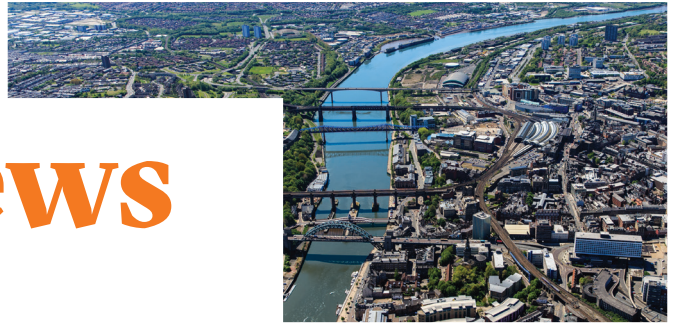


England planning news

MAY 2017



Headline News

8 June general election

A snap general election will take place on 8 June, the House of Commons having voted by 522 votes to 13 to bring forward the scheduled election date from 2020.

Parliament will be dissolved on 3 May, and it is anticipated that the major parties will publish their manifestos during the following week.

Pre-election 'purdah' currently affects the local, mayoral and general elections and has implications for planning legislation, government policy-making and decision-taking: see Appendix A for more details for the effects both centrally and locally.

As a consequence of the general election date, the Neighbourhood Planning Bill's last debate was moved forward a day; in a very short debate the final version of the Bill (now the Neighbourhood Planning Act 2017, see below) was agreed in the Lords.

Purdah from 21 April meant that seven Secretary of State housing-related decisions were issued on the last possible day – but there is of course scope for their challenge in the High Court, their quashing and their redetermination (with the same or a different outcome) 'down the line'.

It is also possible that purdah hastened the publication of DCLG's 'Frequently asked questions on brownfield land registers and permission in principle' (on 21 April). But

at the same time, the statutory guidance seems to be delayed, as the intention is that it will now be published by the summer – it was due by June.

The snap general election also means other delays; there is no certainty now as to when the Housing White Paper's consultation on a standardised methodology for assessing 'housing requirements' will be launched – it was expected very soon. Inevitably too, the revisions to the National Planning Policy Framework committed to in the White Paper, alongside those subject of its consultation, will be delayed at least for several months.

On plan-making, it is understood that the City of Bradford Core Strategy Inspector's Report will not now, after all, be taken forward for consideration 'at the earliest available meeting of Executive and Full Council' – consideration in July is now being suggested. The emerging Core Strategy had been subject of a Secretary of State Holding Direction, preventing it from proceeding to adoption until recently.

Post-election and once the incoming government is in office, it will have to decide relatively quickly whether there is to be any new planning-related Bill, for inclusion in the Queen's Speech at the next State Opening of Parliament (on 19 June).

An announcement sooner rather than later would be expected then on the stance being taken to the Housing White Paper's proposals – and the recently consulted-on Industrial Strategy Green Paper too.

Confirmation or otherwise would also be likely in the first few weeks of the new administration, on current infrastructure initiatives, including: Heathrow's expansion; Crossrail 2; and HS2. It also may be the case that Osborne's/ Clark's legacy of planning-related initiatives would be pronounced on relatively quickly, including the Northern Powerhouse and the review of the community infrastructure levy. ►►

QUOTE OF THE MONTH



Still time to have your say on our plan 2 fix the broken housing market consultation

Housing and Planning Minister Gavin Barwell on Twitter, on 21 April 2017, referring to the Housing White Paper consultation that closed yesterday

THE LICHFIELDS PERSPECTIVE

The snap general election comes after Housing and Planning Minister Gavin Barwell's extensive tour of the country, meeting with those responsible for delivery to discuss the approach taken in the Housing White Paper. Both the consultation and Mr Barwell have taken a considered, deal-making and holistic approach to housing and planning policy, one that incentivises local authorities and private developers to focus on the great delivery challenge faced by the country.

Justin Gartland, Chairman and Head of the Leeds Office

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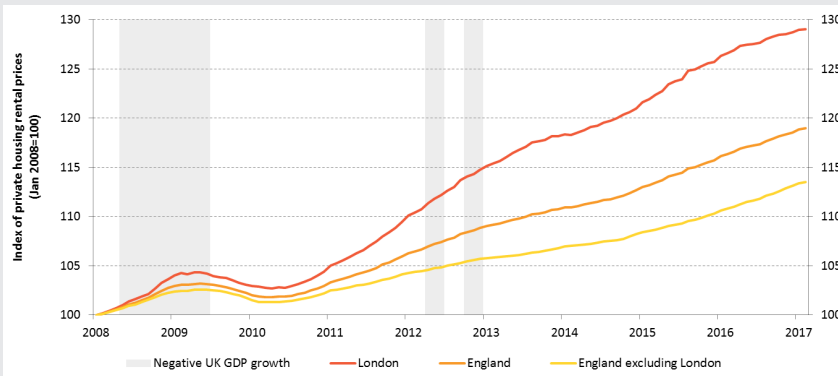
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Figure 1 : Private Housing Rental Prices



Source: DCLG, Lichfields analysis

Note: the chart only shows the rate of private rental housing price growth since 2008. It does not reflect the difference in absolute rent levels.

The latest release of the Index of Private Housing Rental Price from the ONS shows that private rents in London were 29.0% higher in February 2017 than in January 2008, a 1.9% increase from 12 months earlier. Over the same 12-month period, the South East and the East of England experienced the fastest increase in private rent levels across Great Britain

(+3.3% and +2.8% respectively).

Rent levels in England (excluding London) are now 13.5% higher than in January 2008. For the first time since June 2010, four consecutive 12-month period releases showed England's (excluding London) private rent levels (+2.5%) rising faster than London's.

Following release from the ONS, the Research Team has published three tweetcharts on house prices, private rent levels (see figure above) and inflation respectively.

Law

Primary legislation

Neighbourhood Planning Act 2017

The Neighbourhood Planning Act 2017 gained Royal Assent on 27 April.

Lichfields' blog provides more details but in short, the planning-related provisions of the Act in force thus far are predominantly those that enable secondary legislation to be prepared.

The Government's intention is that the Act will reduce the time lag between planning permission being granted and work starting on-site, reflected in the provisions regarding planning conditions. The Government also hopes that provisions for the preparation of neighbourhood plans and local development documents will lead to the identification of more housing land, and

provide greater certainty for communities regarding where future development will be located.

The final stages of the Bill were relatively rushed, as the Government attempted to conclude its business before Parliament is dissolved ahead of June's snap general election, and following the first day of Ping-Pong in the House of Commons (28 March), on 25 April the Lords had their last chance to scrutinise and debate the last two amendments to the Neighbourhood Planning Bill that had been moved by peers and then rejected in the Commons.

This was the last Parliamentary debate on the Bill before Royal Assent; it had been announced in advance that the Lords would accept the last two Commons' amendments to the Bill (which they did), for:

- not insisting on a clause preventing the use of conditions that were not National planning policy Framework-compliant; and
- accepting a clause proposed by the Government that will mean that an amendment can be made to the General Permitted Development Order 2015 (as amended) to remove pub permitted development rights (PDRs) for change

of use and demolition. The timing of this further Order amendment is stated in the clause as being, 'as soon as reasonably practicable after the coming into force of this section' of the Bill but on 25 April in the House, Lord Bourne of Aberystwyth gave a firm update: 'Noble Lords will be keen to see regulation as soon as possible, to prevent any further loss of pubs without local consideration. I can therefore commit to laying secondary regulation immediately after Royal Assent, to come into force before the end of May.'

Secondary legislation

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

On 19 April, The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 were laid before Parliament. They consolidate and amend the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as subsequently amended.

In particular, these Regulations implement amendments which were made by Directive 2014/52/EU to Directive 2011/92/EU of the European Parliament and of the Council, on 'the assessment of the effects of certain public and private projects on the environment'. The main changes in the new Regulations relate to:

1. the circumstances when a project may be exempt from the environmental impact assessment (EIA) process;
2. the introduction of 'coordinated procedures' for projects which are also subject to assessment under Council Directive 92/43/EEC (on the conservation of natural habitats and of wild fauna and flora), or Directive 2009/147/EC of the European Parliament and of the Council (on the conservation of wild birds);
3. the list of environmental factors to be considered as part of the EIA process; ►►

4. the information to be provided to inform a screening decision, and the criteria applied when making that decision;
5. how an environmental statement is prepared, including an amendment to the information to be included, the introduction of a requirement that it is based on a scoping opinion (where there is one) - and a requirement that it is prepared by 'a competent expert';
6. how the public is informed of EIA projects; and
7. decision-makers avoiding conflicts of interest.

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 likewise were laid on 19 April; in the same way as the above new Regulations, they implement the same Directives, and consolidate with amendments the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009, and subsequent amending instruments.

The Regulations all come into force on 16 May 2017; an Explanatory Memorandum summarises the key changes in both, and their background. Other secondary legislation relating to Environmental Impact Assessment has also been amended.

The Town and Country Planning (General Permitted Development) (England) (No. 2) (Amendment) Order 2017

As required by the Neighbourhood Planning Act 2017, and within the timescale promised in the Lords, amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 removing certain permitted development rights for pubs will come into force on 23 May 2017.

The Town and Country Planning (General Permitted Development) (England) (No. 2) (Amendment) Order 2017 ('GDPO amendment') removes permitted development rights to change drinking establishments (use class A4) to use class A1 (shops), A2 (financial and professional services), or A3 (restaurants).

Temporary permitted development rights to change from a drinking establishment, or 'a drinking establishment with expanded food provision' to a school, and to use classes A1, A2 or A3, will also be removed. 'Drinking establishments with expanded food provision', where a pub or other drinking establishment use operates concurrently with a use falling within Class A3, is a new typology, introduced by the GPDO amendment. 'Drinking establishments with expanded food provision' are not defined further.

New Class AA permitted development rights added to Part 3, Schedule 2 will permit change of use from drinking establishments to drinking establishments with expanded food provision, with no limitations or conditions (Article 3 of the Amendment Order). Drinking establishments with expanded food provision may not change to a restaurant without applying for planning permission

Planning permission will also be required to demolish a drinking establishment, or a drinking establishment with expanded food provision.

As a consequence of the removal of these rights, the current requirement to establish with the local planning authority whether the drinking establishment has been nominated as an asset of community value will be removed.

There are transitional arrangements relating to the date of 23 May: where a request for confirmation from the local planning authority as to whether the building has been nominated or listed as an asset of community value was made more than 56 days beforehand, the development can begin; and re. demolition, prior approval must have been granted, determined not required or deemed granted before that date.

The new right in Article 3 is postponed for 18 months, for a building which falls within the scope of an Article 4 direction that withdraws permission to change use from Class A4 to Class A3. Compensation rules relating to Article 4 directions are being amended to reflect the new Class AA right.

Policy

New guidance

Brownfield registers and permission in principle: new guidance follows Government response to 2016 consultation

On 21 April (i.e. before the snap election was confirmed), DCLG published new, non-statutory guidance on brownfield land registers and permission in principle, in the form of 'frequently asked questions'.

The guidance - on the Town and Country Planning (Brownfield Land Register) Regulations 2017 and the Town and Country Planning (Permission in Principle) Order 2017 (both have been in force since mid-April) - is in effect interim. It states the Government's intention 'to publish statutory guidance to explain our policy for brownfield registers in more detail' by the summer. It will also apparently at the same time set out the Government's 'expectations for the operation of the policy and the requirements of the secondary legislation'.

The new guidance also confirms that 'legislation to allow permission in principle to be granted by application for minor developments' will be 'brought in' later in the year and 'through future development plans in due course'.

The Explanatory Memorandum published with the Regulations in March this year had stated that the intention was that the guidance would be published 'by June 2017'.

It is of note that alongside its 3 April confirmation of the coming into force of the two sets of Regulations later in April, DCLG published its consultation response to the 2016 consultation on both. Of particular interest are the Government's responses to Questions 2.4 and 2.7, dealing with technical details consent (TDC). In its response, the Government clarifies:

'We consider that the approach to describing parameters at the permission in principle stage should be clearly stated but sufficiently flexible to allow local planning authorities to make the ►►

necessary adjustments when the detailed proposals come forward. We will set out the general principles for describing the parameters in guidance.'

and

'We welcome the positive responses to our proposals for information requirements. Secondary legislation will provide for the requirements which will be based on our consultation proposals.'

Comment: despite these publications, it still remains unclear as to how technical details consent will be applied for and consulted on. DCLG have confirmed verbally that such applications are already 'covered' by the current Town and Country Planning (Development Management Procedure) (England) Order 2015 but as yet there is no form for such applications, and no guidance as to their content.

Updated technical guidance on permitted development for householders

DCLG's 'Permitted Development Rights: Technical Guidance for Householders' was updated on 6 April 2017, to reflect the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 and its amendments in relation to the enlargement, improvement or other alteration of a dwellinghouse. These amendments, taking the form of clarifications to the existing Order (as amended), came into force on 6 April (as reported in Lichfields' April Planning News for England, on page 2).

Devolution update

The Greater Manchester Combined Authority (Functions and Amendment) Order 2017

The Greater Manchester Combined Authority (Functions and Amendment) Order 2017 was made on 26 April and comes into force on 8 May.

Part 2, Article 3 sets out planning powers of the Combined Authority and Manchester's soon-to-be-elected mayor – the Explanatory Memorandum provides more details; they will be the same as the

London Mayor's in relation to Mayoral development areas and corporations, as in the Localism Act 2011.

Devolution and mayors: what does it mean?

With the mayoral elections still going ahead on 4 May, on 12 April DCLG published a guide for each new Combined Authority (Cambridge and Peterborough, Greater Manchester, Liverpool City Region, Tees Valley, West Midlands and West of England - plus Cornwall, which will not have a directly elected Mayor), to provide more information about the powers and budgets being passed down to these English regions.

Government inquiries

Parliamentary committees in the run-up to the general election

All select committees will cease to exist on the dissolution of Parliament on 3 May; their inquiries will be put on hold until after the election, when new Committees will be formed. The new committees then will decide how to proceed with the current inquiries.

Housing minister expands on housing delivery test action plans

Giving evidence at a House of Commons CLG Committee inquiry into the Housing White Paper and business rates on 19 April, Housing and Planning Minister Gavin Barwell spoke of the proposed housing delivery test action plans that councils would have to produce if they failed to deliver their housing targets.

He said that where such plans had to be prepared by councils:

'...we will want to engage with them straight away. For both of us, the frustration of this job is how long it takes from once you have made the decision to homes being built around the country, so we do not want to sit around for two or three years and wait to see if things improve. We want to get on straight away and work with people...'

Lichfields has prepared an Insight Focus which shows the preliminary results of the housing delivery test at a national, regional and local level as well as identifying whether the Green Belt plays a significant role.

Public Accounts Committee slates DCLG on housing delivery from every angle

In its latest inquiry report published on 28 April, entitled 'Housing: State of the Nation', the House of Commons Public Accounts Committee says that DCLG 'remains dependent' on the existing housing market, which is 'dominated by a handful of private developers', to deliver its target of one million new homes by 2020. Not only that, the report states that DCLG's 'lack of ambition on such a fundamental issue' is matched by a lack of information on housing delivery and government spending, in areas such as housing benefit.

The report includes recommendations that DCLG should:

- publish a 'housing gap' figure (updated on an annual basis), showing the difference between the latest rate of net additional housebuilding and estimates of the rate required to meet demand;
- review international evidence and report to Parliament, to aid evidence-based consideration of alternative policy options to accelerate housebuilding, on lessons to be learned from 'the housing policy and institutional landscape of other countries with higher rates of housebuilding than England' (in particular focusing on innovative methods of accelerating construction and improving affordability); and
- write to the Committee - within six months - with estimates of how many homes councils will be able to build up to 2020 under current financing arrangements, and with details on what other, more innovative measures councils can pursue to develop new housing. ■

No evidence of land banking says Commons Select Committee

The House of Commons Communities and Local Government Commons Select Committee concurs with the Government: the housing market is broken, and the homebuilding sector is dominated by several large homebuilding companies.

In its inquiry report (published on 29 April), 'Capacity in the homebuilding industry', the Select Committee says initiatives are required to encourage smaller builders and other sectors; members also have welcomed measures in the Housing White Paper. But interestingly (and as Lichfields has found), the Select Committee finds no evidence of land banking. The Committee hopes that its post-election successor Committee will carry out a further inquiry into the land market – particularly related to the 'inflated prices' paid by developers in areas of high demand, a cost that must be recovered by the scheme that follows. The report concludes:

'A subsequent inquiry might explore the feasibility of increased public intervention in the land market to incentivise schemes that prioritise long-term community benefits over short-term commercial profit.'

The Select Committee also recommends that the Government (through the Homes and Communities Agency) and local planning authorities should be more proactive in preparing land for development, through the provision of infrastructure, and sometimes planning permission. Borrowing caps on councils' Housing Revenue Accounts should be raised, and removed where housing affordability is lowest, it says.

And on planning specifically, the Committee expresses concern at the 'lack of control planning authorities have over homes built using permitted development rights and the absence of any measures to address disputes regarding the financial viability of sites'.

The Committee also considers that the Government's response to the Community Infrastructure Levy Review should have been published alongside the White Paper, and that broadly:

'Local authorities do not yet have the tools they need to make an effective contribution to solving our housing crisis.'

Building for equality: Government must 'lead the charge'

The House of Commons Women and Equalities Committee published its report, 'Building for Equality: Disability and the Built Environment', on 26 April.

The Committee says:

'... the Government must act to lead the charge in improving access and inclusion in the built environment. This should include public procurement, fiscal initiatives and transparently modelling best practice – and bringing the full range of work on improving access and inclusion in the built environment into a coherent and transparent strategy, with DCLG and local government held responsible for making this happen.'

The report's planning-related recommendations include the Government:

1. 'directing' the Planning Inspectorate to 'pay closer attention to ensuring, as the NPPF sets out, that plans are founded on an inclusive design approach' - no Local Plan documents should be judged 'sound' without evidence that 'they address access for disabled people in terms of housing, public spaces and the wider built environment';
2. making it clear in revisions to the NPPF that planning permission should only be given 'where there is evidence that a proposal makes sufficient provision for accessibility and inclusion';
3. undertaking an audit of local plans to identify those that do, or do not, meet Neighbourhood Planning Act 2017 accessible housing requirements. Where there are gaps in policies, the Government should 'take action to press local authorities to amend their Local Plans in line with the new guidance as a matter of urgency';
4. requiring local authorities to 'call a halt' to the use of shared space schemes, pending clear national guidance that 'explicitly addresses the needs of disabled people'; and

5. amending the limits of application of the Building Regulations applicable to Part M Vol. 1 so that Part M and its optional requirements apply to all new dwellings—both new build and conversions.

MPs say ministers 'seem to regard' sustainable development goals as a developing world issue

In its report published on 26 April, the House of Commons Environmental Audit Committee criticises the Government for failing to embrace, and set out a clear plan to deliver the UN Sustainable Development Goals (or Global Goals) here in the UK. The Global Goals were agreed by member nations at the UN in 2015, setting targets to end extreme poverty, tackle climate change and reduce inequality by 2030.

The Committee's report includes the following recommendations to Government:

1. There should be 'a national conversation' about the Goals with 'a view to enshrining them in law, so that future Governments put sustainable development at the heart of every new legislative proposal';
2. To address the accountability gap created since the abolition of the independent Sustainable Development Commission (SDC) in 2011, and the failure of successive Governments to prioritise sustainable development; the Government should appoint 'a Cabinet-level Minister in the Cabinet Office with strategic responsibility for implementing sustainable development, including the Goals, across Government'. The Government should also 'assign a Minister in the Treasury to help co-ordinate national implementation of the Goals, so that economic and fiscal policy is joined-up with efforts to implement the Goals'; and
3. Modelled on the independent Committee on Climate Change, the Government should establish an independent advisor on sustainable development in the form of a new statutory public body advising the responsible Minister and the Prime Minister. ■

Stronger sustainable drainage policies to help cut flood risk needed

The House of Commons' Environment, Food and Rural Affairs Committee has published (on 26 April) its report on 'Post-legislative scrutiny: Flood and Water Management Act 2010'.

With regard to the Government's policies on sustainable drainage (SuDS), the Committee calls for the Government to:

1. strengthen planning 'approaches' to require SuDS schemes in all developments of more than one property 'so as to prevent smaller developments cumulatively adding to flood risk';
2. significantly tighten planning policies 'to reduce the ability for developers to use cost or practicality reasons to opt-out' from installing SuDS. Standards must 'require schemes to deliver multiple benefits wherever possible, including biodiversity, amenity and water quality benefits as well as simply reducing water run-off rates';
3. 'enshrine standards for the design of SuDS in statute', to ensure that all new developments install high-quality SuDS;
4. clarify how the effective management of SuDS on private land can be better secured through 'robust agreements for funding and monitoring the long-term maintenance of schemes';
5. remove barriers preventing water and sewerage companies from being able to adopt SuDS;
6. repeal the automatic right for new developments' surface water drainage to be connected to conventional drainage systems, providing 'a strong incentive' to developers to install SuDS systems 'in far greater numbers'; and
7. set out a clear timetable for completion of the SuDS planning policies' review that is underway (under the Housing and Planning Act 2016), and for the implementation of findings 'in light of the forthcoming General Election'. The successor Committee 'may wish to review progress in improving the SuDS regime in 18 months' time to ensure that a far higher proportion of new developments are installing high-quality SuDS'.

Lords report recommends planning system takes on licensing issues

The Licensing Act 2003 'is fundamentally flawed and needs a radical overhaul, including the abolition of local authority licensing committees', according to the House of Lords Select Committee that has scrutinised the Act.

The Committee's Report, 'The Licensing Act 2003: post-legislative scrutiny' recommends (inter alia) that planning committees should take over the function of licensing committees and sub-committees, with the co-ordination of the two systems to begin immediately. Specifically it states:

'Coordination between the licensing and planning systems can and should begin immediately in all local authorities. The section 182 Guidance should be amended to make clear that a licensing committee, far from ignoring any relevant decision already taken by a planning committee, should take it into account and where appropriate follow it; and vice versa.'

This change would require the Licensing Act 2003 to be amended, and the Committee recommends that pilots should be carried out.

Airports National Policy Statement inquiry

Following the decision of the House of Commons that an early general election is to be held, submissions are no longer being accepted for any open inquiry; this includes the Airports National Policy Statement inquiry.

Accordingly, all the written evidence received to date has been published. This includes responses from: the City of London Corporation; the Heathrow Strategic Planning Group; the Heathrow Airline Consultative Committee; and the Mayor of London, amongst others.

Housing associations and Right to Buy: Government response to Select Committee report

DCLG has published the Government's response to the House of Commons CLG Select Committee report on housing associations and the Right to Buy (to

housing association tenants), published on 10 February 2016.

Throughout the responses to the Committee's recommendations, references are made to measures in the Housing and Planning Act 2016 and the Housing White Paper. The Autumn Statement 2016 is also covered, in which the Chancellor announced a large-scale regional pilot for testing the key features of the policy and to provide 'important evidence' to inform the design of the main scheme ('over 3,000 tenants will be able to buy their own home with Right to Buy discounts').

Other news

Twelve new enterprise zones go live

Announced in the Autumn Statement 2015, 12 new Enterprise Zones have 'gone live'. The new Enterprise Zones bring the total to 48 in England and cover:

Northern Powerhouse

1. M62 Corridor (Leeds City Region LEP)
2. North East Round 2 (North East LEP)
3. York Central (York, North Yorkshire and East Riding LEP)

Midlands Engine

4. Brierley Hill (DY5 - Dudley's Business and Innovation Enterprise Zone)
5. Loughborough and Leicester (Leicester and Leicestershire LEP)

South West

6. Cornwall Marine Hub (Cornwall and Isles of Scilly LEP)
7. Dorset (Dorset LEP)
8. Heart of the South West (Heart of the South West LEP)

South East and East

9. Enterprise M3 (Enterprise M3 LEP)
10. Enviro-Tech (Hertfordshire LEP)
11. Newhaven (Coast to Capital LEP)
12. North Kent Enterprise Zone (South East LEP)

In addition, 2 existing Enterprise Zones – the West of England LEP (Local Enterprise Partnership) and the New Anglia LEP – have expanded. ■

Stakeholders unite in calls for Government Crossrail 2 backing

Diverse coalitions of homebuilders, property industry leaders, housing associations, councils and Members of Parliament (MPs) have all called for the Government to reiterate its support and firmly back Crossrail 2 in three separate letters.

On 3 April, 66 homebuilding and property industry leaders wrote to the Chancellor, Transport Secretary and Communities Secretary to underline the crucial importance of Crossrail 2 for unlocking 'new, good-quality homes, offices and other commercial uses' and supporting the delivery of up to 200,000 new homes.

Ten days later, London Boroughs and councils from the wider South East sent a letter to the Chancellor and Transport Secretary, urging them to back the project, stressing in particular the benefits that would result from the new railway that 'would be felt nationwide'.

Finally, and following the call for a general election (see headline news), 59 MPs representing constituencies 'from as north as Newcastle upon Tyne and as far south as Portsmouth' urged the Government to back the scheme; the letter they sent to the Chancellor and Transport Secretary focused on the economic benefits that would result from the project, that would be felt across the UK - the economy is expected to be boosted by up to £150bn.

As highlighted in all of the various press releases, the (next) Transport Secretary is expected to make a decision on further Government support for Crossrail 2; this follows an updated business case and funding plan that Transport for London (TfL) has submitted to the current Transport Secretary.

A recently-updated House of Commons Library briefing paper provides information on Crossrail 1 (the Elizabeth Line), which is nearing completion, and Crossrail 2. On the latter, the (pre-election) briefing paper's webpage highlights how 'Crossrail 2 managing director Michèle Dix has indicated a hope that the Government will give Crossrail 2's business case and funding plan the green light in May 2017'.

Assets of community value explained to MPs

A briefing paper has been published by the House of Commons Library that discusses the 'community right to bid' for 'assets of community value', introduced by the Localism Act 2011. Councils must maintain a list of 'community assets', nominated by community groups.

Tackling the under-supply of housing in England

The House of Commons Library has published an up to date briefing paper that considers key trends in housing supply in the UK and goes on to focus on some of the of the key barriers and potential solutions to increasing supply in England. It has been updated to include proposals in the Housing White Paper published in February 2017.

Taking the Housing White Paper's plan-making policies forward – legislative or policy change?

The chart identifies the legislative route or policy change required to take forward each of the 23 policies relating plan-making set out in the Housing White Paper. It shows that two thirds of the White Paper's policies require amendments to the NPPF or

PPG, which are straightforward to introduce and could speed up the process. The chart first appeared in 'Planned and Deliver', and the blog '7 things you need to know about local plan progress'.

Figure 2: Housing White Paper policies relating to plan making



Appendix A

Local and mayoral elections 4 May, and parliamentary elections 8 June 2017: purdah

Introduction

'Purdah' is the term commonly used to describe the period of time immediately before elections or referendums; it is also known as the pre-election period.

This note provides a summary of the implications for planning, arising from the purdah periods relating to the local, mayoral and parliamentary elections.

The House of Commons Library has produced 'Purdah' before elections and referendums' (published on 13 April 2017, i.e. prior to the Election vote) and has blogged about the 2017 general election.

The purdah period before general elections is not regulated by statute, but governed by conventions based largely on the Civil Service Code.

With regard to local elections, according to the Local Government Association's (LGA's) 'Purdah - a short guide to publicity during the pre-election period':

'The pre-election restrictions are governed by Section 2 of the Local Government Act 1986, as amended in 1988. Essentially councils should "not publish any material which, in whole or in part, appears to be designed to affect public support for a political party"'

Local and mayoral elections, 4 May, 2017

On 4 May, six Combined Authorities¹ in England will elect a Mayor for the first time, and two local district Mayors will be elected. All seats at 27 county councils, 7 unitary authorities, and a metropolitan borough council will be contested. In Scotland and Wales, local elections will take place in all local authorities. The names of these authorities, and the local authorities that comprise the Combined Authorities may be found at Annex A of 'May 2017 elections: guidance on conduct', which was updated on 10 April 2017 (the same document has been published as a deposited paper).

Local election purdah guidance for local authorities

For local authorities the latest purdah could start was 27 March 2017.

The LGA is very clear that the work of a planning department does not need to be suspended:

'You are allowed to: Continue to discharge normal council business (including determining planning applications, even if they are controversial).'

Local election purdah guidance for civil servants etc.

'May 2017 elections: guidance on conduct' is for civil servants in UK government departments, staff and members of non-departmental public bodies and other arm's length bodies. It advises that the 'period of sensitivity' preceding the election period starts, by convention, three weeks prior to the election, i.e. 13 April 2017.

According to the guidance, civil servants must not undertake activity that could call into question their political impartiality (including via social media).

The 2017 Scottish guidance reflects that produced by the UK government, whereas the Welsh guidance is slightly different (and note the decision not to use the term 'purdah'), but the principles are broadly the same.

General election, 8 June 2017

Parliament will be dissolved on Wednesday 3 May (shortly after midnight), 25 days before polling day. However, Parliament may Prorogue (i.e. suspend but not dissolve) before that date if all business is complete.

'Purdah' started on 22 April, and 'General Election Guidance 2017' applied from then for civil servants.

According to a Written Ministerial Statement:

'The Prime Minister will write to ministerial colleagues providing guidance on the conduct of government business during the general election period.'

Purdah guidance for civil servants

The Guidance for civil servants is very clear:

'Essential business must be carried on. However, it is customary for Ministers to observe discretion in initiating any new action of a continuing or long term character. Decisions on matters of policy on which a new government might be expected to want the opportunity to take a different view from the present government should be postponed until after the election, provided that such postponement would not be detrimental to the national interest or wasteful of public money.'

General election purdah and planning

Purdah relating to the general election should not have an impact on the determination of planning applications. Our understanding is that the advice given by the LGA in respect of local elections (see above) is applicable to general elections. However, some local planning authorities may choose to defer the determination of controversial planning applications, where the local MP may wish to express a view (this perhaps is more likely where the Leader of the Council is from the same political party as the MP).

Events that ought not to take place during local or general election purdah

In order that guidance is followed, we consider that the following planning-related events should not occur during local or general election purdah:

- Announcement of/consultation on new planning policy
- Publication of the outcome of a consultation relating to a planning matter (other than a planning application)
- The promotion of a consultation exercise that is already taking place

The following ought not to occur during general election purdah:

- Any work by House of Commons or House of Lords Select Committee on inquiries
- Secretary of State determination of planning applications and appeals, and development consent orders (unless the delay to a decision would represent or lead to a waste of public money). ■

¹ Greater Manchester, Liverpool City Region, Tees Valley, West Midlands, Cambridgeshire and Peterborough, and West of England