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SHADOW SECRETARY OF STATE FOR COMMUNITIES & LOCAL GOVERNMENT



Dear Colleague,

August 2009

ABOLITION OF REGIONAL PLANNING

Following the publication of our two recent policy papers on localism and housing (*Control Shift* and *Strong Foundations*), I have received a number of practical questions about the process for abolishing regional planning. As the issues are complex – a consequence of Labour’s convoluted legislation – I thought these would be best addressed in a letter.

Abolition of Regional Spatial Strategies

- 1) A Conservative Government will abolish the bureaucratic and undemocratic tier of regional planning. This will include the abolition of the Regional Spatial Strategies (RSS) and the Regional Planning Bodies, the abolition of national and regional building targets, as well as the cancellation of the Labour Government’s plans to move the regional housing and planning powers to Regional Development Agencies and Regional Leaders’ Boards.
- 2) We anticipate primary legislation in the first year of a Conservative Government, as part of a broader Local Government and Housing Bill. Prior to primary legislation, we will consider whether to use the executive powers of the Secretary of State to revoke the Regional Spatial Strategies in whole or in part. We will also publish our draft policy changes and legislation – as part of a necessary process of consultation required in law. This in itself will have the status of ‘emerging policy’. Hence, even before primary legislation is passed, local authorities will have the ability to put the brakes on elements of Regional Spatial Strategies which they find undesirable (for example, Green Belt reviews imposed on them by the RSS).
- 3) Your local authority will be able to review their Local Development Frameworks to undo unwanted planning policies which the Regional Spatial Strategies had imposed upon them. In practice, such a review would be a *partial* revision – changing elements which are particularly unpopular or undesirable. The Local Development Framework regime, imposed by the Planning and Compulsory Purchase Act 2004, has been so time-consuming and bureaucratic that I sense that there is little desire from local government colleagues to go back to square one, and start the whole torturous process from scratch.

Saying ‘No’ to the Labour Government

- 4) The Government’s whole Regional Spatial Strategy process is currently in disarray. High Court challenges have successfully questioned the deletion of the Green Belt in the East of England, a series of High Court proceedings are

challenging the South East RSS, and Ministers have delayed the publication of the final South West RSS to pre-empt similar legal challenges.

- 5) I recognise that many local authorities are currently in a difficult position, with Government Offices pressuring councils into moving ahead with their Core Strategies and associated Development Plan Documents, imposing the controversial elements demanded by the Regional Spatial Strategies. There is also an implied threat of cuts to central funding if councils do not fall into line, and the veiled suggestion of developers submitting planning applications based on the RSS, prior to any local plan adoption.
- 6) Such hectoring has a weak basis in fact. It is worth noting that the only financial penalty that the Government has is through the Housing and Planning Delivery Grant (HPDG), which is only partly based on targets on delivering elements in the Local Development Scheme. The sums of money are relatively small and there is only one final allocation round before the general election (likely to be in November 2009, based on data collected in summer/autumn 2009).
- 7) After that allocation, Labour Ministers have no other tool to bully councils. Under a Conservative Government, there will not be a third round of HPDG funding, as we have pledged to replace the grant with a simpler, clearer incentive scheme to allow councils to benefit from council tax and business rate revenue growth.
- 8) We will not pay a penny of compensation to speculative developers as a consequence to changes in planning policy. This principle is well established: government planning policy changes frequently. Notwithstanding, we cannot reverse any individual planning application that has been granted in full following all due process and a fair hearing.

The General Election

- 9) There is, of course, absolutely no guarantee of the election of a Conservative Government: we still have a lot more to do to win the public's trust and secure a firm democratic mandate. But there is an immovable date of a general election in under a year. As part of councils' contingency planning, like any responsible business, you may wish to ask your council officers to prepare both for the continuation of current government policy (in the event of a Labour win), and for the radical change of government policy (in the event of a Conservative win).
- 10) The general election brings with it regulatory uncertainty. In this context, especially given the current legal challenges, we would advise councils not to rush ahead with implementing the controversial elements of Regional Spatial Strategies, expending time and taxpayers' money that may be wasted. Ultimately, councillors should seek to serve the best interests of their residents while operating within the law, rather than jump to the latest arbitrary demands from Whitehall or the Regional Government Offices.
- 11) I would encourage councils to say 'no' when the Government attempts to force your council to act at a speed which is not a binding legal necessity.

Given the likelihood of a general election by May 2009 and the prospect of 'emerging policy' after that, the planning process will not be sufficiently delayed in a way that would allow developers to submit speculative bids based on the current RSS.

- 12) Your MP and PPC colleagues can be even bolder – explaining to electors how a Conservative vote will help deliver the change our country needs, scrapping Labour's unpopular and disliked regional planning process. In this context, a slightly delayed Local Development Framework process will make the democratic choice at the general election more stark and clear for the electorate: a vote for democratic accountability and sustainable development from Conservatives on one hand, or unelected, unwanted, unsustainable urban sprawl from a discredited and bullying Labour regime on the other.

London planning

- 13) In contrast to the unelected regional tiers of government across England, London has a different, clearer constitutional settlement. However, there is still scope for further devolution down to the Mayor and Assembly and down to London boroughs. We will be talking to colleagues in the GLA and the Boroughs on the scope for more decentralisation in London and working through the practical implications of our pledge to abolish the Government Office for London.

Promoting sustainable housing

- 14) Such an approach should be taken in the context of the broader reforms outlined in our recent green papers to encourage more sustainable housing. These include allowing councils to keep the proceeds of council tax and business rate receipt growth from new development, the creation of new Local Housing Trusts to promote the construction of local housing for members of the local community, and freeing up more public sector brownfield land for redevelopment.

We intend to publish additional detail on planning reform in due course. But I hope this letter is helpful to your local campaigning and democratic duties. The forthcoming general election will be an exciting opportunity to offer real change and ensure that you have the real power they need to serve your communities.

Yours ever,

