). Site work at Northstowe started in 2015, after seven years in gestation. There are no significant examples of locally generated large scale housing proposals that have spanned more than one local authority area.

Successive governments have sought to address barriers to the granting of planning permission for new housing through the Penfold and Killian Pretty Reviews and various planning reforms. The UK government has also sought to rebalance local incentive structures for large scale housing through the New Homes Bonus which rewards local authorities with a payment for each house that is completed. Neighbourhood Planning is further intended to overcome opposition to new housebuilding by giving residents more power over the location and design of development and a share of the Community Infrastructure Levy (a levy on development to fund infrastructure). However the various changes have so far had limited impact on the bringing forward of complex large scale housing proposals (Barker, 2014; Dunning et al, 2014; RTPI, 2014). The introduction of the NPPF and the requirement for local authorities to demonstrate a five year land supply has been more effective in challenging cultures of local opposition to new housebuilding, but it is unlikely to encourage large scale proposals to come forward from local authorities or the development industry because those schemes would not necessarily count against five year land supply targets.

2.2.2 The costs and complexity of securing multiple consents

Securing planning permission is often cited as the main hold up in large scale housing schemes. Local authorities are required to determine major planning applications within a statutory period of 13 weeks for small scale major projects and 16 weeks for large scale major projects. Despite this, 24 months is not uncommon for relatively small scale urban extensions, with one scheme taking 65 months to secure planning permission (Hourigan Connelly, 2014). Large schemes often require a range of additional consents and approvals from various agencies before development can proceed.

Agencies responsible for non-planning consents include Historic England, the Environment Agency, Natural England and Highways England.

Planning Performance Agreements (PPAs) can be a valuable mechanism to help major proposals progress through the application process. The Lyons Housing Review suggests that 'greater use of PPAs would offer a means of de-risking larger schemes and promote close working through the planning system' (Lyons, 2014, 54). However a PPA does not guarantee timescales for development.

The Penfold Review of Non-Planning Consents commissioned by the Department of Business Innovation and Skills (BIS) identified measures to reduce the regulatory burden of multiple consents (CLG, 2015). This includes the extended use of PPAs to assist development schemes where multiple consents are required by covering more development consents. It also recommended simplifying and streamlining specific consenting regimes. Changes introduced following the Penfold Review will ease some of the difficulties with securing multiple consents, but there are still likely to be significant delays and costs for complex projects such as large scale housing developments.

2.2.3 Compulsory purchase and land assembly

Large scale housing development is about ensuring "access to the right land in the right place at the right price" (Lyons, 2014, 95) and within an appropriate timescale. Assembling land for development is notoriously difficult, costly, can take many years and is often risky. Land assembly is simpler if it involves a single large site or a group of sites in public ownership but even if these are available, additional adjacent land is usually required for a large scale housing development. The best options for large scale new housing development will often include land in multiple-ownership, which is often complex to assemble. Existing owners understand the value of their land to the developer and will seek to secure a maximum share of the profit. High prices are demanded with the result that the developer of the assembled land often has less money to spend on high quality infrastructure, open space or affordable housing. The land value is captured by the landowner, rather than necessarily being invested in the development.

Compulsory purchase powers are required if a landowner does not want to sell land at a reasonable price. One issue is that outside of the NSIP process, Compulsory Purchase Orders (CPOs) can only be pursued by local authorities and public bodies and the powers can only be implemented by the CPO promoter, with a developer often indemnifying the authority for its costs. Compulsory Purchase has been an essential delivery tool for the promoters of New Town Corporations and Urban Development Corporations and a number of local authorities have successfully used CPO powers to unlock large development projects and land market blockages (Lyons, 2014). However CPO powers are not used as widely now as they once were in the UK or as they are in continental Europe. It is reported that local authorities may lack the skills or the budgets to pursue a CPO and there may be cultural barriers to its use (Lyons, 2014). More particularly, the need for a public sponsor removes the opportunity for the private sector to drive delivery of the development. In circumstances where local authorities are reluctant to plan to meet full housing needs, or where cross boundary issues create development pressures which the host authority is unwilling to meet, there is no opportunity for a private sector developer to require a public sector body to facilitate delivery by using their CPO powers. In this and other respects housing developers are now handicapped compared with the developers of major business and commercial schemes or other forms of infrastructure.

The Lyons Housing Review found that the CPO process can be 'controversial, long and potentially risky for a developer' (Lyons, 2014,69). A CPO will not be confirmed unless there are no major

impediments to planning permission being issued and the case for a CPO has to set out what is intended for a site in some detail as part of a separate, additional process. Even where planning permission has been granted for a development, the planning case may be re-opened again at a CPO Inquiry to ensure that there is a compelling case in the public interest for the delivery of the development for which the CPO is promoted.

Land valuation is currently determined at the end of the process, often several years after the CPO starts, and this creates 'unnecessary uncertainty and risk for local authorities and their development partners' and may 'also reduce incentives for some parties to reach agreement outside the CPO process' (Lyons, 2014, 69). The timeframe for implementation of compulsory purchase powers once given by the Secretary of State (three years) may not be long enough for large scale housing development and there is also no opportunity to secure compulsory acquisition powers for temporary possession.

The Lyons Housing Review proposed that legislation be updated to enable greater use of CPOs. Recommendations include: streamlining the process and reducing opportunities for landowners to stall progress; and determining land valuation at the start of the process to create greater certainty and make it easier to find a development partner. Some proposals were taken up in the 2015 UK Government consultation on technical changes to the compulsory purchase process and draft updated guidance on compulsory purchase. The aim was to present 'a package of proposals for technical process improvements and guidance to make the process clearer, faster and fairer'. One measure proposed for discussion in the consultation is to allow the Secretary of State to delegate decisions to a planning inspector in certain instances, however:

"Our initial view is that delegation of decisions would only be appropriate for cases that do not raise issues of more than local importance, but we are interested in views on both the principle of delegation and the types of order for which delegation of the decision may be appropriate."

(CLG, 2015)

The consultation also seeks views on new statutory timescales for securing a CPO and proposes to allow councils to be 'more flexible' in how much compensation they initially offer landowners to avoid having to launch full CPO proceedings. Elsewhere, the document proposes allowing a court to quash the decision to confirm a CPO but not the order itself thus remitting a decision back to the Secretary of State for further consideration. None of these reforms, however, would allow housing developers to use CPO powers, even if their proposal is acceptable in all other planning respects.

Under the current system, compensation for compulsory purchase is based on the land's existing use value. The Land Compensation Act 1961 requires that the land should be acquired at market value subject to some prescribed adjustments to reflect the compulsory nature of the transaction. The Lyons review proposes reforming the compensation rules for CPOs so that the landowner can be offered a generous benefit from the sale of land without taking up resources needed for infrastructure and developer profit. It is felt that reformed CPO powers 'would seldom be used in practice since all parties would wish to avoid the process where possible and landowners facing the possibility of a CPO would be incentivised to engage in a partnership with the developer' (Lyons, 2014, 70-71). For that to be true of private sector led large scale housing schemes, however, the potential to use the power would first need to be made available to the promoter.

2.2.4 Managing and building out large scale development

There are many other barriers that might deter or prevent large scale housing development that go beyond what might be unlocked through the NSIP approach. These barriers include weak mechanisms for financing upfront infrastructure and local authority capacity to

support large scale development. There are also questions about the capacity and willingness of the housebuilding sector to build out development at the scale required. House builders tend to seek more immediate returns and few are willing to make the long term investment required to bring forward a development of a truly strategic scale (Crook et al 2015). In the meantime the commercial investment sector is deterred by the absence of sufficient powers and by the uncertainties of the planning system.

2.3 Multiple and overlapping disincentives in the development jigsaw

The problem for large scale housing development is that any proposal has to negotiate a whole series of overlapping difficulties. Under the current system a development promoter is asked to invest time and resources in preparing the case, submitting an application and investigating land assembly with no guarantee that a decision will be made within an appropriate timescale. Ideally a developer would be able to secure the various pieces of the development jigsaw simultaneously but that is made difficult by the requirements of different consent regimes. It would require significant investment of time and resources with no guarantee of a positive outcome in an appropriate timeframe. Even where planning permission is granted, the promoter will need to engage with non-planning consent regimes and rely on the willingness of a public sector partner or sponsor to pursue complex CPOs with uncertain outcomes and timescales. Local authority support is crucial but there are many reasons why local authorities will be reluctant to support large scale housing proposals and in some cases they will be resistant and possibly hostile to development proposals. Local authorities are placed in the difficult position of being expected to support proposals whilst acting as a democratic institution in determining planning applications. Where local authorities are supportive they are likely to have limited capacity to ensure timely decision-making given the complexities involved and the various requirements on local authorities, including management of CPOs.

Action is being taken by UK government to address some of the barriers to housing development, through reforms to the planning system, the streamlining of CPOs, incentives for residents and local authorities to be more supportive of new housebuilding, and support advice through the ATLAS advisory team for large applications. Those initiatives might reduce some of the costs, uncertainty and delays in bringing forward major new housing projects but they will not remove the overlapping disincentives that exist within the current system. The Lyons Housing Review and other studies point to the need for more transformative changes in governmental strategy and legislation if major new settlements are to be built in England. This view was shared by all our expert interviews:

"You do need some form of intervention if you are going to make a big change - locally led garden cities just aren't going to happen."

"It's difficult to see how the local plan system will ever deliver garden cities."

"The problem is that no local authority is able to deal with applications of a big scale, and you could argue that a large housing scheme is actually a national decision."

3. An introduction to the NSIP regime

3.1 Background

"Since the beginning of March 2010, the UK's major infrastructure projects have been steered away from the conventional town and country planning system and funnelled into a new process that aims to grant development consent more rapidly than the established system"

(Walker 2013).

The Planning Act 2008 introduced a new development consent process for NSIPs. NSIPs were originally for large scale developments relating to energy, transport, water or waste which require a type of consent known as development consent. The provisions for decision making on infrastructure have been described as a 'genuine revolution' (White 2013).

The Planning Act 2008 set out to reduce the complexity and delays in bringing forward major infrastructure that was needed in the national public interest (Hutton, 2008). Decisions to grant development consent were initially taken by a new non departmental body, the Infrastructure Planning Commission (IPC). However, the Localism Act 2011 abolished the IPC in response to concerns that it was not perceived to be providing a democratic way of making development decisions. The National Infrastructure Planning Unit, which sits within the Planning Inspectorate, now administers applications before advising the relevant Minister who then makes the final decisions on projects.

A key aim of the new NSIP regime was to ensure a smoother and speedier process for major infrastructure projects with more certainty over timescales for decision making (Newman 2009). This was to be achieved by combining most but not all of the consents, including planning permission and compulsory acquisition powers required to progress infrastructure into one Development Consent Order (DCO). This secondary legislation could cover a whole range of consents from consent to build maintain and operate infrastructure, to rights to enter onto highways or close them and to acquire land compulsorily. Owen and Bate (2015, 38) argue that local authorities 'will often be the first to see the benefits of the NSIP regime … its one stop shop approach to all the main consents required, including compulsory purchase, fixed timetabling for processing and decision making within 18 months, the ability to include in the consent all the infrastructure needs for the development, and necessary governance and delivery mechanisms." The NSIP regime is designed so that consultation requirements occur pre-submission with a tough stance being taken by Inspectors on the applicant to demonstrate with evidence not only the consultation strategy but also how the applicant has considered consultation responses and potentially how the scheme has changed to accommodate valid representations.

Some may regard the regime as acting against the interests of local communities by removing their voice but others regard it as an extremely effective decision making process. The process is conducted largely in writing with inquisitorial (rather than adversarial) hearings principally only held where debate assists planning inspectors in reaching conclusions. Examinations last no more than 6 months. Inspectors determine their recommendations on applications for DCOs in accordance with National Policy Statements (NPSs). These are 'designated' by Government after a process of consultation and parliamentary scrutiny. There are currently ten designated NPSs, which fall under the categories of water and waste, energy, and transport, with only two NPSs, aviation and water supply, yet to be designated. Each NPS is produced by the relevant central government department.

With the exception of Business and Commercial Use (see section 3.3 below), the vast majority of DCO applications are determined in accordance with the framework set out in the 2008 Act and the primacy given to an NPS by Section 104 of the 2008 Act. Some projects such as the Redditch Branch Enhancement have pre dated an adopted NPS, and had to provide evidence on need, or have been considered on the basis of aligned NPSs, such as the Swansea Tidal Lagoon. However other matters considered both

important and relevant can be taken into account. This may include policies in the NPPF and local development plan policy.

The DCO process begins at least 12 months before formal application. It is essential there is at least one round of formal consultation with landowners, key stakeholders and the local population. The process at this stage is largely in the developer's control and the purpose is to seek consensus with the parties most affected by the NSIP.

When an application is submitted to, and accepted by, the Planning Inspectorate the process is intended to last about 16 months, including the 6 month examination. A decision is required to be made within 12 months of the start of examination.

The intended advantages of the new NSIP regime was summarised as follows:

"a faster consents process – due to the unification of consents regimes; a greater certainty for promoters – because National Policy Statements set policy in advance and matters of principle are not opened up and re-examined; a fairer examination system which is better equipped to balance national need and local impacts; and reduced costs for both the public and private sectors as a result of the above" **(White, 2013, 7).**

3.2 Has National Strategic Infrastructure Planning delivered?

"Delivering economic growth is the over-riding priority for the Government, and improving the efficiency and speed of the planning process, particularly for infrastructure delivery, is a crucial part of creating the conditions for sustainable growth. Government is committed to securing investment in new nationally significant infrastructure as part of its efforts to rebuild the economy and create new jobs" **(CLG 2013, 4).**

The NSIP regime is still a relatively new area of planning legislation. Comment on its success and impact is in its infancy and with few schemes yet built-out, some potential issues remain untested[1]. Government has been keen to understand the views of industry and key stakeholders to better shape the NSIP process. Legislative change followed in the Localism Act 2011 and the Growth and Infrastructure Act 2013.

The 2013 National Infrastructure Plan (NIP) stated that government would have 'regard to the designation of a 'Top 40' priority investment when considering applications for the NSIP regime' (HM Treasury 2013, 11). At the time, this was reported in a House of Commons briefing as making provision for infrastructure investments that would not otherwise meet the 2008 Act thresholds for NSIPs to be able to use the development consent process (see Planning Resource 2014). The NIP also committed Government to launching a review of the NSIP regime, and an overarching review discussion document was published for consultation alongside the 2013 NIP.

The 'light touch' review process instigated by DCLG involved interviews with 40 stakeholders to understand the regime's effectiveness and concluded "the regime was working well but there were a number of small improvements which would make the regime even more effective" (CLG, 2013). Wholesale change to the regime was discounted on the basis it would undermine applicant confidence:

"Partners were very clear that they did not see the need for sweeping changes to the existing regime and felt that

[1]Beyond the Government's own evaluation of the NSIP regime, there appears to be no empirical analysis of the regime's effectiveness against its stated criteria, with the exception of comment relating to the speed of decision making relative to timescale targets. Whilst there has been extensive media coverage on the NSIP regime – particularly on the controversy surrounding the introduction and subsequent abolition of the Infrastructure Planning Commission and over the content of certain NPSs, nuclear in particular - there is sparse comment of the regime within the academic press. Key exceptions are: Marshall's book on 'Infrastructure Planning' (2012); a paper by Newman (2009) who explored the original motivations behind the introduction of the NSIP regime; and, the area of planning law, with a number of academic law texts detailing the workings of the regime (see Travers et al 2013) but without comment on its impact or success.

changes of this nature might damage confidence, deter investors and prevent applications from coming forward. They thought that on the whole, the regime was working well, is delivering its core objective of enabling planning decisions to be taken more quickly and with greater certainty than under the old regimes"

(CLG, 2013, 7).

Feedback was, however, invited on a number of proposed improvements including flexibility to make changes to DCOs post decisions and strengthening guidance on engagement between developers, consultees, local authorities and communities. A further technical consultation followed in July 2014, which also proposed bringing further non planning related consents into DCOs. The National Infrastructure Plan 2014 set out how the Government intended to proceed with this proposal.

A number of further minor amendments to the regime were brought into effect by the Infrastructure Act 2015, including: earlier appointment of examiners; the option of appointing two examiners for NSIP examinations; and simplified procedures for material and non-material changes to approved DCOs.

Evidence suggests that the NSIP framework has performed well and is viewed as 'hugely beneficial' (see Donelly 2015b; see also Johnston 2014) by those who have been closely involved in decision making. Our expert interviewees were largely positive about the NSIP process and its outcomes. It was felt to be "working well", "very effective", "extremely rigorous" and "very successful".

Timescale targets are deemed to have been 'largely stuck to' (Walker 2013), with over 93% of applications determined within the prescribed deadlines (HM Treasury 2013). As an indicator of the regime's success, the NIP 2013 also highlights the comparison between the 6 years taken to decide the application on Sizewell B nuclear power station and the 1 year taken on Hinkley C.

Increased certainty of a positive outcome is reflected in the approval at the time of writing of 42 schemes. This is a fact credited to the existence of National Policy Statements which have been described as "the greatest achievement of the new regime" (White 2013). The NPSs are acknowledged as having reduced lengthy discussion about the principle of development, allowing the case for development and examination to focus on local impact:

"The decision-making process, whilst recognising local impact issues, is no longer dominated by them without a counter-balancing regard to the national need for the type of infrastructure in question"

(White, 2013, 29).

"They (NPSs) are pretty clear in setting out need for a development and then identifying the main environmental impacts to be considered and the policy context for that consideration."

(Humphries, QC, quoted in Johnston 2014, 4).

Increased certainty of outcome is perceived to be extremely valuable for promoters who are able to seek and resolve funding issues during the consenting process thus speeding up the ability to proceed with development more quickly on grant of consent.

Although there was initially opposition to the 'democratic deficit' of taking decisions out of the local planning system, that concern has diminished with the changes in the Localism Act 2011 meaning every application is determined by Government. Individual projects can be controversial, but it seems to be widely recognised that the NSIP regime is a fair, impartial and rigorous process rather than simply a rubber stamp for promoters and central government. Due weight and protection is given to local impacts in line with the overall emphasis on development that is sustainable. The Thames Tideway Tunnel, consented through the DCO process, is the recent winner of the RTPI's prestigious Silver Jubilee Cup, and

was commended for its positive approach to public engagement (see RTPI 2015). Although a high percentage of submitted proposals are approved that does not necessarily mean that projects are being pushed through. The certainty of the NPS and the requirements of pre-application preparation and consultation mean that poor or marginal projects do not enter the decision making process. The cost of pursuing a DCO also means that speculative applications are rare.

3.3 Sectoral expansion of the NSIP regime

Initially, NSIPs were limited to the fields of energy, transport, water and waste. The Growth and Infrastructure Act 2013 introduced an extension of the regime to certain business and commercial projects. Developers can now opt-in to the nationally significant infrastructure planning regime for certain projects judged as being of national significance, and may ask the Secretary of State for a direction to do so. It is not, therefore, mandatory.

Potential projects covered by the Infrastructure Planning Regulations 2013 include major office, warehousing, manufacturing, research and development facilities as well as significant tourism and leisure schemes including sports stadia. Some extractive industry schemes are included (i.e. deep-mined coal) but the extraction of peat, oil, and gas are excluded, as are retail and housing developments (House of Commons Parliamentary Briefing 2015). Mixed-use developments that include residential proposals have hitherto been excluded from the regime, even where the residential element is only a secondary/ancillary element of a proposal. However, the Government's recent plan to boost productivity, 'Fixing the foundations', includes the proposal to "legislate to allow major infrastructure projects with an element of housing to apply through the Nationally Significant Infrastructure Regime" (HM Treasury, 2015, 46).

In order to receive a direction from the Secretary of State for a project to be dealt with under the DCO procedure the Secretary of State must consider the following matters:

- whether a project is likely to have a significant economic impact, or is important for driving growth in the economy;
- whether a project has an impact across an area wider than a single local authority area;
- whether a project is of a substantial physical size; or
- whether a project is important to the delivery of a nationally significant infrastructure project or other significant development (CLG 2013a, 1).

No NPS has been produced for business and other commercial projects as Government concluded that in practice few projects would use the DCO route and that "particular project decisions will be taken in accordance with the National Planning Policy Framework and any relevant local plan for the area where there development would be located" (House of Commons, 2014). Several respondents to the Government's consultation on the use of the NSIP regime for such projects argued that there should be a relevant NPS even if this was 'light touch' (CLG, 2013):

> "there will be no national policy statement for business and commercial development. Consequently, there will be no clear policy framework for decisions, less policy support for compulsory purchase and, crucially, no presumption in favour of the grant of consent for projects pursuant to section 104 of the 2008 Act. Given the wide range of developments which could be included within the new commercial or business category, and the focus on providing this as an opt-in route for developers with the vast majority of business and commercial applications remaining with local authorities for decision, the Government concluded that the case for one or more national policy statements was not strong. The National Planning Policy Framework, together with other relevant considerations such as local plan policies, will instead provide the policy framework for decision making. By removing one of

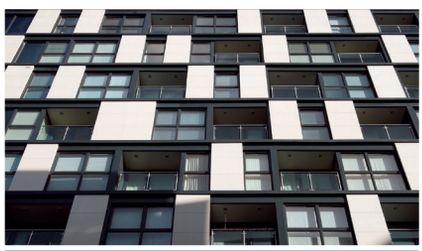
the key benefits of the regime, the attraction for developers to opt-in is reduced significantly. The Government has said that it will keep this position under review however"

(White, 2013, 46).

It is worth noting that whilst promoters of major business and commercial projects have been able to apply for schemes to be considered under the NSIP regime for more than a year, the Government predictions of 10 – 20 applications have not materialised. Only one commercial scheme has used this route so far and no application has yet been made for that project. The one scheme put forward welcomed the NSIP route because it was seen as having 'a certain status within Government' (Norris, quoted in Carpenter 2015) that might be an advantage. Others reported as being put off by the 'onerous complexity of the pre-application stage'. Our expert interviewees also suggest that the exclusion of housing has been an issue for business and commercial schemes (see also Owen and Bate 2015). Potential business and commercial schemes are also often viewed favourably within the local planning system.

3.4 Summary

There was some uncertainty and controversy when the NSIP regime was introduced (Newman 2009). It might not have been the ideal mechanism for many people, especially in relation to existing land use planning processes. However the regime has been proven to be an effective mechanism for resolving complex planning consents in the national public interest and concerns about its operation have diminished. If anything, more could be done by government to promote the positive stories that have come out of the NSIP process to the general public and planning practitioners.



4. Extending the NSIP regime to housing – opportunities and challenges

"A Bill that reclassified major housing projects as nationally significant infrastructure projects, as with the new definition for offices, sports facilities and all the rest, could make a really significant contribution to easing housing shortages and helping Governments of whatever political persuasion meet the targets that we all know we have to meet but which, at the moment, show very little likelihood of being met."

(Lord Best, recorded in Hansard 2014).

In the 2008 Planning Act, housing was completely excluded from the NSIP regime but in July 2015 the Government announced plans to "legislate to allow major infrastructure projects with an element of housing to apply through the Nationally Significant Infrastructure Regime" (HM Treasury, 2015, 46). This wording is important because although it allows for an element of housing in non-housing schemes, it excludes developments that would be housing-led.

The question of whether the NSIP regime should be extended to housing has been an open debate since 2008 with various organisations and individuals arguing that there is a case to be made, from the British Property Federation to charities such as Shelter (see Table at Appendix A which provides a timeline of recorded comment on the debate). The National Infrastructure Plans of 2013 and 2014 detail the significance of housing to the economy and include amongst the key "infrastructure" investment priorities, the delivery of major housing schemes such as those at Northstowe, Ebbsfleet, Brent Cross, and Barking Riverside. In the run up to the 2015 General Election the Labour Party set out possible plans to extend the regime for housing, through a new Infrastructure Commission which would include amongst its goals 'new town and urban extensions to ensure 200,000 new homes a year' (Labour Party 2015, 3), and Sector Implementation Plans were proposed to meet those goals.

However the Coalition government (2010-15) was resolutely opposed to the inclusion of housing within the NSIP regime. The argument made was that responsibility for decision making on new housing schemes should continue to rest with local authorities in line with the principles of localism:

"Planning for housing and the determination of planning applications for housing development is a primary role of local councils and the Government does not consider it appropriate to remove this responsibility from them. The Government has taken a number of steps to make clear the role of local councils in planning for housing including through the National Planning Policy Framework"

(CLG 2013, 5).

Extending the NSIP regime to large scale housing is likely to be controversial for central government given the level of opposition to major new housebuilding and concerns about decision making being taken out of local hands. However, it might be argued that there is no logic in allowing the regime to extend to business and commercial development (which would otherwise be expected to be locally determined) but not extending it to the sector for which there is the greatest national need.

The following sections review the arguments that have been made for and against the use of the NSIP regime for large scale housing.

4.1 The case for bringing large scale housing into the NSIP regime

A range of interested parties in planning and development have expressed support publicly for using the NSIP regime to overcome barriers to large scale housing:

"There is a massive appetite to deliver housing … but policy uncertainty, the lack of a strategic approach to the delivery of housing and the need for an alignment between the delivery of housing and infrastructure are all reasons to bring large-scale residential developments within the [NSIP] regime"

(Philip Barnes, Land and Planning Director for Barratt Developments, quoted in Pinsent Masons 2015).

"Infrastructure of national importance takes a Nationally Strategic Infrastructure (NSIP) process where decisions are made at a central level. There may well be housing sites of a certain large size or as part of a nationally significant project of mixed uses, particularly where they will make a large call on national funding, that this route may offer possibilities for. This would be one option to ensure that housing can command a nationally significant status. It would also provide national leadership, vision and decision making"

(RTPI 2013a, 19).

"The 2015 government should amend the planning Act 2008 so that residential schemes linked to new transport infrastructure can be included as a category of nationally significant Infrastructure projects, with the backing of the local planning authority"

(KPMG, Shelter, 2014, p 87).

The current chief executive of the Planning Inspectorate, Simon Ridley, has suggested that there may be 'scope for discussion' as to whether large-scale housing schemes should be accepted via the NSIP regime. Simon Ridley is quoted as having said "the previous government answered very much in the negative … I'm not yet betting on it, but I think there is scope for discussion as the government works out how to meet some of its housing aims and ambitions and delivery of garden cities" (quoted in Donelly 2015c).

In its commended Wolfson Prize entry, Barton Willmore also suggested the promotion of a bespoke NSIP for securing consent for a garden city:

"We see the delivery of Garden Cities through the planning system by way of a bespoke (large-scale) Housing NSIP"

(BW, 2014, 34).

It has been suggested that the current Conservative government may be more be supportive of extending the NSIP regime to housing because of the difficulties in bringing forward large scale housing through the local planning system:

"Reading between the lines, it's fair to say that the government is fed up with the local plan process and how long it's taking local authorities to get up-to-date local plans in place. Eventually government will want to widen the remit of the DCO regime to include large-scale housing developments to avoid the conventional planning route. All political parties are saying that they will want to deliver more housing"

(Kingston, quoted in Agbonlahor 2015).

Support for the NSIP housing option reflects frustration with the inability of the current system to deliver housing at the required scale:

> "With the continuing (sometimes it feels almost constant) hue and cry for more housing to be delivered, more quickly, it would seem that DCOs could be the perfect answer to speeding up the process of achieving planning permission, employing compulsory acquisition powers where needed to bring into a single title what are often fragmented land ownerships"
> **(de Ferrars Green 2014).**

In July 2015 'deciding whether large housing developments should be considered nationally significant infrastructure developments' was listed as one of 10 infrastructure challenges facing the new Conservative government in the RTPI's 'The Planner' (Blackman 2015, 20).

In theory the NSIP regime addresses many of the barriers to bringing forward sites for development highlighted in Section 2 and could create more confidence for investors to bring forward proposals. Advantages of the NSIP framework include:

- decision-making within a defined time-scale;
- the 'one stop shop' for consents allowing "complex projects requiring various different approval to be consented in a single process" (White, 2013);
- a single process even when the application spans more than one local authority area;
- the inclusion of compulsory acquisition within the DCO process – and the linked benefit of a stronger bargaining position with landowners because the DCO may have such powers;
- increased certainty of outcome, with the principle of need established in national policy and the DCO process itself focussed on ameliorating local impact;
- the DCO process and compulsory acquisition is funded by the promoter relieving hard pressed local authority budgets; and
- use of Planning Performance Agreements to fund local authority input through Local Impact Reports.

Owen and Bate argue that "significant housing projects deserve such benefits" (2015, 38). Large scale housing schemes are almost by definition complex in their nature, and the perception of the capability and rigour of the NSIP regime in handling complex and potentially controversial schemes is seen as "very useful indeed" (Pugh, quoted in Johnston 2004, 7).

In our expert interviews the positive experience of NSIP to date was emphasised. This had helped to allay initial concerns about a potential democratic deficit in decision making, and about the transparent weighing up of evidence (**Box 1**).

Expert Opinion: Views of the NSIP regime
Box 1

"It's a very effective regime - there is no question that it delivers schemes. It's not rubber stamping, it's very rigorous."

"I do think the NSIP regime has been successful - I would argue that quite hard. The certainty comes from having an NPS and the process is a good one for complex schemes, with all the pre-application work."

"In expressing national interest it's been very effective."

"They are great - good at what they do."

"The NSIP process offers co-ordination."

"The DCO process does give applicants certainty - because the principle of the development is established upfront with the examination focussed at looking at mitigating local impacts."

"The NSIP process can cope with adversity, can employ techniques of cross examination and has dealt with controversial schemes … For promoters I would have thought the advantages are that timescales are fixed."

"The benefits are grouped consents and decision time."

"The certainty around the timetable, 15-17 months has been incredibly important for developers, even more so for funders."

"With NSIPs you've got the benefits of a fixed timescales, compulsory acquisition and an NPS."

"It's an expensive process, but you get one planning authority, compulsory acquisition powers and decisions are not subject to political sway with a change in politics locally."

"There is a very helpful rigour to the NSIP process."

"The NSIP approach has the perceived advantage of being dispassionate."

Our expert interviewees were all of the opinion that alternatives or additions to the existing plan making system would be needed to deliver the required uplift in housing supply (see **Box 2**). Regional planning was often highlighted as helpful in specifying and bringing forward sites for large-scale housing, but this was unlikely to be reintroduced in the near future and it did not offer the speed and defined timescales of decision making offered by the NSIP regime or the necessary delivery powers. A number of our expert interviewees were open to exploring the possibilities of an NSIP approach given the barriers to large-scale housing and the absence of a feasible alternative.

Expert Opinion: Housing supply
Box 2

"Personally, I support housing going into the regime. We have such a dire housing situation."

"I think there may be an opportunity [for use of NSIPs] where there is a clear direction of travel, albeit that the statutory plan process may not yet have completed"

"Everyone is frustrated. No one thinks the current system is working well and wants other ways."

"I think putting forward the idea of NSIPs for housing is driven by frustration at local authorities not coming up with out of the box thinking or taking the bigger picture - it's difficult to get buy in from local authorities who are entrenched against development - they are not brave enough, therefore people think let's take politics out of it."

"If the right people made the applications, the regime could provide a good chance to get the applications determined."

"It's got to be a political judgement. Delivering 250, 000, you've got to either say we are not going to do it, push local authorities, or intervene at the national level."

"Is anything actually going to happen? Housing remains high on the political agenda but the question is are politicians serious about addressing housing need?"

"What NSIP could provide is everything you need, in one place, infrastructure etc. I would call this a regional plan."

A third of our experts felt that a strong argument could be made for extending the NSIP regime to housing. The others were more cautious because they felt that the NSIP route would not be the ideal solution for large-scale housing, and some of the interviewees who felt a convincing case could be made expressed some caution: "you could argue it either way."

Concerns about the NSIP approach were more marked amongst those closest to the planning function. There was particular concern about how the NSIP approach would mesh with plans for integrated spatial management especially in the absence of regional planning, with the view that the regime is built "heavily towards applicants rather than communities", and "the DCO process is not one of relationship building". Other ways of delivering large-scale housing were suggested including existing mechanisms such as Urban Development Corporations and use of the new towns legislation as well as new proposals such as garden city commissions, albeit that none of these alternatives were considered optimum solutions.

All of the interviewees highlighted potential challenges in technical detail that might need to be resolved if the NSIP was to offer an effective mechanism for bringing forward large-scale housing, and these are considered in section 4.3.

4.2 Possible criteria for inclusion of housing in the NSIP regime

In terms of the criteria that might trigger an NSIP for housing, there are a number of possible scenarios that could justify use of the regime. As with business and commercial schemes, rather than simply setting a trigger level above which all large scale housing schemes can or must use the NSIP regime, it may address many concerns if instead schemes were only admitted into the regime if they were judged by the Secretary of State to meet certain criteria, which could be specified in a policy statement.

These 'criteria' could be used either in tandem with, or as an alternative to, thresholds (see section 4.3.1) and would provide the basis for either an NPS (see section 4.3.2) or a policy statement that would enable a direction from the Secretary of State for use of a DCO.

The criteria (detailed in section 3.3 above, but repeated here) used for seeking a direction from the Secretary of State for business and commercial use of the regime could be replicated or adjusted for housing schemes:

- whether a project is likely to have a significant economic impact, or is important for driving growth in the economy;
- whether a project has an impact across an area wider than a single local authority area;
- whether a project is of a substantial physical size; or
- whether a project is important to the delivery of a nationally delivery of a nationally significant infrastructure project or other significant development.

Lord Best in proposing an amendment to the Infrastructure Bill to include housing schemes of upward of 1,500 within the regime, gave a particularly compelling justification on the economic consequences of house building, and argued for the use of the above criteria (see Hansard 2014).

However, there may also be merit in additional criteria which consider the local plan context and the issue of unmet housing need along the following lines:

- a site is allocated in a local plan, but the local planning authorities agree with a developer or developer consortium that a DCO process would be beneficial because of the complexity of the scheme, and the project is likely to require multiple consents or authorisations (particularly relating to compulsory acquisition);
- there is an adopted plan, but a site is not allocated and there is a scale of unmet housing need (specified either in an NPS or as detailed in an up to date SHMA);
- the local plan is currently delayed or suspended either in relation to the duty to co-operate or adequacy of objectively assessed housing need, and there is a scale of unmet housing need (specified either in an NPS or as detailed in an up to date SHMA); and
- complex cross boundary issues (physically dividing a scheme or where cross boundary needs are involved) mean that delivery may best be considered and achieved through the NSIP regime.

Whilst not considered to be critical for inclusion of housing within the NSIP regime, some experts were of the view that there was great merit in exploring use of the regime where developers and one or more local authority agreed that this was a sensible approach, principally on the basis of the scale and complexity of schemes (see Box 3). Swansea tidal lagoon was used as an example of an application that had straddled two local authorities, and where the promoter and the relevant local authorities had agreed that the DCO process would be a sensible choice. The issue of unmet need as a justification for an NSIP was perceived to be critical.

Expert opinion: NSIP and housing
Box 3

"The circumstances where you could use the NSIP process for housing would have to be very clear indeed."

"There are two opportunities: punitive and proactive. Personally, I feel that if something is allocated there is an opportunity to progress a scheme using an NSIP approach where it's complicated via application to the Secretary of State."

"Anyone can opt-in. Why not if there is local authority / developer support. Local authority resource might be one of those criteria."

"There may be instances where local authorities want NSIPs."

"I don't think it gives the right impression [use as a punitive measure]. The regime is positive, proactive and effective. It should be used in a positive environment only."

"I don't think the Government should impose it, it should be a volunteerist approach."

"The issue of lack of five year supply might possibly provide more security for a promoter - in limited circumstances, yes there might be a trade-off, rather than apply and having it refused by the LA, there may be marginal benefits if you can cope with the pre application work."

"I can imagine a few members who would support letting government decide controversial schemes - there could be political benefits to taking schemes outside a local authority process."

"If an NSIP was developed with local government taking ownership there may be a case."

"With any housing scheme you would have to have a degree of support from the local authority to have that confidence - the sums of money required to prepare a DCO against the backdrop of a hostile local authority would make the benefits marginal."

"It [Government] could decide to do something confrontational and impose this on local authorities, but it would need some kind of forward planning process even if controversial."

4.3 Potential challenges to using the NSIP for large scale housing

Legislation would be needed to extend the NSIP regime to housing. It would take either:

- a statutory instrument amending the description of Business or Commercial project contained in The Infrastructure Planning (Business or Commercial Projects) Regulations 2013 (HMS0 2013), to remove the restriction that it 'does not include the construction of one or more dwellings' to allow for business or commercial development to include housing, potentially allowing for very large mixed use developments (to also include retail); or
- primary legislation to amend section 35 of the 2008 Act to allow for the Secretary of State to direct such a project, where of national significance, to be included and secondary legislation to set out the more detailed definition of large scale housing projects.

Any legislative changes would also need accompanying policy support to amend the current position that Government considers housing consent to be a local authority responsibility.

There are however some issues of detail that might need to be resolved to ensure that the NSIP would be effective in supporting large-scale housing. The main issues are: establishing national need, the challenges in drawing up a National Policy Statement (if one is in fact required), the relationship to local planning processes, and the degree of flexibility granted in the consent regime. Although not a technical detail to be resolved, it is important to recognise that there are significant upfront costs to the developer at the pre-application stage.

4.3.1 Establishing national need

"I can't see how you can explain to the man on the street why it's so important to deliver Nuclear power stations that we need to use the regime, but not housing"

(expert interview, anonymous).

The NSIP regime is designed for infrastructure deemed of national significance. One question is whether housing would stand up to scrutiny as an issue of national need, as opposed to a question of local or regional need. For Business or Commercial projects, UK Government did not set statutory thresholds in accompanying legislation to indicate what might distinguish national need, but instead published policy setting out the factors that the Secretary of State will take into account including indicative thresholds. Owen and Bate suggest that the "simplest option to extend the NSIP regime to housing would be to replicate the approach for commercial NSIPs" but whilst being against 'blanket scale thresholds' they suggest that "regulations or guidance would specify the minimum threshold for the qualifying types of housing scheme" (2015, 38).

Most experts were in agreement that only a handful of schemes would be sufficiently large that they could be considered in and of themselves to impact housing supply to such an extent that they could - as an individual scheme - be of national significance:

"Building 100,000 homes is difficult, they could easily be spread, there are lots of different potential solutions and options. The overall quantum might be in the national interest, but where that new town is, the location itself is not in the national interest."

"I think you would need the threshold to be very high to argue for large scale residential to be included and of national importance, not 2000 house urban extensions, they are simply not nationally significant. It would have to be whole new settlements with long term political commitment."

"The DCO process excludes everything but the largest schemes. Even if housing schemes are included within the regime I don't think we would be looking at very many."

According to this view, hypothetical thresholds would be "at the scale of a notional garden city", somewhere in the region of 20,000 homes and above. However, a minimum threshold of 5,000 homes appears to be a plausible level by some experts, on the basis that it is substantially bigger than the majority of urban extensions and is still a challenging figure in the context of what has recently been achieved: " … a threshold of 5,000 units feels about right."

Reaching agreement on appropriate thresholds may be challenging, but not insurmountable.

4.3.2 A National Planning Statement for Housing

One of the benefits of the NSIP regime is the clarity for decision making provided by National Policy Statements. All NPSs are subject to public consultation prior to designation, sometimes involving multiple rounds of consultation, and the Coalition government sought to increase democratic accountability through the Localism Act 2011 by introducing a requirement for ratification of NPSs by the House of Commons prior to designation. The NPS is seen as providing the basis for certainty of outcome, and enables the examination process to focus on mitigating the impact of that development locally rather than on the principle of development:

"Where no national policy statement has effect in relation to a project for which an application has been submitted, then the Secretary of State is only required to have regard to any local impact report, any prescribed matters and any other matters which he thinks are both important and relevant. It is therefore clear that the advantages offered by the new regime are fundamentally founded on national policy statements. Without an NPS in place, the principle of the project in question is open to debate during the examination and, more significantly, there will be no presumption in favour of the development" (White 2013, 5).

There were mixed opinions about whether a NPS would need to be prepared, and the level of prescription it would need to have, in order to provide certainty on national need:

"With NPSs in place, need is not in doubt."

"Yes, there should be an NPS, that is specific enough to give a degree of certainty."

"In order to get that co-ordination in practice you would have to have an NPS to use the regime - in order to resolve the whole process sufficiently, including Parliament. NPSs have to be voted upon in Parliament - they are very powerful."

Some experts were of the view that some kind of locationally specific NPS would be the most effective statement of need and basis for certainty - "I can see a case for an NPS for five new towns, where it can be argued that they are of such a significance in scale that they make a dent in national supply" - whereas others were of the view that an NPS that simply established need at a very high level, or with some kind of regional apportionment (for example the need for large scale developments of a certain size in certain regions), could provide a sufficient statement of need:

"Perhaps we could have one that simply said 200,000 houses a year are needed - non site specific like in other sectors - perhaps this might help inspectors and be a pragmatic solution as well as raising the issue of housing to a high deal of prominence."

"You start with the premise that it will be … a certain scale in a given regional location. That establishes the national need. It removes the argument about need."

"It could be quite broad brush. You might do it by region rather than county."

Some were clear that precedent has already been established for NSIP decisions without an NPS in place and this was therefore felt to be possible for housing. These experts preferred the route of a policy statement setting out the factors the Secretary of State would consider when deciding whether to include a scheme in the regime. One argument is that decisions could simply be taken against national policy as set out in the NPPF, as the existing policy framework is already strong on boosting housing supply:

"You could amend the NPPF to make it a clear framework for housing, but the NPS is a different animal it applies a different weight".

"The question really is whether you would expect an NPS to be location specific for housing – the answer to which is surely 'no', in which case it's hard to see what an NPS would offer that is not already within the NPPF. If there was thought to be a policy gap, it could be filled by the policy statement that would be needed to explain how the Secretary of State will decide whether to allow schemes into the system."

4.3.3 Relationship to local planning

"Authorities have found it difficult to adjust to their reduced status under the 2008 Act regime. They have no decision-making powers, nor are they responsible for publicity or consultation. They have the same status at the examination as any interested party. They can, but do not have to, produce a local impact report. Local planning policies have no formal status in the determination of applications for development consent. Authorities receive no specific fees or funding for their participation in the application process. This could be seen as being at odds with the Government's wider localism agenda"
(White, 2013, 40).

The NPPF is clear that it does not contain specific policies for NSIPs. The intention is that NSIPs should be determined against their own bespoke policy framework set out in NPSs. Whilst local authorities have clear roles in relation to NSIPs - particularly the preparation of local impact reports (although these are not a statutory requirement) - local plans should not contain policies for the determination of NSIPs. In practice, local authorities anticipating NSIP projects within their areas have included plan policies related to the process of DCO applications, but not detailed policies against which a DCO application may be considered.

However, the Planning Act 2008 does allow for spatial visions and other "important and relevant matters to its decision" (s.104(2)(b) and s.104(2)(d)) to be considered in addition to the NPS. Important and relevant matters are widely interpreted to include local plan policy. Indeed, where an NPS is generalised (or indeed absent), then local planning policy is likely to be increasingly important.

The fact that NSIPs are outside the local plan process is seen by some commentators as a clear advantage, including by some local authorities who "can welcome central government taking decisions on large housing schemes with full local involvement" (Owen and Bate 2015, 38). For these commentators, the perception that the NSIP process runs counter to localism and is a centralised, top-down process, is flawed. As one expert told us, "the NSIP process is designed to be an inclusive, collaborative process". Local authority engagement is intended to be built into the process from the beginning to the end, with local authorities responsible for many detailed approvals post consent. Another expert pointed out that, "Local authorities and applicants are often on the same side of the table and want applications to go through because of the economic benefits. The pre-application stage can be very collaborative, and mitigating impact through local impact reports is very important".

Despite mechanisms for local authority involvement, some experts remain concerned about the local democratic accountability of the NSIP process - "The NSIP regime does not sit well with localism. It is not a plan making one" - and would prefer housing to be guided through local planning processes even though few dispute the failure of the current local plan process to address need. These experts were also more generally of the view that the NSIP process is focussed on 'single uses' and is therefore not sufficiently focussed on integrated spatial management "NSIP is not about making communities," and "housing has so much more of an impact day to day for a local authority as compared to other infrastructure consented through the regime."

However, until tested there is no objective evidence to support the view that the NSIP process could not be sufficiently integrative and any policy statement could include the right criteria and policy expectations to support place making and the creation of new communities.

Section 4.2 detailed the possible criteria for use of NSIPs in the context of the local plan process, including where the local plan process is failing to meet housing need.

4.3.4 Detail, flexibility and the Rochdale envelope

"The ability to make changes is hugely important to the functioning of the system. It is important that inspectors allow minor changes, subject to there being no material unfairness to other parties"

(Dunn, quoted in Johnston 2014, 5).

The rigour of the DCO process is such that submitted applications cover all the elements of a scheme in detail. Some experts feel that the level of detail required at application stage could be particularly onerous and off-putting to housing developers: "... the level of detail required is understandable and right to make the DCO process work, but the level of detail required upfront is exacting" and "you are effectively submitting a secondary piece of legislation when you apply for a DCO, housing developers may be concerned about the amount of work required to get an application ready."

Given this level of detail, housing developers may also be concerned about the level of flexibility within the DCO process and may need particular reassurances about the ability to make changes to a DCO post consent to allow alterations to site density, layout, and scheme configuration to reflect market conditions: "housing developers will want to retain more flexibility around density, tenure, and materials, rather than fixing them from the outset."

This is perhaps an area where housing differs from other sorts of schemes.

Initially, the flexibility to alter a DCO within the NSIP regime was limited possibly due to its origins as a mechanism for single infrastructure projects. This perception was reflected in the opinions of some experts: "housing developers will say that they are not interested [in NSIP] because of the long lead in times and lack of flexibility", and "limited flexibility will be a significant turn off for house builders." Others were more circumspect arguing that "we haven't got implementation yet, so the groundwork on the flexibility issues is still to be tested".

However, whilst any material change to schemes would require a fresh DCO, albeit that the timescales for doing so are shortened, the 'Rochdale Envelope' (see Planning Inspectorate 2012b) has established the principle that there can be some flexibility at the development stage so long as it is necessary. Some experts felt that this could address issues with housing:

"... if you draft a DCO correctly that shouldn't be a problem. There is the potential for it to be sufficiently flexible, a DCO can effectively be an outline planning permission with the reserved matters discharged by the local authority."

It was felt that detailed matters or housing layout and design could be addressed by Rochdale but in any case these issues could be reserved to be approved by the local planning authority and this could be an advantage in allaying local authority concerns about control over development, and developer concerns about fixing all the detail of a scheme upfront.

4.3.5 The pre-application process

"There is the potential for the pre-application stage to be more demanding, but developers accept that as the price for greater certainty"

(Dunn, quoted in Johnston 2014, 3)

The NSIP regime does not rubber stamp development, nor does it remove the hard work and investment needed to make the case for development consent; indeed, the consultation requirements are potentially more demanding within the NSIP regime. The NSIP process is designed to be front-loaded, with substantial pre-application work, including consultation and environmental statements prepared in advance of submission. Statistical information on the length of pre-application work is not available, but is thought to "stretch over years" (Johnston 2014, 3), thus the timetable benefits only relate to the expectations around decision making post submission. Experts involved in the NSIP regime were clear that:

"It's not necessarily a quicker process end to end by the time you have done your pre-application consultation etc."

The NSIP process provides a certain timescale for decision and a mechanism for considering all the necessary constraints in one go. A question raised by those sceptical about the benefits of the NSIP regime is whether the upfront investment required, especially if the outcome was more uncertain (an increased possibility without a site specific NPS), would discourage applications from coming forward:

"Preparing a DCO is very costly. If the threshold is set high then you would need an Environmental Impact Assessment which would increase the legal costs further. I'm not convinced that many would opt in at low thresholds - the fees are very high."

"For promoters I would have thought the advantages are that timescales are fixed. But without an NPS that outcome is far less certain. You in fact have a faster and more expensive process, that ends up saying no…"

In commenting on appropriate thresholds, one expert concluded that the regime would be only appropriate for schemes of 5,000 houses plus, on the basis that

"anything less simply would not be cost effective, it should only be for nationally significant schemes."

Others felt there would still be benefits in a fixed decision making period even if the outcome may be uncertain, which might be one logical outcome of inclusion of housing in the regime without an NPS. Those in favour of extending the NSIP regime to housing point out that NSIP schemes have come forward in the same context for other sectors and acknowledge that any large planning application is expensive to prepare and any subsequent planning inquiries can be extremely costly for all involved. It is possible, therefore, that the NSIP regime could encourage new and different interests and consortia to come forward as promoters of large-scale schemes, and share the financial burden of the application process.

4.3.6 The NSIP regime and barriers to building out

As outlined in Section 2, bringing forward sites for development will be of limited effectiveness for housing delivery if there are unresolved problems in the building out of development. While difficulties in the financing of upfront infrastructure and capturing development uplift were highlighted by expert interviewees, it was felt that those issues could be addressed by development consortia if there was less uncertainty over the outcomes and decision-making timescales.

4.4 Housing and the existing NSIP regime

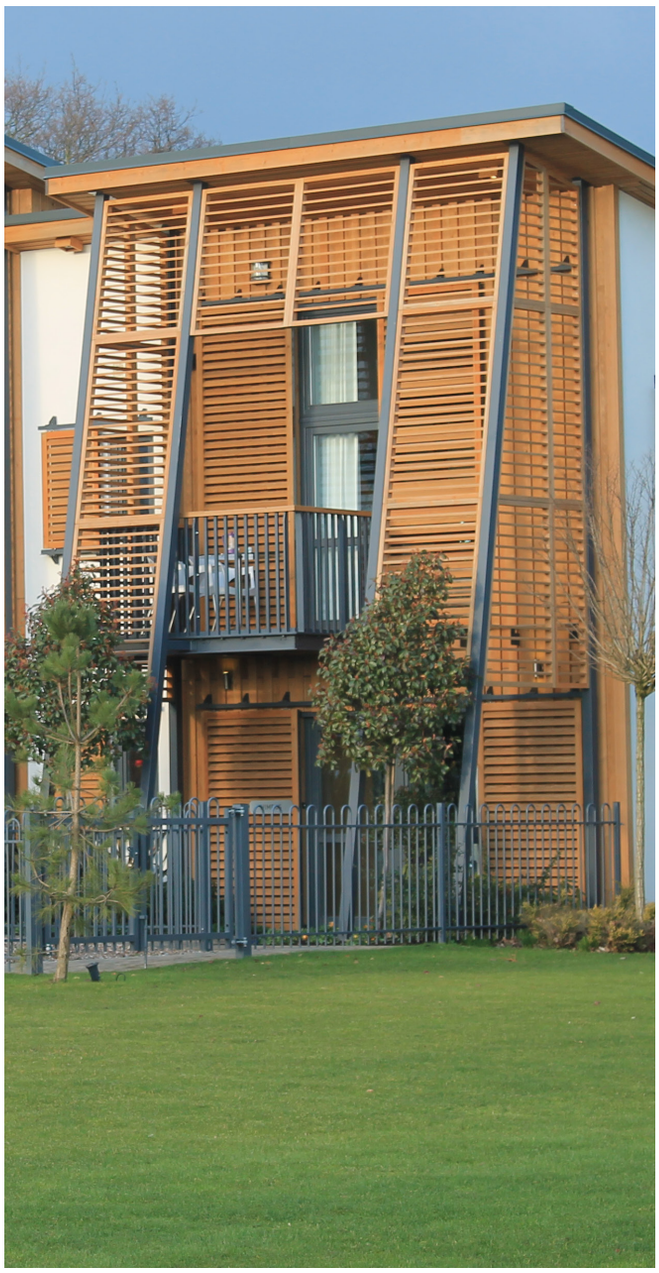
All of the interviewed experts, including those generally against extending the regime for large schemes, felt that the original exclusion of all housing from the DCO process was illogical and misguided. They were clear that the existing NSIP regime would benefit from allowing housing ancillary to non-housing projects:

"It's a bit ludicrous that big mixed use regeneration schemes with a housing element can't use the regime."

"I do think the legislation should be amended to allow housing that's ancillary to a national infrastructure scheme to be included. It's ideology gone mad to exclude all housing from the regime."

"It's hugely restrictive that the regime excludes all housing. I think there may be some persuasion here".

Following completion of this research the Government announced its intention to legislate to allow major infrastructure projects with an element of housing to apply through the Nationally Significant Infrastructure Regime (see HM Treasury 2015).



5. Extending NSIP to housing – is it worth doing?

There is no doubt that something needs to be done to dramatically increase the supply of new housing. Extending the NSIP regime to housing would be controversial, but so would any action that responds adequately to the scale of the housing delivery crisis. There is a clear imperative for central government to show strong political leadership in driving large scale housing development in the national public interest. That is a matter of political willingness to deliver on the Government's growth agenda. There is little point in subsidising the right to buy if there are not enough homes to buy. The question is whether the NSIP regime is the right mechanism, or could be used as one of a suite of tools.

Whilst the discussion in Section 4 highlighted openness to the NSIP approach from some, there are also some potentially significant challenges in the drafting of an NSIP framework that is fit for purpose. The NSIP process was seen as an available mechanism worth trying rather than necessarily an ideal solution.

Given the resources involved and the potential political fallout, any decision to extend the NSIP regime to housing would need to be entered into with some certainty that it would deliver. As the wider experience of the NSIP regime has demonstrated, it can be difficult to predict the full benefit of an initiative before it becomes practice. Potential difficulties and challenges are resolved in the process of working through particular projects. New solutions and different types of proposals come through that might not have been anticipated. This is likely to be particularly the case with housing.

So how serious are the practical challenges? Are there any 'deal breakers' or areas of particular concern that cannot be addressed? And equally important, if they can be addressed, what are the likely timescales for the implementation of a functional NSIP for housing? There is a related issue about whether there are other potential solutions that might achieve the goals of an NSIP for planning more effectively or more quickly.

5.1 Are there any deal breakers for making housing an NSIP?

The main challenges or obstacles that might limit the effectiveness of using the NSIP regime for large scale housing are:

- Likely controversy and strong opposition by local residents across Southern England in particular to extending the NSIP regime to housing;
- The absence of a robust NPS;
- Integration with local planning frameworks;
- Time and expense for development consortia in preparing a case with no ultimate certainty of outcome;
- The level of pre application consultation required;
- The need to consult with and co-ordinate responses of key stakeholders, particularly infrastructure providers;
- The need for the provision of funding guarantees where compulsory acquisition powers are sought; and
- The need for more flexibility to allow for changes in development within the DCO if permission is granted.

As reported in the previous section some experts interviewed for this report suggested that those challenges may be overcome in the drafting of the DCO, supporting legislative changes and effective management. In theory there are no deal breakers in extending the NSIP regime to housing. It might take considerable time before the NSIP route is in place, especially if an NPS needs to be prepared, which could be the focus for controversy. A policy statement made at the time of announcing the inclusion of housing within the regime, detailing the expectations to be followed, may overcome this.

5.2 NSIP versus alternatives

One question is whether there are alternative mechanisms that could achieve the benefits of the NSIP regime (i.e. to bring forward land for large-scale housing development). For example the TCPA argues that the 'basic architecture of the New Towns legislation remains in force and could, in principle, be used tomorrow' (TCPA, 2015), though it would benefit from some

modernisation. A raft of Garden City frameworks have been proposed which invariably follow a variant of the New Towns model of delivery through a development corporation with special purpose delivery powers (see Lyons Housing Review, 2014; TCPA, 2015; and most of the final shortlisted Wolfson Prize entries).

Modified New Towns legislation would address many of the issues of land assembly and building out highlighted in this report. However it is not guaranteed to lead to quicker or more certain decisions and would hardly be any less controversial than extending the NSIP regime to housing, especially as its effectiveness in supporting large scale housing might depend on the 'top-down' identification of development locations. As the TCPA recognise:

"One of the key lessons to be drawn from past experience is that the development of New Towns was set within a strong national policy framework – for example the dispersal of population from London. It would be for nationally or regionally expressed policy to decide the number, scale and broad areas of search for the location of new settlements, thus providing the context for local decision-making."

(TCPA, 2015, 10)

This approach also crucially does not give powers to the private sector. It was argued by one of our interviewees that "if public bodies really wanted to bring forward new towns we would be seeing that happening now".

The Lyons Review of Housing identifies the need to develop large-scale settlements of between 15-20,000 homes, however the Review concludes with a complex range of recommendations that would need to be implemented if there is to be any chance of realising that goal. Moreover, the Lyons Housing Review and many of the Wolfson Prize entries fall into the potential trap of assuming that new settlements can be created from the bottom-up because of the seductive power of the Garden City idea. Lyons considers but rejects the option of central designation in favour of a localist approach:

"There is real tension in the evidence we have received between those who advocated central designation and those who took a localist approach. The evidence is clear that Garden Cities will not happen without local support and therefore we propose that the process will be locally-led with designation proposed by local authorities; proposals from other parties including LEPs or private developers could be valid where the support of local communities and alignment with local plans is clearly evidenced."

(2014, 95).

The 2014 Wolfson Prize winners concluded that Garden Cities would only be progressed through top-down identification of locations. The TCPA comes to a similar conclusion in its framework for New Town development, concluding the ' best solution is to retain in law the Secretary of State's power to designate [New Towns] … the possibility of a New Town designation being imposed would encourage local authorities to come to negotiated voluntary agreements' (TCPA, 2015, 11). It is possible therefore that modified New Towns legislation could perform a similar role to the NSIP regime in terms of bringing forward large settlements. Using New Towns legislation could also offer more in terms of Development Corporation powers. However that approach may not be a quicker or more certain option than the NSIP process and it does not empower and encourage the private sector. It is not necessarily an either/or choice. It could be possible to pursue NSIP and New Towns approaches.

There are other options, including the use of expanded Local Development Orders, some form of deregulated New Homes Zone, or direct central intervention when plan-making is too slow. However these options would not be at the scale needed for a large-scale new settlement and they would be unlikely to have local support in the areas where there is opposition to new housebuilding. None offer the benefits of the DCO regime which is a proven mechanism and purpose-designed to enable the delivery of large scale development.

6. Conclusions

There is wide support for bringing forward new settlements on a scale of the post-war New Towns in order to address serious shortfalls in housing (Barker, 2014, Donati 2014). However it is unlikely that this will happen without policy and legislation that overcomes barriers to bringing forward large scale housing and mixed use projects within the current planning system.

There are specific advantages to the NSIP regime that would be helpful in addressing barriers to bringing forward large scale housing development, including fixed timescales for decision-making, a single consenting process that includes compulsory purchase, and certainty provided by the upfront establishment of need. Inclusion of housing within the NSIP regime may also be a particularly effective way of harnessing the power and ability of the private sector in tackling the housing crisis.

The NSIP approach might not be the ideal mechanism for bringing new settlements forward, but it is one of a very limited number of feasible options. None of the other options offer the benefits of the DCO regime which is proven and purpose-designed to enable the delivery of large scale development.

There is no technical or legislative barrier to including housing within the NSIP regime, but there is debate about whether an NSIP for housing would need an NPS to establish robust criteria of need, or whether a policy statement which explains the criteria for selection or the already established NPPF could provide a sufficient basis for certainty.

Use of the NSIP regime for housing could work, and could make a difference. It is possible of course that an NSIP for housing will not bring large-scale settlements forward but this can only be road-tested by giving local authorities and developers the opportunity to bring proposals forward through this route.

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.

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.

Appendix A: A table summarising recorded comment and debate on the potential use of NSIPs for Housing

Date	Reporting	Comment
2008 Act	Housing not included within the original legislation.	Little discernible suggestion or discussion about the inclusion of housing at this time.
2012	Some reporting that Ministers were exploring the possibility of including measures in the Economic Regeneration Bill to allow for housing to be included within the NSIP regime (see Brooks 2012).	Reports do not appear to have been followed up.
2013	Calls for housing to be included as part of the extension of the region to cover Business and Commercial use in 2013.	The extension of the regime in 2013 to include a wide range of potential commercial and office based schemes, provided a prompt for discussion of the inclusion of housing in the regime. The criteria set for opt-in, particularly on economic and cross-boundary impact could equally apply to housing (Planning Portal 2013).
2013	The Labour party commissioned Armitt review was published, including proposals for an independent National Infrastructure Commission to be established to identify the UK's infrastructure needs over the next 25-30 years, focussing primarily on nationally significant infrastructure projects. Some submissions to the Armitt review considered the issue of defining housing as infrastructure: "The question of whether housing should be "infrastructure" is an interesting one. There is a case for including housing (as opposed to, say, hospitals and schools) because its land take is substantial and its links to transport, power, water and communications infrastructure are fundamental. It is not a given that housing has to be provided in large projects – in fact this is often one option for an area to consider among many. Moreover, many of the traditional hard infrastructure elements such as major transport infrastructure are not divisible as housing is. A nuclear power station probably comes at a certain size for example. Politically, government would struggle to gain endorsement of the idea that housing is national infrastructure if that were to mean it should be treated by some special regime, unless there were very clear guarantees that the role of local communities (however broadly defined) as initiators was to be secured" (RTPI 2013b, 4).	Some suggestion that the infrastructure commission's remit could include housing, but Armitt himself concluded that "we will await until Sir Michael Lyons completes his [housing] review [and other work] before deciding whether to include it". On this point, the RTPI fell short of actively advocating the use of NSIPs for housing, but begun to explore the issues associated with their use, as indicated by their (and a number of other submissions) to the Armitt review of infrastructure.

2013	RTPI report on 'delivering large scale housing' published in which it states: "Infrastructure of national importance takes a Nationally Strategic Infrastructure (NSIP) process where decisions are made at a central level. There may well be housing sites of a certain large size or as part of a nationally significant project of mixed uses, particularly where they will make a large call on national funding, that this route may offer possibilities for. This would be one option to ensure that housing can command a nationally significant status. It would also provide national leadership, vision and decision making" (2013a, 19).	Going further than in its submission to the Armitt Review, the RTPI suggests that there may be scope for including housing in the regime under certain circumstances and at a certain scale.
2014	A housing report by KPMG and Shelter setting out a programme for Government, recommended that: "the 2015 government should amend the planning Act 2008 so that residential schemes linked to new transport infrastructure can be included as a category of nationally significant Infrastructure projects, with the backing of the local planning authority" (KPMG, Shelter, 2014, p 87).	
2014	The Wolfson Prize shortlist included various proposals for planning mechanisms associated with the delivery of garden cities including Garden City Foundations (URBED), Garden City Partnerships (Shelter), and Garden City Commissions (Barton Willmore). Barton Willmore also suggested the promotion of a bespoke NSIP for securing consent for a garden city: "We see the delivery of Garden Cities through the planning system by way of a bespoke (large-scale) Housing NSIP" (BW, 2014, 34).	There was a large amount of comment around the Wolfson Prize and its winner (URBED) - particularly the latter's promotion of urban extensions rather than garden cities. No detailed comment or evaluation appears to have been made publicly on the use of NSIPs as potential delivery mechanism for any of the Wolfson Prize ideas.
2014	Armitt publishes a draft bill on how the structure and membership of the National Infrastructure Commission proposed in his review would work (Armit Review Team 2014).	Consultation on the draft bill and programme, included a number of responses detailing that large scale housing should be regarded as national infrastructure as future housing requirements are inextricably linked to other infrastructure requirements, particularly transport and energy.

2014	Lord Best proposes an amendment to the Infrastructure Bill to insert a new clause "Housing as nationally significant infrastructure" and requests that: Within 12 months of the date on which this Act is passed, the Secretary of State shall introduce a bill to change the definition of "nationally significant infrastructure project" in the Planning Act 2008, to include development programmes that contain over 1,500 residential units." (see Hansard 2014)	Lord Best receives some support in the Lords but his amendment was not passed, with several Lords arguing strongly for local decision making on housing: "we disagree in principle with the noble Lords, Lord Best and Lord McKenzie, about who is best placed to make decisions on where new housing should be situated" (Baroness Stowell of Beeston, Quoted in Hansard 2014).
2015	British Property Federation Seminar, 'Size and Delivery Matters', January.	Calls were made by a number of participants - and reported in the press - for extension of the regime for housing. Lots of positive comment on the DCO process for housing followed on social media after the seminar.
2015	Following on from the Armitt Review – a draft remit for proposed infrastructure commission was published for consultation. The latter set out 10 national infrastructure goals, one of which is "the infrastructure, new towns and urban extensions to ensure 200,000 new homes a year by 2020 and that we are meeting need by 2025" (Labour Party 2015, 3).	If progressed, sector implementation plans would be prepared for each element – SIPs would replace NPSs. A logical conclusion would be the need for a SIP for housing.
2015	British Property Federation comment on Government's planning 'in-tray' suggesting that inclusion of housing in the NSIP regime should be a priority.	Some predictions that a new secretary of state following the election could pave the way for inclusion of housing in the regime.
2015	At the AGM of the National Infrastructure Planning Association Simon Ridley, PINS chief executive is reported to have claimed that there may be "scope for discussion" as to whether large-scale housing schemes should be accepted via the NSIP regime. "That was something that the previous government answered very much in the negative … I'm not yet betting on it, but I think there is scope for discussion as the government works out how to meet some of its housing aims and ambitions and delivery of garden cities" (Quoted in Donelly 2015c).	

Appendix B: Research participants

We are grateful to the seventeen individuals who participated in this study, four of whom chose to remain anonymous:

Gideon Amos, Amos Ellis Consulting Ltd

Keith Annis, Planning Director, Redrow Homes

Richard Blyth, Head of Policy, Royal Town Planning Institute

Richard Guyatt, Partner, Bond Dickinson LLP

Clare Hennessey, Technical Director, WSP Parsons Brinckerhoff

Michael Humphries, QC

Dr Tim Marshall, Reader, Oxford Brookes University

Ian Piper, Head of Land, Homes and Communities Agency

John Rhodes, Director, Quod

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References

Agbonlahor, W. (2015). 'Support Act: what the Infrastructure Act means for nationally significant infrastructure projects'. http://www.planningresource.co.uk/article/1344271/support-act-infrastructure-act-means-nationally-significant-infrastructure-projects.

Armitt, J. (2013). The Armitt Review: An independent review of long term infrastructure planning commissioned for Labour's Policy Review. http://www.armittreview.org/

Armitt Review Team. (2014). Draft Infrastructure Bill. http://www.armittreview.org/

Armitt Review Team (2015). 'Update note following consultation on the Draft National Infrastructure Bill and the Programme for establishing a National Infrastructure Commission during the 2015-2020 Parliament (July to October 2014)'. https://www.eventsforce.net/EPF/media/uploaded/EVEPF/event_18/Armit%201.pdf.

Barker, K. (2014) Housing: Where's the Plan? London Publishing Partnership.

BBC News Report. (2014). '15,000 home garden city to be built at Ebbsfleet' http://www.bbc.co.uk/news/uk-26600689

Blackman, D. (2015). '10 Infrastructure Challenges For The New Government', The Planner, July 2015, 18- 21.

Barton Willmore Partnership. (2014). Be a Pioneer. Wolfson Economics Prize Final Submission. http://www.bartonwillmore.co.uk/resources/wolfson-economics-prize-2014-entry/

Booth, R. (2015). 'Uk housing crisis in breach of human rights', The Guardian, April 28, http://www.theguardian.com/society/2015/apr/28/uk-housing-crisis-in-breach-of-human-rights

Brooks, O. (2012). 'Government to consider adding housing developments to categories of Nationally Significant Infrastructure Projects', http://www.pinsentmasons.com/en/media/dco-news/august-2012/29-august-2012/government-to-consider-adding-housing-developments-to-categories-of-nationally-significant-infrastructure-projects-nsips/

Carpenter, J. (2015). 'NSIPs: Why has only one business and commercial project opted to use the fast-track NSIP regime?' http://www.planningresource.co.uk/article/1330598/nsips-why-one-business-commercial-project-opted-use-fast-track-nsip-regime

Centre for Cities. (2015). Cities Outlook 2015. http://www.centreforcities.org/reader/cities-outlook-2015/3-city-monitor-the-latest-data/

Centre for Cities. (2015). Cities Outlook 2015. http://www.centreforcities.org/wp-content/uploads/2015/01/Cities_Outlook_2015.pdf

Chu, B. (2014). 'Britain is suffering from a housing crisis - who is to blame and how can we fix it?' The Independent, February 9, http://www.independent.co.uk/property/house-and-home/property/britain-is-suffering-from-a-housing-crisis--who-is-to-blame-and-how-can-we-fix-it-9113329.html

Communities and Local Government. (2013a). POLICY STATEMENT BY THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT: Extension of the nationally significant infrastructure planning regime to business and commercial projects. http://data.parliament.uk/DepositedPapers/Files/DEP2013-1729/Policy_Statement_By_DCLG.pdf

CLG. (2013b). Reviewing the Nationally Significant Infrastructure Planning Regime A discussion document. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/262984/Reviewing_the_National_Significant_Infrastructure_Planning_Regime_-_Discussion_document.pdf

CLG. (2014a). House Building: December Quarter 2013, England. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/282775/House_Building_Release_-_Dec_Qtr_2013.pdf

CLG. (2014b). Government response to the consultation on the review of the Nationally Significant Infrastructure Planning Regime. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306404/Government_response_to_the_consultation_on_the_review_of_the_Nationally_Significant_Infrastructure_Planning_Regime.pdf

CLG (2015). Technical consultation on improvements to compulsory purchase processes https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/413866/Technical_consultation_on_improvements_to_compulsory_purchase_processes.pdf

Crook, A. Henneberry, J. and Whitehead, C. (2015, forthcoming). Planning gain: funding infrastructure and affordable homes. Wiley and Blackwell.

De ferrers-Green, C. (2014). Housing – a matter of national significance. http://www.lexology.com/library/detail.aspx?g=1d081493-fe7a-4170-8384-ad97d74c9edc

Donati, M. (2014). 'Housing crisis needs 40 garden cities'. http://www.theplanner.co.uk/news/housing-crisis-needs-40-garden-cities

Donelly, M. (2015a). 'Productivity Plan: Reaction from the planning sector', Planning, July 10, http://www.planningresource.co.uk/article/1355571/productivity-plan-reaction-planning-sector

Donelly, M. (2015b). 'Productivity Plan: Housing schemes to be included in NSIP regime', Planning July 10, http://www.planningresource.co.uk/article/1355555/productivity-plan-housing-schemes-included-nsip-regime

Donelly, M. (2015c). 'Inspectorate chief anticipates impact from government's wind power stance', Planning, May 20, http://www.planningresource.co.uk/article/1347926/inspectorate-chief-anticipates-impact-governments-wind-power-stance

Dunning, R, Inch, A, Payne, S, Watkins, C, While, A, Young, G, Hickman, H, Bramley G, McIntosh, S, Watkins, D, Valler, D (2014). The Impact of the New Homes Bonus on Attitudes and Behaviours, Report to the DCLG, London.

Geoghegan, J. (2013). 'Infrastructure planning: a progress report'. Planning, June 28, http://www.planningresource.co.uk/article/1188214/infrastructure-planning-progress-report

Gov.uk (2015) in Sheffield, H. (2015). 'House prices hit record high as UK housing crisis worsens', The Independent April 20, http://www.independent.co.uk/news/business/news/house-prices-hit-record-high-as-uk-housing-crisis-worsens-10189495.html

Fagleman, D. (2015). Devo Home: A double devolution of housing to people and places. ResPublica.

Ford, R. (2012)'Centralism v Localism at the nationally significant infrastructure and local development level'. http://www.ukela.org/content/page/3053/LocalismUKELA%20-%20Richard%20Ford.pdf

HMSO. (2013). INFRASTRUCTURE PLANNING, ENGLAND The Infrastructure Planning (Business or Commercial Projects) Regulations 2013. http://www.legislation.gov.uk/ukdsi/2013/9780111105375/contents

Hourigan Connolly (2014). A Report into the Delivery of Urban Extensions on Behalf of Gladman Developments http://www.centralbedfordshire.gov.uk/Images/14-01908-3%20Gladman%20Developments_tcm6-64428.pdf

Inch, A. (2012). 'Creating 'a generation of NIMBYs'? Interpreting the role of the state in managing the politics of urban development', Environment and Planning C: Government and Policy, 30 (3) 520 – 535

Johnston, B. (2014). Planning for Infrastructure: PLANNING Expert Report. www.planningresource.co.uk

Hansard. (2014). Thursday, 10 July 2014: Infrastructure Bill Committee, 3rd Day Hearing. http://www.publications.parliament.uk/pa/ld201415/ldhansrd/text/140710-gc0001.htm

HM Treasury. (2013). National Infrastructure Plan. HMSO.

HM Treasury. (2014). National Infrastructure Plan. HMSO.

HM Treasury. (2015). Fixing the foundations: Creating a more prosperous nation. HMSO

House of Commons (2014). Planning for Nationally Significant Infrastructure Projects. Briefing Note SN/SC/6881. www.parliament.uk/briefing-papers/sn06909.pdf

House of Commons (2015). Parliamentary Briefing. (2015) Planning Reform Proposals Planning Reform Proposals: Standard Note: SN/SC/6418. www.parliament.uk/briefing-papers/SN06418.pdf

Holmans, A. (2013). New Estimates of Housing Demand & Need in England, 2011 to 2031. Cambridge Centre for Housing and Planning Research.

Homes and Communities Agency and Partners. (2015). Northstowe: Where are we up to? http://www.northstowe.com/timeline

Hutton, J. (2008). New nuclear build: government action. Paper presented at the BERR Nuclear Investor Conference, London, June 12, http://www.berr.gov.uk/ministerialteam/Speeches/page46589.html.

Institute of Public Policy Research. (2012). NO PLACE TO CALL HOME THE SOCIAL IMPACTS OF HOUSING UNDERSUPPLY ON YOUNG PEOPLE. http://www.ippr.org/assets/media/images/media/files/publication/2012/12/no-place-home_Dec2012_10017.pdf?noredirect=1.

Javid, S. (2015). 'There's no need to build on the greenbelt', BBC Today Programme Clip, July 10, http://www.bbc.co.uk/programmes/p02wqdbg

KMPG. (2014). Building the homes we need. A programme for the 2015 Government. KPMG in partnership with Shelter. London.

Labour Party (2015). National Infrastructure Commission: Draft remit for consultation. http://www.yourbritain.org.uk/uploads/editor/files/National_Infrastructure_Commission.pdf/

Lloyds Banking Group. (2015). The Report of the Lloyds Banking Group Commission on Housing. http://www.lloydsbankinggroup.com/globalassets/documents/media/press-releases/lloyds-banking-group/2015/150128-housing_commission_report.pdf

Lyons, M. (2014). The Lyons Housing Review: Mobilising across the nation to build the homes our children need. http://www.yourbritain.org.uk/uploads/editor/files/The_Lyons_Housing_Review_2.pdf

Marshall, T. (2012). Planning Major Infrastructure: A critical Analysis. Routledge.

Moore, R. (2015). 'Britains housing crisis is a human disaster', The Guardian, 14 March, http://www.theguardian.com/society/2015/mar/14/britain-housing-crisis-10-ways-solve-rowan-moore-general-election

Nathaniel Lichfield and Partners. (2015). Signal Failure? A Review of Local Plans and Housing Requirements. http://nlpplanning.com/uploads/ffiles/2015/03/219520.pdf

Housing Federation. (2014). home truths the housing market in the SouthWest 2013/2014. http://s3-eu-west-1.amazonaws.com/pub.housing.org.uk/Home_Truths_South_West_2013-14.pdf

National Housing Federation. (2014). Home Truths 2014/15: Broken Market, Broken Dreams. https://www.housing.org.uk/media/home-truths/

Newman, P. (2009) 'Markets, experts and depoliticizing decisions on major infrastructure', Urban Research & Practice, 2 (2), 158-168.

Owen, R. and Bate, M. (2015). 'Planning for Nationally Significant Housing Projects', in The Planner, July, 38.

Penfold, A. (2010). Penfold Review of Non-Planning Consents. Final Report. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31621/10-1027-penfold-review-final-report.pdf

Pinsent Masons. (2015). 'Property industry joins Barratt in calling for housing to be included in NSIP regime', http://www.out-law.com/en/articles/2015/january/property-industry-joins-barratt-in-calling-for-housing-to-be-included-in-nsip-regime/

Planning Inspectorate. (2011). Report to Bristol City Council by Simon Emerson. http://www.bristol.gov.uk/sites/default/files/documents/planning_and_building_regulations/planning_policy/local_development_framework/InspectorsReportinc.Appendices.pdf

Planning Inspectorate. (2012a). Advice Note 1: Local Impact Reports. Planning Inspectorate, Bristol.

Planning Inspectorate. (2012b). Advice Note 9: The Rochdale Envelope. Planning Inspectorate, Bristol.

Planning Inspectorate. (2015a). Local Plans (strategic issues/'core strategies') progress - 31 May 2015. http://www.planningresource.co.uk/article/1212815/maps-core-strategy-progress-data

Planning Inspectorate. (2015b). Advice Note 2: The role of local authorities in the development consent process. Planning Inspectorate, Bristol.

Planning Officers Society. (2010). Responding to Nationally Significant Infrastructure Projects An advice note August 2010. http://www.planningofficers.org.uk/downloads/pdf/Advice%20Note%20on%20Responding%20to%20Nationally%20Significant%20Infrastructure%20Projects_final_180810.pdf

Planning Portal (2013). 'Nationally significant' regime set to be extended', November 7. http://www.planningportal.gov.uk/general/news/stories/2013/november13/071113/071113_1

Planning Resource. (2014). 'Planning for Nationally Significant Infrastructure Projects' http://www.planningresource.co.uk/article/1299262/planning-nationally-significant-infrastructure-projects

Royal Town Planning Institute. (2013a). Delivering Large Scale Housing: Unlocking Schemes and Sites to Help Meet the UK's Housing Needs. http://rtpi.org.uk/media/630969/RTPI%20large%20scale%20housing%20report.pdf

Royal Town Planning Institute. (2013b). Independent Armitt Review of Infrastructure – call for evidence. http://www.rtpi.org.uk/media/10707/rtpi_response_to_armitt_review.pdf

Royal Town Planning Institute. (2015). From waste to winner: top planning award goes to Thames Tideway Tunnel. http://www.rtpi.org.uk/briefing-room/news-releases/2015/july/from-waste-to-winner-top-planning-award-goes-to-thames-tideway-tunnel/

Savills. (2015). Who will build the homes we need? http://pdf.euro.savills.co.uk/uk/residential---other/spotlight-residential-development-2015.pdf

Sheffield, H. (2015). 'House prices hit record high as UK housing crisis worsens', The Independent April 20, http://www.independent.co.uk/news/business/news/house-prices-hit-record-high-as-uk-housing-crisis-worsens-10189495.html

Shelter. (2014). How would you deliver a new garden city which is visionary, economically viable, and popular? Submission to the 2014 Wolfson Prize. http://england.shelter.org.uk/__data/assets/pdf_file/0005/941324/SHELTER_WolfsonPrize_WEB.pdf

Shelter. (2015). What is the housing crisis? http://england.shelter.org.uk/campaigns/why_we_campaign/the_housing_crisis/what_is_the_housing_crisis

Smith, L. (2015). House of Commons Briefing Note on Planning for Nationally Significant Infrastructure Projects. http://researchbriefings.files.parliament.uk/documents/SN06881/SN06881.pdf

Town and Country Planning Association (TCPA) (2007). Best Practice in Urban Extensions and New Settlements. http://www.tcpa.org.uk/data/files/nsue.pdf

Town and Country Planning Association (TCPA) (2015) New Towns Act 2015? http://www.tcpa.org.uk/data/files/NTA2015.pdf

Travers, D. Byrd, N. and Atkinson, G. (2013). Planning Law and Practice. Wildy Practice Guides.

URBED. Uxcester garden city: Submission to the 2014 Wolfson Economics Prize. http://urbed.coop/sites/default/files/URBED%20Wolfson%20Submission.pdf

Walker, A. (2013). 'Regime Change', The Planner, October 1.

White, M. (2013). 'Attaining the age of consents: Five Years of the Planning Act 2008', Paper to the 41st Oxford Joint Planning Law Conference.

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