

## **FROM SHEILA TO SUSTAINABILITY!**

### **Engaging with the New Planning Process**

Few people of late will have failed to appreciate the extent to which today's planning system has evolved in an apparent attempt to confound and befuddle the achievement of any meaningful or viable planning permission; residential or otherwise.

As if market conditions aren't bad enough, in the light of the delays in producing an understandable policy framework, the process time and complexity in securing half a chance through the LDF, the application nightmare that is validation and then the open cheque book approach to infrastructure charges and 'planning gain' contributions, it will be a miracle if the house-builders bother to re-appear from their bunkers and respond to Government entreaties for more housing.

It is all too easy to bang on negatively about the situation, but a recession is also an excellent time to retrench and reconfigure in order to exploit future opportunities, so here is a quick checklist of 'need to know' basics that might help your entry back into the planning maze. Phasers set to stun? Then let's begin.

Having just got to grips with the old Development Plan system the 2004 Act promptly introduced a wholly new one. And just thinking about it still has me reaching for the stress tablets.

In their snappily entitled document, 'Local Development Frameworks: Lessons Learnt Examining Development Plan Documents' (June 2007), the Planning Inspectorate note that, *"The LDF system demands a completely different way of thinking about development plans. In many instances the extent of the culture change required by all involved has not been appreciated fully. The emphasis on spatial planning and delivery which are at the heart of the new system and underpin the tests of soundness are challenging"*. You're not kidding!

Like it or not, a more than passing acquaintance with the RSS, LDF and a young lass called Sheila will be your starting point.

Regional Spatial Strategies (RSS) provide a broad development strategy for a fifteen to twenty year period and are required to confine themselves to matters of genuine regional and, where appropriate, sub-regional importance. RSS are designed to deal with a range of issues including:

- The scale and distribution of new housing and employment
- Priorities for the environment, such as countryside enhancement
- Key infrastructure to support development
- How waste will be dealt with

RSS are prepared for all regions in England, except London where the Mayor of London produces his own, 'London Plan - spatial development strategy'.

A fundamental difference between the RPG and RSS is that the latter directly informs the Local Development Framework at the local authority level, rather than routing (as previously) via the County Structure Plan, which become defunct.

This means that the determination of planning applications will be made in accordance with the RSS and relevant Development Plan Documents, unless other material considerations indicate otherwise.

The aim is for the RSS to provide overarching spatial policy rather than go into too much detail, although this will vary depending on the particular policy topic concerned. The level of housing and employment land will inevitably involve substantial debate.

To replace existing Local Plans, local authorities are charged with preparing a Local Development Framework (LDF). This comprises a range of Local Development Documents, which must be consistent with the RSS. The process, which commenced in 2004, has taken forever and been subject to many false starts and withdrawals. This is good news in one sense, in that the rest of us have had half a chance to get our heads around the basics. It also means it is not too late for getting stuck in. But is bad news in that Council's are having to rely on increasingly outdated 'saved' policies from their Local Plans.

Now, don't get me started on the way in which this seemingly innocuous LDF format works in practice. My best suggestion is to go straight to the Planning Portal [[www.planningportal.gov.uk](http://www.planningportal.gov.uk)] and review the basics on their wizzy, interactive system. Just be aware though that there are both mandatory and discretionary elements and each authority is off doing its own thing. You will now have to consider more than one document to establish how your proposal might be treated for planning purposes. A night class in librarianship may help. Beware also the deadly SPG. Supplementary planning guidance documents have become the repository for much of the mechanics of the emerging development control process. Ignore them at your peril.

To ensure that both general and specific policy proposals are even remotely close to your own development or land use aspirations you need to enter the fray early. Public consultation is a required part of the process, but is tightly managed and once gone is lost forever. Get signed up on your local authority email notification service and keep tabs on their website for news. Public consultation meetings may not achieve a great deal for you directly, but at least you will know which way the authority are going and if you don't shout, no one is going to do it for you.

To establish what documents are in play, each Council must produce a Local Development Scheme (LDS) which sets out the documents they are going to produce, their timescales and consultation processes. This is a key document and should be reviewed on a regular basis.

Two other main documents to look out for are the Core Strategy and the Site Specific Allocations document.

The Core Strategy sets out the spatial vision and objectives for delivery in the Local Development Framework. This is not the old Local Plan format, but much more general in tone. It will interpret the delivery of housing and other strategic land aspirations set out in the RSS at the local level. The time horizon of the core strategy should be at least 15 years from the date of adoption. It is vital therefore to be involved in establishing the correct framework at the outset.

The Site Specific Allocations document allows the Council to identify land within their area which can be broadly defined for development to satisfy RSS and Core Strategy requirements. This will be a key document for future residential development and will be assisted by Sheila.

The allocations are established through an assessment process recognisable in the latest parlance as a '*Sheila*': no not an Australian insurance sales rep in a livid pink Cadillac, but a Strategic Housing Land Availability Assessment, or Housing

and Economic land Availability Assessment (SHLAA or SHELAA) if the authority are going the full monty.

This assessment is designed to draw out potential development land for housing and other purposes within a local authority area and is the first step on the ladder toward the consideration of alternative uses. It is not however a land allocation plan in the old sense.

Council's have commenced making public calls on sites seeking to draw out all potential property that landowners might wish to put forward for consideration. These sites are then assessed against national policy guidance, the RSS and Core Strategy requirements, technical limitations (such as flood risk), sequential and environmental aspects in order to derive a shortlist of sites that can then be considered for more detailed assessment.

There remains a need to release more land for future development in both urban and rural areas. Brownfield sites and the fringe of towns and villages will be particular target areas. Despite the Governments' brave-new-world attempts to kick start housing provision through Eco-Towns and the like, the majority of UK housing is going to come from those brownfield sites that have not been foolish enough to go and get themselves an ecology, together with straightforward extensions to existing settlements. Edge of settlement landowners should therefore commence proceedings forthwith.

Rather than throw everything including the kitchen sink at the authority – tempting though that may be – some early land sorting will be desirable. Consider the primary constraints such as accessibility, flood risk, ecology, visual amenity and so forth. Sustainable development principles are paramount and sequential testing holds sway. However, with longer term needs in mind, authorities will have to consider land allocation beyond current limits probably sooner rather than later.

It is not always the case that edge of settlement is unsustainable in principle. Issues of town cramming and damage to historic or significant conservation areas may be good reason to promote development in lower impact areas. The Matthew Taylor MP report to Government in 2008 highlighted just this point. An overly urban-centric policy can be just as harmful as an open-house approach in the countryside and result in as many problems as it is trying to solve.

Finally, think mixed development. The days of acres (sorry, hectares) of genetically identical shoeboxes is long gone. Residential schemes should embrace the range of community need from retail to workspace and transport to leisure, whilst satisfying as many other infrastructure needs as the Council can shake a stick at. What will your site offer in this respect?

There you go, that's more than enough to get you started I think and I didn't even mention affordable housing.

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