

PLANNING PROSPECTS

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PLANNING LAWYERS

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Brave New World?

Seasoned observers cannot but feel somewhat despondent when surveying the new planning system. Unusually there is a measure of agreement between the private and public sectors. According to an assessment published by the CBI, the planning system is less business friendly than in 2001. The report concluded that the system has become overloaded with bureaucracy and lost its focus. The Planning Officers' Society does not disagree. In a recent report they comment that "current processes are extremely time-consuming and complicated" and that "many of the documents now required to support planning applications are similarly of extreme length and yet have limited impact on the decision making process". At a time of endemic shortages of staff and finance, local authorities are expected to spend precious resources on an increasingly bureaucratic process. The CBI correctly identified that some applications are rejected simply in order to meet Government-

imposed performance deadlines. It is not surprising that local authorities have to "play the game". Revenue funding for planning authorities is dependent on meeting targets and it is difficult to criticise those that are therefore striving to meet those targets. The huge rise in application fees does not appear to have attracted additional resources for planning. Undoubtedly the target driven process is adversely affecting the quality of decision-making.

No less bureaucratic is the new development plan system. This elevates process above outcome. The Planning Officers' Society are concerned that "scarce resources are being consumed in producing over-elaborate and exhaustive Local Development Documents". Consultation fatigue is now an occupational hazard. The latest round of consultation on Statements of Community Involvement (a consultation about whom the authority will consult in preparing local

development frameworks) is yet another process-driven procedure. Further waves of consultation on Core Strategies, Development Plan Documents, Area Action Plans and Supplementary Planning Documents then follow. A brief summary of the new system can be found within this bulletin.



RECENT ODPM PUBLICATIONS

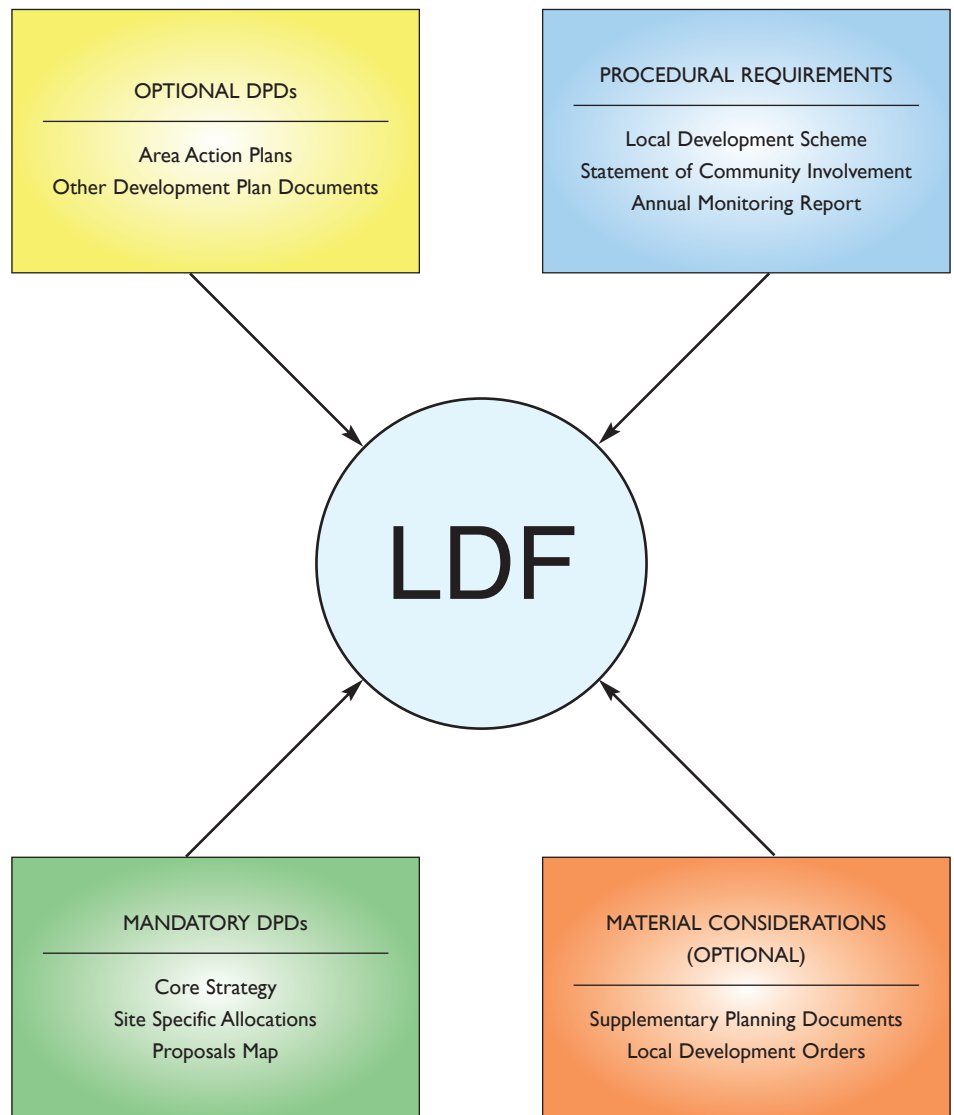
PPS3: Housing – Consultation Paper

PPS25: Development and Flood Risk – Consultation Paper

Draft Compulsory Purchase Inquiries Rules 2006 – Consultation

Circular 11/05: Green Belt Direction 2005

Local Development Framework New System of Development Plans



The new system has not changed the fundamental precept that planning applications must as a matter of law (Section 38(6) Planning Compulsory Purchase Act 2004) be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan now comprises the Regional Spatial Strategy and the Development Plan Documents approved for the area.

Definitions

PROCEDURAL REQUIREMENTS

LDS	A Local Development Scheme is a public statement setting out the documents to be produced as part of the LDF and the timetable for producing them.
SCI	A Statement of Community Involvement is a document setting out how stakeholders and interested parties will be involved in the preparation of the LDF and when they will be consulted.
AMR	The Annual Monitoring Report advises on the progress of the LDF and the extent to which policies are being achieved.

MANDATORY DEVELOPMENT PLAN DOCUMENTS

Core Strategy	Document setting out spatial vision, spatial objectives and core policies for future development. All other Development Plan Documents (DPDs) must be in conformity with it.
Site Specific Allocations	Policies relating to the delivery of site specific allocations (eg broad design principles).
Proposals Map	Map which illustrates all the policies contained in the DPDs together with any saved policies from previous development plans.

OPTIONAL DEVELOPMENT PLAN DOCUMENTS

AAP	Area Action Plans are Planning Frameworks for areas where specific change or conservation is needed.
Other DPDs	Examples of other DPDs are thematic documents such as employment, housing and retail. Generic development control policies may also be developed as a separate DPD or included in the DPDs referred to above.

MATERIAL CONSIDERATIONS (OPTIONAL)

SPD	Supplementary Planning Documents provide additional guidance and expand upon policies and proposals in DPDs but do not have development plan status.
LDO	Local Development Orders allow local planning authorities to grant planning permission for general classes of development in an area or for particular development on a particular site.

The Local Development Framework (LDF) is the overall name for the portfolio of LDDs, LDS and the AMR

Local Development Documents (LDD) refer to the various individual documents such as DPD, SCI and SPD which form part of the LDF

Development Plan Documents (DPDs) (eg documents shown in green and yellow boxes above) form part of the statutory development plan and are included within the LDF

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(From Left to Right) Kirsty Morris, Vicki Richardson, Paula Churm, Patricia Blakemore, Carolyn Stephenson and David Walton

TIMES CHANGE

Park Place, to which we moved last year, is now an established part of the city centre office quarter. This was not always so. In the original Development Plan for Leeds (1955) a large rectangular wholesale warehouse zone was identified for protection.

When in the 1960s the Development Plan was reviewed the Council maintained that there was "a need to ensure that piecemeal penetration of offices into residential and industrial (including warehousing) areas, which took place before planning control, does not recur". The Inspector upheld the Council's policy and dismissed most of the objections.

Soon afterwards the policy was overtaken by inexorable economic change. Wholesale warehousing fell into steep decline and Central Station closed. Pressure for office development soared and the policy was changed. Careful conversion to offices has

maintained the character of this quarter. It is a timely reminder that policy must sometimes reflect economic reality.

Practice Areas

- Planning Applications
- Planning Advice & Strategy
- Interpretation of Planning Permission
- Development Plan
- Representations
- Planning Appeals
- Compulsory Purchase & Compensation
- Planning Obligations
- Highway Advice & Agreement
- Drainage Agreement
- Rights of Way
- Footpath Orders and Diversions
- Listed Buildings & Conservation
- Environmental Assessment
- Judicial Review
- Statutory Review