



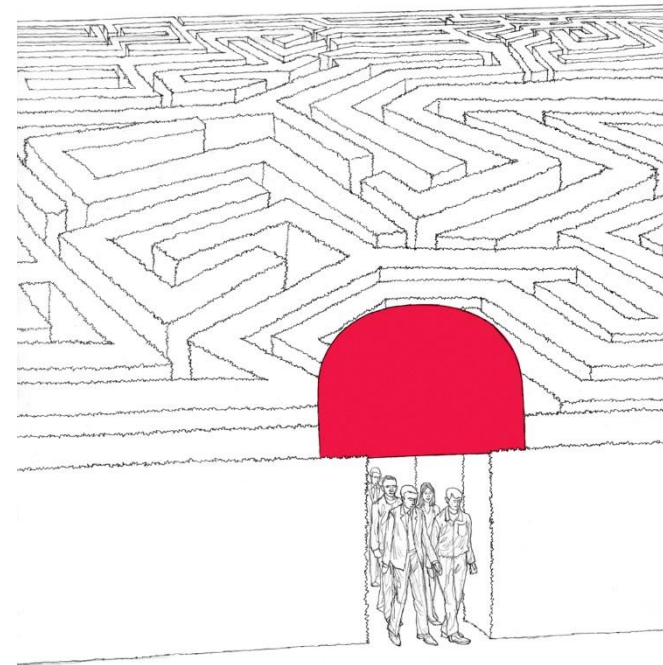
BIRCHAM DYSON BELL

Making Transport Projects Happen
The law and how to love it

Angus Walker
13 April 2016

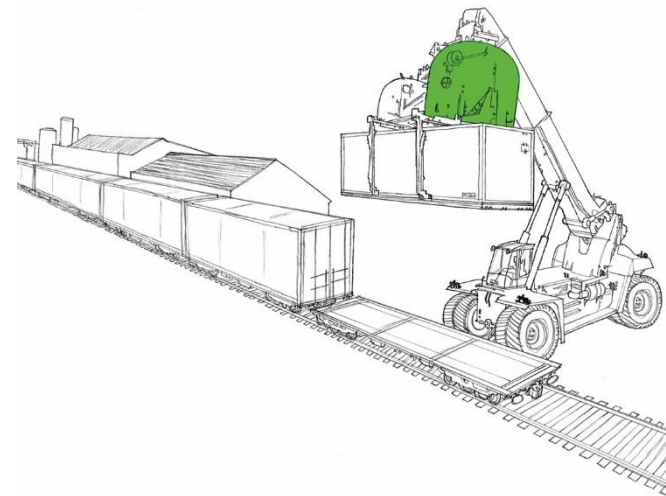
INGREDIENTS FOR SUCCESS

- **Non-legal**
 - Project benefit
 - Suitable promoter
 - Money
 - Government support
- **Legal**
 - Land
 - Planning-type permission



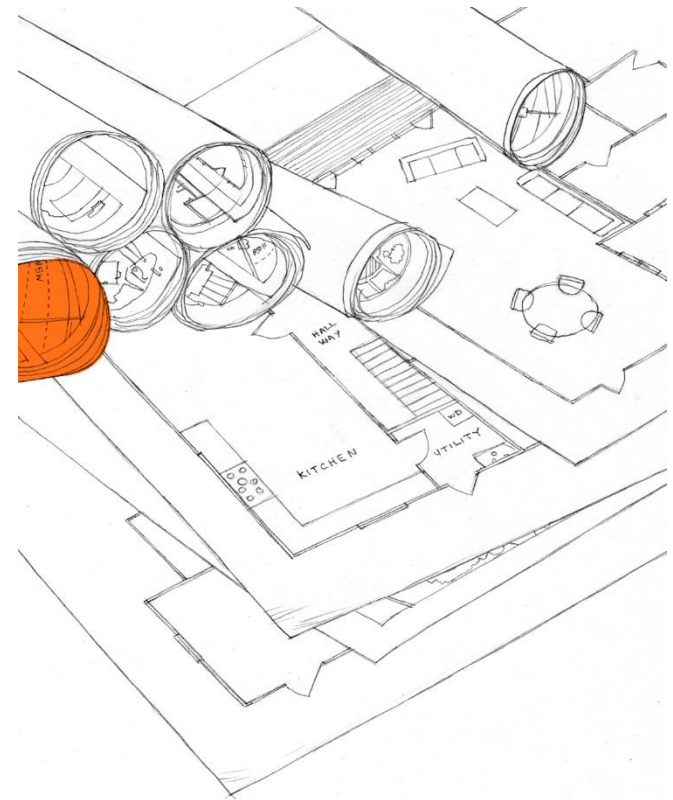
PROJECT BENEFIT

- Cut congestion
- Cut journey times
- Increase capacity
- Increase **productivity**
- Increase **security**
- Unlock **growth**
- Freight as well as passengers



SUITABLE PROMOTER

- **Railways**
 - Network Rail
 - Sub/urban rail authorities
- **Highways**
 - Highways England
 - Local transport authorities
- **Ports**
 - Largely private port operators
- **Airports**
 - Largely private airport operators



MONEY

- Rail, road
 - Largely public money
- Ports, airports
 - Largely private money



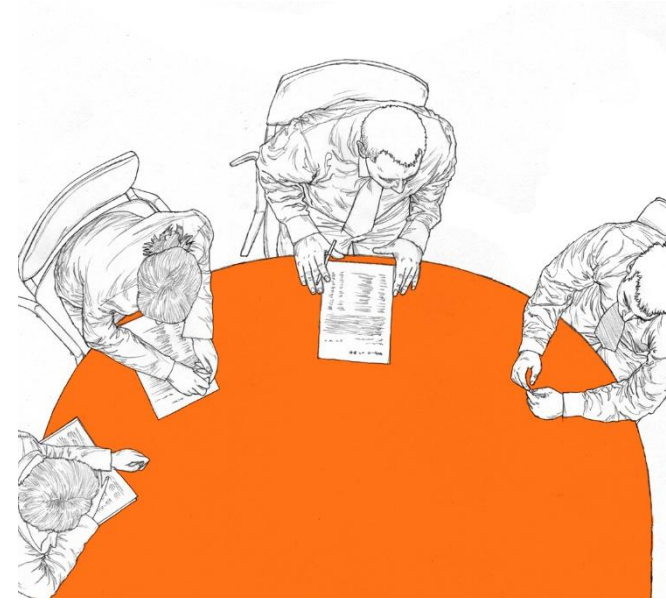
GOVERNMENT SUPPORT

- Overarching transport policy?
- Rail
 - National Networks NPS
 - High Level Output Statement
 - CP5: 2014-19
- Road
 - National Networks NPS
 - Roads Investment Strategy
 - RP1: 2015-20
- Ports
 - Ports NPS
- Airports
 - Airports NPS (forthcoming?)



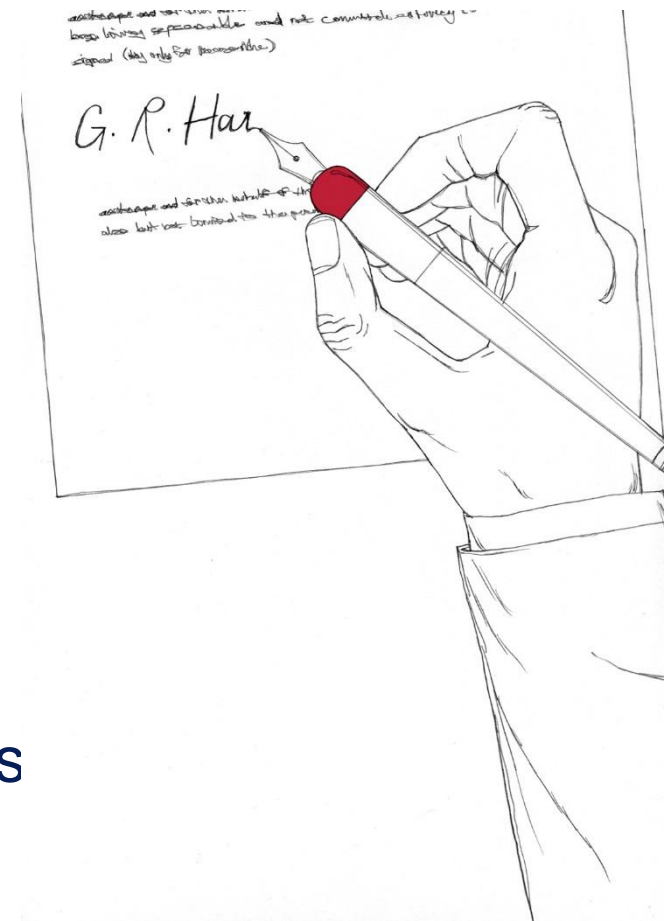
A NEW TYPE OF SUPPORT

- National Infrastructure Commission
 - National Infrastructure Assessment – consultation expected in May
 - Specific studies – three done, two in progress
- ‘Endorsed recommendations’



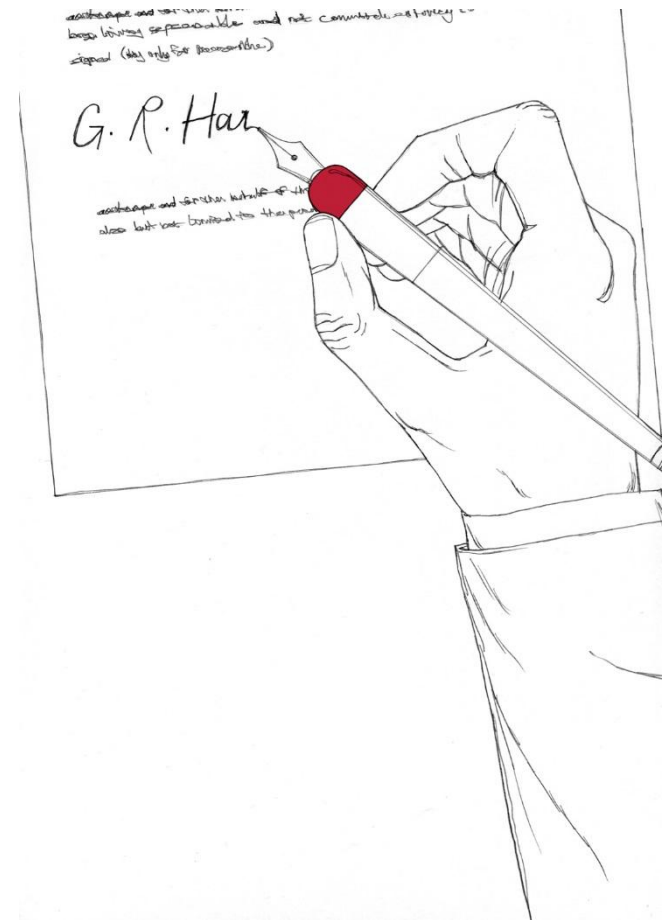
LAND AND PLANNING-TYPE PERMISSION

- Hybrid Bill
 - The largest Government-promoted projects
 - e.g. Crossrail 1, 2, HS1,2
- Development consent order
 - Projects above size thresholds:
 - 2 miles of new railway
 - 7.5-15ha of new highway
 - 60ha of rail freight interchange
 - 5m tonnes pa of new port capacity
 - 10m passengers pa of new airport capacity
- Planning permission or other regimes
 - Smaller projects



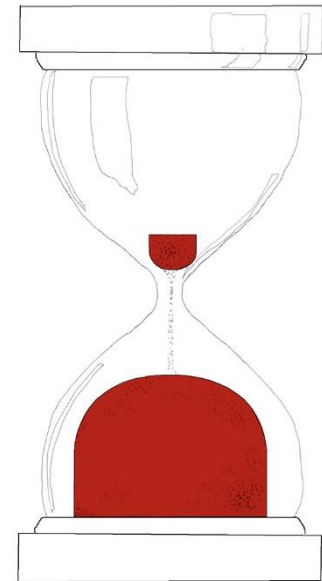
LOVE THE LAW

- Hybrid Bills
 - Always successful
- Development consent orders
 - 96% success rate
- Planning permission
 - 88% success rate



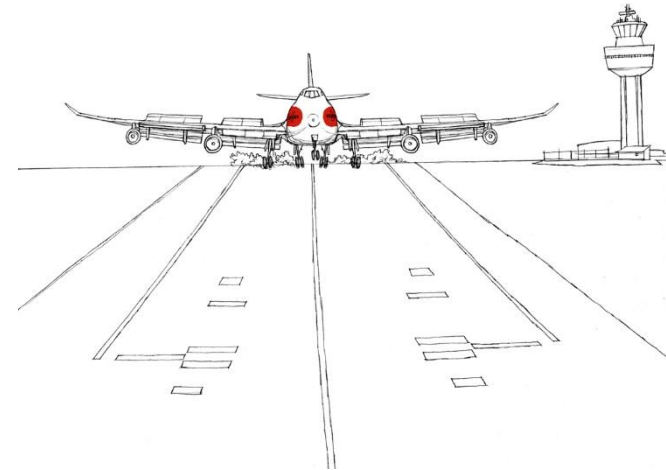
LOVE THE LAW

- Hybrid Bills
 - Parliamentary process taking 2-3 years
- Development consent orders
 - A fairly fixed 15-17 months
- Planning permission or other regimes
 - No fixed timescales



LOVE THE LAW

- Hybrid Bills and DCOs
 - You produce the first draft of the consent
 - Get you the land you need
 - Allow diversion of rights of way etc.
- Development consent orders
 - Consent if benefits outweigh adverse impacts
 - ... but also if do not infringe international obligations





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For further information,
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