

# Planning for a better future

Our planning manifesto for the new Government

July 2024

## Planning Officers Society

POS is the single credible voice for public sector planners, pursuing good quality and effective planning practice. The Society's aim is to ensure that planning makes a major contribution to achieving sustainable development in ways that are fair and equitable and achieve the social, economic and environmental aspirations of the community.

We operate in three main ways:

- As a support network for planners in the public sector
- As promoters of best practise in planning
- As a think tank and lobbying organisation for excellence in planning practice

Where we can, we will work across the sector to craft proposals that have widespread support from the people who operate the planning system at the coalface: landowners, developers, agents, legal, local authorities and politicians. We will be both radical and practical as we look for solutions to tangible problems that will make a real difference to crucial areas. Our objective is to improve the planning system to enable it to deliver its key aim of sustainable development. It is within this context that we have set out this advice to Government so we can plan together for a better future.

## POS Manifesto

This started in early 2014 when we looked ahead to the national parliamentary elections in May 2015. The main parties were drafting their manifestos, so we thought about what we could do to help them. This resulted in Planning for a better future: Our planning manifesto for the next Government. The time since then has seen an unprecedented amount of change to the planning system, so our initial planning manifesto for the next Government has morphed into an on-going planning manifesto for Government.

These are think pieces that tackle a topical area within planning practice and sets out our recommendations for improvement. They comprise a growing series of Manifesto Background Papers that look in detail at specific issues. Those that are still current are summarised in our main Planning Manifesto paper that sets out the current ask from POS to the Government.

The views expressed in these documents reflect the initial view of POS. It is a consensus position. It should not be taken as a final position; rather an informed starting point to debate the issues. It is expected that the recommendations will evolve as the debate progresses.

Where we can, we will work across the sector to craft proposals that have widespread support from the people who operate the planning system at the coalface: landowners, developers, agents, legal, local authorities and politicians. We will be both radical and practical as we look for solutions to tangible problems that will make a real difference to crucial areas. Our objective is to improve the planning system to enable it to deliver its key aim of sustainable development in the public interest.

Other titles in the series can be viewed from our [website](http://www.planningofficers.org.uk).

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# 1 Introduction

- 1.1 It has been attributed to people as far apart in time as Benjamin Franklin and Winston Churchill, but the phrase, “if you fail to plan, you plan to fail” is as true today as it was then. Harnessing the opportunities provided by the planning system to achieve a better future for our children will be vital over the coming years. By nurturing the conditions needed to achieve sustainable economic growth and meeting the needs of our growing population, we can create a real legacy for future generations.
- 1.2 The UK is one of the most densely populated countries in Europe with the 6th largest economy in the world. Planning provides essential tools to achieve sustainable economic growth and vibrant and healthy communities, whilst maintaining and enhancing our rich legacy of natural, built and historic assets. The planning system ensures a clear and stable platform for investment in a congested island where there is intense pressure on land. Our system has proved to be remarkably adaptable since its introduction in 1947 as it has responded to economic circumstances and changing demands. It remains our best means of managing change with communities playing a key role in shaping their area’s future.
- 1.3 This Manifesto summarises our asks for the new Labour Government elected on 4 July 2024. Since the run-up to the 2015 election POS has set out what we see as necessary changes to the planning system in our Manifesto documents<sup>1</sup>. Our planning system is not broken, as many commentators have alleged, but does need resetting and updating. We call for a series of targeted changes and refinements to ensure that the system we have is optimised to do its job as effectively and efficiently as possible.

## 2 A dozen key changes

- 2.1 POS considers that there are 12 key areas that need to be reformed to improve the planning system and they are summarised below. Further details (explaining the problem and the solution in more detail and setting out what is needed to implement them in terms of legislation, policy and guidance) are contained in an appendix.
  1. **Planning resources:** until we repair the fiscal implications of the massive cuts of the last decade or so in Local Planning Authority funding, stem and reverse the drain of planners to the private sector and massively increase the output of graduate planners, the system will continue to struggle.
  2. **Reinstate effective strategic planning:** the planning system has effectively stopped doing strategic planning and without that essential part of the system being properly reinstated we will continue to fail to plan successfully for housing need, economic growth, infrastructure provision and environmental protection.
  3. **Simplify the local plan process:** local plans have taken too long to produce, but within the context of an effective strategic tier we have an opportunity to reset the existing system, so it is more efficient.

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<sup>1</sup> <https://www.planningofficers.org.uk/pos-manifesto>

4. **Fix the Green Belt:** this is the most misunderstood, yet is one of the most effective, policies in our toolbox – we need an honest debate, so everyone understands that it is an urban containment zone and not an environmental policy. Only then can it operate as it should.
5. **Simplify the DM process:** the evidence that needs to be submitted with a planning application has ballooned over the decades and now it is a source of ridicule that you need a van to deliver a planning application rather than a briefcase. This helps nobody, especially the public who are generally overwhelmed by the myriad documents. POS sets out changes to the DM process that can improve its operation.
6. **Make permission in principle work:** introduced in 2018, this has the potential to be a highly effective tool, but unnecessary statutory restrictions to its remit has resulted in it not really being taken up by the sector. Freeing up this tool, so it can be used for any type and scale of development, also allows it to be used to assist in plan making with reluctant landowners, for pro-active interventions on stalled housing sites and as an option to sort out Prior Notification PDR. It's a tool, if set up properly (which it isn't), that has huge utility.
7. **The teeth to deliver stalled housing sites:** there are many housing sites where the planning permission is not being implemented or development has commenced but stalled. There are other sites that can be developed but owners are not bringing them forward through the local plan process. Local Planning Authorities need the tools to deal with this.
8. **Delivering affordable housing through DM:** where there is a viability argument, affordable housing is inevitably the casualty and land price inflation the outcome. POS has devised a public policy response that could effectively address this problem.
9. **Refresh infrastructure delivery tools:** the most common complaint by communities against new housing development is the strain that it will place on local infrastructure. Sorting out the effective delivery of key infrastructure is a key challenge for both local authorities and Government.
10. **Sort out permitted development:** recent Governments have used PDR as a tool to deliver policy and this has made the whole GPDO incredibly complex and confusing and has resulted in extremely poor-quality developments, which is at odds with the NPPF's demands to deliver quality. This needs resetting with the GPDO limited to its traditional role of delivering development that is unlikely to cause harm. Other ways for Government to promote its policy desires needs to be looked at.
11. **Reinstate the UCO:** the UCO was a tool to give statutory definition to what constituted a material change of use and what was merely a change of use not requiring planning permission for the most common land uses. It worked very well. Class E is not a Use Class, and it has accordingly broken the UCO. Government need to fix it urgently.
12. **Strengthen enforcement:** the planning system is often judged on its ability to regulate itself and whilst there were some improvements in the LURA more could be done to make the enforcement regime more effective, including reviewing how it is funded.

### 3 Making great places

- 3.1 The Society welcomes the importance attached in the NPPF to the design of the built environment. With development activity set to increase, it is important that design standards are not compromised, and quality is the legacy left for future generations. Therefore, the planning system should continue to be enabled to promote, facilitate, manage and deliver good design.
- 3.2 However, prospective developers need to play their part too. The Society believes that the Government should work with major developers and the volume house builders to help ensure that the expectations of the NPPF & PPG are recognised and delivered by all concerned. POS would be happy to participate in such work.

### 4 Tools for the job

- 4.1 Planners in local authorities have embraced the new world of Spatial Planning and Development Management and have been equipping themselves with the skills and knowledge needed to take on these challenging roles. The development of skills and expertise, particularly in new areas such as development viability, infrastructure provision, Biodiversity Net Gain, Fire Safety etc were the most recent challenges, but our CPD must continue to be fully supported by sufficient funding and training.
- 4.2 The last Government's austerity measures have had a devastating effect on local Government finance, and it is recognised across the sector that funding of planning services is a vital issue that must be addressed if we are to deliver the growth that the nation needs. Government must continue to explore ways within which funding can be leveraged into planning services. The development sector has been clear on their willingness to assist in this.

### 5 Conclusions

- 5.1 Planning is key to meeting housing needs and delivering economic growth through the creation of sustainable development. POS invites Government to work with us on our approach to building a more efficient and effective planning system which we believe will:
- Support the development of sustained economic prosperity;
  - Designate at national level, areas for major growth;
  - Ensure all areas have appropriate and effective strategic planning arrangements in place;
  - Provide for the growing need for jobs, homes and leisure;
  - Ensure that the infrastructure necessary to support development is funded and delivered;
  - Create safe and secure communities;
  - Deliver sustainable development; and
  - Leave a positive legacy for future generations.

## Appendix

This appendix sets out in more detail the changes that POS are calling on the new Government to make to our planning system to improve how it operates.

### Planning resources

**The Problem:** until we repair the fiscal implications of the massive cuts of the last decade or so in Local Planning Authority funding, stem and reverse the drain of planners to the private sector and massively increase the output of graduate planners, the system will continue to struggle. POS has been working closely with DLUHC, PAS, RTPi, TCPA and industry on what we can do to address these issues in what we have called the Planning Summit. We hope that MHCLG will continue to support this cross-sector initiative.

We also need to look at also the associated disciplines (ecologists, urban designers, transport planners etc) to ensure that they have the resources needed to deliver what we expect from our planning system.

**The Solution:** In addition to addressing resourcing and staffing, Government should also look at how we can redesign the planning system to make the most of the skills that planning and other place making professions offer, avoid duplication and link the regimes with their core purposes. Although we can use new technologies to simplify, digitise and automate both plan making and decision making, we also need to redesign systems and processes to ensure that planning “sticks to the knitting” and matters that are better dealt with through Licensing, Building Regulations or other regimes are taken out of planning and this is made clear in the NPPF and PPG. If National DM Policies are taken forward, that document would be a good place to set this out.

With a system that is more focused on planning and place making, and what can be digitised and automated is simplified, we have a much better chance to successfully operate with the limited resources that we have. It is hoped that the resulting system will be a much more stimulating and attractive place within which to work.

**The Method:**

Primary Legislation	It is likely that some legislative changes will be necessary.
Secondary Legislation	It is likely that some changes to secondary legislation will be necessary.
Policy & Guidance	These will need amending to set out explicitly the way the new regime should operate.

For more details see our *Manifesto Background Paper 12 Planning Resources: designing a more efficient system* on our [website](#).

## Reinstate effective strategic planning

**The Problem:** The planning system has effectively stopped doing strategic planning. Structure Plans were abolished with the introduction of Development Plans in 2004. In 2011 Regional Planning was abolished by the Localism Act and what was put in its place (the Duty to Cooperate) does not work and even the previous Government recognised that. The change from Core Strategies and other Development Plan Documents to a single Local Plan was formalised when the NPPF was introduced in 2012. The fundamental problems with respect to planning for housing are:

- We are trying to calculate housing numbers at too small a geography – you can't do it with any accuracy at the scale of the Local Planning Authority.
- We are using a Standard Methodology that was fine to start with, but the last Government changed it for political expediency (it didn't like the results after it was in place for a couple of years) by adding arbitrary "fixes" that are not statistically rigorous. On top of this, an arbitrary 35% Uplift has been forced upon the 20 largest urban areas, which is completely devoid of any evidenced local need or consideration of other local circumstances.
- When we set housing numbers using these methods, we take no notice of policy or physical constraints and this is causing severe problems.

**The Solution:** Put in place arrangements that produce real housing numbers that are deliverable within environmental policy constraints by doing the following:

- Not to go back to the pre-2011 Regional Planning System, but plan strategically at the geography of functional economic areas based on core city regions.
- Decision making must be by voting NOT consensus – the current consensual model has not worked in nearly all cases, often because just one local authority says no.
- Joint statutory plans to set out strategic policies including housing numbers and broad distribution, economic investment, supporting infrastructure and environmental protection.
- A new Standard Methodology based on up-to-date data and a sound methodology which identifies demographic change, net migration and hidden households.
- Housing Need to be assessed "policy off" at the regional level.
- In identifying sites in plans (strategic or local) for housing (and other developments) the current deliverable NPPF test is too onerous. If the landowner is reluctant to engage, the Local Planning Authority is unable to allocate the site. In a proactive world this is unacceptable and the developable NPPF test should be used instead. Local Planning Authorities should be able to unilaterally issue PiPs in these circumstances to test the suitability of sites, with the landowner having a right of appeal.
- Housing numbers to be distributed to the planning authority level with "policy on".
- Both Regional and Local Planning Authorities should have a duty to meet housing need in terms of allocations in their respective plans – embodied in the NPPF initially and then in statute. This is preferable to the Housing Delivery Test which measures Councils on the actual delivery of housing over which Councils have virtually no control. Our job is to allocate the sites and grant the planning permissions. The HDT should be scrapped.
- The role of Green Belt to be clarified as an urban containment zone (which is what it is) and not an environmental policy (which it is not, but many people think it is).

**The Method:** Most of these changes can be undertaken within the existing legislative and policy framework by cooperation between Councils and encouragement from

Government through policy and guidance. However, to compel Councils to operate this model will ultimately need legislation but, in the meantime, Government can use infrastructure funding and other funding “carrots” to persuade Councils to follow it initially.

Primary Legislation	This will eventually be needed to compel Councils to plan strategically.
Secondary Legislation	The Local Plan Regulations will need to be amended following legislative provision and in particular be amended to support a strategic element to plan-making.
Policy	The NPPF should be amended to set out Government’s expectations for Councils to work in this way to produce strategic policy frameworks at a City Region level and the way Green Belt should work as a strategic planning tool clarified. The Planning Inspectorate will need support to adapt to this new way of plan making.
Guidance	The PPG can be easily amended to set out the best approach to this new way of writing plans.

For more details see our *Manifesto Background Paper 9 Spatial Planning: simplifying the process* on our [website](#).

## Simplify the local plan process

**The Problem:** Local Plans are taking too long to produce – an average of 7 years is often quoted but much of the delay in that figure is to do with changing policy by the previous Government. Nevertheless, there is much that can be done to simplify and speed up the process. The previous Government was trying to put some of this in place (particularly around ensuring evidence bases are proportionate and the development of digital tools to make plan preparation more efficient) however more can be done.

**The Solution:** All parts of the plan are subject to the same consultation, examination and approval process and this needs to change so that resources are only expended where they can add value to the process and the final plan. The key changes are:

- Only the strategic part of the plan to be subject to the current Development Plan Document testing regime (consultation, examination, soundness etc).
- Detailed local policies to be produced in the same way as the current Supplementary Planning Document process, with the Planning Inspectorate only involved to deal with outstanding objections.
- If the above is in place, Supplementary Planning Documents could be absorbed into the same process.
- Continued review of the proportionality of the Local Plan evidence base and support to make digital tools more affordable and therefore accessible to more local plan making authorities.

**The Method:**

Primary Legislation	Changes to Acts should not be needed.
Secondary Legislation	The Local Plan Regulations will need to be amended to alter the way plans are prepared and examined.
Policy & Guidance	These will need amending to set out a new approach and should be drafted with the aim of encouraging Councils to be proportionate and succinct in drafting strategies and policies.

For more details see our *Manifesto Background Paper 1 Local Plans: An Evolutionary Approach to Improvement* on our [website](#).

## Fix the Green Belt

**The Problem:** this is the most misunderstood, yet it is one of the most effective, policies in our toolbox – we need an honest debate, so everyone understands that it is an urban containment zone and not an environmental policy. Only then can it operate as it should. The concept of a Grey Belt appears to perpetuate the misunderstanding of the Green Belt as an environmental policy with the notion that there are good and bad parts to it.

**The Solution:** The Green Belt is a spatially constraining strategic policy whose main role is to stop cities from sprawling physically. Paragraph 145 of the NPPF requires that, once established, Green Belt boundaries should only be altered in exceptional circumstances and then only as part of a review of a local plan as it is a strategic decision on where development should be located. It seems axiomatic that it is only if the conditions that resulted in the creation of the Green Belt in the first place have changed, that it may need to be revisited.

Those conditions would be that it is now necessary for the urban area to physically grow to accommodate a growth in its population, because all efforts to accommodate that growth within its boundaries (ie Brownfield First) have been exhausted. The NPPF needs to clearly say that, and, in the context of a fixed strategic planning system, POS would support a statutory duty to meet housing need, including an explicit requirement to review Green Belts where this is necessary.

POS hopes that the concept of a Grey Belt will be defined within this context as the means by which Local Planning Authorities find land within its Green Belt for sustainable development to meet its housing needs. Sites must be sustainable first and then preference should be given to land of lower quality.

There are two types of Green Belt review: testing whether the current Green Belt boundaries are correct and reviewing the Green Belt to release sites to meet housing needs. The application of the five purposes that the Green Belt serves (para 143 of the NPPF) is the way to carry out the former but plays no useful role in the latter.

### The Method:

Primary Legislation	Changes to Acts should not be needed.
Secondary Legislation	Changes to secondary legislation should not be needed.
Policy & Guidance	These will need amending to set out explicitly the way the new regime should operate.

For more details see our *Manifesto Background Paper 3 We Need to Talk about the Green Belt* on our [website](#)

## Simplify the DM process

**The Problem:** the evidence that needs to be submitted with a planning application has ballooned over the decades and now it is a source of ridicule that you need a van to deliver a planning application rather than a briefcase. This helps nobody, especially the public who are generally overwhelmed by the myriad documents.

**The Solution:** only two documents should be needed: one that sets out the justification for the design and one that identifies the development’s impacts and how they are proposed to be mitigated. If either document is over 1,500 words, a non-technical summary should be produced within that word limit (as is the case with Proofs of Evidence for appeals and Environmental Statements).

Other changes that we suggest are:

- Flexibility with planning fees when amending applications: there is no statutory provision to seek an extra planning fee during the determination process if an amended application requires a higher fee.
- Determining applications with split decisions: the Secretary of State has the power to do this<sup>2</sup> when dealing with appeals, but Local Planning Authorities do not when dealing with applications for planning permission.
- Ability to condition unacceptable details: you cannot approve something (e.g. the drawing says the walls of the extension will be in brick) and then take that part of the approval away by condition (e.g. require the elevations to match the main stone building). If that is required, the detail on the drawing would have to be changed or amended via a letter or email and the amendment referred to in the decision notice. Government should consider addressing this as it could enable quicker positive decisions, with unresolved issues being dealt with through conditions, without needing prior agreement. The appeal process protects the applicant’s interests.
- Circular 11/95: the use of conditions in planning permissions was cancelled when the advice it contained was replaced by the PPG on 16 March 2014. However it contained an Appendix which set out model conditions which was retained. Its continued existence is not well known, and it has not been updated so it is consequently out of date. Government should move it into the PPG and update/expand it.

### The Method:

Primary Legislation	Some of these amendments will require legislative changes.
Secondary Legislation	Some of these amendments will require changes to secondary legislative.
Policy	The NPPF should be used to support these changes.
Guidance	The PPG will need amending to set out the way the new regime should operate.

For more details see our *Manifesto Background Paper 6 From Concept to Construction: Making the System More Flexible* on our [website](#).

<sup>2</sup> Section 79 of the 1990 Act

## Make Permission in Principle work

**The Problem:** Introduced in 2018, Permission in Principle (PiPs) was a good idea that has been damaged in the implementation. The basic principle is that outline planning applications have become very complex and the reason for this is that the Local Planning Authority grants a planning permission and that must contain all the conditions – they don’t get a second go. It is the issues around conditions that is a significant cause of the complexity. The idea behind a PiP is that you just deal with the principle and don’t impose any conditions. The previous Government’s implementation of this caused confusion because rather than leaving the next stage as an application for planning permission, with the principle established, it introduced Technical Details Consent which seemed to suggest it was something different, but in the end didn’t seem so. They also limited PiPs to larger housing developments only, which added to people’s reluctance to embrace a new process. Finally, there is an overlap between outline planning permissions and PiPs which was not addressed.

**The Solution:** The following changes need to be made:

- PiPs should be available for all developments and replace Outline Applications.
- The Technical Details Consent process should be dropped, and the Application for Full Planning Permission process adopted. It should be the same as the current process and cover the same issues, albeit with the principle established by the PiP.
- Applications for outline planning permission could be dropped. The reserved matters are a limited range of pre-commencement conditions, which are at times excessive or insufficient.
- Applicants should be able to submit such details as they see fit in an application for planning permission, but the Local Planning Authority should have the power to direct that more details are needed – like the power they now have for outline applications<sup>3</sup>. Details that are not submitted can be conditioned.
- Finally, freeing up this tool, allows it to assist in plan making with reluctant landowners (see *Reinstate effective strategic planning* above), to be used for proactive interventions on stalled housing sites and (see *The teeth to deliver stalled housing sites* below) and as an option to sort out Prior Notification PDR (see *Sort out permitted development rights* below). It is a tool, if set up properly (which it isn't), that has huge utility.

### The Method:

Primary Legislation	Changes to the 1990 Planning Act will be needed to expand the PiP regime beyond “housing-led development of land”, to deal with Technical Details Consent and to delete applications for outline planning permission.
Secondary Legislation	The Development Management Procedure Order will need to be amended in the context of the new regime.
Policy & Guidance	These will need amending to set out the way the new regime should operate.

For more details see our *Manifesto Background Paper 4 Red Line Submissions: A Proportionate Approach* on our [website](#).

<sup>3</sup> Article 5(2) of the Development Management Procedure Order

## The teeth to deliver stalled housing sites

**The Problem:** The data varies, but there are many housing sites where the planning permission is not being implemented and development has commenced but stalled. There will be a myriad of reasons for this, but in a housing crisis we cannot afford housing developments not being built out when they otherwise could be. Local planning authorities require new powers to enable them to be proactive in these circumstances.

**The Solution:** The following changes need to be made:

- In addition to allowing PiPs to be used as a tool in plan making (see *Reinstate effective strategic planning* above), the ability of LPAs to test the developability of windfall sites through the issuing of a unilateral PiP, with the landowner having a right of appeal, should also be a feature of a pro-active planning system where landowners do not co-operate.
- Where a housing site (ie one with planning permission, a PiP or allocated in a Local Plan) has not come forward within a reasonable period (eg 3 years) the local authority should be able to pursue compulsory acquisition through a specific new power.
- Introduce a new Compulsory Selling Order: it would follow the same procedure as a Compulsory Purchase Order, but the outcome is an Order to sell the site in the market – the sale would be regulated with the owner guaranteed Existing Use Value only – any hope value would be delivered by the market.

**The Method:**

Primary Legislation	New enabling legislation would be required.
Secondary Legislation	New regulations would be needed to set out the detailed procedures.
Policy & Guidance	These will need amending to set out the way the new regime should operate.

For more details see our *Manifesto Background Paper 7 Compulsory Purchase: Three Essential Improvements* and *Manifesto Background Paper 8 Land value capture: exploring the options* on our [website](#).

## Deliver affordable housing through DM

**The Problem:** In any viability negotiation, the provision of Affordable Housing is nearly always the casualty. Despite the efforts of previous Secretaries of State stating that the "unambiguous policy position" is that land or site value "should reflect policy requirements" there is clear evidence that the industry does not always consider and reflect policy requirements when setting the price for land. Although this has improved following the fallout from the Parkhurst Road decision<sup>4</sup>, the viability game remains an issue.

**The Solution:** The challenge therefore is how we can create the conditions that result in the suppression of land price inflation so that the trade in land is reset at a level that both delivers the full gamut of planning policy contributions but also maintains a healthy supply of land for development. POS believe that if there was a genuine political desire to do this it could be done in a way that would both deliver these aims and put an end to the wasteful viability gaming that is now a very unwelcome feature of DM negotiations. The solution is to move to a fixed AH percentage that would not be subject to viability arguments, save for truly exceptional circumstances. The approach would start with an empirically established position: for each area the starting Affordable Housing level would be the average Affordable Housing percentage secured in (say) the previous 3 years. Once the new system was introduced that would become the fixed Affordable Housing rate for that area for a period of two years. After that, the Affordable Housing rate would increase by 5% per annum until it reached the Affordable Housing target for the area as set out in the Local Plan. This would give the industry ample warning of the change so that they can adjust their behaviour: the run-in period where the policy is introduced, the two-year flat rate period and the modest 5% annual rise towards the policy set Affordable Housing target, all go towards enabling the change to be comfortably accommodated by the industry.

**The Method:**

Primary Legislation	Changes to Acts should not be needed.
Secondary Legislation	Changes to secondary legislation should not be needed.
Policy & Guidance	These will need amending to set out explicitly the way the new regime should operate.

For more details see our *Manifesto Background Paper 5 Affordable Housing: Delivering it in a More Effective Way* on our [website](#).

<sup>4</sup> [Parkhurst Road Ltd v Secretary of State for Communities and Local Government and London Borough of Islington](#)

## Refresh infrastructure delivery tools

**The Problem:** Governments of all shades have tried to extract betterment from the uplift in value that a planning permission usually brings. Nearly all attempts have failed, and this is an area that illustrates the wisdom of the saying, “for every complex problem there is a solution that is simple, obvious and wrong!” The current regime is a mix of a levy on most new floorspace (called the Community Infrastructure Levy – CIL), coupled to a legal agreement process (called Section 106 Agreements – s106) that delivers other mitigations, including affordable housing. It is complex and can be slow, but it does work reasonably well. It captures a significant amount of betterment (£7bn in 2018/19) but in an equitable and flexible way, But it could be improved.

Much of the complaint against new development is about a lack of doctor’s appointments or school places. Often this is not related to new infrastructure (the need for a new surgery or a new school) but the funding of staff in the local surgeries and schools. Planning can’t help with that as the operation of infrastructure is funded through rates and taxes and the NPPF and PPG need to be more explicit on this point. There are problems in this area that have been highlighted in several appeal cases that Government need to address through clearer policy and guidance.

**The Solution:** The previous Government was proposing a new solution, called the Infrastructure Levy, that it saw as simpler and better, but nobody else did. What is needed are changes to the existing regime along the following lines:

- A new universal CIL set at (say) 1% of average house prices (charged per m<sup>2</sup> on all new development) to fund infrastructure, the demand for which comes from development generally.
- A higher rate of CIL can be set by the Planning Authority (where development viability allows) using the current process.
- Only affordable housing/RSLs should not liable for CIL.
- S106 to be available for securing affordable housing delivery, infrastructure (the demand for which is specific to the development) and other development mitigations.
- The main body of s106 agreements to be converted into secondary legislation so there is no need to negotiate it each time.
- The commonly used obligations (generally set out in schedules to a s106 agreement) to be published on Council’s websites. Government could publish model obligations with advice from the Bar Council.
- The Local Planning Authority to be able to consult on draft obligation schedules (ie a Supplementary Planning Document type process) and where this has been done and negotiations on a specific development stall, the Local Planning Authority can unilaterally issue the s106 with the developer having a right of appeal with respect to the disputed obligation(s).

**The Method:**

Primary Legislation	Changes to Primary Legislation would be needed.
Secondary Legislation	The CIL Regulations will need amendments.
Policy & Guidance	These will need amending to set out the way the new regime should operate.

For more details see our *Manifesto Background Paper 2 Infrastructure: Funding It in a More Effective Way* on our [website](#).

## Sort out permitted development rights

**The Problem:** Permitted development is a planning permission granted by the General Permitted Development Order (GPDO). Historically these permitted development rights (PDRs) were given to developments that were unlikely to have an adverse impact or to institutions who could be trusted to exercise wisely the more extensive powers they were given. For a decade or more PDR have been expanded where the permitted development clearly had the potential to have an unacceptable impact – it is PDR being used to deliver Government policy. The process that has grown up to deal with these potential impacts is called Prior Notification and it sets out a limited range of issues that a Local Planning Authority can look at. The problem is that this one-size-fits-all approach will often miss important issues on a particular site. The whole regime causes confusion to local communities who find it hard to understand. Finally, the previous Government thought (wrongly) that this system represented a simplification and therefore levies a very small fee for the applications, whereas the reality is that usually they are at least as complicated and sometimes more complicated than a normal application for planning permission for the same development.

**The Solution:** If Government wishes to continue to use PDR to deliver policy, such PDR should effectively give a PiP for the development by the GPDO, and the Prior Notification system be replaced by the Technical Details Consent process (or an amended version that we suggest under *Make Permission in Principle work* above).

Finally, to facilitate automated approaches to permitted development, allow Local Planning Authority’s residential extension guidelines (and other similar documents) to become a form a permitted development. The rigid Local Development Order approach can be very complicated and difficult to put in place and accordingly is not often used.

**The Method:**

Primary Legislation	Changes to Acts would not be involved in the PDR regime other than the necessary PiP changes outlined earlier.
Secondary Legislation	Changes will be necessary to the GPDO.
Policy & Guidance	These will need amending to set out the way the new regime should operate.

For more details see our *Manifesto Background Paper 10 iDM: managing development in industry 4.0* on our [website](#).

## Reinstate the UCO

**The Problem:** the UCO was set up as a tool to give statutory definition to what constituted a material change of use and what was merely a change of use not requiring planning permission for the most common land uses. It worked very well. Class E is not a Use Class, and it has accordingly broken the UCO. Government need to fix it urgently.

**The Solution:** Reinstate the previous UCO would be the starting point, but POS considers that improvements could be made. To enable town centres in particular to be managed so their future is more secure, a review of the operation of the Use Classes Order from the perspective of seeing whether there are better ways to control the differences between use classes from an activity impact point of view. We propose testing whether a comprehensive licensing or permitting approach would be better given the way land use, particularly in town centres, is set to change. A nimbler regime than applications for planning permission to manage these areas is likely to be needed.

**The Method:**

Primary Legislation	Changes to Acts should not be needed initially but is likely to be for the implementation of the proposed review.
Secondary Legislation	Changes to the Use Classes Order will be necessary.
Policy & Guidance	Changes should not be necessary other than updating any references to Class E.

For more details see our *Manifesto Background Paper 10 iDM: managing development in industry 4.0* on our [website](#).

## Strengthen enforcement

**The Problem:** the planning system is often judged on its ability to regulate itself and whilst there were some improvements in the LURA more could be done to make the enforcement regime more effective, including reviewing how it is funded.

**The Solution:** Government must increase investment in PINS so that enforcement appeals can be prioritised. The resources going into enforcement services through amendments to fees, fines, recovered costs and confiscation orders should be increased. Amendments are needed to the following powers:

- Introduce improved Stop Notice powers to give Local Planning Authorities the tools they need to take swift control of enforcement situations and bring them to a resolution more quickly.
- Targeted amendments to Enforcement Notices to make them a more effective and efficient tool and to limit the ability of contraveners to string out the process.
- Introduce a new Retrospective Development Application to combine retrospective applications for CLUoD and planning permission to streamline the process and stop the ability of some contraveners to game the system.
- Minor reforms to Completion Notices to enable them to be a more effective enforcement tool.
- Both parties should be expected to bear their own costs when Planning enforcement action is taken and costs should only be awarded if the actions of one party amounts to unreasonable behaviour.
- Reforms to the Land Registry to ensure that overseas companies must register sufficient information to enable Local Planning Authorities to serve Notices.

### The Method:

Primary Legislation	Some of these amendments will require legislative changes.
Secondary Legislation	Some of these amendments will require changes to secondary legislative.
Policy	Strengthen the wording in the NPPF to make it clear that Local Planning Authorities should invest in providing a good enforcement service.
Guidance	The PPG will need amending to set out the way the new regime should operate.

For more details see our *Manifesto Background Paper 11 Improving Enforcement Services* on our [website](#).