

**What is the impact on growth and
Government strategy of the UK's exit
from the EU? What planning legislation
needs changing?**

David Brock

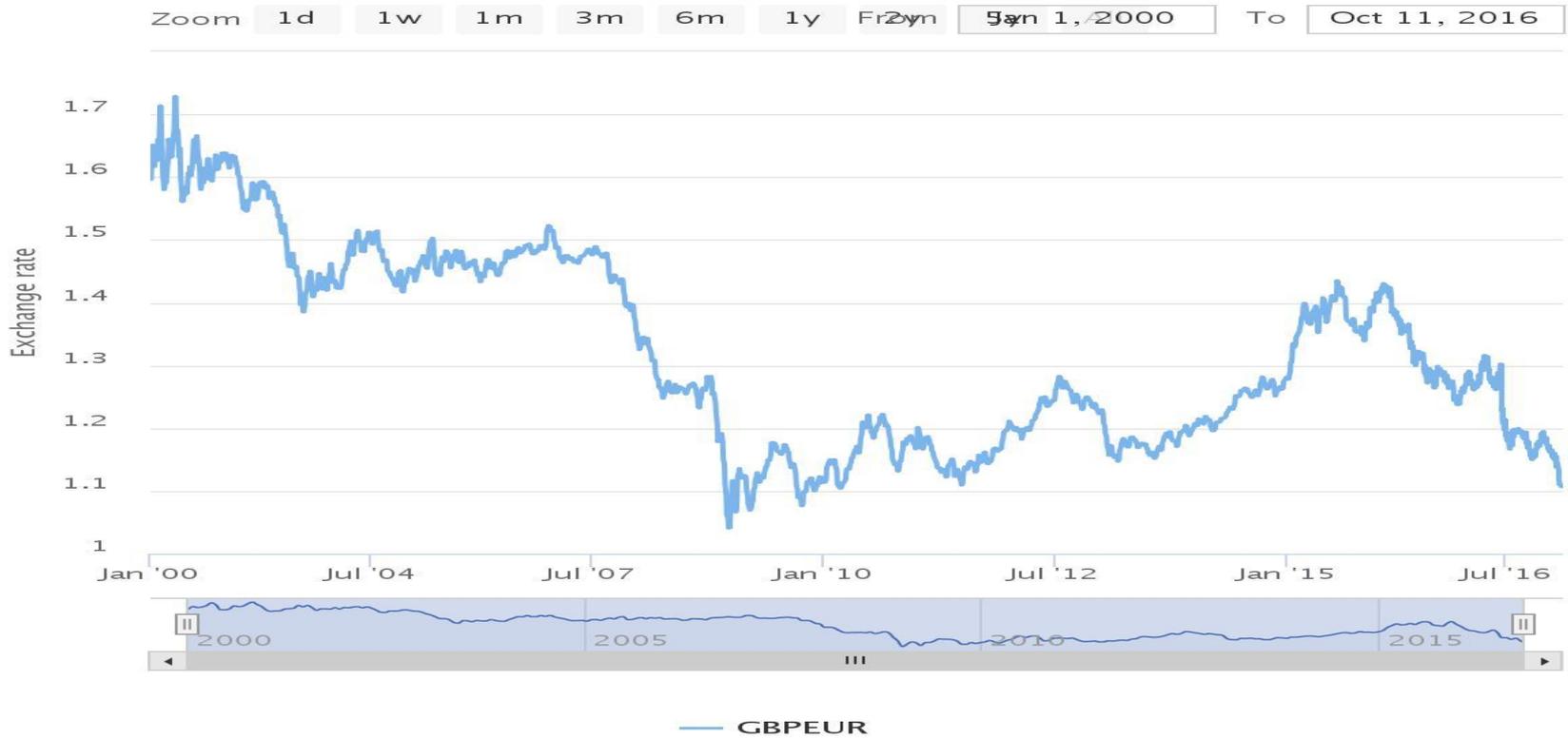
Brock Consulting

Note well

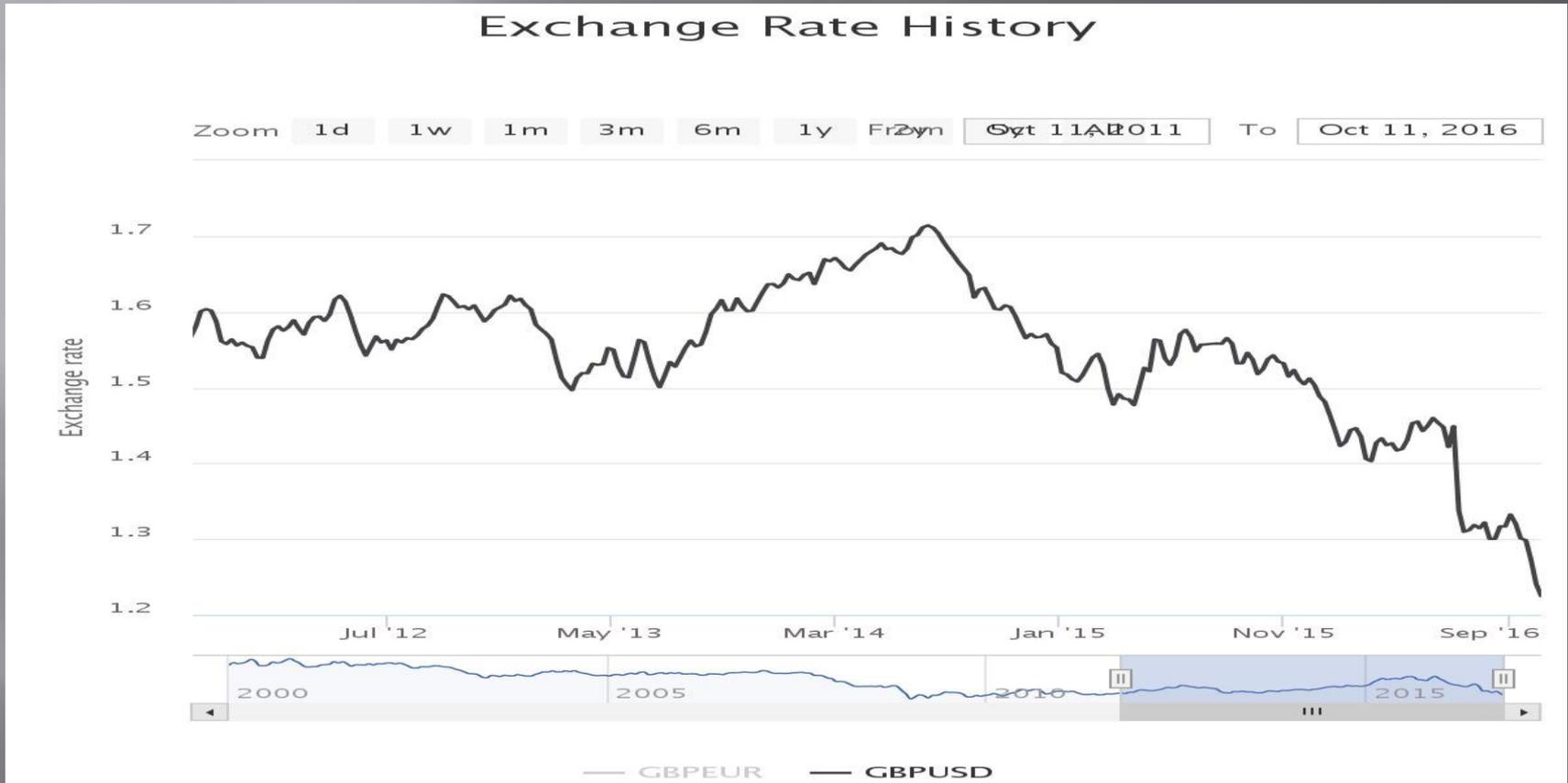
- ❑ Specific legal advice should be sought for specific problems
- ❑ This talk addresses the law in England. Planning law has always been different in Scotland and since devolution had become increasingly different in Wales. There are variants in some parts of the country, e.g. London and the Isles of Scilly
- ❑ Nothing in this course is intended to be legal advice.
- ❑ David Brock does not accept any liability for this lecture

Impact on growth: £/€ - 16 years

Exchange Rate History



Impact on growth: £/\$ - 5 years



Graphs from pounds2euro.com

Impact on growth

- ▣ The Pound's fall and why it matters
- ▣ “First, and fundamentally, it is a market judgement on the future growth potential of the UK economy relative to the future growth potential of competitor economies, and their currencies”
 - Kamal Ahmed, BBC economics editor, 11th October

Impact on growth

- ▣ FTSE 100
 - now well above 7,000
 - a year ago, below 6,500.
 - Weekend following the referendum it dropped 340 points to below 6,000.
- ▣ FTSE 250
 - now just below 18,000
 - a year ago, just under 17,000
 - Weekend following the referendum it dropped 2,000 points

What sort of Brexit do we want?

- ▣ Single European Market?
- ▣ Free movement of labour?
- ▣ Immigration controls?
- ▣ Contribution to the EU budget?
- ▣ How do we tell what the 51.9% who voted for Brexit want?
- ▣ (Turnout 72.1%, so 37.42% of the electorate voted for Brexit, 34.6% voted remain and 27.9% didn't vote)

Impact on growth

- ▣ What sort of trade deals do we want?
 - USA
 - Russia
 - China
 - Japan
 - Canada
 - Australia

Impact on growth

- ▣ UK GDP \$2.6 bn, 5th largest in the world
- ▣ US GDP \$18.5 bn, biggest single country in the world
- ▣ EU GDP \$16.518 bn, second biggest
- ▣ EU after Brexit about \$16 bn
- ▣ (World Bank figures, 2016, drawn from Wikipedia)

Impact on growth

- ▣ How do we negotiate with 28 bodies?
(Commission plus 27 states)
- ▣ When can we negotiate new trade treaties?
- ▣ What about passporting?
- ▣ Science funding
- ▣ Will English remain an official language of the EU?
- ▣ And will EU law be published in English?
- ▣ If we get a good deal, other EU states may try to follow suit.
- ▣ Will MPs get a vote on the terms?

Impact on government strategy

- ▣ Immigration

Impact on planning law

- ▣ How will we exit?
- ▣ The Great Repeal Bill
 - EU law to remain, frozen on date of exit
- ▣ No changes till we leave
- ▣ When will that be?
 - Serve Art 50 first.
 - If no agreement within two years, cease to be a member, but no terms
 - Two years can be extended.
 - In theory could be truncated if we agree a deal earlier

Impact on planning law

- ▣ Implement the 2014 EIA directive
 - By 16th May 2017
- ▣ We still won't always have a free hand: see e.g. the Espoo Convention
- ▣ S.104 Planning Act 2008
 - Secretary of State must not follow a National Policy Statement if that would put the UK in breach of its international treaty obligations.
- ▣ Planning lawyers will need to be public international lawyers

Impact on planning law

- ▣ What would we like to change?
- ▣ Habitats Directive
 - The meaning of “likely”
 - Proving a negative
- ▣ SEA
- ▣ Air quality directive
- ▣ Access to justice and Aarhus

Impact on planning law

- ▣ But is it politically feasible?
- ▣ Brexit negotiations are going to be complicated
- ▣ 27 nations and the Commission
- ▣ The battlegrounds
 - Single European Market
 - Immigration
 - The free movement of labour
 - Passporting
- ▣ What will be the price of agreement on those matters?
- ▣ Planning and environment are (relatively) easy for us to give away
- ▣ Are there votes at home in it?

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