



Office of the
Deputy Prime Minister

Creating sustainable communities

West Northamptonshire Urban Development Corporation

Consultation Paper

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Development Control Powers – A Consultation

1. Executive Summary

Government has established the West Northamptonshire UDC following consultation with local partners to drive forward regeneration, improved infrastructure, investment and sustainable growth. As Government has indicated previously, development control powers for strategic sites and schemes will be an important element in the UDC's drive to maximise public and private investment in infrastructure and accelerate the regeneration of brownfield and town centre sites.

This paper proposes 3 alternative approaches to defining the scope of the development control powers available to the UDC:

- (i) **Option 1** A low threshold (10 homes, 1000m² business space) which would give the UDC responsibility for all major applications;
- (ii) **Option 2** A medium threshold (more than 50 homes or 2,500m² business space) which would give the UDC responsibility for the majority of strategic schemes which it is likely to be concerned with as part of its regeneration objectives;
- (iii) **Option 3** A high level threshold (more than 150 homes or 7,500m² business space) which would give the UDC responsibility for the largest strategic schemes.

2. Background

The Sustainable Communities Plan

- 2.1 "Sustainable Communities: building for the future" (ODPM, February 2003), set out the Government's aim to deliver successful, thriving and inclusive communities and this has recently been updated by ODPM's 5 year plan for Housing "Homes for All". As part of the Sustainable Communities Plan, four Growth Areas (Thames Gateway, Ashford, London-Stansted-Cambridge-Peterborough, and Milton Keynes/South Midlands) were identified as being the focus of policy led growth with additional support from Government on infrastructure and stronger delivery arrangements. West Northamptonshire is a key area within the Milton Keynes/South Midlands Growth Area. The level of growth within West Northamptonshire is set out in the Milton Keynes/South Midlands sub-regional strategy published on 17 March 2005. The strategy indicates that the 3 districts of West Northamptonshire are expected to grow by an extra 47,400 homes and 37,200 jobs to 2021.
- 2.2 Northamptonshire, along with other parts of the Milton Keynes/South Midlands (MKSM) Growth Area, has already demonstrated a dramatic capacity for economic success. In the decade 1991-2000, employment growth in the area was over three times the national average. The area has seen substantial rates of population growth and job creation over this period. New areas of housing are needed to accommodate this growth, but development must be planned in a sustainable way. Much of the development proposed for West Northamptonshire is already allocated in local plans but if it is to be delivered to a high standard – including maximising the use of brownfield sites – it needs additional local delivery support.

The Urban Development Corporation

- 2.3 In January 2004, following consultation with local authority partners, and with their support, the Government consulted more widely on proposals to establish an Urban Development Corporation (UDC) to provide strategic leadership for regeneration and growth in West Northamptonshire. The UDC would have an indicative lifespan of 10 years, and would focus on the three towns of Northampton, Daventry and Towcester.
- 2.4 The consultation document indicated that a key role of the UDC would be to bring together public and private finance for infrastructure, provide a “one stop shop” for private investors and maximise the benefits of public funding by bringing together in one operation the regeneration work of the 4 local authorities and Government funding for growth.
- 2.5 As current and planned development patterns indicate, there are major opportunities for boosting the economic strength of Northampton and neighbouring centres of Daventry and Towcester. There is scope to create an enhanced urban environment and improve public infrastructure through regeneration and high quality design focusing on a series of town centre and urban fringe sites. Successful regeneration of these centres will enhance the development of sustainable and viable local communities able to accommodate proposed levels of growth. It will also recognise the key sub-regional links between Northampton, South Northamptonshire and Daventry. These are the main challenges for the West Northamptonshire UDC.
- 2.6 Following examination of the proposal by a Select Committee in the House of Lords, the Government established the West Northamptonshire UDC on 15 December 2004. A Chairman, local businessman Keith Barwell, and a Board, including six local authority members (one each from Daventry District and South Northamptonshire District and two each from Northampton Borough and Northamptonshire County), have been appointed. A recruitment exercise for a Chief Executive is underway and the UDC has begun work on its regeneration framework. This will be the overarching strategic document within which the UDC will deliver for the sustainable development of the 3 towns in West Northamptonshire.

3. Powers of the UDC

- 3.1 The statutory powers and objectives of the UDC are set out in section 136 of the Local Government, Planning and Land Act 1980. The UDC’s objective is to secure the regeneration of its area. This is to be achieved in particular through:
- bringing land and buildings into effective use;
 - encouraging the development of existing and new industry and commerce;
 - creating an attractive environment; and
 - ensuring that housing and social facilities are available to encourage people to live and work in the area.

- 3.2 For the purpose of achieving the regeneration of its area, the UDC may:
- acquire, hold, manage, reclaim and dispose of land and other property;
 - carry out buildings and other operations;
 - seek to ensure the provision of water, electricity, gas, sewerage and other services;
 - carry on any business or undertaking for the purposes of regenerating its area; and
 - generally do anything necessary or expedient for this purpose, or for purposes incidental to those purposes.

Planning Powers

- 3.3 In the West Northamptonshire UDC consultation document, and in subsequent Parliamentary proceedings, the Government has confirmed its intention to make available development control powers to the UDC, as provided for in the Local Government, Planning and Land Act 1980. This would mean large, strategic and significant applications where the investment and infrastructure role of the UDC would be particularly useful. Householder and routine applications would remain with local authorities. This is a departure from previous policy. Previous generations of UDCs in England were responsible for all planning applications within their area, regardless of their size or location. The Government can, however, see no added value from a strategic body, such as the UDC determining householder and other routine applications.
- 3.4 While the UDC must take all planning decisions within its remit, it can ask the local authorities to assist by giving advice, undertaking administrative tasks, and providing services to optimise the use of scarce resources, including planning staff. Work is underway by the local authorities to develop a protocol for these support services.
- 3.5 The UDC Board may also delegate planning decisions to Committees, sub-Committees and officers. Those with an expertise in planning matters, but not on the Board could be co-opted onto the UDC's planning committee or sub-committee with the consent of the Secretary of State.
- 3.6 It is important to note that the planning powers proposed for the UDC are restricted to development control.
- 3.7 The UDC will not have powers in relation to determining the overall level of development in the area – that is set by the Regional Spatial Strategy for Milton Keynes/South Midlands and for the East Midlands published on 17 March. The UDC will also not have powers in relation to the location and distribution of development – that is a matter for the Borough and District Councils to consider through Local Development Documents. In West Northants joint working is underway to ensure that the neighbouring authorities and the County Council develop a coherent spatial strategy for the local plan and for the local authorities as they prepare local development documents and frameworks.

4. How development control will help the UDC deliver its regeneration objectives

- 4.1 As indicated previously the major objective for the UDC is to maximise public and private investment and to ensure delivery of key projects in order to achieve its regeneration objectives and create more sustainable communities. For example a critical challenge for the UDC will be to direct growth to brownfield sites, rather than greenfield, and to maximise funding and investment to restore these to the point where they can be attractive to developers. Other key objectives include ensuring that:
- employment growth is commensurate with housing growth;
 - health, education and other social infrastructure is provided in step with growth to cope with the needs of existing and new residents;
 - transport capacity is sufficient and becomes more sustainable;
 - issues of deprivation and social exclusion are tackled effectively;
 - quality green spaces are provided;
 - new build is of high quality design; and
 - new and existing residents have access to shops, community and other services.
- 4.2 Helping to achieve these will require the UDC to draw on a wide range of interventions and powers, including development control, which will be critical to achieving quality and sustainability in strategic projects.
- 4.3 The UDC will have a budget of its own from Government to support the delivery of these objectives. It will also seek to lever into the area other sources of Government money, such as mainstream health or education resources. It will also be able to call upon developers to make contributions to the infrastructure through “planning obligations”. Planning obligations are the contribution developers make towards the infrastructure their developments require to be sustainable. If the UDC is to secure the best outcomes in terms of sustainable growth it needs to manage these sources of funding together.
- 4.4 For those planning applications that are the responsibility of the UDC, it would fall to the UDC to negotiate with developers. The combination of land assembly, development and planning powers means the UDC can offer a ‘one-stop-shop’ to developers that lowers their risk and allows quicker negotiation, greater certainty and a better deal on infrastructure.
- 4.5 Additionally, the UDC will have the flexibility to apply the infrastructure expenditure across its area including where this means crossing local authority boundaries.
- 4.6 In addition where the UDC is directly involved in processing a major new project or piece of infrastructure, access to development control powers will help ensure that it can be achieved with greater certainty and in a way which complements its other objectives on design.

- 4.7 By bringing together funding streams, land assembly powers and consideration of detailed planning issues, the UDC has the ability to fast track projects and achieve certainty of delivery. For all these reasons it is important that the UDC has access to development control powers.

Question: Do you have any general comments on how access to development control powers will help the UDC achieve its objectives?

5. Options for setting the scope and limits of the UDC's development control powers

- 5.1 This consultation paper has been issued to seek views on the scope of the planning order – what types of applications should fall to the UDC to determine, and what definitions should be used to distinguish these from applications which should remain with the local authorities. The planning order should cover the strategic and significant developments that might take place over the next ten years. It must also strike a balance between not overloading the UDC with decisions which are not strategic, but also not hold back UDC involvement in proposals which have a major impact on the development of the area.
- 5.2 The Local Government, Planning and Land Act 1980 enables the Secretary of State to provide for the UDC to be the local planning authority for the whole or any part of its area. The legislation also provides that the Secretary of State may confine the scope of the order to specified purposes of Part III of the Town and Country Planning Act (control over development), and to certain categories of development. It is this power the Secretary of State intends to use to limit the UDC to strategic applications. The main issues in determining strategic is the size (threshold) of application and location. Once the order defining strategic applications is laid, it can only be amended by a subsequent order.

An area based approach

- 5.3 One way of distinguishing between strategic projects which the UDC may need to be concerned with and others would be to identify known major development opportunities and then to define these by mapping so that the UDC's development control powers were restricted to designated sites.
- 5.4 This could be done readily for sites which are already well identified as regeneration priorities but the difficulty is that the potential scope – particularly in Northampton – is very wide. There are over 200 hectares of brownfield sites currently identified, but it is much less easy to identify sites that are likely to become vacant or require UDC intervention over the next 5-10 years. The UDC has yet to complete the Regeneration Framework and to prioritise its own interventions and Local Development Documents have still to be prepared for the 3 towns. These will help to identify major development opportunities and areas of major change. Furthermore some of the UDC's most important projects are likely to concern areas which involve a mix of vacant sites and redevelopment of existing properties not yet identified. To limit the UDC powers to sites which can be identified with certainty now could be to severely limit the usefulness of the UDC. For these reasons this option is not recommended.

Question: Do you agree that a site based approach to the UDC's development control powers would be unsatisfactory?

Size and scale of development approach

5.5 A more flexible approach, in terms of accommodating the evolving future programme and priorities of the UDC would be to set a threshold for the use of development control process by reference to the size and scale of the development proposed.

5.6 There are several possible approaches here depending on assumptions about the future scope of the UDC programme. Three options are included here, defined in terms of housing and business floorspace. A fuller set of definitions is set out in the table at Annex 1.

Option 1 Base the site threshold on the existing statistical definition of major development – that is sites with capacity greater than 0.5 hectare or capable of accommodating more than 10 homes or 1000m²

5.7 This definition of “major” is used in the Government’s planning statistics returns and is widely familiar. It was also adopted as the size threshold in the Milton Keynes UDA order. In development terms it would have the advantage of ensuring that the UDC would be able to use its powers flexibly on a wide range of future projects. However the volume of activity is likely to be substantial and only a proportion of this is likely to involve projects in which the UDC needs to be strategically involved.

Option 2 Base the threshold on a larger site definition, based on recent analysis of the likely scope of UDC operations. This would suggest a more strategic size threshold of 1 hectare, or 50 homes or 2500m² of floorspace.

5.8 A size threshold on this level would be consistent with a more strategic approach. This strikes a balance between the overall flow of development activity and the need to ensure the UDC’s involvement in the largest schemes, where it is most likely to need to be engaged in order to pursue its wider objectives on regeneration and growth. It is also likely to pick up the more significant brownfield proposals.

Option 3 A higher strategic threshold which would limit UDC involvement to the largest schemes only might be based on a threshold of 150 homes or 5 hectares and 7,500m² of business space.

5.9 This is a higher size threshold aimed at the most important of the strategic schemes likely to come forward in the UDC area. It would capture a proportion of the major investments but there would be a significant flow of important projects and many brownfield sites for which the UDC would not have development control powers. In particular this could have the effect of severely limiting the scope for the UDC in town centres (and particularly Daventry and Towcester) which are often the most strategic and complex areas, and where some critical schemes may be small.

5.10 One other approach would be to base the threshold on the approach used to define major, regional scale projects, of the type which regional bodies may be concerned with (eg. 500 homes plus, sites of 10 hectares). This would give the UDC the opportunity to get involved in only a handful of the largest scale schemes and would not pick up much of the likely development activity with which the UDC would otherwise be want to be concerned. There are likely to be very few of these very large regional scale schemes in the UDC area and for this reason this option is not considered suitable.

5.11 The options above are summarised in broad terms. For a full statement of the development limits proposed please see Annex 1.

Question: Do you favour Option 1, 2, or 3 as a basis for setting the UDC site size threshold for development control powers? Is there an alternative approach which you wish to put forward?

Threshold by Location Approach

5.12 A further option would be to set different threshold limits in different locations. A lower threshold may be appropriate in areas where no major development is planned. Equally, development projects in Northampton will be different in character to Daventry and Towcester and could justify different thresholds.

5.13 This approach could help focus the UDC on areas where development is of most concern in terms of wider UDC objectives but is more complex in operation. There is a risk that this could be confusing for applicants, local authorities and for other stakeholders and could weaken the UDC's engagement across its area. For these reasons this approach is considered to be less suitable for the area.

Question: Do you favour varying thresholds for Northampton, Daventry and Towcester (for example Option 1 for Daventry and Towcester and Option 2 for Northampton).

6. Related Issues

6.1 Phasing and minor development applications affecting major schemes. It is proposed that where a minor application is made affecting a major scheme which falls to the UDC to determine then the minor scheme should be considered also by the UDC. Similarly where a scheme is phased but in total would be greater than the size threshold then it would fall to the UDC to determine.

6.2 Other planning matters to be excluded from the thresholds – See Annex 1.

7. Opportunities for Public consultation on the UDC's development control powers

The UDC will have to abide by exactly the same rules on public consultation that apply to local authorities. It will need to publish its approach and procedures for consulting the community. It will need to advertise applications and it will hold its meetings in public. Applications made to the UDC will carry the same rights of appeal and be subject to Secretary of State appeal and call in the same way as any other developments.

8. Comments

We welcome views and comments on the questions above and any other comments you wish to make not later than 27 June 2005.

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9. Next Steps

Following consideration of the responses to this consultation, it is the Government's intention to bring forward the Order granting development control powers to the UDC in the summer. Subject to Parliamentary approval it is expected that it will come into operation later in 2005.

Growth Areas Division
ODPM
1 April 2005

Annex 1

TABLE 1: Proposed West Northampton UDC (proposed development control powers thresholds – applications for developments larger than the indicated scale would be for the UDC to determine)

DEVELOPMENT TYPE	Option 1 (developments of more than neighbourhood significance)	Option 2 (developments which are significant in regeneration and growth terms)	Option 3 (large scale developments)	RATIONALE
HOUSING (CLASS C3)	10 units/ 0.5 ha	50 units; or 1ha which ever is the smaller	150 units, 5 ha	Promotion of housing development is a key factor in growth and is a strategic objective of the UDC. Threshold in proportion to overall housing target provision to 2016.
MIXED USE (Developments involving more than one land use, eg. Residential and commercial)	0.5 ha/ 1,000m ²	2500m ² ; or 1ha	7,500m ²	The promotion of mixed use is seen as critical to regeneration, particularly in town centres.
B1, OFFICE, R&D, LIGHT INDUSTRY	0.5 ha/ 1,000m ²	2500m ² ; or 1ha	7,500m ²	Employment promotion is critical to regeneration and is a strategic objective of the UDC.
B2, B8 GENERAL INDUSTRY, DISTRIBUTION	0.5 ha/ 1,000m ²	2500m ² ; or 1ha	7,500m ²	Logistics and Distribution is a strategic concern for the UDC due to its transport implications.
BUILDINGS	Height 15m+	Height 15m+	Height 15m+	Reflects UDC's concern with quality of development, key buildings etc.
PLAYING FIELDS	1 hectare	1ha	2ha	Key to UDC's environmental quality and green grid aspirations/objective.
RETAIL (CLASS A1, A3)	1,000m ²	2500m ²	7,500m ²	Important factor in town centre regeneration. Consistent with PPG6 advice on what is major retail development.
MINING/MINERALS QUARRIES	All	2ha	10Ha	Reflects UDC concerns for environmental quality and green grid.
WASTE DISPOSAL	All	Throughput min 20,000 tonnes /annum Waste recycling min 5,000 tonnes per annum To be regarded as strategic	150 units, 5 ha	As above.
TRANSPORT (Roads, aircraft runway, heliport, air passenger terminal, railway station, bus/coach station, river crossing, river pier, roads)	All	All	4Ha	Reflects importance of transport links to regeneration. Strategic objective of UDC is to provide transport improvements.

DEVELOPMENT TYPE	Option 1 (developments of more than neighbourhood significance)	Option 2 (developments which are significant in regeneration and growth terms)	Option 3 (large scale developments)	RATIONALE
LEISURE, Attractions & Recreational Facilities (Class D2)	All	1000m ² +; or 1ha	7,500m ²	Important to quality of life and possible major development. Strategic objective relates to social and community support.
EDUCATION, COMMUNITY USES (Class C2, D1)	All	1000m ² +	7,500m ²	As above.
CAR PARK outside related development site	10 spaces	50 spaces+	200 spaces+	Transport policy at all levels is to discourage use of private car and provide alternatives.
GREEN BELT	All	All applications on sites in Green Belt except householder. Developments.	1,000m ² , or material change of use	Reflects concern for environmental quality/ green grid and potential of Green Belt to contribute to regeneration.
Listed Building and Conservation Area Consents	All	UDC to determine all LBC or CAC applications where submitted in parallel with a related planning application to be decided by the UDC		Most significant applications are covered by other thresholds. Decisions under section 8 and 74 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990
Any loss of development	0.5ha	1Ha	4Ha/ 7,500m ²	To reflect targets for strategic provision. The loss of any development should be consistent with the construction of any development by the UDC team as it falls within the thresholds.
Special cases: Any Other Development apart from those covered above that would impact on the relevant strategies/programmes of the UDC or significant projects consistent with the UDC strategy	All	1 ha/ 2500m ²		Includes applications for certificates of lawfulness of existing and proposed use or development, certificates of appropriate alternative development and notifications under Circulars 18/84 and 14/90.

Annex 2: Partial regulatory impact assessment for the grant of development control powers to the West Northamptonshire Urban Development Corporation (UDC)

Background

1. This Partial Regulatory Impact Assessment accompanies the consultation paper on proposed development control powers for the West Northamptonshire Urban Development Corporation (UDC). Subject to the views of consultees, the Government is proposing laying the Order to grant development control powers to this UDC in summer 2005. A full Regulatory Impact Assessment will accompany that Order.

Objective

2. To unlock the regeneration and growth potential of West Northamptonshire.

Issue

3. As set out in the Sustainable Communities Plan (ODPM, February 2003 <http://www.communities.gov.uk/plan/main/>), Northampton and surrounding districts (Daventry and South Northamptonshire) are a key focus for accelerated growth, with significant scope for building on the area's economic success of recent decades. However, there are a number of challenges in unlocking the growth potential including:
 - managing large-scale growth across administrative boundaries;
 - creating a strategic focus of growth in and around Northampton, which links the regeneration of brownfield sites and the strategic development of some greenfield to create a more sustainable land use pattern;
 - addressing land assembly and remediation issues and the provision of infrastructure to support development;
 - attracting greater levels of private investment;
 - raising skill and employment levels across the area; and
 - addressing the pockets of deprivation in areas within Northampton.
4. Government has established the West Northamptonshire UDC following consultation with local partners to drive forward regeneration, improved infrastructure, investment and sustainable growth. As Government has indicated previously, development control powers for strategic sites and schemes will be an important element in the UDC's drive to maximise public and private investment in infrastructure and accelerate the regeneration of brownfield and town centre sites. It is not proposed that the UDC's powers extend to plan making (which remains with the local authorities) and it is proposed that its development control powers are limited to strategic sites and schemes, not householder or minor applications.

Who is affected?

5. Unlocking the potential for growth and regeneration in West Northamptonshire would allow the development of self-sustaining centres with attractive high quality development and good public and private services. This would improve the quality of life for those in the area now, and in the future. In order to develop an integrated approach for regeneration to accommodate sustainable growth in key locations the UDC has been established for an indicative period of ten years.
6. A UDC is a corporate body. Its objective is to promote regeneration in a particular area. It is run by a Board answering to the First Secretary of State. Its main source of finance is grant-in-aid from central Government, supplemented by European Regional Development Funds and receipts from the sales of land and capital assets. The Board comprises up to eleven members plus a Chair and Deputy Chair and is appointed by the First Secretary of State. In making these appointments the First Secretary of State is required to have regard to the desirability of securing the services of people having special knowledge of the locality.
7. UDCs are tasked with bringing land and buildings into effective use, encouraging the development of existing and new industry and commerce, creating an attractive environment and ensuring that housing and social facilities are available to encourage people to live and work in the area. For these purposes, a UDC may:
 - acquire, hold, manage, reclaim and dispose of land and other property;
 - carry out building and other operations;
 - seek to ensure the provision of water, electricity, gas, sewerage and other services;
 - carry on any business or undertaking for the purposes of regenerating its area; and
 - generally do anything necessary or expedient for this purpose.
8. The main groups directly affected by this proposal would be the large developers and businesses who would typically seek to utilise strategic sites, the local authorities whose planning powers would be affected, and the local community.

Options

This paper proposes 3 alternative approaches to defining the scope of the development control powers available to the UDC:

- (i) **Option 1** A low threshold (10 homes, 1000m² business space) which would give the UDC responsibility for all major applications;
- (ii) **Option 2** A medium threshold (more than 50 homes or 2,500m² business space) which would give the UDC responsibility for the majority of strategic schemes which it is likely to be concerned with as part of its regeneration objectives;
- (iii) **Option 3** A high level threshold (more than 150 homes or 7,500m² business space) which would give the UDC responsibility only for the largest strategic schemes.

Identification of risks, costs and benefits

Risks

9. The major risk is that without inclusion of development control powers the UDC will be less effective and therefore that the regeneration and growth potential in West Northamptonshire is not realised and the opportunity to deliver extra housing and employment is missed. This could happen through inaction, where limited development takes place, or through development being taken forward in a way that fails to deliver balanced sustainable communities, or through the UDC being unable to achieve its objectives.
10. The scale and intensity of the task of land assembly and site preparation in West Northamptonshire is significant and crosses administrative boundaries. If the delivery vehicle does not have the necessary planning powers or the ability to generate increased private investor confidence there is a risk that the growth potential of the area will not be achieved.

Costs

11. Without development control powers there is a substantial opportunity cost to Government if regeneration and growth objectives cannot be achieved through the UDC being less effective. This is also a risk if the UDC development control powers are too narrow.
12. There are no additional costs to business, but there will be some transitional and organisational costs for local government in adapting the operation of their development control procedures and handling to allow for a split of responsibilities with the UDC. These costs are greatest for Option 1 and lowest for Option 3.

Benefits

13. For business there are benefits dealing with a single organisation in relation to major or strategic schemes in Northampton, particularly where the UDC's other powers eg. on land assembly may be involved, speedier negotiation and more certain outcomes should be attractive to business.
14. Local authorities and Government will benefit from higher levels of business investment and developer contribution through faster, better integrated handling of development applications. These benefits are reduced if the scope of the UDC powers is less, for example under Option 3.
15. The creation of an effective 'one stop shop' for investors and developers will be an important element of the UDC's wider objectives. The UDC will use its powers to regenerate brownfield sites and to help deliver some of the key growth sites within an integrated programme that links major development sites across the three local authority areas as part of a strategy, co-ordinated with all its partners. The UDC would be able to fund infrastructure projects to support these goals and one of its key objectives would be to tackle deprivation as part of the regeneration programme.
16. Consistent with the objectives of the Sustainable Communities Plan, the UDC would accelerate the delivery of additional housing, helping meet the target of 200,000 extra homes above planned levels by 2016 to address the housing needs of the wider South East.

17. In each case all the above benefits are greatest under Option 1 and least under Option 3.

Contact Point

18. Please send comments on this Partial Regulatory Impact Assessment to the address below **no later than 27 June 2005**. A full regulatory impact assessment will be compiled later this year.

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