

A British Property Federation response to:

Nationally Significant Infrastructure Planning: extending the regime to business and commercial projects



Introduction

1. The British Property Federation (BPF) is the voice of property in the UK, representing companies owning, managing and investing in property. This includes a broad range of businesses – commercial property owners, the financial institutions and pension funds, corporate landlords, local private landlords – as well as all those professions that support the industry.
2. In preparing this response, we have consulted closely with the National Infrastructure Planning Association (NIPA) and, as indicated below, we agree with many of the points made by NIPA in its submission.
3. We strongly endorse the Government's decision to extend the planning regime set out in the Planning Act 2008 to new forms of business and commercial development. This has the potential to expedite the path of many projects which have the potential to get the economy moving. We believe that our comments below would make this initiative more effective.

Q1. Do you agree that the proposed list of development types set out at Annex A should be prescribed in regulations in order to make them capable of a direction into the nationally significant infrastructure regime?

4. We agree that a list of development types should be prescribed in regulations. However, we have some concerns about the list of development types set out in the annex. Our major concern is that a large number of 'nationally significant' business and commercial developments will have some retail and / or housing element within them. Indeed Government policy actively advocates mixed use development that brings these elements together. If such projects were excluded because of that provision then some of the schemes that have the greatest potential to stimulate growth could lose out. We feel that mixed-use schemes with some housing or retail element should not be excluded.
5. We comment further on the retail and housing aspects below.

Q2. Do you think that thresholds should apply and, if so, whether those in column 2 of the table at Annex A are appropriate? If not, how should these be changed?

6. We agree with the views of NIPA that there is no need for the application of thresholds. As NIPA says, the current Planning Act regime allows – indeed, requires – projects above specified thresholds to use the regime without any further tests, and allows below-threshold projects that pass the test of 'national significance' to use the regime without any further tests. In both cases there is only one test. Accordingly both we and NIPA believe that the principle of a single test should be carried through to business and commercial projects. This would make the regime simpler and more consistent with the provisions for infrastructure projects.

7. However, if the concept of thresholds is retained, then some of the thresholds look rather below what would generally be regarded as the sort of size they could be described as nationally significant.

Q3. Do you agree with our assessment of the factors that the Secretary of State would need to take into account when considering whether a project is nationally significant?

8. We agree with the list of factors that the Secretary of State can take into account in deciding whether a scheme is nationally significant.
9. It might also be appropriate in deciding whether projects are suitable for inclusion within the regime to give some weight, as NIPA has suggested, to factors such as the complexity and urgency of projects and the capacity of the local authority to deal with them.

Q4. Do you agree that retail projects should not be a prescribed business or commercial project?

10. We have commented above on the need to make provision for schemes which have some element of retail within mixed use developments.
11. However, we also feel that predominantly retail schemes should not be automatically ruled out. Again we agree with NIPA's view that although retail projects are primarily commercial in nature, they could still be nationally significant in the ordinary sense if they are very large. As NIPA points out, they are likely to require new highways and public transport connections and have other far-reaching impacts. They are therefore suitable projects to take advantage of the 'one stop shop' nature of the Planning Act regime and may become more likely to be realised if they use this route.

Q5. Do you agree that Government should not prepare a National Policy Statement (or Statements) for the new category of business and commercial development?

12. We agree that the diversity of developments that could fall within the new commercial /business category makes it challenging to produce National Policy Statements in this area. However, this is an issue which merits further consideration and we see no need to rule out possibility of preparing National Policy Statements for this new category. It would be better to retain the possibility of introducing NPSs if a suitably compelling case can be made in the future.

Q6. Do you have any other comments on the proposals that you would like to make?

13. We mentioned at the outset that we have concerns about the blanket ban on housing which will prevent many projects from enjoying the benefits of the new regime. We agree with NIPA that a large commercial project may have a very small amount of on-site accommodation for security or other caretaking reasons, or may include development that may have accommodation attached, e.g. a public house. To exclude such potentially large proposals simply because they have one or two residential units seems unduly restrictive. We agree with NIPA that ancillary or

incidental residential development should be able to be included in the business and commercial developments that will be able to use the Planning Act regime.

14. However, we would go further. There are many predominantly commercial schemes which include an element of housing provision – not simply accommodation for maintenance staff but housing for the wider community. We see no reason to exclude schemes where the housing element is a subsidiary part of a larger commercial development as this could rule out many excellent projects.

15. We also endorse the views of NIPA that

- When any guidance is issued about the use of section 35 for commercial and business projects, it should set out what applicants are expected to provide in terms of a description of the project and the reasons that it should be considered nationally significant. This guidance should also cover the categories of infrastructure already in the Planning Act, as there is currently no section 35 guidance. It would be appropriate for the local authority/ies to be invited to comment on any application made under s35.
- The Growth and Infrastructure Bill should be amended so that infrastructure projects and business and commercial projects can be considered together to be nationally significant. This requires an amendment to what is proposed to become 35(2) (c) of the 2008 Act.

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