



An initial guide to changes in Government policy and legislation on planning & neighbourhoods

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1: The Coalition: “our programme for government”

“The Government believes that it is time for a fundamental shift of power from Westminster to people.

We will promote decentralisation and democratic engagement, and we will end the era of top-down government by giving new powers to local councils, communities, neighbourhoods and individuals”.

20 MAY 2010

The Coalition: our programme for government

“We will”:

- promote the radical devolution of power and greater financial autonomy to local government and community groups.....
- maintain the Green Belt, Sites of Special Scientific Interest (SSSIs) and other environmental protections, and create a new designation – similar to SSSIs – to protect green areas of particular importance to local communities.
- require continuous improvements to the energy efficiency of new housing.
- provide incentives for local authorities to deliver sustainable development, including for new homes and businesses.

Communities and Local Government

“We will”:

- rapidly abolish Regional Spatial Strategies and return decision-making powers on housing and planning to local councils, including giving councils new powers to stop ‘garden grabbing’.
- in the longer term, radically reform the planning system to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live, based on the principles set out in the Conservative Party publication *Open Source Planning*.
- abolish the unelected Infrastructure Planning Commission and replace it with an efficient and democratically accountable system that provides a fast-track process for major infrastructure projects.
- publish and present to Parliament a simple and consolidated national planning framework covering all forms of development and setting out national economic, environmental and social priorities.

2: Open Source Planning

Local Housing, Infrastructure and Environment

A: we will eliminate large amounts of unnecessary bureaucracy by:

- abolishing the entire bureaucratic and undemocratic tier of regional planning, including the **Regional Spatial Strategies** and national and regional building targets;
- amending the **Use Classes Order** so that people can use land and buildings for any purpose allowed in the local plan;
- abolishing the power of **planning inspectors** to **rewrite local plans** – so long as they comply with national standards, are sensibly related to neighbouring communities, and have been developed by a fair and proper process, they will be approved; and
- **limiting appeals against local planning decisions**; (such decisions will be challengeable by developers or local residents only if they involve abuse of process or failure to apply the local plan);

B: we will create a new system of collaborative planning by:

- giving local people the power to engage in **genuine local planning through collaborative democracy**
 - designing a local plan from the “bottom up”, starting with the aspirations of neighbourhoods;
- encouraging upper-tier authorities (e.g. county councils and unitary authorities), which are responsible for infrastructure such as waste, roads etc., to compile **infrastructure plans**; and
- giving all local planning authorities and other public authorities a **Duty to Co-operate** so that there is a sensible conversation between all those involved in shaping neighbourhoods and the landscape.

C: we will create a system of approvals which is much more open and responsive by:

- establishing a **presumption in favour of sustainable development.**
- ensuring that **significant local projects** have to be designed through a **collaborative process** that has involved the neighbourhood; and
- giving **immediate neighbours** a new role – with a faster approvals process for planning applications to which a significant majority of the immediate residential neighbours raise no objection.

3: Decentralisation & Localism Bill

The purpose of the Bill is to:

Devolve greater powers to councils and neighbourhoods and give local communities control over housing and planning decisions.

The main benefits of the Bill would be:

- Empowering local people.
- Freeing local government from central and regional control.
- Giving local communities a real share in local growth.
- A more efficient and more local planning system.

THE BILL IS EXPECTED TO BE MADE PUBLIC IN NOVEMBER/DECEMBER 2010

4: **DCLG:** Business Plan 2011 – 2015 November 2010

Section 5: Put communities in charge of planning

“Give local people and communities far more ability to determine the shape of the places in which they live by radically reforming the planning system”

SOURCE: CABINET OFFICE PUBLICATION 8 NOV 2010

5.1: Radically reform the planning system to give neighbourhoods much greater ability to shape the places in which they live, based on the principles set out in the Conservative Party publication 'Open Source Planning'

- i. Amend planning policy to give councils the power to stop unwanted 'garden grabbing'
- ii. Develop proposals to streamline the process of producing local authority plans, including removing unnecessary requirements and stopping Planning Inspectors from re-writing plans
- iii. Develop proposals to empower local communities to bring forward neighbourhood plans through the structure of either a parish council or a newly-formed neighbourhood forum
- iv. Work with a small number of places to develop neighbourhood plans using existing powers
- v. Introduce the Localism Bill to give local authorities these flexibilities and communities these powers
- vi. Prepare and introduce secondary legislation as necessary

5: Community Infrastructure Levy & Section 106

“No significant changes will be made to the current rules about planning obligations, also known as **Section 106 agreements**. They will continue to fund affordable housing, and will remain but scaled back so they directly relate to the proposed development.”

The **Community Infrastructure Levy** will be retained but reformed ...
... to ensure neighbourhoods share the advantages of development by receiving a proportion of the funds councils raise from developers.

These will be passed directly to the local neighbourhood so community groups can spend the money locally on the facilities they want,

- either by contributing to larger projects funded by the council, or
- funding smaller local projects like park improvements, playgrounds and cycle paths.

- The levy will not apply to the vast majority of household extensions as they will be less than the threshold of 100 sq m
- The Government will include provisions in the Localism Bill to ... amend the Community Infrastructure Levy Regulations 2010 to give local communities more control over the levy, and make it more responsive to local needs.
- Local authorities will work closely with neighbourhood bodies to ensure that the levy can help provide for their infrastructure needs. This could mean working with neighbourhoods to decide what infrastructure is needed, as well as giving levy money to neighbourhoods affected by a new development in their area.
- Local authorities will retain the ability to use the levy where it is needed in their area to address the cumulative impact on infrastructure that may occur further away from the development. They will need to balance neighbourhood funding with wider infrastructure funding needed to support growth.