

# Planning and Development Briefs: A Guide to Better Practice

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On 5th May 2006 the responsibilities of the Office of the Deputy Prime Minister (ODPM) transferred to the Department for Communities and Local Government.

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## Summary

This research concluded that briefs are a potentially useful tool for improving the quality and the consistency of advice provided to developers, the efficiency of the planning process and the quality of the built environment. It also found that the standard of briefs is very mixed and that some are prepared unnecessarily. The Guide was prepared in response to these findings drawing on past and current practice throughout England and Wales.

## Order

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## **Chapter 1: Introduction**

### **1.1 The purpose of the Guide**

This Guide gives guidance on the preparation and use of site-specific planning and development briefs. It is aimed primarily at local planning authorities, but contains advice useful to anyone involved in site-specific briefing, including land-owners, developers and interest groups.

The Guide is based on research commissioned by the Department of the Environment, Transport and the Regions. The research concluded that briefs are potentially a useful tool for improving:

- the quality and consistency of advice provided to developers;
- the efficiency of the planning process; and
- the quality of the built environment.

The research found that the standard of briefs is very mixed and that some briefs are prepared unnecessarily. This Guide was prepared in response to these findings, and draws on past and current practice throughout England and Wales.

A site-specific brief forms a stepping stone between the provisions of the development plan and the requirements of a planning application. The process of preparing and implementing a planning brief provides a framework for collecting information about a site, and investigating and evaluating different interests in it.

Every site is unique in some way. Every site-specific brief will be similarly unique. Planning briefs vary according to factors such as: the nature of the site; the location; the ownership of the site; and the political context.

Site-specific briefs are necessarily a non-standard product, but there are some essential steps in the briefing process which should be common to the preparation of every brief. There are basic principles common to all briefs, and others which are common to most. There are also common pitfalls which this Guide will help those preparing planning briefs to avoid.

The Guide suggests local planning authorities consider whether a site-specific brief is the most appropriate way of resolving planning issues. It advises that they check that they have sufficient resources to produce an effective brief. The Guide highlights the need to think carefully about what a brief is trying to achieve. It gives advice on how best to prepare a brief which will meet the objectives identified.

The Guide is essential reading for anyone wishing to improve the quality and effectiveness of their site-specific briefing.

## 1.2 The research study

Llewelyn-Davies were commissioned in 1996, with Drivers Jonas, to undertake research into the use and effectiveness of planning and development briefs. The main objectives of the study were to:

- clarify the reasons for, and circumstances under which, planning and development briefs were produced and the ways they were prepared
- examine the content of planning and development briefs, their relationship with statutory development plans and the way they were used in the development control process;
- assess the extent to which planning and development briefs influenced the design and quality of resulting developments, especially mixed use development;
- evaluate the contribution of planning and development briefs to the efficiency of development control; and
- recommend good practice on the form, content and preparation of planning and development briefs, and how they should best be used to improve the efficiency of the planning process and promote good design.

Further details of the research are in Annex A.

## 1.3 Definition of terms

Briefs go under many different names and cover a wide range of issues. The research found 21 different titles, usually reflecting the document's primary purpose. But they all inform developers and other interested parties of the constraints and opportunities presented by a site, and the type of development expected or encouraged by local planning policies.

They differ from planning or design guides which are also prepared by local planning authorities. These provide general guidance on development over a wide geographical area or in relation to particular uses, and are not site-specific.

They also differ from developers' briefs which include an appraisal of the planning context but are prepared primarily by or for landowners to provide a commercial assessment of the value of a site. Some site-specific briefs prepared by local planning authorities aim to promote development, as this Guide describes later. While these may be similar to developers' briefs in many ways, they do not remove the need for a developer to undertake an independent financial appraisal.

This Guide concentrates on briefs which focus on planning issues. It is not concerned with issues relating to the financial and tender bid aspects of developers' briefs, and does not cover the requirements placed on local authorities when disposing of their assets.

The important characteristics of the site or the main aim of a site-specific brief may determine what the document is called. It may, for example, be appropriate to call a brief a design brief, if

urban design is the critical issue to be addressed. A brief intended primarily to promote development or attract a development partner might be called a development brief or a vision statement. Some authorities prefer simply to call the documents supplementary planning guidance (SPG).

We refer to all of these as planning briefs throughout this Guide. Our use of this term includes development briefs and other site-specific SPG as set out above. The term "planning brief" emphasises their purpose in illuminating the planning process, and their application through the process of development control.

#### **1.4 The policy context of planning briefs**

Planning briefs are usually adopted as supplementary planning guidance. They bridge the gap between the development plan and a planning application, and can perform a number of functions such as promoting a site for development, interpreting development plan policies, or addressing a particular site constraint or opportunity.

SPG will be given more weight as a material consideration in the development control context if it is prepared in consultation with the public, and is adopted by council resolution. Our planned system of development control requires planning decisions to be made in accordance with the development plan for the area, unless material considerations indicate otherwise. Planning Policy Guidance Note (PPG) 12 advises that SPG should be consistent with the development plan and cross-referenced to the relevant plan policy or proposal.

PPG12 states that SPG does not have the same status as an adopted development plan policy. SPG should only be referred to in the reasoned justification for a policy.

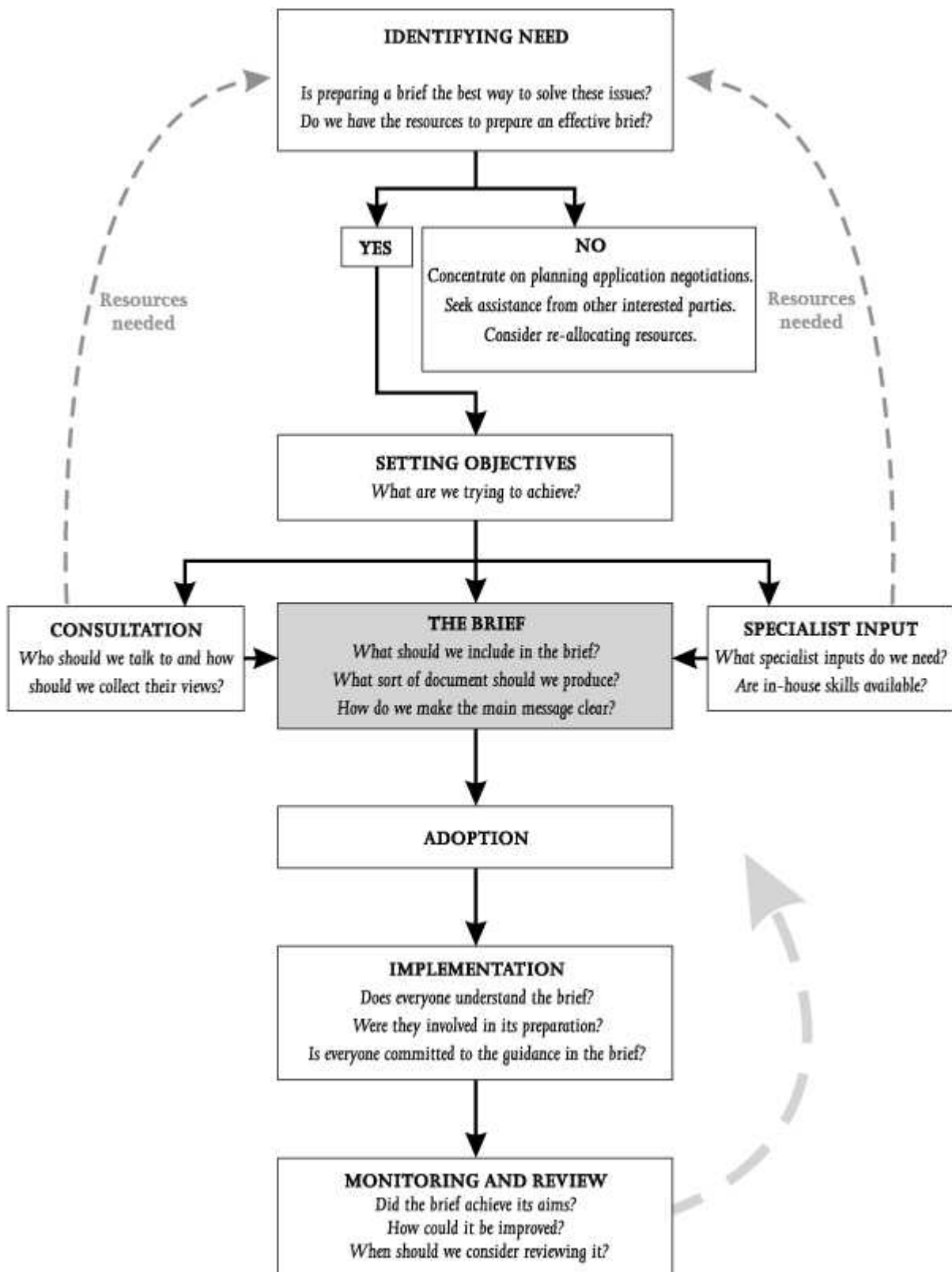
Planning briefs should provide guidance, supplementing, elucidating and exemplifying the policies and proposals of the development plan. They should be consistent with and referenced to the plan. They should not contradict, rewrite or introduce new policies.

Some development plan policies are general and broad-brush and there is considerable scope for interpretation in the planning brief. The planning brief may address issues such as the mix of uses, access arrangements and layout of the development.

#### **1.5 About the Guide**

The format of the Guide follows the stages of the briefing process it advocates. Figure 1 summarises the main components of the process and shows how they relate to each other.

#### **Figure 1: The briefing process**





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## Chapter 2: The need for a planning brief

### 2.1 When to brief

A planning brief may be required if the development plan and any existing supplementary planning guidance do not cover adequately site-specific issues which need to be addressed prior to the submission of a planning application. This may arise for a number of reasons, such as:

- a number of different planning, and possibly other, policies are applicable to a site, and clear and consistent advice for potential developers will expedite the development process;
- a site with apparent constraints on development is to be promoted as a development opportunity; or
- there are features of the site or the surrounding area which warrant specific guidance, on issues such as urban design, ecology, archaeology or the preservation of historic buildings and areas.

### 2.2 When not to brief

The research found that planning briefs are sometimes prepared unnecessarily. This not only uses valuable local authority staff time but may involve potential developers in abortive work. A planning brief may not be necessary where:

- the development plan together with any supplementary planning guidance provides an adequate basis for determining a planning application, taking all site-related factors into account;
- the local authority has no firm requirements for the site; or
- acceptable proposals are anticipated or are already being discussed with developers (eg where standard approaches to development are thought to be acceptable or where an acceptable planning application has been submitted).

The cost and time involved in preparing a planning brief should always be compared against the likely cost and time of securing acceptable development without it. The survey of users of briefs (developers, landowners, etc), conducted as part of the research, suggested that even when developers submit a proposal which fully complies with a planning brief, they may still have to go through a lengthy negotiation period over the planning application. The resources spent preparing such briefs may not reduce the amount of resources spent in negotiation, casting doubt on the utility of the brief.

The research also uncovered situations where briefs appeared to have had a negative

influence. For example:

- where the mix of uses called for was not financially viable and developers were deterred from submitting applications for the site; and
- where the brief set standards for development lower than should have been expected of potential developers.

In these circumstances it would have been better not to produce a brief at all.

If a local planning authority does not have the time or skills (or resources to buy-in skills) to prepare an adequate brief, other options are available. Poor briefing is often, according to the research, the result of a lack of resources. Other options to preparing a brief are available:

- exploring the potential for other interested parties (eg developers, landowners, interest groups) to contribute to funding or preparing the brief;
- reviewing the importance of the brief in relation to other departmental priorities and reallocating resources; or
- not producing a brief at all and relying on negotiation with developers.

### **2.3 The purpose of briefs**

The research investigated the two main functions of briefs in the planning process:

- improving the efficiency of the planning and development process; and
- improving the quality of development.

The scope for fulfilling these functions should be addressed as fundamental concerns at the beginning of the briefing process.

### **2.4 Minimising uncertainty and improving efficiency**

The research showed that briefs can improve the efficiency of the planning system by reducing uncertainty. They can advise developers of the nature of acceptable development, and the extent to which the brief's recommendations will influence the evaluation and determination of planning applications.

#### **Minimising uncertainty through brief preparation**

A good planning brief will make clear what is likely to be acceptable and what is unacceptable; where there is flexibility and where requirements are firm. If uses or forms of development

proposed by a planning brief are intended to be only indicative, it should say so. This should reduce uncertainty for developers, minimising abortive work and the amount of negotiation required over a planning application. The planning process should be more efficient as a result, provided that the effort put into producing the brief does not exceed that saved by its preparation. This Guide aims to promote such efficiency.

Around a third of the briefs reviewed in the research made no mention of how strictly their requirements would be applied. In such cases the user either has to infer, for example, the extent to which the mix of uses specified is the only acceptable one, or rely on the interpretation and guidance of individual local authority officers.

Certainty need not rule out flexibility. A planning brief may choose to leave some aspects of a site's development open to a relatively unconstrained, creative response. For example, where part of a site has been identified as requiring a distinctive building to act as a landmark, the brief may welcome innovative ideas.

The document and those preparing, implementing and using it must be clear what is firm and what is open to interpretation. If the local planning authority is prepared to consider creative responses to the whole site, then, as pointed out above, it may not be appropriate to prepare a brief at all.

### **Minimising uncertainty through brief implementation**

The degree to which the local planning authority is prepared to consider proposals which are outside some or all of the requirements of the brief should be made explicit. If the local authority is prepared to consider development options not covered by the brief, it should say so. The research identified one case where a planning brief had been prepared for a site, where compliant planning applications were submitted by developers, but a non-compliant application was granted permission by the local planning authority as a better solution. Cases were also cited where council members, on considering a planning application, reopened issues already addressed and resolved in the planning brief.

In such circumstances, not only is doubt cast on whether time used in preparing the brief was well spent, but the unsuccessful developers waste their time as well. Such problems may reflect inadequacies in the process of preparing the brief - a lack of clarity in defining objectives, inadequate specialist guidance, or failure to reach a true consensus on key issues.

## **2.5 Improving the quality of development**

Planning briefs, through their role of interpreting development plan policy, can influence the design of a site. Where the planning brief is prepared by suitably qualified and skilled people, it can focus developers' attention on the unique characteristics of the site and improve the quality of development.

However, there are pitfalls in seeking to improve the quality of development through planning briefs. They can ask for too much. Planning briefs which guide developers towards over-complicated solutions for sites may delay the development of the site. Unrealistic requirements can introduce new hurdles into the development process.

Other planning briefs ask for too little. Some briefs invite development of a standard below that which ought to be attainable or which is commonly provided by developers. Such briefs have either a negative impact on the quality of development, or no impact at all.

If a planning brief is to be worth preparing, it should aim to secure a higher standard of development than would have been achieved without it.

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## **Chapter 3: Setting objectives and shaping the brief**

### **3.1 Introduction**

This Chapter provides guidance on identifying and establishing the objectives of a planning brief. It also includes general advice on how to achieve them.

### **3.2 The importance of setting objectives**

The research showed that some planning briefs do not state clearly why they were prepared. Consequently their expectations were vague, possibly because they were inadequately addressed at the outset. The research found instances where:

- briefs had a number of objectives, some of which were implied rather than explicitly stated and justified;
- briefs did not clearly state any objective (this was true of around a third of the sample studied); and
- guidance was inconsistent with the stated objective, suggesting that insufficient thought had been given to why the brief was prepared.

A clear statement of objectives is crucial because they influence the whole briefing process. A clear statement of why the brief has been prepared and exactly what it seeks to achieve is fundamental to the brief's success. Objectives influence all aspects of the briefing process, most importantly:

- who should be involved in the brief's preparation;
- the format and content of the document;
- the need for specialist inputs;
- the extent of consultation; and
- implementation of the brief.

### **3.3 The main objectives of planning briefs**

The research indicated that most planning briefs have more than one objective. Clarification of development plan policy and promotion of high standards of layout and design are the most common objectives. The promotion of particular uses or mixes of uses is also common. Promoting problematic or publicly-owned sites for development was less common.

Development plans should provide clear policy guidance, but there may be good reasons why,

in relation to a particular site, the development plan alone cannot provide the detailed guidance required. Increasingly, development plans identify sites for which a planning brief is to be prepared. It is important to consider exactly what the brief seeks to achieve in these situations.

The research suggests that planning briefs are of three main types:

- those which clarify policies and their application to a specific site;
- those which seek to promote development of a difficult site or a site in public ownership; and
- those which provide design guidance responding to particular attributes of a site or its surroundings.

These types are not mutually exclusive. Nearly all briefs studied refer to the development plan policy context. Many briefs include elements of all three types, interpreting policy, highlighting the development opportunity and giving guidance on the design of the desired development. The distinction drawn here is that of emphasis. The different types of brief tend to concentrate on different issues. The issues relating to each type of brief are considered in turn.

### **3.4 Briefs which clarify policy**

Policy clarification is the most common purpose of planning briefs, whether or not it is an explicitly stated objective. Many of the briefs reviewed in the research stated their objective as providing a planning policy framework for the development of a site, drawing together relevant policies and applying or interpreting them for the site-specific circumstances.

If a site is sufficiently complex to merit a planning brief, there will usually need to be some interpretation or amplification of planning policies before a planning application is determined. Among the briefs reviewed in the research, it was in this respect that they performed best. Unless the policy context is adequately explained elsewhere, it will be helpful in preparing a brief for it to include an explanatory statement of development plan policies and any other supplementary guidance of relevance to the site.

Development plan policies should not attempt to delegate decisions to planning briefs and briefs should not override development plan policies. While it may be a material consideration in determining planning applications, SPG does not have the same status as an adopted development plan policy. In line with this guidance, many briefs responded to:

- particular assets or characteristics of the site protected or influenced by development plan policy; and
- development proposals crossing local authority boundaries and requiring a harmonisation of their individual requirements.

However, the research identified some cases where development plan policies had delegated

decisions to planning briefs, particularly where the development plan was due for review. These included circumstances where:

- exceptional development proposals, although considered acceptable in principle, raised policy issues not foreseen or covered by the existing development plan;
- guidance was needed on development proposals in advance of the next review of the development plan; and
- there was a need to interpret development plan policy in the light of new or revised government guidance.

In the context of a plan-led system, it will be important to ensure that plans are kept up-to-date so as to enable desired developments to go ahead. It may be more appropriate to devote resources to this purpose rather than the preparation of development briefs. The process of altering or replacing a plan ensures adequate consultation and allows an opportunity for objectors to appear before an independent inspector before proposals are afforded development plan status.

### **Establishing the local authority's expectations**

The clarification of a local authority's wider expectations for a site is a key step in ensuring efficiency in the planning process. A planning brief will usually be formally adopted as a statement of a local planning authority's expectations for a particular site. These should be established in the context of development plan policy. However, the scope allowed for SPG may still be quite wide. In these circumstances it is particularly important to take the requirements and expectations of the authority's other departments into account.

There may be several departments of a local authority with interests in the development of a site, and these may sometimes conflict. The preparation of a brief provides an opportunity for such conflicts to be resolved. This will ensure that different local authority departments give consistent advice to developers.

### **3.5 Briefs which promote development**

The use of planning briefs (often called development briefs) to promote the development of individual sites is on the increase. This is mainly because:

- local authorities have been encouraged to dispose of surplus land and buildings;
- economic regeneration has become an important local authority responsibility; and
- a great deal of urban land has been vested in development agencies and public/private sector partnerships bidding for regeneration funding, with the express purpose of getting it developed or redeveloped.

Briefs which seek to promote development have distinct characteristics. The policy context will

remain relevant and important in such circumstances, but their content and presentation will be focused on stimulating developer interest. The difference between primarily 'promotional' briefs and others lies in the topics they emphasise. These include:

- the strategic advantages of the site for development;
- ways in which site development constraints can be overcome;
- steps already taken to bring the site forward for development; and
- any further assistance that may be available to ensure viable development.

Briefs which seek to promote development are useful in a number of situations. This kind of planning brief may be required for a site if:

- there has been little or no interest from developers;
- there are identifiable site-related constraints which can be overcome;
- the site forms part of a wider area within which development and regeneration is being promoted; or
- a local authority is seeking to dispose of a site. (This raises particular issues which are discussed later in this section.)

### **Stimulating interest**

There are occasions when the potential of a specific site may go unrecognised. The development industry thrives on identifying development opportunities, but the potential of a site may be overlooked in circumstances where, for example:

- measures proposed by public agencies or partnerships to overcome development constraints are not widely known (such as site acquisition, improving access, or cleaning up contaminated land); or
- a commitment by public agencies to help resolve anticipated constraints (such as geotechnical or contamination studies) has been agreed but not publicised.

### **Identifying constraints**

Identifying the factors preventing development and the means of overcoming them is a key element of this type of planning brief. The local planning authority should establish why sites have remained vacant or derelict for extended periods before a brief is prepared. These reasons may include:

- land-locked, contaminated or unstable sites assumed to be difficult and expensive to



develop;

- sites adjacent to bad neighbour uses being avoided as long as others are available; or
- sites in multiple-ownership seeming too complicated and time-consuming to bring forward.

There will often be several reasons why a site has not been developed and it may take specialist knowledge to identify them. This knowledge is sometimes held within the authority, but it is often necessary to commission independent specialists to identify all the reasons and their relative importance.

The research showed that few local authorities used their own specialist urban design, ecology or property market expertise, and many used no specialist advice at all. In some cases, especially when promoting development of a publicly-owned site, the use of external specialists may be desirable to demonstrate the independence and objectivity of the guidance.

A planning brief should identify measures necessary to overcome the constraints identified and, where appropriate, their anticipated approximate cost and any sources of assistance likely to be available in overcoming them. This will help developers to determine the site's value and their approach to its development. This could also help to stimulate alternative approaches to overcoming constraints. If the local authority is prepared to consider alternative development approaches, the planning brief should make this explicit.

### **Acknowledging the influence of the property market**

Government advice stresses the need for development plan proposals to be realistic. A local authority should be aware of factors such as local market demand, the costs of infrastructure and the availability of public and private sector finance when preparing a planning brief. What constitutes appropriate development is established primarily through the plan preparation process, and land values reflect this. However, potential developers will take property market factors into account and those preparing the brief should consider these as well.

The research identified several cases where the development promoted by a planning brief was unlikely to be achieved given the prevailing property market conditions. This meant that:

- the effort put into preparing the brief was largely wasted;
- developers incurred costs in demonstrating that the requirements of the brief were not viable;
- the ensuing negotiation delayed development; and
- community expectations were unrealistically raised.

An understanding of market imperatives and their recognition in the brief will improve its credibility and reduce the amount of time to be spent in negotiation. Such information will ensure that those competing to develop a site are working from the same assumptions.

Developers will see the assumptions on which the brief is based and either accept them or demonstrate why they should be modified.

Briefs can help cope with negative land values. In some cases the constraints on a site are such that the costs of overcoming them are greater than the capital value of the land for the uses promoted by the brief. Grants are available through Government and European agencies. The brief can provide guidance on funding sources and identify ways of overcoming site constraints.

Investigative work carried out in preparing a brief may suggest that the uses allocated by the development plan should be reviewed. Fundamental changes to the preferred uses for a site should be made by a formal alteration to the development plan.

### **Promoting mixed-use development**

The research indicated that the specification of mixed uses in a brief, provided it is realistic, may help to attract those developers able to respond to, and take advantage of, the special circumstances, and deter those interested only in single-use projects.

Recently updated government guidance on mixed use development in PPG 13 was informed by the experience of initiatives by development agencies, local authorities, developers and professional groups to promote it. Renewed interest in more sustainable forms of development and in greater urban diversity and vitality is, in general, a reaction to large scale single-use developments preferred in recent years by developers and investors.

In the past, the financing of development has militated against mixed-use development other than familiar combinations such as offices over shops. Institutional developers and lenders preferred to keep uses separate in order to maintain maximum flexibility and control over the future disposal of their assets. This is now less of a constraint, although mixed-use sites rather than mixed-use buildings remain the option preferred by most developers.

The last downturn in the property market encouraged innovation in the creation and funding of development opportunities. More developers are now prepared to take on mixed-use schemes.

Planning briefs should not merely reflect the expectations of the property market; they should provide an intelligent interpretation of all factors affecting the feasibility of development. They should consider the local demand for different uses, and the end-use values likely to be achieved. Briefs can then promote a realistic mixed-use combination.

The research suggests that combining uses in the right proportions is an important element in ensuring that a mixed-use scheme is successfully taken up. The research identified a few examples where a mix of uses within a single development site had been achieved, prompted in part by the planning brief. Some schemes only became viable when the suggested mix or proportions of uses was amended. Some schemes failed because they included too little of the higher value uses that were required to make the scheme viable.

The most appropriate sites for mixed-use development are typically, but not exclusively, in inner urban and town centre locations. They are generally expected to raise the level and intensity of economic and social activity in their locality. There may be strong arguments for

considering relaxing planning standards for density and parking on these sites. Further details are set out in section 3.6.

### **Promotion of publicly-owned sites**

The preparation of a brief for a publicly-owned site raises particular issues. The local authority should be able to demonstrate that the flexibility allowed to promote the development of a local authority-owned site is no different from that which would be applied in similar circumstances to a privately-owned site. It is quite common, during negotiations on planning applications, for the local authority's desire to see a site developed to influence the flexibility with which planning policies and standards are applied. The same approach may be adopted in the preparation of a planning brief, to promote interest in the site and reduce the amount of negotiation at a later stage.

Section 123 of the Local Government Act 1972 provides a general and discretionary power for local authorities, other than parish or town councils, to dispose of "land" in any manner they wish. If the authority wishes to dispose of land for a consideration which is less than the best which can reasonably be obtained (which can be money or money's worth), they must first obtain a disposal consent from the Secretary of State, unless the disposal is by way of a short tenancy. For the purposes of section 123, the best consideration is that obtainable on the open market taking into account the existing use and any alternative uses which may be permitted under planning law. Further guidance is contained in the memorandum to Circular 6/93. In the case of development sites, the best consideration will depend in part on what is likely to be gained by planning permission.

In cases where the site is in public ownership, a planning brief may form part of the tendering process. The distinction between the requirements of the brief and the financial expectations of the local authority should be resolved before the site is tendered.

An independent appraisal of the viability of different uses or combinations of uses may be required. Local authorities may carry out an in-house appraisal of a site they own, investigating the viability of different uses or combinations of uses. Alternatively, or following this, it may be appropriate to commission an independent, external appraisal. This can help to resolve the council's responsibilities and interests. It can also help to achieve a consensus between planning and estates departments, acceptance by council members, the approval of the District Auditor and the understanding of developers and the general public.

If a financial bid is made by a developer on the basis of information provided in the planning brief which subsequently proves to be inaccurate or misleading, an issue of liability could arise. The status of advice given in the planning brief, whether declared or not, will be particularly important for local authority-owned sites.

The need to dispose of a publicly-owned site is not a sufficient reason in itself for preparing a planning brief. If anticipated uses are in accordance with the development plan, if there is evidence of healthy demand, and the other grounds for preparing a brief do not apply, land disposal should proceed as an entirely commercial matter.

### **3.6 Briefs which provide design guidance**

The third of the three main types of planning briefs identified by the research were those which sought to influence the design quality of development. They were usually called "design briefs", but were also called "planning" or "development frameworks", and "planning and design briefs". They were not usually restricted to design issues alone. The design-related aims included:

- protecting certain characteristics of a site or its surroundings - listed buildings, conservation areas, archaeology, ecology or other sensitive features;
- enhancing or making the best use of certain features, such as topography, mature landscape, public access or open space; and
- ensuring that new development met acceptable standards of design and was in keeping with its setting.

### **The need for a design brief**

Site-specific design guidance should only be necessary where there are grounds for modifying general policies or standards, or where there are resources on or around the site which require specific attention or protection. Most local authorities have general design guidance and standards for different types of development. Together with the development plan, these should be sufficient to guide development in normal circumstances. The justification for providing design guidance should be clearly stated. The special characteristics of the site to be protected/enhanced/ exploited should be identified and illustrated.

Within the constraints of the development plan, the local authority may use a planning brief as a vehicle for modifying normal standards on issues such as density, parking, dwelling mix and open space. For example, a higher density of development may not only generate the higher level of activity sought as a planning objective on a site, but also secure the financial viability necessary to bring it about.

Modifications to planning standards should be carefully thought through. Achieving a high quality, high density environment requires careful attention to detail. The planning brief should set out the design principles and standards expected.

### **The quality of guidance**

The research found that despite the existence of design briefs, housing schemes were being developed to largely standardised layouts throughout England and Wales. Realistically achievable higher standards could have been set in planning briefs with the help of expert advice. In some cases, schemes granted permission were in accordance with briefs, but did not address adequately the way in which, for example, the road layout and the arrangement and orientation of buildings related to the characteristics of the site.

Planning briefs tend to be over-specific on design details such as the detailing of buildings or materials to be used. They often provide insufficient or inappropriate guidance on general layout, the form of buildings (height, scale, massing, etc.) and the relationship of buildings to spaces and the landscape. Achieving a high standard of design was an explicit or implicit

objective of many of the planning briefs evaluated in the research, but these were the least successful in practice.

The research showed that there is sometimes an implicit assumption by local planning authorities that good design may be secured by providing guidance solely on the detailing of new buildings and the materials to be used. In a number of cases where such advice had been provided, sites had been developed to a standard layout with little or no acknowledgement of local features or site characteristics. Although the design and material of individual buildings reflected the brief, the absence of any integration of the development into the landscape or built environment had a more significant effect on the quality of the development as a whole.

Some authorities interviewed during the research expressed satisfaction with the response of developers to planning briefs, even when the development had been constructed to an entirely standard layout. This suggests that further education of local authority staff and members on what can and ought to be achieved through the briefing process could secure higher standards of development.

PPG 1 states that design advice in planning briefs, while avoiding unnecessary prescription, should provide guidance on issues including scale, density, massing, height, landscape, layout and access in relation to neighbouring buildings and the surrounding area more generally. Briefs should rarely prescribe in detail how a designer should respond. The materials and style of existing buildings will often also be relevant considerations, especially where these aspects of new development are likely to have a significant impact on the character and quality of the existing development.

Materials, architectural style and detailing are particularly important in conservation areas. Design briefs for sites in conservation areas should reflect the special features of the area. Briefs should be consistent with existing conservation area statements and policies. Where none exist, the local planning authority should prepare them.

The urban design principles set out in a planning brief should provide a sound basis for detailed design. Applicants for planning permission should be able to demonstrate how their proposals respond to the design requirements of a planning brief.

If features are worthy of protection or enhancement, specialist expertise may be required to evaluate their importance and sensitivity, and set appropriate parameters for development. The commissioning of expert urban design assistance is addressed in section 6.4.

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## **Chapter 4: The content of planning briefs**

### **4.1 The scope of information to be provided**

The content of a brief should reflect its purpose. Establishing the need for, and the objectives of, a planning brief at the start of the process helps to determine the scope of information and advice to be included. All relevant information should be included, but a planning brief should not be a repository for everything the local authority knows about a site. Extraneous information may obscure what is really important.

The items listed in this section are likely to be relevant in most cases. Where a potentially relevant issue is not to be covered by a planning brief, perhaps because it is covered in general guidance or a separate study, the brief should say so. Lack of vital detail was a commonly-cited problem in the research project's survey of users of briefs. The evaluation of the sample of 150 briefs conducted as part of the research found some that lacked even the most basic information, such as the area of the site or a site plan. Others overlooked important issues such as the financial viability of the suggested development.

The checklists in this chapter will help prompt conscious decisions about whether or not it is necessary to include certain information or to address particular issues in a brief.

### **4.2 Objectives**

It is essential that a brief starts by explaining why it has been prepared.

Briefs should set out their primary and any secondary objectives clearly. This sets the tone for everything that follows.

### **4.3 Information about the briefing process**

A brief should give some background on the briefing process and how it fits into the development process. This should include information on:

- who prepared the brief;
- the consultation process;
- the stage of the development process (eg whether an outline planning application has been submitted); and
- the status of the brief.

### **4.4 Site information**

The information which will be appropriate in an individual brief will depend on the objectives of

the brief. Briefs seeking to promote a site for development may, for example, give information about the strategic road and rail links to the site. Briefs seeking to influence the form of proposals so that they fit within a conservation area may concentrate on giving a detailed description of the area surrounding or adjacent to the site.

The following checklist is a guide to all the site information local planning authorities should at least consider including in a planning brief:

- physical context - descriptive information on the surrounding area (topography, adjacent uses, townscape, road network, public transport, etc) including a location plan;
- site description - physical description of the site (topography, vegetation, buildings, access, roads, etc) including a site plan;
- public utilities and services, and their capacity;
- site history - including previous uses and planning history;
- ownership and any related information, such as covenants;
- formal protection or designations relating to the site or surrounding area - conservation areas, listed buildings, scheduled monuments, areas of archaeological potential, Sites of Special Scientific Interest, Airport Safeguarding Zones, etc; and
- existing consents and current proposals for both the site and the surrounding area.

### **Site constraints**

If a site-specific planning brief is justified, there are likely to be unique site constraints. The planning brief should identify these, explain why they are important and suggest how they might be overcome. Likely constraints may include:

- areas/features to be protected from development (areas of nature conservation value, areas of potential archaeological interest, trees subject to preservation orders, etc);
- ground conditions;
- previous uses and possible contamination;
- access limitations; and
- sensitive uses or buildings on or adjacent to the site.

## **4.5 Policy context**

Whatever the main objective of the brief, it will usually be helpful to identify relevant national

and local planning policies and their interpretation in relation to the site, including :

- national planning policy guidance;
- statutory development plans;
- supplementary planning guidance;
- regeneration strategies and other area-based initiatives; and
- other local authority policies relevant to the development of the site.

#### **4.6 Appropriate development responses**

The interpretation of planning policies in relation to a specific site through a planning brief allows them to be tuned more closely to individual sites.

The types of issues considered could include:

- uses sought/acceptable/unacceptable;
- the viability of the uses or combination of uses selected, including consideration of market demand and development costs;
- additional infrastructure and facilities to be provided and by whom;
- planning standards to be applied, and the degree of flexibility;
- layout of the development including access, parking and circulation;
- scale, massing and height of buildings;
- landscaping;
- buildings to be retained (including listed buildings);
- design criteria; and
- off-site requirements.

The brief may also include information on issues regarding implementation of development on the site. This is particularly important in promotional briefs. The issues might include: guidance on reclamation works; advice on the phasing of development; and information on possible funding sources.

#### **4.7 The role of the brief in development control**

A planning brief should explain what is expected in response to it. The next step may be initial



expressions of interest, an outline planning application or a full application. It will smooth the subsequent stages of the planning process if the sequence of events anticipated by the local planning authority, with a timetable if appropriate, is set out clearly in the brief.

#### **4.8 Sources of additional information**

The sources of all specialist information should be acknowledged, and a contact name and telephone number provided. If possible the names of those who provided information should be included. Those named should be aware of, and comfortable with, their responsibilities in relation to the brief. Developers will often have their own contacts with other agencies and statutory undertakers. Where possible, one nominated contact will help to ensure that the local planning authority, developers, landowners and other interested parties receive consistent advice.

## Chapter 5: Consultation

### 5.1 Introduction

The process of preparing a planning brief involves seeking the views of a number of departments, agencies and individuals, and balancing their interests in making recommendations for the development of a site within the overall policy framework set by the development plan.

The appropriate approach to consultation should be addressed early in the briefing process. There will be a wide range of potential consultees and several methods of consultation. The research suggested that too often the consultees chosen and the methods used tended to reflect local planning authorities' standard practice, rather than being tailored to the requirements of a particular brief. In addition, there were cases where the issues raised through public consultation were not properly addressed in the later stages of the briefing process.

### 5.2 Consultation and the status of a planning brief

PPG 12 emphasises that the weight accorded to SPG as a material consideration in determining a planning application will increase if it has been prepared in consultation with the public and has been the subject of a council resolution. 6

### 5.3 Consultees and methods

Choosing the relevant people and agencies to consult and the best method for obtaining their views is important. Consideration of the following questions will help to select the appropriate consultees and methods:

- which site-specific issues do we want to explore? This will depend on factors such as the scope set by the development plan for discussing different uses, or combinations of uses, for the site and the stage of the development process;
- to what extent can we (and are we prepared to) respond to issues raised? Consultation which generates wish lists beyond the local planning authority's ability to deliver, or which attracts comments which cannot be followed up, wastes time, raises unrealistic expectations and undermines the credibility of the briefing process;
- given the issues to be explored and an idea of the depth in which we want to consider them, who should we consult?
- how should we consult them?
- when should we consult them and how many times?

The research asked local planning authorities who they consulted when preparing briefs and

what consultation methods were used.

### Typical consultees

Typical consultees included:

- landowners (both of the site and adjacent sites);
- current occupiers (both of the site and adjacent sites);
- development industry representatives (developers, estate agents);
- local community and interest groups;
- local commercial groups such as chambers of commerce;
- statutory consultees;
- statutory undertakers;
- other departments in the local authority;
- other local authorities;
- regional planning bodies; and
- council members.

### Typical methods

The methods typically used included:

- written contact with selected individuals and agencies (letters, leaflets, draft briefs);
- public meetings;
- community forums and networks;
- leaflets and newsletters;
- local media (radio and newspapers);
- questionnaires;
- site notices;
- public exhibitions; and
- participatory workshops.

## 5.4 Consultation with other departments and agencies

### Consultation with other departments

The research investigated cases where the main reported benefit of the preparation and adoption of a planning brief was the opportunity to resolve differences of opinion within the local authority regarding the appropriate development of a site (see section 3.4). Preparation of a brief provided the framework for departments such as environmental health, economic regeneration, highways and engineering, estates and architecture to have an input into the authority's approach to the development of a site. Members with particular interests in a site, such as ward councillors, could also be included in the process.

## Consultation with other agencies

Although the responsibility for preparing a planning brief will usually lie with the local planning authority, it may require expertise and advice beyond that available within the typical local authority. A large proportion of the planning briefs reviewed in the research included contacts at other agencies which had either made an input to the brief or would be able to provide useful information. (More guidance on specialist inputs is given in the next chapter.)

The team preparing the planning brief should consult the appropriate departments or agencies, making quite clear:

- the reason why the information is needed;
- the context within which it is to be used;
- the fact that it is going to be published; and
- the need for a named contact able to provide further advice to third parties.

The use of nominated contacts will ensure that the local planning authority, developers, landowners and other interested parties receive consistent advice. The departments and agencies consulted may be providing advice which is detailed and technical. They should have the opportunity to check and comment on a draft of the planning brief. Once the brief has been adopted, copies should be sent to the nominated contacts. This will ensure that they are aware of the context within which their advice has been publicised, and can anticipate questions or requests for additional information.

## 5.5 Consultation with neighbouring authorities

Consultation should ensure that the implications of the development promoted by a planning brief are fully understood by the neighbouring authority. The compatibility of the statutory planning policies of adjoining authorities should be resolved through the consultation stages of their respective development plans. Any unresolved objections should be brought to the attention of elected members before a planning brief is adopted.

## 5.6 Consulting the public

In the light of the importance attached by Government advice to public consultation, it is helpful for an adopted brief to describe the extent of public consultation. It may also be helpful to record objections which it has not been possible to resolve - they may be of interest to developers.

Section 5.3 identifies some of the public consultation methods available. Apart from the general requirement for public consultation to strengthen a planning brief's status, a high level of public interest in the development of a site may be one of the factors which prompts the preparation of a planning brief. In such circumstances, one of the objectives of the brief will be to evaluate public demands and expectations in relation to policies, market demand and other

relevant considerations, and to indicate:

- the nature of development that will be acceptable; and
- legitimate community concerns to be resolved.

The extent of public consultation and the methods used will depend on the scale of development and the level of interest likely in the proposals. In the case of a 'back-land' development site, it may be sufficient to notify occupiers and owners of surrounding properties and invite their comments on the draft brief, in much the same way as they would be invited to comment on any planning application made in relation to the site.

In the case of large-scale mixed development, it may be appropriate to extend consultation to resident and trading organisations, special interest groups and individuals over a wider area.

In the case of large-scale or controversial projects, it may be appropriate to hold public meetings and even establish a working group with community representation to co-ordinate community input.

The level of consultation should be matched to the scale of the proposed development: too little will lead to complaints that local interests have been ignored; too much may raise unrealistic expectations with the same result. In either case, further objections may be expected at the planning application stage, resulting in delays which may reduce the value of the briefing process.

### **Phased consultation**

In the case of very large sites, it may be appropriate to employ different consultation methods at different stages. For very large sites, the brief may be designed to guide development over a period of years, with the level of detail increased in successive stages. In such cases the consultation should be managed similarly, to avoid people getting too involved in detail in the early stages, or going back to first principles when detailed matters are being discussed at a later date.

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## Chapter 6: Specialist inputs

### 6.1 Recognising the need

The research suggested that the need for specialist guidance is not always recognised when planning briefs are being prepared. In some cases, potentially important issues were either not addressed, or were tackled in a superficial or otherwise inappropriate manner.

In these cases, the usefulness and reliability of the planning brief was devalued. The opportunities for promoting the assets of a site and high quality design solutions were missed, and this was reflected in the character and quality of the completed development. The research suggested that lost opportunities are common, and that specialist inputs, particularly in urban design, could help to secure substantially higher quality development.

As well as leading to missed opportunities, a poor brief can introduce problems to the development process. The research investigated situations where lack of market expertise had meant the brief called for a mix of uses which was not viable, stalling development.

A planning brief may also be open to challenge at a later date if the advice given is sub-standard. This may result either in arguments over a planning application or in a planning appeal.

#### Typical topics requiring specialist input

Typical topics on which specialist input is likely to be helpful are:

- ground conditions and geotechnics;
- contamination and remediation;
- traffic impact assessment and access arrangements;
- archaeology;
- features of particular architectural or historic interest;
- nature conservation;
- property valuation and development issues, including timing, finance and phasing; and
- landscape and urban design.

The person or team responsible for preparing a planning brief should be prepared to recognise the limits of in-house expertise and resist the temptation to cover everything themselves. This is likely to increase the time required to prepare the brief and its cost. However, a key reason for preparing planning briefs is to make the planning process more efficient. Investment in the right level of specialist input in the planning brief is likely to pay dividends later. Skimping on

key areas can lead to the production of unhelpful or misleading guidance.

## 6.2 Using in-house and external expertise

Some local authorities generate sufficient demand for specialist advice to merit employing specialists. Either because of their size, or the prevalence of particular issues within their boundaries, it is cost-effective for these authorities to employ specialists on a full- or part-time basis.

Small authorities may be able to consult county specialists or those of nearby larger authorities or agencies. English Heritage, the Environment Agency and English Nature can be consulted on an ad hoc basis.

Specialist expertise may also be available in other departments of the local authority - engineering, estates, housing, etc.

External specialists must be carefully briefed. Where professional expertise has to be bought in from outside, careful briefing and agreement on the scope of the specialist study and the level of detail required will maximise cost-effectiveness.

It may be appropriate to commission specialist inputs as a two-stage process, avoiding over-detailed and expensive investigations if an initial study indicates they are not necessary. The cost of specialist advice will tend to rise with the level of detail and liability. This should be assessed at the outset in relation to the likely significance of the issue in bringing the site forward for development.

Where specialist advice is included, the planning brief should make clear the level to which research has been carried out, by whom, and the level of expertise involved. It should also identify any further work on the topic which may be required to increase the level of certainty.

Some specialist inputs, on such issues as urban design, landscape appraisal and site conditions, are likely to be required regularly. It may be worth considering them whenever a brief is being prepared, so that a decision is always taken rather than the issue being ignored or forgotten. Several cases came to light in the research of circumstances where planning briefs merited specialist inputs which appeared to have been ignored.

Where a decision not to address a particular topic has been taken, it may be appropriate to state this in the planning brief, explaining that the guidance is available elsewhere - in a design guide, in previous site investigations or from other sources.

## 6.3 Status of advice provided

The status and reliability of the advice required needs to be made clear to the specialist commissioned at the outset and made explicit in the final planning brief. The nature of the advice will vary a great deal depending on the specialist topic, but will be either:

- an expert review of available information and the likely implications;

- an expert assessment of the value of existing features on the site;
- a detailed site investigation and interpretation of data; or
- a warranted evaluation of the risk to development and the estimated cost of necessary remediation.

#### **6.4 Urban and landscape design assistance**

Many briefs which seek to influence the design of developments are currently prepared without specialist urban or landscape design advice. They may then be misguided, promoting an inappropriate or substandard design solution. Some larger authorities have the resources to employ expert design advice in-house but for those that have not, there is a temptation to make do without it.

The cost of employing specialist advice should be weighed against the credibility of the brief and the time which may be involved later in trying to defend advice which cannot be justified. This underlines a key point made at the beginning of this Guide. If a local authority does not have the resources to provide adequate briefing, it should consider influencing the development of the site in a different way.

#### **6.5 Property market intelligence**

The research showed that property market considerations are seldom addressed. Specialist expertise is often required. Planning briefs should not always defer to the local property market. In fact, national and local land use planning policies will have a significant impact on land values. But in the context of a specific site, and depending on the objectives of a planning brief, demand and value will influence developer interest and the prospects of getting a site developed.

It may be necessary to get external assistance, either in terms of informal advice or through commissioning specialists to carry out research. If a local authority has the resources internally to test its expectations for a site in relation to the market, this will be a straightforward part of the brief preparation process. However, not many have these resources. Informal advice may be sought from local property agents, but given the volatility of the property market and the diversity of local knowledge, it may be necessary to consult a number of agents to establish a clear picture.

Where a local authority feels that more authoritative and accountable advice is required, it can appoint a property specialist to research the market thoroughly, evaluate the site's current and future prospects, and highlight any conflict with planning or other policy expectations. Such circumstances may arise where:

- there is intense local developer interest which demands an objective view from an outside specialist;



- there is a lack of developer interest in a site;
- the site is proving difficult to develop because site or policy constraints seem to be precluding uses which might make development viable;
- the site is publicly-owned and the District Auditor will have to be satisfied that the value of the site meets the criteria set down for such disposals;
- the site is a high-profile local community and/or political issue; or
- there are strong differences within the local authority to be resolved.

The cost of providing such specialist advice, like any other, should be weighed against the saving of time and resources later.

The extent to which the results of property market research are reported in a planning brief needs to be considered carefully. It may be necessary to demonstrate that the advice provided is reliable and justifiable, but some assumptions on value are extremely sensitive and making them public could affect the values they seek to predict.

## **6.6 Environmental Assessment**

Where appropriate, a planning brief should at least indicate whether or not Environmental Assessment (EA) will be required. It may also help to establish the scope of any subsequent assessment. Certain types of development require formal EA before planning permission can be given. These are listed in Schedules 1 and 2 to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI 1199) (as amended). Those projects listed in Schedule 1 require EA in every case; those listed in Schedule 2 require EA if the project is likely to have a significant effect on the environment.

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## Chapter 7: The document

### 7.1 Keeping it simple

A planning brief will usually be more effective if it is short and easy to read. The circumstances which trigger the need for a brief are likely to be complex, so a clear structure and straightforward presentation will help to get the guidance across. If a lot of detailed information is necessary, appendices may help to keep the main message uncluttered. A summary can be used to highlight key aspects of the brief and guide readers to the parts of the document in which they will be most interested.

The format will be dictated to some extent by:

- the nature of the site and the issues to be addressed;
- the objectives of the brief;
- the corporate approach adopted by the local authority; and
- the range of people likely to be interested.

The structure of this Guide provides a format suitable for most briefs. This builds on the good practice identified in the research. If this approach is adopted, it will help to establish a consistent format for planning briefs in general and ensure that they all address relevant issues in a logical sequence.

The main messages in a planning brief, particularly its objectives, should stand out clearly. It is particularly important to start with consideration of the need for the brief and what its objectives are. A brief should end with what is expected in response to it - a planning application, discussion of particular issues, a tender bid, etc, and details of how the local planning authority will use the brief in the development control process. The process of implementing a planning brief is covered in more detail in the next chapter.

Some briefs evaluated as part of the research were so short as to cause one to question the need to produce them at all. It should not be necessary to go to the effort of preparing, adopting and publicising advice on a site if it can be accommodated on one or two A4 sheets. Planning briefs of this type generally fail to give advice which could not have been derived simply from development plans or existing supplementary planning guidance.

### 7.2 Presentation

#### Format

The standard A4 portrait format is the most commonly used and will fit files, briefcases and bookshelves. If a larger format is required, for example when complex plans need to be incorporated, A3 landscape should be used. Other formats may be eye-catching but are

difficult to use.

Multiple volumes and loose sheets should be avoided, as these can become separated and lost. If so much information is required as to make separate appendices essential, volumes should be annotated to make it clear that they do not stand alone (eg Volume 2 of 3).

Documents should be bound along their spine and provided with a stiff or semi-stiff cover to prevent them falling apart with use. A4 sheets of paper stapled in the corner tend to lack authority and fall apart over time. Such presentation is seldom adequate.

## **Visual material**

A location map, sufficient to guide people unfamiliar with the site directly to it, and a site plan, showing its main features and those of its immediate surroundings, are essential. Plans should be prepared specifically for the purpose and clearly drawn. The scale should be appropriate to the site and marked on the plan. Photocopies from other sources tend to be of variable quality. They can be difficult to read and detract from the authority of the brief.

A consistent format for maps, plans, illustrations and photographs will boost the accessibility of the document and consequently its credibility. The use of colour will help to convey complex information in some cases but it should be borne in mind that the brief is likely to be photocopied, whole or in part, by users.

Photographs can be very helpful in explaining the site and aspects of the brief. Aerial photographs of large sites can help explain the site characteristics and context, but these need to be up-to-date or dated if they are intended to indicate historic use. Photographs of key buildings or features to be retained will help to explain why and how they define the standard of development which the brief seeks in response. Commissioning aerial photography can be expensive but many local authorities have occasional aerial surveys of much or all of their area, and they may be available, subject to copyright restrictions, from other sources.

If a planning brief includes illustrations, the standard of presentation must be capable of communicating the advice being provided and the quality of response sought. It helps if illustrations are in black and white as copies taken will be easier to interpret. If colour is used in original illustrations, it should be reproduced in the planning brief. The research uncovered some cases where colour illustrations were reproduced in black and white. This made them difficult to interpret and potentially misleading.

A high standard of graphic design and presentation may be appropriate for briefs which seek to promote a site for development. In the case of planning briefs which aim to promote development of difficult sites, and which may also be part of a tendering procedure, part of the brief's function will be to stimulate interest. In such cases, a higher standard of graphic design and presentation may be appropriate.

Care should be taken with artists' impressions. Some briefs which seek to promote development include artists' impressions of the sort of development anticipated. These should be carefully prepared and realistic. An over-elaborate presentation of a final development is more likely to deter developers than attract them. Images of good development in the immediate or wider area which demonstrate a general standard to be met may be more

appropriate.

For convenience, visual material should be provided next to the text referring to it. Many briefs include their illustrations and visual material at the end of the document. This makes them difficult to use.

### **7.3 Publicity and availability**

The extent to which a planning brief should be publicised depends on a number of factors. The research showed that current practice in terms of publishing planning briefs and making them publicly available varies a great deal. The extent of publicity will depend on:

- the purpose of the brief;
- the anticipated level of developer interest (local, regional, national);
- the extent of consultation; and
- the intended development timescale.

A planning brief as part of a disposal strategy and tender process will normally be advertised in the appropriate newspapers and journals. Those which have been the subject of extensive consultation or are live local issues should be publicised through carefully prepared news releases.

Copies should be sent to main contributors and other key people consulted during preparation.

In most cases, it should be sufficient to have copies of the brief available at the offices of the local authority for collection or for dispatch by post on request. In some cases, it may be appropriate to have copies available at local libraries or other community centres. Increasing access to the Internet and the setting up of Websites by some local authorities raises the possibility of planning briefs being made available 'on-line'. The value of this will depend on the level of interest likely to be generated and the level of response anticipated.

Some local authorities have regular news sheets or take space in local newspapers. These can be used to advertise the adoption of a planning brief, its purpose, and its availability.

### **7.4 Recovering costs**

Most planning briefs are currently available free of charge. Some authorities charge a cover price sufficient to meet printing costs. Where the authority intends to make the brief available subject to a charge, it is reminded that the Local Government (Access to Information) Act 1985 provides that any member of the public is entitled to request a copy of any report considered at a council meeting, subject to the payment of a reasonable fee covering the cost of making the copy. (The 1985 Act inserted sections 100A-100K and Schedule 12A into the Local Government Act 1972; see in particular section 100H.)

## Chapter 8: Implementation, monitoring and review

### 8.1 The planning brief and the rest of the development process

The adoption of the planning brief does not mark the end of its role in the development process. The team responsible for preparing the brief should have been aware, from the outset, how the brief was to be used to influence the development process. In most circumstances, the brief will be prepared before a planning application is submitted but in some cases it may follow the granting of outline consent. This will influence the scope of the planning brief and the subsequent steps to be followed.

If the development context of a site has been properly evaluated and understood, it should be possible to estimate the timescale within which a brief might be expected to secure development. This should be made clear in the brief and a commitment made to review it within a given period if development has not occurred.

### 8.2 Adoption, status and liability

A planning brief should normally be adopted by the resolution of elected members and this should be made explicit in the brief. If it is necessary to circulate a brief for consultation, its draft status should be made clear. Similarly, the final version should be easily distinguishable from the draft.

In some cases, notably in the case of planning briefs accompanying invitations to tender, the information provided may be used by potential developers to inform their calculation of the value of the site. In such cases, the validity and reliability of the information will be particularly important. A financial bid which is based on inaccurate information and subsequently fails may involve the developer in substantial costs. This may have legal and financial implications, leading to a claim against the authority.

The brief should:

- acknowledge the local authority's responsibility and any liability for information provided;
- indicate any third party carrying liability for certain inputs, such as specialist consultants;  
or
- make it clear for which parts of the brief liability is denied.

### 8.3 The need for further analysis

If further work is needed on a particular topic before a planning application is submitted, the brief should make this clear. For example, a traffic impact assessment or site investigation may be required. The brief should also identify who is responsible for carrying it out.

## **8.4 Evaluating responses to the brief**

Those responsible for evaluating responses to a brief should have been involved in its preparation. Similarly, those responsible for evaluating planning applications for a site must accept and implement the provisions of the planning brief if it is to be successful. The research identified a few cases where the effectiveness of a planning brief was reduced through its reinterpretation or modification in negotiation with developers. Ignoring or reinterpreting the provisions of a brief can undermine some aspects of the briefing process and, at worst, can mean that the preparation of the brief delays the development process or even discourages potentially interested developers.

The research also identified situations where council members re-opened issues at the planning application stage which had been dealt with during the preparation of the brief. This suggests that the process had failed to generate a true consensus. While a local planning authority must consider each application on its merits, when members question the fundamental principles agreed through the briefing process, the time spent preparing the brief may have been largely wasted.

Where specialist inputs have been made to a planning brief, the same specialists should, if possible, be involved in evaluating responses to it. This is not currently general practice. It may be possible to reduce the cost of additional specialist input by agreeing performance criteria as part of the planning brief which can be used by non-specialist staff in its implementation. In general the opportunity to refer back to the specialists should be retained.

## **8.5 Monitoring the outcome and reviewing the brief**

The future use of planning briefs by local authorities will depend to a large extent on their being demonstrably effective in making the development process more efficient, achieving higher quality development and delivering good value for money. This can only be demonstrated if the development process is monitored beyond the granting of planning permission through to the completion and occupation of the development.

A planning brief needs to be reviewed if the site remains undeveloped (wholly or partly) or if circumstances change. A system for reviewing a brief can be built into the monitoring process.

The timing of this review will depend on the purpose of the brief. Briefs seeking to attract developers may need to be reviewed after a relatively short period of time. Others may need to be reviewed after a period of years, such as briefs establishing a local authority's view of what constitutes acceptable development.

Monitoring the cost and effectiveness of their own planning briefs will help local authorities to allocate future resources appropriately. There is very little monitoring of the briefing process carried out at present. It appeared that the research was the first time that any systematic evaluation of the performance of planning briefs had been carried out. Data from local monitoring could be used as a convenient source for comparing practice and performance more widely over time.

## References

- 1 Department of the Environment (February 1992): *Planning Policy Guidance Note 12: Development Plans and Regional Planning Guidance*, Paragraphs 3.18 and 3.19, HMSO
- 2 Department of the Environment (February 1997): *Planning Policy Guidance Note 1: General Policy and Principles*, Paragraph 42, the Stationery Office
- 3 Department of the Environment (February 1997): *Planning Policy Guidance Note 1: General Policy and Principles*, Paragraphs 8-12, the Stationery Office
- 4 Department of the Environment Circular 6/93 : *"Disposal Of Land For Less Than The Best Consideration That Can Reasonably Be Obtained - Guidance For Authorities*. HMSO
- 5 Department of the Environment (February 1997): *Planning Policy Guidance Note 1: General Policy and Principles*, Annex A, the Stationery Office
- 6 Department of the Environment (February 1992): *Planning Policy Guidance Note 12: Development Plans and Regional Planning Guidance*, Paragraph 3.19, HMSO

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## **Annex A: Research study**

### **Introduction**

Llewelyn-Davies were commissioned in 1996, with Drivers Jonas, to undertake research into the use and effectiveness of planning and development briefs.

The findings of the research are available as a separate document, "The Use and Effectiveness of Planning and Development Briefs: Research Study" and can be obtained from the DETR Publications Sale Centre (the full address is given at the beginning of this guide).

The research was monitored by a Departmental working group and reviewed by an independent steering group comprising representatives of:

- the Royal Town Planning Institute;
- the Royal Institute of Chartered Surveyors;
- English Partnerships;
- developers;
- local authorities; and
- chaired by the Department of the Environment, Transport and the Regions.

### **Research objectives and method**

The research had the following objectives:

- to clarify the reasons for and the circumstances in which planning and development briefs were produced and the ways in which they were prepared;
- to examine the content of planning and development briefs, their relationship with development plans and the way they were used;
- to assess the extent to which planning and development briefs influenced the design and quality of resulting developments, especially mixed use;
- to evaluate the contribution of planning and development briefs to the efficiency of development control; and
- to recommend good practice on the form, content and preparation of planning and development briefs, and how they might best be used.



The research was carried out in three stages:

- Stage One: surveys of current practice - a survey of local planning authorities throughout England and Wales, a survey of organisations and individuals who use briefs (landowners, developers, etc) and a literature review;
- Stage Two: an evaluation of 150 briefs and a more detailed analysis of three sets of briefs focussing on policy clarification, site promotion and design guidance; and
- Stage Three: 20 detailed case studies which investigated the influence of a brief on the development of a site.

The findings included comments and data from a range of producers and users of briefs, as well as groups and individuals who had been involved in the briefing process in other capacities. The three stages allowed the study team to move from general findings to specific conclusions, following up interesting lines of inquiry and investigating various aspects of briefs in more detail. A summary of the findings is set out below.

### **The nature of briefs and briefing practice**

The term "briefs" is used to cover a wide range of documents with a variety of names and functions. Briefs are site-specific documents which inform developers and other interested parties of the constraints and opportunities presented by a site, and give guidance on the type of development expected or encouraged by the local authority.

The briefing process provides the framework for the consideration and resolution of site-specific issues, and allows interested actors to become involved in the debate about the future of a site.

The research found great variety in briefing practice in England and Wales. Every site is unique, so every brief will be unique. However, the research also found that the nature of briefs was affected by factors such as: public or private ownership of the site; the interaction between the planning department and other local authority departments; the skills of in-house staff; and the stage of the development plan.

The research found a general perception that briefs were useful tools, drawing different interests together and improving the quality of development. However, this view was more strongly and consistently held by producers of briefs than their users.

### **When to brief**

One of the key findings of the research was that briefs were sometimes used in situations where they had little, no or a negative impact on the development process. This can occur in a number of situations including:

- where the local authority eventually approves development which is significantly different from that required by the brief;

- where the development implemented is no different from what the developer would have constructed anyway (and was brought forward within the same or a longer time period); and
- where the brief does not add to the information and guidance provided by the development plan.

In these and other situations, it may be more appropriate to address site-specific issues another way, for example by spending more time negotiating with potential developers. The research suggests that poorly prepared briefs with either incorrect guidance or omissions on key issues introduce problems and delays into the planning and development processes.

### **Objectives and types of briefs**

One of the main shortcomings of briefs, recurrent throughout the research, is the lack of clarity about their objectives. Many briefs do not set out a clear objective and others are inconsistent, stating an objective and then not following it through. This causes problems later in the process.

We classified briefs into three types, based on their main objective:

- briefs to clarify, interpret or elaborate on development plan policies;
- briefs to promote development; and
- briefs to influence the design and form of development.

These categories are not mutually exclusive and many of the briefs investigated had elements of all three types. The difference is one of emphasis.

### **Consultation**

Consultation is a key part of the briefing process. Local planning authorities consult widely using a number of different methods. However, consultation activities are often carried out using standard procedures rather than being tailored to the preparation of a particular brief. Insufficient thought is sometimes given to what the consultation exercise is trying to achieve.

### **Specialist input**

The fact that briefing is carried out for large sites and sites with particular constraints or problems suggests that specialist input is likely to be required. The evaluation of 150 briefs indicated that this was the case, with around a third reportedly drawing on specialist studies. However, the case studies uncovered examples of situations where specialist skills had not been used, causing problems and casting doubt on the utility of the brief. This was particularly true of urban design guidance and property market expertise.

## **The financial viability of proposals**

The general lack of involvement of the development industry in all aspects of briefing was underlined by each stage of the research. Developers, landowners and property experts are rarely consulted or involved in preparing a brief. This can lead to unrealistic expectations and the promotion of schemes which are not viable, introducing delays into the development process.

## **Implementation and monitoring**

Very few local authorities monitor the performance of their briefs and most review briefs on an ad hoc basis. There is also little evidence of a proactive approach in implementing promotional briefs among local planning authorities.

Users of briefs are concerned about the degree to which local authorities adhere to the requirements set out in their briefs. A number of examples were cited of supposedly firm requirements being relaxed during the planning application process.

## **Design guidance and the quality of development**

Briefs vary in the extent to which they prescribe the design of development. Some include prescriptive advice about issues such as layout and materials while others are flexible, allowing a number of solutions.

The research uncovered inconsistency in design guidance. Some briefs stated that they sought to achieve one sort of development, and then provided advice for something quite different.

Design guidance tends to focus on issues such as materials or architectural detailing, and often ignores fundamental factors such as road layout, focal buildings and spaces, and the relationship between buildings.

The case studies also uncovered a number of situations where design guidance prescribed what the developers would have built anyway.

Despite a perception that briefs do improve the quality of development, the case studies were disappointing, identifying few examples of briefs influencing positively the quality of development.

## **The contribution of briefs to the efficiency of the planning and development processes**

Briefs are clearly successful in presenting a local authority's expectations for a site. This is crucial for sites with complicated issues, where many different departments are involved. The preparation of the brief can lead to early discussion of key issues and can help to smooth the planning process.

On the other hand, there are circumstances where briefs have no impact on the efficiency of the planning process and, in a few cases, where a poor brief can actually introduce delays,

presenting the developer with a further hurdle to overcome.

Although the research identified problems with briefs, it also uncovered a number of examples of good practice. Many of the briefs investigated had positive elements and some beneficial effects. The research suggests that a well-prepared brief can be an effective and flexible tool, providing the basis for improving the quality of development and the efficiency of the planning and development process.

