

## PATCHING THE PLANNING ACT

A new Planning Bill designed to correct two errors in drafting in the 1947 Town and Country Planning Act, was debated in the House on January 23, when it received its second reading. The debate was of interest less for the discussion the Bill itself invoked than for the opportunity it gave for the expression of "second thoughts" on the 1947 Act. The tone of the debate was set by Mr. R. ASSHETON (Conservative—Blackburn W.) when he said of the Act that it was "fast becoming one of the most unpopular measures which has ever been passed."

Mr. HUGH DALTON, Minister of Local Government and Planning, moving the second reading of the new Bill, explained the two errors it aimed to correct. The first matter related to planning permission in respect of war-damaged property. It had been supposed until recently that planning authorities had power to prevent the restoration of war-damaged buildings to their previous shape, where such restoration ran counter to their own development plans. Up to 1947, under the Act of 1943, they possessed that power, but as the 1947 Act now stood planning permission is not required even if only a few bricks of the old building remain. The second matter related to the period within which a planning authority could take action against unauthorised development. It was proposed that the period of four years, beyond which the law will not be invoked against any breach of condition imposed when permission was given, shall run from the date of any breach of condition and not from the date of the permission itself.

It appears that where a planning authority is unable to undertake a development and grants permission for temporary development under certain conditions, these conditions may be ignored once four years have elapsed.

These amendments to the 1947 Act, for that is what they really are, coming after the many statutory rules and orders that followed the Act, are further testimony to the rake's progress of this ill-fated piece of legislation.

Mr. ASSHETON, who opened the debate, began with the statement earlier referred to and went on to quote the *Local Government Chronicle* as follows: "The application of the Town and Country Planning Act must inevitably create opponents as it proceeds; for years we may be able to ignore it; suddenly it hits us and we cry aloud and ask if there is any justice left." Mr. Assheton then listed the bodies\* from whom had come "an absolute deluge of constructive memoranda on the Act," and said that he could not help feeling that the new Minister would not be in office very long without coming to the House with a much more serious amending Bill than the one under discussion. One of the reasons why the Bill was necessary was because of the Government's refusal to allow sufficient time for discussion when the 1947 Bill was going through the committee stage. In consequence it was not surprising to find that many mistakes had been made. "It all illustrates the folly of the Government in seeking to rush measures through Parliament without proper discussion," he said, "a folly from which the whole country is now suffering."

Mr. LESLIE HALE (Labour—Oldham W.), said he hoped he would be forgiven for the regrettable confession that there had been second thoughts. Their belief that all had understood the Bill had not blossomed. Of the compensation fund he said: "Some

of us wonder whether the £300 million in the kitty might not be a very great deal better kept in the kitty, and a little more thought be put in before parting with it." Mr. Hale finished with the following illuminating remark: "I remember that one of my optimistic colleagues said 'off the record' with pride when we passed the Act, 'We nationalised the land when the Tories were not looking.'"

Dismay as to the scope of the new Bill was expressed by Mr. GEOFFREY HUTCHINSON (Conservative—Ilford N.) in these words: "It is strange that in the case of an Act which has so many defects and which has brought about so much injustice, the Minister should be proposing to amend it only in such minor matters . . . One might have hoped that after the experience all over the country since 1947 he would have taken his courage in both hands and set to work to remedy some of these defects in the Act that are so well known to those who have had experience of its practical effect."

Commenting on the way in which the Act held up development, Mr. H. WATKINSON (Conservative—Woking) quoted a case of a Canadian manufacturer who wanted to set up a factory but finally decided to transfer his activities to Belgium although the Ministry and the Parliamentary Secretary did all they could to straighten out the case which dragged on for many months. A development charge of £4,000 fell to be levied on the small area of land required despite the fact that the land was designated for use by factories.

Mr. H. STRAUSS (Conservative—Norwich S.) also had something to say in criticism of the development charges imposed under the Act. The Government would be well advised to meet the demand that had been made from the very beginning by the Opposition that there should be a right of appeal against the assessment of the development charge. Replying for the Government, Mr. G. LINDGREN (Parliamentary Secretary to the Ministry of Local Government and Planning) dismissed the criticism of the 1947 Act as being outside the scope of the Bill.

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The Conservative Party at its Annual Conference in October, 1949, by resolution, urged the repeal of the Act. But in this House of Commons debate on the Amending Bill none of the Conservative speakers used the occasion, as they might have done, to insist upon that demand. Attacks on the development charges were soft-pedalled and no mention was made of a suitable alternative to this method of collecting "land values." Nevertheless, a rumble can develop into a thunderclap and the debate gives indications that a storm is looming ahead. Now that the Act has produced abundant and concrete evidence of its unworkability (as forecast in these columns at the very outset) it is not surprising to find many who want to disown it. Many who applauded it at the beginning have ceased throwing bouquets and are now starting to call from the gallery. It is now only a matter of time, but the sooner the Act is dismantled or at least its financial provisions repealed, the sooner will the obvious alternative be apparent.

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\*Curiously enough, omitted from this list was the United Committee for the Taxation of Land Values.