

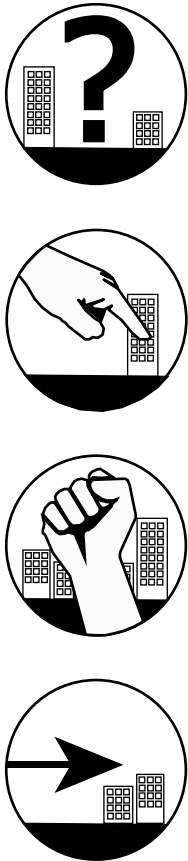
IS YOUR AREA UNDERGOING REGENERATION?

IS YOUR HOUSING UNDER THREAT?

HOW DOES THE PLANNING SYSTEM RELATE TO YOU?

THE PLANNING PROCESS EXPLAINED

Understanding the system leads to finding paths of resistance. The information below explains four different parts of the planning system in terms of how it affects you, who and what is involved and courses of action you can take in order to oppose unwanted development.



CONCRETE ACTION

SUBVERSIVE INFORMATION SERVICES

We provide a platform to support communities fighting for housing and against social cleansing in London.

concreteaction.net

THE PLANNING FRAMEWORK

LAWS AND GUIDELINES FOR DEVELOPMENT:

What is planning? Not just planning applications but also the legal structure of National, District, Local and Neighbourhood development. Planning governs roads, schools, parks, public transport and community facilities.

PRE-PLANNING APPLICATION

CONSULTATION AND DEVELOPMENT FEASIBILITY:

Before submitting a large planning application, the landowner or developer will liase with the local authority to gauge the likelihood of permission and the conditions involved. This negotiation happens behind closed doors, apart from community consultation events which can be used to gauge progress.

THE PLANNING APPLICATION

WHEN A PLANNING APPLICATION IS SUBMITTED:

The official detailed submission of a planned development to the local authority. The development is now in the public realm and all documents can be downloaded from the local council website.

POST PLANNING

ONCE THE PLANNING APPLICATION HAS BEEN GRANTED.

Construction has 3 years in which to begin. There's still plenty you can do to obstruct and subvert the development and construction process.

FOR MORE INFO AND LINKS TO DOCUMENTS AND CAMPAIGNS: CONCRETEACTION.NET OR CONTACT US: CONCRETEACTION@RISEUP.NET

THE PLANNING FRAMEWORK

WHAT IS IT?

The legal structure of National, District, Local and Neighbourhood planning. All planning applications have to comply with these general guidelines.

There are 4 levels of detail:

- > National Planning Policy Framework (NPPF)
- > City/Council/Borough
- > Local Plan
- > Neighbourhood plan (not legally enforceable)

For a plan to become law, it has to go through these stages:

- 1 Initial “evidence gathering” and “consultation”
- 2 Publication
- 3 Submission
- 4 Formal adoption

HOW DOES IT AFFECT YOU?

The plan for your area outlines how it will develop over the next 5 to 15 years. If you are planning to resist a development proposal, you can check if the proposal is in line with the area’s Local Plan, and if the Local Plan is in line with the National Planning Policy Framework.

In London, the Local Plan should be in line with the London Plan.

Documents to look for:

- > Your borough local plan. This could have another name, such as Local Development Framework (Hackney) or the New Southwark Plan (Southwark).
- > The London Plan
- > National Planning Policy Framework (NPPF)

WHO AND WHAT IS INVOLVED?

In the development phase of the plan, the council will put out various calls for participation, for example, the call for sites from landowners and developers, consultations on infrastructure planning (for example, buses, trains, schools).

The local and national government are involved on many levels.

Once the plan is part of the legal framework, the documents are available on the council websites. This can take a few years.

Documents to look for:

- > Call for sites
- > Examination in Public (EIP)
- > Any calls for consultation put out by the council

WHAT CAN YOU DO AT THIS STAGE?

To influence the development of a local plan, you can make submissions to the local plan. JustSpace provide help for groups who want to make submissions for planning documents.

You can use the existing local plans to find out what is the longer term aims for your area. You can compare any proposed developments with the local plan. Each council may call these documents by slightly different names- look out for the sites which have been identified as having development potential- these are usually online in the form of a map or list and could have titles like:

- > Potential development sites map/list.
- > Site Allocations Local Plan.
- > SALP Site Assessment.

HOW DOES IT AFFECT YOU?

Pre-planning advice are decisions being made about your area behind closed doors. You might not know that it is happening, as it is not made public. If you are planning to resist a development, any information you can get at this stage will be a great help.

Helpful reading: *Staying Put: An anti-gentrification handbook for London*

Have a look for the following documents on council websites- any of these may provide clues as to what is happening.

- > Your borough local plan. This could have another name, such as Local Development Framework (Hackney) or the New Southwark Plan (Southwark)
- > The London Plan
- > National Planning Policy Framework (NPPF)
- > Call for sites
- > Examination in Public (EIP)
- > Calls for consultation put out by the council

PRE-PLANNING APPLICATION

WHAT IS IT?

The planning process is clearly targeted towards developers by the GLA. Before a large planning application is submitted the landowner/ developer will liase with the council, do research to test the feasibility of the proposal, checking likelihood that permission will be granted. This information is freely available on council websites and is aimed at supporting developers.

In the research stage, a masterplan for an area may be developed. There may be a masterplan architect or urban designer, land and buildings may be sold or change ownership, draft design proposals for developments will be created which contain studies showing the proposed heights of buildings and their general uses. These studies are known as massing studies or feasibility studies.

WHO AND WHAT IS INVOLVED?

Many different types of companies have emerged who work with developers to prepare planning applications: property companies, lawyers, masterplan architects, design architects, urban designers. Information on designs for a local area published by the council may give hints as to the specific companies involved. Documents to look for:

- > Feasibility study
- > Preplanning consultation reports
- > Environmental impact assessment
- > Assessment of impact on industry
- > Application for change of use – these can be used to anticipate development- for example change of use from commercial to residential.
- > Economic viability: Financial viability assessments – these are hard to come by even after a planning application has been submitted, but they contain the assessment by the developer of the finances of the development- i.e whether it will be profitable enough. See Heygate Estate in Elephant and Castle and the Greenwich peninsula case, campaigns to get financial viability assessments released to the public.

WHAT CAN YOU DO AT THIS STAGE?

Research! Any information which you can find out at this stage will be useful. You can start organising within your community, making others aware of the threat to your homes. Concrete Action can help you research which architects and masterplanners are working on developments in your area. We can also help you get in touch with architects to tell them what you think about their proposals.

If you already know the plan for the area it is possible to develop a counter-proposal which better reflects your needs, however there is no legal obligation for the council to adopt any part of a counter proposal. There is a chance that having a proposal will make it more likely that some of your demands are met.

HOW DOES IT AFFECT YOU?

The public consultation period of the planning application is your state sanctioned chance to influence whether a planning permission will be granted or not, and with what obligations for the developer. It is a crucial time in negotiations for all parties in the process.

WHO AND WHAT IS INVOLVED?

The council, developers, landowners, companies who do feasibility studies, masterplan architects, design architects, urban designers. The planning application is public, therefore all of the companies involved should be named in the application. Some documents are not public, and in order to find out more information you can submit a freedom of information request.

Developers are obliged to make contributions to public services such as roads, schools to mitigate the impact of large developments on communities. These are called contributions and community benefits and can include a Community Infrastructure Levy (CIL) or a Section 106 agreement.

THE PLANNING APPLICATION

WHAT IS IT?

The official submission of a development to the council. It has the following stages:

- 1 Consultation with the community + statutory bodies
- 2 Notification
- 3 Determination (processing for 8 to 13 weeks depending on size of application)
- 4 Testing according to local development plan and obligations
- 5 Decision by officer (small application) or by committee (large application)
- 6 If refused, option to appeal to secretary of state via planning inspectorate

A list of all planning applications can be found on the the planning page of your local council- you can find this page easily through the planning portal and the London Development Database. Once you find the relevant application you can download all of the documents.

WHAT CAN YOU DO AT THIS STAGE?

Mobilise! Once the planning application has been submitted put in as many objections as possible online and by post. Publicise! Make sure other people who live in your area know what is going on. Use social media, flyers, events, the media. Pressure! Target the companies involved.

Counter-proposals: at the planning application stage, an entire counter-proposal is probably unlikely, but in the objections to the planning application it is possible to include suggestions on how the development can be improved, or which parts are especially bad.

HOW DOES IT AFFECT YOU?

When a planning application is granted, you could already have been evicted from your home, or be in the legal process of fighting a Compulsory Purchase Order.

Alternatively, you may have secured a guarantee that you can stay in or return to your home after redevelopment. Be careful, as this might not mean that your rent or terms of ownership remain the same.

WHO AND WHAT IS INVOLVED?

Once planning permission has been granted, the design of the development cannot deviate from the plans submitted. However the internal contents of the development may change, for example, the quota of affordable housing or the contents of a section 106 agreement. You can submit freedom of information requests at this stage as well.

At this stage, the local council is involved to make sure that the development complies to standards. Also the developers, contractors and subcontractors and architects.

WHAT CAN YOU DO AT THIS STAGE?

Keep up the pressure! Look towards other groups and campaigns for some great examples of post-planning application protest. For example: creative methods to slow down progress on building sites, eviction resistance, protest occupations.

Planning permission relates to the land and so can be sold along with the land. But by law, any planning permission granted expires after a certain period: generally, the owner has three years to begin the development, if work has not started in this period, it is necessary to reapply for planning permission. Some other approvals might be needed for example: Listed Building Consent (LBC), permission for demolition in a conservation area.

Be aware that regeneration is a very long process, don't be discouraged!

POST PLANNING

WHAT IS IT?

Once the planning application is granted, the development can be implemented and building work can start following these steps:

- > If an application has been approved subject to conditions, the information set out in the conditions must be supplied before any work starts.
- > Standard conditions attached to a planning permission apply to the development, any breach of the standard conditions is a breach of planning control.
- > Building control: an approved building notice or a full planning application must be held, either from the Council's Building Control or through using an approved private contractor.
- > Building regulations assess whether a development is constructed to an appropriate standard (assessing foundations, drains and structural requirements).