

THE
CORNWALL
LECTURE

with

Stephens & Scown

***Designing
a Better Future***

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a Better
Future*

Planning Law and The Historic Environment

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South West of England
Regional Development Agency

First Great Western

midas

CPR Regeneration 

PLANNING LAW



Statutory Framework

Planning Policies

STATUTORY FRAMEWORK



- Section 57 Town & Country Planning Act 1990
- Section 55 Town & Country Planning Act 1990
- Section 101 Local Government Act 1972

PLANNING POLICIES



- Section 38 (6) Town & Country Planning Act 1990
- PPS 1 (Paragraph 10)
- *Stringer v Minister of Housing and Local Government* 1971 1AER 65
- *Tesco Stores v Environment Secretary* 1995 2AER 636
- *R v Derbyshire County Council ex p Woods* 1997 JPL 958

HISTORIC ENVIRONMENT



- PPG 15
- Circular 01/2007
- Statutory Protection
- Ancient Monuments & Archaeological Areas Act 1979
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Non-Statutory
- Register of Parks & Gardens
- Register of Battlefields

HISTORIC ENVIRONMENT (Continued)



- White Paper – Heritage Protection for the 21st Century
- World Heritage Sites

DIFFICULTIES WITH THE PLANNING SYSTEM



- Delay etc
- Spatial Planning
- RTPI Study (April 2007)
- “Shaping and Delivering Tomorrow’s Places: Effective Practice in Spatial Planning
- PINS Guidance (June 2007)
Local Development Frameworks: Lessons learnt examining Development Plan

SUGGESTED PRACTICAL SOLUTIONS



- Issue up to date Development Plan Documents
- Follow the advice in “Constructive Talk: Investing in Pre-application Discussions”
- Site Specific Briefs and Design Codes to be worked up jointly by Developer and Local Authority. If not possible Local Authority should produce a Provisional Brief or Concept Statement.

“Constructive Talk: Investing in Pre-application Discussions” contd...



- Use draft Design and Access Statements as agenda for Pre-application Discussions.
- Local Authority to form a Development Team led by the Case Officer consisting of staff from highways, economic development, housing, conservation, ecology, town centre management, archaeology etc.

Constructive Talk contd...



- Adopt a project management approach – by which timetables, principles and procedures are agreed.
- Produce a Planning Obligations Developer's Pack.
- Consider structured participation process canvassing opinion from a statistically representative sample of the population to avoid disruption by vocal minorities.
- Prepare interim Committee Reports.
- Agree planning application contents and presentation materials.

Suggested Practical Solutions contd...



- One Case Officer to be responsible for handling the planning application from the beginning of pre-application discussions until the issuing of the decision.
- Period for mediation between refusal of planning permission and issuing of decision.
- Power to amend planning permissions without the submission of a new planning

PUBLIC ATTITUDES



- 83% want no more development in their local area
- 7% only have ever actively supported a planning application.
- 16% have actively opposed a planning application.
- 70% see Council candidate's attitude to development as important to how they vote.

OPPORTUNITIES



- Financial Considerations
- Enabling Development
- R v Westminster City Council ex p Monahan 1989 JPL 107
- R v West Dorset District Council ex p Searle 1999 JPL 333
- English Heritage Policy Statement: Enabling Development and the Conservation of Heritage Assets.
- White Paper: Planning for a Sustainable Future (Paragraphs 7.44 – 7.49)

CONCLUDING REMARKS

