

Appendix A: Overview of Proposed Package of Measures

Extent of land purchase / CPO						
		2	3	4	5	Most intervention 6
OS on						
Risk Rating	None	Low	Medium	High	Critical	Critical
Benefit Rating	Low	Medium	Medium	Medium	High	Medium

Planning Permission - PIP

Risk Rating	None	Low	Medium	Medium	Critical
Benefit Rating	None	Low	Medium	Medium	Medium

Planning policy

Risk Rating	None	None	Low	Low	Medium	Medium
Benefit Rating	Medium	Medium	High	High	Medium	Medium

Delivery Vehicles

Risk Rating	None	Low	Low	Medium	Medium	High	High	Critical
Benefit Rating	Medium	High	High	High	Medium	Medium	Medium	High

Funding and finance

Risk Rating	Low	Low	Medium	Medium	Medium	Medium	High
Benefit Rating	Medium	Medium	Low	Medium	Medium	Medium	High

Appendix B: Detailed Assessment

The review of potential powers identified within the proposed package is set out below. It is organised by theme and follows the 3-step process outlined above.

1: Extent of land purchase/CPO

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1. Extent of land purchase/CPO/				
Existing Power/Legislation	Corresponding Legislation/Regulation	Advantages/Wider Benefits	Disadvantages/Wider Constraints	Score (sufficient to meet CR2 requirements?)
<p>Compulsory Purchase Orders</p> <p>A tool to confer powers to acquire land compulsorily for the delivery of new development and regeneration projects. It is a mechanism to assemble the land needed to bring about the project and enables greater control in the delivery of housing.</p> <p><i>(Reference: DCLG (MHCLG) Guidance on Compulsory Purchase, October 2015)</i></p>	<p>S333ZA of the GLA Act 1999 amended to add TfL's CPO purposes (power also enlarged by Neighbourhood Planning Act 2017, which inserts a new section 403A into the GLA Act) – GLA can seek CPOs only for housing and regeneration</p>	<p>Allows targeted public sector intervention to enable delivery of housing, whether or not provided by the GLA.</p> <p>Widely used by the GLA with a number of precedents for large-scale infrastructure projects (for example Southall Gasworks, Wembley Link).</p> <p>Supports no-scheme principle whereby any increase or decrease in the value of land caused by the scheme or the prospect of the scheme is to be disregarded -S32 NPA 2017 entitled "no-scheme principle".</p> <p>Efficiency is increased by the provision of time limits for confirmation notices. Notices must be served within 6 weeks from the confirmation of CPO. There is also a 3 year implementation period– NPA 2017 Part 2, S18-S34</p>		

[illegible]

[illegible]

[illegible]

1. [REDACTED]				
Existing Power/Legislation	Corresponding Legislation/Regulation	Advantages/Wider Benefits	Disadvantages/Wider Constraints	Score (sufficient to meet CR2 requirements?)
	<i>that encourages LPAs to consider the social and economic benefits of estate regeneration.</i>	[REDACTED]		
	S135 of the Local Government, Planning and Land Act 1980 – allows Development Corporations (Urban and New Town) to acquire land for securing the regeneration of the relevant area	[REDACTED]	[REDACTED]	[REDACTED]

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Existing Power/Legislation	Corresponding Legislation/Regulation	Advantages/Wider Benefits	Disadvantages/Wider Constraints	Score (sufficient to meet CR2 requirements?)
		[REDACTED]	[REDACTED]	[REDACTED]
	S121 of Local Government Act 1972 (S125 permits District Councils to acquire land compulsorily on behalf of Parish Councils) - LPAs in conjunction with other enabling powers to acquire land for a stated	[REDACTED]	[REDACTED]	[REDACTED]

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[illegible]

[illegible]

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Existing Power/Legislation	Corresponding Legislation/Regulation	Advantages/Wider Benefits	Disadvantages/Wider Constraints	Score (sufficient to meet CR2 requirements?)
<div><div></div><div></div><div></div><div></div><div></div><div></div></div>				
<div><div></div><div></div></div>				
b) Is there certainty it can be used (precedents)?				
<div><div></div><div></div><div></div><div></div><div></div><div></div></div>				
c) Does it apply to London and Non-London boroughs?				
<div><div></div><div></div><div></div></div>				
<div><div></div><div></div><div></div></div>				
<div><div></div></div>				
d) Does it provide sufficient project control?				
<div><div></div><div></div><div></div><div></div><div></div><div></div></div>				

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Existing Power/Legislation	Corresponding Legislation/Regulation	Advantages/Wider Benefits	Disadvantages/Wider Constraints	Score (sufficient to meet CR2 requirements?)

Question 2: Where further powers are required, can they be implemented and addressed through alternative legislation, outside of CR2 Hybrid Bill?

Alternative Power/Legislation	Amendment to existing or new legislation	Advantages/Wider Benefits to CR2	Disadvantages/Wider Constraints to CR2 & Risks to Hybrid Bill	Wider Application of Power	Score (sufficient to meet CR2 requirements?)
Land Assembly Zones (LAZ) Proposes new land assembly model for London, based on current examples applied internationally <i>('Capital gains: a better land assembly model for London'; GLA & Partners, April 2018)</i>	New Legislation required and / or amendment to Town and Country Planning Act 1990 and Land Compensation Act 1961 required.				

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1. Extent of land purchase/CPO/Land Value Capture – (OSD+ / Intensification Zones)					
Alternative Power/Legislation	Amendment to existing or new legislation	Advantages/Wider Benefits to CR2	Disadvantages/Wider Constraints to CR2 & Risks to Hybrid Bill	Wider Application of Power	Score (sufficient to meet CR2 requirements?)
		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] S.

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1. Extent of land purchase/CPO/Land Value Capture – (OSD+ / Intensification Zones)					
Alternative Power/Legislation	Amendment to existing or new legislation	Advantages/Wider Benefits to CR2	Disadvantages/Wider Constraints to CR2 & Risks to Hybrid Bill	Wider Application of Power	Score (sufficient to meet CR2 requirements?)
b) Is there certainty it can be used (precedents)?					
[Redacted]					
[Redacted]					
c) Does it apply to London and Non-London boroughs?					
[Redacted]					
[Redacted]					
[Redacted]					
d) Does it provide sufficient project control?					
[Redacted]					
[Redacted]					
[Redacted]					

	[REDACTED]
Powers to be sought through the Hybrid Bill	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

- (b) (7)(C), (b) (7)(D)

- effective would require some form of commitment/agreement from those with existing powers.*

1. [REDACTED]
[REDACTED]

- _____

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

FOR DISC

[illegible]

3: Enhanced Planning Powers				
Existing Power/Legislation	Corresponding Legislation/Regulation	Advantages/Wider Benefits	Disadvantages/Wider Constraints	Score (sufficient to meet CR2 requirements?)
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	PART – Duty to cooperate provides a strong basis from which to encourage collaboration and cross-boundary working. However there is no duty to agree and therefore not as effective as it could be.
General Conformity <i>Strategic planning policy that sits within a framework of statutory planning and development documents is required to be in general conformity with policy that sits above.</i>	GLA Act 1999 Localism Act 2011	London boroughs' local development documents have to be 'in general conformity' with the London Plan, which is also legally part of the development plan that has to be taken into account when planning decisions are taken in any part of London. Neighbourhood plans are also	As with duty-to-cooperate, a duty to achieve general conformity with strategic local policies, including the London Plan, does not mean that the upholding of commitments to services and delivery of policy match entirely. Policy may be looser as it affects smaller and inherently less strategic areas as it moves within a policy framework.	PART – general conformity provides a strong basis from which to encourage collaboration and cross-boundary working. However there is no duty to agree and

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[illegible]

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[REDACTED]				
Existing Power/Legislation	Corresponding Legislation/Regulation	Advantages/Wider Benefits	Disadvantages/Wider Constraints	Score (sufficient to meet CR2 requirements?)
Is this sufficient power to satisfy CR2 delivery requirements?				
a) Does it enable the delivery of the proposed package? [REDACTED] [REDACTED] [REDACTED] [REDACTED].				
Duty to Facilitate: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].				
b) Is there certainty it can be used (precedents)? [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].				
c) Does it apply to London and Non-London boroughs? [REDACTED] [REDACTED]				
d) Does it provide sufficient project control? [REDACTED] [REDACTED] [REDACTED] [REDACTED].				

Powers					
Alternative Power/Legislation	Amendment to existing or new legislation	Advantages/Wider Benefits to CR2	Disadvantages/Wider Constraints to CR2 & Risks to Hybrid Bill	Wider Application of Power	Score (sufficient to meet CR2 requirements?)
CR2 National Guidance Note	<p>Given under Town and Country Planning Act 1990</p> <p>(In addition to existing and broad National Infrastructure Planning Guidance, project-specific notes could follow the same format but provide more targeted guidance).</p>	<p>A national guidance note would emphasise the need for local authorities to cooperate on issues of growth and development around CR2 stations, outlining Government expectations.</p> <p>LPA's and plan makers must have regard to national guidance when developing plans providing greater certainty that CR2 benefits will be maximised.</p> <p>Would form material consideration when taking decisions on planning applications.</p> <p>Avoids risks and geographical specific requirements to be included within national policy (NPPF).</p>			

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Alternative Power/Legislation	Amendment to existing or new legislation	Advantages/Wider Benefits to CR2	Disadvantages/Wider Constraints to CR2 & Risks to Hybrid Bill	Wider Application of Power	Score (sufficient to meet CR2 requirements?)
[REDACTED]		[REDACTED]	[REDACTED]		
[REDACTED] (Under existing legislation, the Mayor is not automatically allowed to take control over planning applications, but is informed by LPAs of applications of 'potential strategic importance')	[REDACTED]	[REDACTED]	[REDACTED]	As above.	PART - AS ABOVE
Does this alternative legislation provide sufficient power to address CR2 delivery requirements?					
a) Does it enable the delivery of the proposed package?					
[REDACTED]					

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Alternative Power/Legislation	Amendment to existing or new legislation	Advantages/Wider Benefits to CR2	Disadvantages/Wider Constraints to CR2 & Risks to Hybrid Bill	Wider Application of Power	Score (sufficient to meet CR2 requirements?)
Duty to Facilitate: [REDACTED] [REDACTED] [REDACTED] [REDACTED]					[REDACTED]
b) Is there certainty it can be used (precedents)? [REDACTED] [REDACTED] [REDACTED]					[REDACTED]
Duty to Facilitate: [REDACTED] [REDACTED]					[REDACTED]
c) Does it apply to London and Non-London boroughs? [REDACTED]					[REDACTED]
Duty to Facilitate: New legislation could be applied to both London and Non-London boroughs.					[REDACTED]
d) Does it provide sufficient project control? [REDACTED] [REDACTED] [REDACTED]					[REDACTED]
Duty to Facilitate: [REDACTED] [REDACTED]					[REDACTED]

Existing planning powers / requirements provides a strong basis for helping to deliver the wider growth and regeneration benefits for the scheme.

Existing planning powers / requirements provides a strong basis for helping to deliver the wider growth and regeneration benefits for the scheme.

[REDACTED]

1

4: Delivery Vehicles

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[illegible]

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[illegible]

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Existing Power/Legislation	Corresponding Legislation/Regulation	Advantages/Wider Benefits	Disadvantages/Wider Constraints	Score (sufficient to meet CR2 requirements?)
		[REDACTED]	[REDACTED]	[REDACTED]
Locally accountable New Towns Development Corporations	Implementation of new legislation. S16 of Neighbourhood Planning Act 2017 amends the New Towns Act 1981 – enacts the promise to ‘allow locally accountable New Town Development Corporations to be set up, enabling local areas to use them as the delivery vehicle [for new communities] if they wish to’. <i>(Implementation of Housing White Paper)</i>	Locally-led New Town Development Corporations could streamline the coordination of development sites and the strategic approach to growth, funding and infrastructure delivery. Under s.1 of New Towns Act, the SoS may designate new towns if satisfied that “it is expedient in	[REDACTED]	[REDACTED]

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[REDACTED]				
Existing Power/Legislation	Corresponding Legislation/Regulation	Advantages/Wider Benefits	Disadvantages/Wider Constraints	Score (sufficient to meet CR2 requirements?)
			Potential inability of LPAs to agree on scope and scale of partnership, level of investment and sharing of risks and rewards.	
Is this sufficient power to satisfy CR2 delivery requirements?				
a) Does it enable the delivery of the proposed package?				
[REDACTED]				
[REDACTED]				
[REDACTED]				
CR2 Delivery Vehicle: [REDACTED]				
[REDACTED]				
b) Is there certainty it can be used (precedents)?				
[REDACTED]				
[REDACTED]				
[REDACTED]				
[REDACTED]				
c) Does it apply to London and Non-London boroughs?				
[REDACTED]				
[REDACTED]				
CR2 Delivery Vehicle: N/A – [REDACTED]				
d) Does it provide sufficient project control?				
[REDACTED]				
[REDACTED]				

[illegible]

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4. Delivery Vehicles					
Alternative Power/Legislation	Amendment to existing or new legislation	Advantages/Wider Benefits to CR2	Disadvantages/Wider Constraints to CR2 & Risks to Hybrid Bill	Wider Application of Power	Score (sufficient to meet CR2 requirements?)
	designation of areas as development corporations to be established – extend powers to enable delivery. For S16 of Neighbourhood Planning Act 2017 regarding New Towns, this could be extended to more locally specific developments of smaller scale.	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Local Housing Companies	Housing Act 2016	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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[REDACTED]	Amendment to existing or new legislation	Advantages/Wider Benefits to CR2	Disadvantages/Wider Constraints to CR2 & Risks to Hybrid Bill	Wider Application of Power	Score (sufficient to meet CR2 requirements?)
[REDACTED]		[REDACTED] [REDACTED] [REDACTED]			<p>have delivered to date. This raises questions regarding the certainty about how achievable this is (in terms of funding and feasibility)</p> <p>Would not address issue of enabling CR2 as a delivery vehicle.</p>
Does this alternative legislation provide sufficient power to enable a CR2 delivery vehicle?					
<p>a) Does it enable the delivery of the proposed package?</p> <p>[REDACTED] [REDACTED] legislation to establish a CR2 delivery vehicle. There is no certainty that such changes would be approved or mechanisms exist outside of Hybrid Bill.</p>					
<p>b) Is there certainty it can be used (precedents)?</p> <p>[REDACTED]</p>					
<p>c) Does it apply to London and Non-London boroughs?</p> <p>[REDACTED]</p>					
<p>Does it provide sufficient project control?</p> <p>[REDACTED]</p>					

Question 3: What are the additional provisions of CR2 for the Hybrid Bill?

4.Delivery Vehicles

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5:	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]

THIS SECTION IS TO BE COMPLETED FOLLOWING THE OUTCOME OF THE INDEPENDENT AFFORDABILITY REVIEW

FOR DISCUSSION

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- **Crichel Down** – Gives former owners of land acquired under compulsion or threat of compulsion (voluntarily sale as part of negotiations) the opportunity to repurchase the land previously in their ownership providing that its character has not changed materially¹.

FOI

Existing Power	Overview of Existing Powers	Advantages/Wider Benefits	Disadvantages/Wider Constraints	Sufficient to meet CR2 requirements?
<p>Infrastructure Act (2015)</p>	<p>Homes England, the GLA and Mayoral Development Corporations (MDCs) have powers to override third-party rights and restrictions affecting their land (in the same way that S203 of the Housing and Planning Act enables Local Authorities to do so).</p> <p>Once any freehold interest in that land is sold, these powers cease to be available and so cannot be used by any purchaser and these interests can no longer be overridden.</p> <p>Section 32 of this Act amends section 11 of, and paragraph 1 of Schedule 3 to, the HRA 2008 which provides powers in relation to land of the HCA. The amendments ensure that a purchaser of land which has been vested in or acquired by the HCA who undertakes works on or makes subsequent use of that land is empowered to override any relevant rights and interests and restrictions as to user.</p> <p>Similar amendments are also</p>	<p>Allows specified acquiring authorities to override easements.</p>	<p>[Redacted]</p>	<p>[Redacted]</p>

	made to section 333ZB of the GLAA 1999 and section 208 of the Localism Act 2011 so that a purchaser of land of the GLA or an MDC will be similarly empowered.			
S203 Housing and Planning Act 2016 (replaces S237 of the TCP Act 1990)	Power to override private property rights (easements, covenants etc.) for the purpose of a specific development.	[REDACTED]	[REDACTED]	[REDACTED]

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	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>		<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
[REDACTED] requirements?				
a) Does it enable the delivery of the proposed package?				
[REDACTED]				
[REDACTED]				
Right of Light	[REDACTED]			
Crichel Down	While existing guidance provides some opportunity to retain sites acquired through compulsion, they are non-statutory and non-specific to CR2. Project specific guidance is required in order to be effective.			
b) Is there certainty it can be used (precedents)?				
There are precedents for use by specified authorities but these do not apply to specific project delivery vehicles.				
Right of Light	[REDACTED]			
	[REDACTED]			
	[REDACTED]			
c) Does it apply to London and Non-London boroughs?				
Yes.				
Right of Light	Yes [REDACTED]			
Crichel Down	Yes.			
d) Does it provide sufficient project control?				
[REDACTED]				
[REDACTED]				
[REDACTED]				
	Existing legislation [REDACTED]			
Right of Light	[REDACTED]			
	[REDACTED]			
	[REDACTED]			
	[REDACTED]			
Crichel Down	[REDACTED]			
	[REDACTED]			

There are already sufficient provisions within existing legislation or non-statutory guidance which would allow easements or restrictions relating to Rights of Light or Criel Down to be adequately addressed, subject to the necessary powers being afforded to the CR2 SPV where required.