

Snapshot Policy Briefing – Conservative Green Paper: “Open Source Planning”

A Paper by Cavendish Communications: March 2010

“The planning system is vital for a strong economy, for an attractive and sustainable environment, and for a successful democracy. At present, the planning system in England achieves none of these goals. It is broken”.

Executive Summary of the Green Paper, 22 February 2010

Background and context

The Green Planning Paper has been long time in the making by the Conservative Party. Mooted in the publication of the Localism Green Paper (“Control Shift: Returning Power to Local Communities) and Housing Green Paper (“Strong Foundations: Building Homes and Communities”) in 2009, the paper was plagued by internal party wrangling and controversy.

Once proposals were released that the Conservatives intended to dismantle the regional planning structures and replace housing targets with financial incentives for Local Authorities to grant planning permissions for new housing, concerns were voiced from the property and development industry and business sector generally.

So spooked were the Conservative Party by this high level of opposition that the plans were shelved until 2010 and were even pulled at the last minute in early February 2010 when the party leadership faced by a number of opinion polls showing a narrowing gap between themselves and the Labour Party decided to substitute the announcement of the Green Paper with something more nuanced: reform of MPs expenses!

Since the Green Paper’s publication, the proposals have received a mixed reception. While on the one hand business has welcomed the Tory plans to simplify the planning system and reduce the overall burden of planning obligations, on the other they have criticised the plans for introducing more potential delay by third party appeals.

Clearly if the Conservatives are successful in forming a majority at the next General Election (widely expected to be 6th May 2010) then these proposals represent a major change to the existing planning system introduced by the Labour Party since 1997. Within one year of being elected the Conservatives have promised a Local Government and Housing Bill and attention will turn to how the Conservatives will get the Bill through the Houses of Parliament: a job made substantially harder if the Conservatives have a small majority or indeed form the biggest political party in a minority administration.

Key proposals

The Executive Summary of the Planning Green Paper rejects piecemeal reform of the planning system and instead talks about a “radical reboot” which is going to “deliver the planning system that the country needs to succeed in the years to come”.

The Green Paper calls for a “basic national framework of planning priorities and policies, within which local people and their accountable local governments can produce their own distinctive local policies to create communities which are sustainable, attractive and good to live in.”

Open Source planning system means that “local people in each neighbourhood will be able to specify what kind of development and use of land they want to see in their area.

In essence Open Source Planning will mean the following to developers and house builders:

The Regional Planning System, including Regional Spatial Strategies and national and regional building targets will be removed within one year under a Local Government and Housing Bill. In addition, the Party “will consider whether to use Secretary of State executive powers to revoke the Regional Spatial Strategies on whole or in part. The Paper also suggests that its emerging policy statements will “permit local authorities to amend elements of the Regional Spatial Strategies which they find undesirable even before primary legislation is passed”.

Local Plans will replace Local Development Frameworks. The Paper emphasises the role of community involvement in producing Local Plans on as neighbourhood by neighbourhood basis. A Planning Inspector will consider the Draft Plan and report to the Secretary of State on the relationship of the plan to national framework and procedural points. The Inspector will no require Local Councils to rewrite Local Plans. The Secretary of State will then either “sign-off” the plan, or refer it back to the Local Authority to amend and resubmit.

Local Authorities will provide each neighbourhood with its assessment of housing need. Under these proposals, Planning Inspectors will “consider whether the Local Authority has conducted a professional assessment of housing need for their locality”. Local Authorities will be able to “decide for themselves what level of affordable housing to provide to meet their local needs”.

The Draft RSS housing will have to be reverted to for projections in the interim. Use of Option One numbers by Local Authorities will be used by Local Authorities as provisional housing numbers in their LDFs until new plans are completed.

There will be a “presumption in favour of sustainable development”. It would be unlawful to refuse permission if a development proposal:

- a) conforms to the Local Plan (and hence with the national planning framework); and
- b) is accompanied by a payment of the agreed level of local tariff (as described later) from the developer to the local authority; and
- c) in the case of larger projects, is the product of an appropriate public consultation process eg Enquiry by Design (or similar)

A Local Tariff will replace the Community Infrastructure Levy. Each Local Authority will set its own local tariff rates and will publish them in its Local Plan, part of which will be retained by the local community in an attempt to secure backing for development. Affordable housing units will be exempt. Scaled back section 106 agreements will however remain.

Council Tax retained by Local Authority will encourage new local acceptance of new development. For each new unit built, the Council will be able to retain 100% of council tax for six years (125% in the case of affordable homes).

The extent of grounds of appeal will be limited. The Green Paper proposes “limiting appeals against local planning decisions.”. Local Council decisions on applications should only be challenged if “correct procedure was not followed” (Ombudsman) or the “decision reached is in contravention of the Local Plan” (considered by the Inspectorate)

Third Party Right of Appeal will be created. The Party proposes allowing appeals against local planning decisions from residents.

Compensation for Neighbours. The Green Paper suggests that developers will want to enter into “voluntary agreements to compensate nearby householders for the impact of the development on their amenity, in return for their support”.

Infrastructure Plans. County and Unitary authorities will be encouraged to prepare infrastructure plans to accommodate Local Plan Proposals.

Flexible Zoning. Planning permission will not be required to change the “use of buildings within a range allowed by the local community in its Local Plan.

Reaction

Labour Party

John Healey MP, Labour’s Housing and Planning Minister went on the political offensive as soon as the Tories’ planning green paper was released.

He criticised the paper for introducing more uncertainty to the planning system and commented: “Put simply, the Tories plans will block investment and wreck the recovery.”

He added, **“Given the chance to put these shoddy proposals in place, the Tories will put firms out of business, building workers on the dole and the ambitions of many thousands of would-be apprentices on the scrapheap.”**

Industry

Reaction from industry and wider stakeholders has been mixed. The Royal Town Planning Institute while broadly welcoming the proposals rejected the idea that the planning system was “broken” and felt many of the ideas contained in the Green Paper did not require fundamental change to deliver which could, if left unchecked, lead to a period of uncertainty. An alternative view was offered by John Cridland, CBI Deputy DG, who felt the Tories were right to point out that the planning system was “broken” but was unconvinced that the Green Paper had the necessary ideas to fix it. While welcoming the presumption in favour of approving sustainable planning applications the CBI doubted whether the financial incentives for Local Authorities were enough to encourage development.

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