

## Insights

# GOVERNMENT PROPOSALS TO INCLUDE BUSINESS & COMMERCIAL DEVELOPMENTS IN THE NEW STYLE 'ONE STOP SHOP' CONSENT REGIME

Jun 24, 2013

## SUMMARY

New categories of development will be able to seek development consent through the Planning Act 2008 regime, rather than requiring planning permission.

## THE 20-SECOND SUMMARY

You should read this article if you work on large business or commercial developments and want to know about a new way to get planning permission direct from the Secretary of State.

## BACKGROUND

### COMMERCIAL AND BUSINESS PROJECTS

The Government has been considering extending the Planning Act 2008 regime in England to allow it to cover certain commercial and business projects, and the 2013 Growth and Infrastructure Act makes provision for such projects to be brought within the Development Consent Order (DCO) regime. Applications for DCO are made directly to the Planning Inspectorate, and are determined by the Secretary of State. The local planning authority has an important role as a stakeholder, but is not the determining body. The potential benefits of this approach include a set timescale for determination (albeit that in limited cases this timescale has been varied), and bringing more consents within the 'one stop shop' that a DCO is supposed to provide (including matters such as compulsory acquisition, highways consents, and many other consents).

The Government has now published (on 21 June 2013) its summary of the consultation responses to the 2012 consultation concerning the thresholds for such projects. The Government has concluded that promoters of the following types of development ought to be able to ask for such projects to be dealt with through the DCO regime:

Office development

Research and development facilities

Warehousing, storage and distributions facilities

Conference and exhibition centres

Leisure & tourism facilities

Sports and recreation facilities

Aggregate and industrial minerals developments

This also covers mixed use developments (ie a mixture of any of the above categories). Draft regulations to allow for this will be brought forward later in 2013.

There won't be thresholds per say, but that there will be a policy document which will give guidance as to the factors to take into account when deciding whether such development should be able to come within the DCO regime. This is probably the right outcome given the lack of flexibility which set thresholds might have caused.

In terms of the policies against which proposals will be measured, other categories of DCO have National Policy Statements (NPSs) which set out policy for that type of development. However, no National Policy Statement is proposed (at least for now) for business and commercial development in general, so decisions will be taken against the extant policy background.

So what isn't coming within the DCO regime?

Coal, oil and gas development – these have been left out from the original list, and hence that will not be able to be consented by DCO. Interestingly on shale gas the Government states that it 'will ensure that an effective planning system is in place, with the necessary guidance published by July 2013' – so in the next few days!

Retail – this wasn't on the original list and this remains the position, so retail development can't be dealt with by DCO.

Housing - the Government make it clear that housing won't be changing, and that that will remain with local planning authorities.

So, in conclusion, once the regulations are in place later in 2013, a new approach will be open to developers of certain commercial projects to seek their applications to be 'called in' under the DCO regime, and determined directly by the Secretary of State.

## RELATED CAPABILITIES

- Planning & Zoning

## MEET THE TEAM



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