



## The Queen's Speech – Implications for Planning, Energy and Housing

The Queen's Speech, delivered last week, details the legislation to be introduced by the Government over the next 12 months. This briefing provides a summary of the proposals and the implications for planning, energy and housing, which are wide ranging considering no Planning Bill is proposed.

### Energy

The Government is proposing an *Energy Bill* which will include provisions to ensure that:

- **All** onshore wind farm applications in England (i.e. including those above 50MW) are made to the local planning authority under the Town and Country Planning Act 1990. Whilst this is only likely to affect a few schemes, it represents a significant change in approach and will require changes to National Policy Statements EN-1 and EN-3. The Government intends to update the National Planning Policy Framework to reflect this change in policy; and
- The Oil and Gas Authority (OGA) is established as an independent regulator. The existing regulatory powers of the Secretary of State for Energy and Climate Change will be transferred to the OGA and additional powers such as dispute resolution and sanctions will be introduced. The Government acknowledges the need to provide further investment in the oil and gas industry, with a drive to reduce reliance on imports.

The Government also reiterated a commitment to taking decisive action to reduce emissions by 80% by 2050 from 1990 levels.

### Devolution

There are three key areas of proposed devolution:

- 1) **Devolution of powers to cities:** the Government is proposing the *Cities and Local Government Devolution Bill* in order to boost growth and increase productivity and efficiency in local government, provide a legislative framework to deliver the 'greater Manchester deal' and other future deals and to build a 'northern powerhouse'. This is likely to mean greater controls over investment and

funding for infrastructure and housing for local authorities.

- 2) **Devolution of powers to Scotland:** the *Scotland Bill* includes devolution on a number of tax and welfare matters following through with commitments made after the Scottish referendum on independence last year. These changes are unlikely to impact on planning matters which are already devolved to the Scottish Government.
- 3) **Devolution of powers to Wales:** the *Wales Bill* builds on the St. David's Day Agreement and proposes the following be devolved to the Welsh Ministers:
  - the consenting of both onshore and offshore energy schemes in Wales up to 350 MW;
  - licensing for all onshore oil and gas exploration to Wales, enabling the Welsh Government and the National Assembly to decide whether exploration for oil and shale gas takes place in Wales; and
  - additional powers devolved to the Assembly relating to ports, taxi regulation, the registration of bus services, speed limits, and sewerage services in Wales.

### HS2

The HS2 Bill (*High Speed Rail (London-West Midlands) Bill*), which will proceed on course during the next Parliament, will give deemed planning permission for the high speed rail link between London and the West Midlands. The Government will also continue to legislate for high-speed rail links between different parts of the country (e.g. north of Manchester and across to Leeds, or "HS3").

### EU Referendum

The *EU Referendum Bill* will provide mechanisms for an in-out vote on the UK's membership of the EU before the end of 2017.

### Housing

The main aims of the proposed *Housing Bill* will be to:

- enable the extension of Right to Buy levels of discount to housing association tenants;

- require local authorities to dispose of high-value vacant council houses which would help fund the Right to Buy extension discounts and the building of more affordable homes;
- provide the necessary statutory framework to support the delivery of Starter Homes;
- take forward the Right to Build, requiring local planning authorities to support custom and self-builders in their area to identify suitable plots of land to commission homes;
- introduce a statutory register for brownfield land, to help achieve the target of securing Local Development Orders on 90% of suitable brownfield sites by 2020;
- simplify and speed up the neighbourhood planning system, to support communities that seek to meet local housing and other development needs through neighbourhood planning; and
- give effect to other changes to housing and planning legislation to support housing growth.

These changes are aimed at promoting housing development in England and may subsequently be applied in Wales.

## Conclusions

Although the key themes of the speech such as greater local autonomy, decentralisation and secure energy align with the Conservative's manifesto and should not come as a surprise. Much of the detail (and therefore the difficult issues) have yet to be resolved. Looking forward, much of the legislation controlling and regulating development (for example, Environmental Impact and Habitats Regulations Assessments) will no longer be mandatory. This will profoundly affect future development.

The support for Oil and Gas echoes the policies set out in the Energy National Policy Statements. There is a commitment to continue to reduce carbon emissions and increase development of low carbon energy infrastructure but at the same time recognition that oil and gas have an important part to play in maintaining a security of supply. The changes proposed have been met with opposition from the renewables industry who suggest that a mixed message is being sent out by the Government, on the one hand pledging to continue to seek to reduce carbon emissions and on the other removing subsidies for proven renewable technologies and promoting further investment in fossil fuels.

We will continue to monitor the progress of each of the Bills and keep you updated. If you have any queries, please do not hesitate to contact us on the details below.

## Contacts



**Gary Soloman**

Partner

+44 (0) 117 902 2791

gary.soloman@burges-salmon.com



**Sarah Sutherland**

Associate

+44 (0) 117 307 6964

sarah.sutherland@burges-salmon.com

Burges Salmon LLP, One Glass Wharf, Bristol BS2 0ZX Tel: +44 (0) 117 939 2000 Fax: +44 (0) 117 902 4400  
6 New Street Square, London EC4A 3BF Tel: +44 (0) 20 7685 1200 Fax: +44 (0) 20 7980 4966

[www.burges-salmon.com](http://www.burges-salmon.com)

Burges Salmon LLP is a limited liability partnership registered in England and Wales (LLP number OC307212), and is authorised and regulated by the Solicitors Regulation Authority. It is also regulated by the Law Society of Scotland. Its registered office is at One Glass Wharf, Bristol BS2 0ZX. A list of the members may be inspected at its registered office. Further information about Burges Salmon entities, including details of their regulators, is set out in the 'Who we are' section of the Burges Salmon website at [www.burges-salmon.com](http://www.burges-salmon.com).

© Burges Salmon LLP 2015. All rights reserved. Extracts may be reproduced with our prior consent, provided that the source is acknowledged. Disclaimer: This briefing gives general information only and is not intended to be an exhaustive statement of the law. Although we have taken care over the information, you should not rely on it as legal advice. We do not accept any liability to anyone who does rely on its content.

Data Protection: Your details are processed and kept securely in accordance with the Data Protection Act 1998. We may use your personal information to send information to you about our products and services, newsletters and legal updates; to invite you to our training seminars and other events; and for analysis including generation of marketing reports. To help us keep our database up to date, please let us know if your contact details change or if you do not want to receive any further marketing material by contacting [marketing@burges-salmon.com](mailto:marketing@burges-salmon.com).