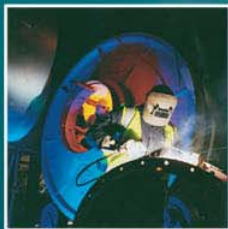
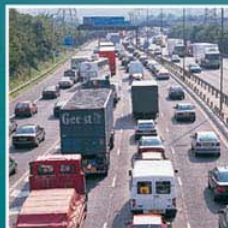
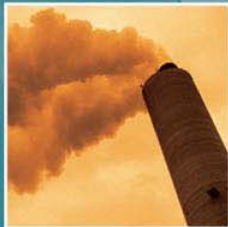


# Planning Advisory Service

## Local Development Orders

Appendices to Stage 1 Research Report

April 2009



# Entec

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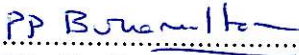
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## Planning Advisory Service

## Local Development Orders

Appendices to Stage 1 Research Report

April 2009

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## Executive Summary

### Purpose of this Report

This Appendix report has been produced for the purpose of providing to PAS, relevant background information on the LDO project and methodology.



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## Contents

Appendix A	List of Stakeholders who Participated
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## Appendix A List of Stakeholders who Participated



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Below is a list of stakeholders and the method of engagement in the project.

Organisation	Name	Method of participation
Cotswold District Council	Chris Vickery, Planning Policy Manager	Interview
Hampshire County Council	Richard Read	Written/Steering
Wycombe District Council	David Dewar, Planning Policy Officer	Interview
Kerrier District Council	Nicola Stimpson, Head of Planning	Interview
Hertsmere Borough Council	Mark Silverman, Policy Manager	Interview
London Borough of Bromley	Tony Stewart, Development Control Manager	Interview
London Borough of Barnet	Jo Henry, Planning Performance and Regulations Manager	Interview
Slough Borough Council	Paul Stimpson, Head of Policy	Interview
University of East Anglia	Joseph Saunders, Estates Development Director	Interview
SEGRO (on behalf of CBI)	John Thompson	Interview
British Property Federation	Jonathan Seager, Assistant Director (Planning)	Interview
British Chambers of Commerce and Industry	Kevin Hoctor	Written response to interview questions
Commission for Architecture in the Built Environment	Sarah Burgess, Senior Planning Advisor	Written response to interview questions
Town and Country Planning Association	Michael Chang, Planning Policy Officer	Call for Information
National Grid plc	Richard Alden, Planning Manager	Call for Information
Campaign for the Protection of Rural England	Richard Moseley, Planning Officer	Call for Information
Health and Safety Executive	Pauline Nash, Major Hazards Policy	Call for Information
Environmental Services Association	Stephen Freeland, Policy Executive	Call for information
English Heritage	Charles Wagner, Head of Planning and Regeneration Policy	Written response to interview questions
Countryside Properties plc	Alan Cherry, Chairman	Call for Information
Planning Inspectorate	Richard Holland	Call for Information
HTA	Riette Oosthuizen, Head of Planning	Call for Information
Hart District Council	n/a	Survey
Stockton on Tees Borough Council	Barry Jackson	Survey
Bedford Borough Council	n/a	Survey
Southend-on-Sea Borough Council	Andrew Meddle	Survey
New Forest District Council	n/a	Survey
Stockport MBC	n/a	Survey



Organisation	Name	Method of participation
Hampshire County Council (only M & W & reg 3)	Richard Read	Survey
Teignbridge District Council	n/a	Survey
Westminster City Council	n/a	Survey
East Sussex County Council	n/a	Survey
South Lakeland District Council	n/a	Survey
City of London	n/a	Survey
Tamworth Borough Council	n/a	Survey
Wigan	n/a	Survey
Kingston upon Hull	n/a	Survey
Norwich City Council	Ian Whittaker	Survey
Bury Council	n/a	Survey
Salford	n/a	Survey
Hull	n/a	Survey
Taunton Deane borough Council	n/a	Survey
Hertsmere	n/a	Survey
LB Bromley	n/a	Survey
Dartmoor National Park Authority	n/a	Survey
West Devon Borough Council	n/a	Survey



## Appendix B Interview Question Areas



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Below is the template developed to guide conversations with interviewees.

## Local Planning Authorities

Local Development Orders- LOCAL AUTHORITIES Telephone Interview ProForma			
Pre - Interview Notes  (to be completed beforehand by interviewer)			
Details:			
Local Authority:		Region:	
Interviewer:			
Interviewee:			
Phone Number:		Email:	
<b>example</b>			
INSTRUCTIONS:			
<p>This interview is expected to take approximately 15 minutes as the stakeholder has already completed an online questionnaire..</p> <p>Results from the Entec LDO Local Authority Online Survey should be reviewed to ensure stakeholders are not being asked to repeat previous responses.</p> <p>This template provides set answers to circle where appropriate and space for more detail below.</p> <p>e.g.</p>			



Yes	<input checked="" type="radio"/>	No
Details:		
Notes:		
Questions Arising to response form online survey:		
Has the respondent previously submitted a representation regarding LDOs? (Other than the online Entec Survey.) (See list of previous stakeholder representations)		
Yes	<input type="radio"/>	No
Gauge of stakeholders general opinion towards Local Development orders?		
Supportive	No Opinion	Against
+++++		
Details:		
Existing or Proposed Local Development Orders		
Has the LPA Considered or proposed a Local Development Order? (Details to be filled by information from online survey)		
Considered	<input type="radio"/>	Implemented
Details:		



<b>Interview Pro Forma</b>
<b>Local Authorities</b>
(To be completed during interview)
<b>Your Local Authority</b>
How would you estimate the overall success of changes introduced by Government to create more proportionate PD rights in terms of impacts?
(Prompt)
e.g. Changes to Householder and domestic Microgeneration permitted development - Statutory instrument 2008
Positive <span style="margin-left: 200px;">Negative</span>
+++++
Details:
How have recent changes to PD Rights affected the workload of your LPA?
(Prompt)
e.g. Changes to Householder and domestic Microgeneration permitted development - Statutory instrument 2008
Increase <span style="margin-left: 200px;">Decrease</span>
+++++



Details:
What effects has the downturn in the economy had on your LPA in terms of resources and applications?
High <span style="float: right;">Low</span> +++++
Details:
Thinking about the potential to manage 'routine' planning applications arising in your area more effectively, which are the main types of applications you would highlight?
Details:
Thinking about strategic or opportunity sites in your area, are there sites which would benefit from a strategic/flexible/more certain planning regime for new development?
Yes <span style="float: right;">No</span>
Details:
Thinking about large single-owner/single use sites in your area, how significant are they in generating planning applications to your authority?
High <span style="float: right;">Low</span> +++++
Details:



Thinking about your answers to the previous questions about routine applications, strategic sites and large single-use sites, what role could an LDO play in providing a more effective planning framework for new development?	
Positive	Negative
+++++	
Details:	
Regarding your LPA's LDF/Local Plan or UDP	
What have you produced in terms of;	
Core Strategy, Area Action Plans, Masterplans, Design guidance, Area appraisals, Character and management plans, Design codes, Design SPDs?	
Details:	
In what ways do you think any of these could be useful when operated in conjunction with an LDO to deliver desirable development?	
Details:	
In what ways could an LDO prove useful in your authority?	
Details:	
<b>Barriers to LDOs</b>	
Why do you think there has been a lack of interest from Local Authorities in LDOs and how could their interest be stimulated?	
What are the main reasons why you have not established an LDO in your LA.?	



Legal Matters	Lack of Knowledge
Members view	Staff Resources
Financial implications	Funding
Lack of adopted LDF Core Strategy	Impact on environment
Impact on customers	Other
Details:	
What additional information would be useful to you in deciding whether to prepare an LDO?	
Business Case	Example / Pilot LDO
Legal support	Financial incentives
Others	
Details:	
<b>Development of LDOs</b>	
What time period should be attached to an LDO? (if any)	
Thinking about the process of preparing an LDO, and the costs of preparing one, what scope is there for sharing responsibilities and costs with the private sector or other public sector bodies for LDOs covering business sites, large single-user sites, strategic/opportunity sites, or other locations?	
<b>Pilot LDO?</b>	
Would you be interested in participating in a pilot LDO scheme supported by PAS? If so please	



outline the potential use and area of the LDO.		
Yes	No	
Details:		
<b>Implemented LDOs</b> (only relevant where the stakeholder has undertaken work to undertake an LDO)		
What type of area was considered for an LDO?		
Business Parks	Train station	Town Centre
Universities	Airport	Waste & Minerals
Schools	Villages	Renewable Energy
Other		
Details:		
What benefits was the LDO anticipated to bring?		
Details:		
Was it successful? Were there any unforeseen disadvantages/problems?		
Details:		
If the LDO did not come to fruition,  What were the reasons?		



Details:

What engagement methods are effective during the development of an LDO?

Details:

What advice could you pass on to LPAs considering implementing an LDO?

Details:

**THE END.**



## Planning System Users

Local Development Orders Survey -- USERS OF THE PLANNING SYSTEM Telephone Interview ProForma			
Pre - Survey Notes			
Company/Organisation		Region:	
Interviewer:			
Interviewee:			
Phone Number:		Email:	
example			
<p><b>INSTRUCTIONS:</b></p> <p>This interview is expected to take approximately 30 minutes.</p> <p>N.B. These stakeholders have not filled out an online questionnaire</p> <p>Therefore first questions are information gathering</p> <p>The stakeholders may have submitted representations on LDOs as part of other consultations.</p> <p>This template provides set answers to circle where appropriate and space for more detail below to speed up note taking.</p> <p>e.g.</p>			
Yes	<input checked="" type="radio"/>		No
Details:			



(Questions arising from any previous representations)
Has the stakeholder previously submitted a representation regarding LDOs? (See list of previous LDO representations.)
Yes <span style="margin-left: 200px;">No</span>
Gauge of stakeholders general opinion towards Local Development orders?
Supportive <span style="margin-left: 150px;">No Opinion</span> <span style="margin-left: 150px;">Against</span>
+++++
Details:
Notes:
Interview Pro Forma
Users of the Planning System
(To be completed during interview)



<b>The Mystery of LDOs</b>	
What is your understanding of Local Development Orders?	
Good	No Understanding
+++++	
Details:	
SUPPORTIVE TEXT FOR IF THE INTERVIEWEE REQUESTS AN EXPLANATION	
<p>A LDO is an order laid down by a local planning authority, through which permitted development rights additional to those granted nationally by Government, are granted to certain types of development (specified in the order) within a certain area (also specified in the order).</p> <p>The intention has been that LDOs could be a valuable tool to do two things.</p> <p>i. LDOs could be a mechanism through which minor development in defined areas can be managed more strategically through an impacts-based approach. The intention is that with appropriate supporting local guidance (perhaps a design code) to provide a framework within which development can occur and be monitored, LDOs would consider strategically and positively (through the process of formulating a LDO) how to manage small-scale change in an area. Members would be involved in developing a strategic framework for managing minor development, a topic which is often not the subject of strategic focus. It is likely that much of the development concerned is minor and would normally be dealt with (and mostly permitted) by officers under delegated decision-making arrangements.</p> <p>ii. LDOs could provide a way to reduce 'unnecessary' planning applications being submitted to local authorities. Recently, the Householder Development Consents Review introduced an impacts-based approach to the consideration of householder permitted development rights, with impacts measured on a number of levels ranging from the building in which the development is taking place, to neighbouring properties, to the street and at the largest scale, to the wider neighbourhood/locality. LDOs were viewed as an important tool for managing change in an impacts-based approach.</p>	



About You				
What are your opinions on the changes to create more proportionate PD rights in terms of impacts?				
Supportive	No Opinion			Against
+++++				
Details:				
Your Organisation				
What is your current estimated number of major and minor planning applications submitted each year?				
0	1-5	6-10	11-15	
16-20	21-30	31-40	50+	
Details:				
What is your average response time for planning applications / Consultations(time to determination)				
Within expected determination time			Outside expected determination time	
+++++				
Details:				
What is the estimated expense to your organisation of planning permissions?				
Details:				



Have you approached a local authority in order to, establish; a formal expedient process to determine decisions? ( Planning Performance Agreements, LDO, GPDO Agreement)	
Yes	No
LDO	Planning Performance Agreements
GPDO Agreement	Other
Details:	
How could such an arrangement be useful to your organisation?	
Details:	
What further action or incentives should be provided to encourage LPAs to introduce LDOs?	
Details:	
Thinking about the planning applications your organisation routinely submits to the LPA, what proportion are 'routinely' permitted? Please describe the types of such routine applications.	
Details:	
<b>Development of LDOs</b>	
What do you think are the benefits of LDOs?	
Details:	
What problems do you think could arise as a result of a Local Development Order?	



Details:
Why do you think there has been a lack of interest from Local Authorities in LDOs?
Details:
What time period should be attached to an LDO? (if any)
Details:
Thinking about the process of preparing an LDO, and the costs of preparing one, what scope is there for sharing responsibilities and costs with the LPA for LDOs covering sites on which your organisation regularly prepares planning applications?
Details:
<b>Pilot LDO?</b>
What potential pilot LDOs do you think would be useful to your organisation?
Details:
<b>THE END.</b>



## Planning System Stakeholders

### Local Development Orders Survey -- OTHER STAKEHOLDERS Telephone Interview ProForma

Pre - Survey Notes

Organisation

Interviewer:

Interviewee:

Phone Number:

Email:

example

#### INSTRUCTIONS:

This interview is expected to take approximately 30 minutes.

N.B. These stakeholders have not filled out an online questionnaire

Therefore first questions are information gathering

The stakeholders may have submitted representations on LDOs as part of other consultations.

This template provides set answers to circle where appropriate and space for more detail below to speed up note taking.

e.g.

Yes

No

Details:



(Questions arising from any previous representations)		
Has the stakeholder previously submitted a representation regarding LDOs (See list of previous LDO representations?)		
Yes	No	
Gauge of stakeholders general opinion towards Local Development orders?		
Supportive	No Opinion	Against
+++++		
Details:		
Notes:		
<b>Interview Pro Forma</b>		
<b>Other Stakeholders</b>		
<b>(To be completed during interview)</b>		
<b>The Mystery of LDOs</b>		
What is your understanding of Local Development Orders?		

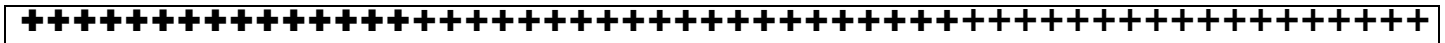


Good		No Understanding
++++++		
Details:		
<p>SUPPORTIVE TEXT FOR IF THE INTERVIEWEE REQUESTS AN EXPLANATION</p> <p>A LDO is an order laid down by a local planning authority, through which permitted development rights additional to those granted nationally by Government, are granted to certain types of development (specified in the order) within a certain area (also specified in the order).</p> <p>The intention has been that LDOs could be a valuable tool to do two things.</p> <ol style="list-style-type: none"> <li>i. LDOs could be a mechanism through which minor development in defined areas can be managed more strategically through an impacts-based approach. The intention is that with appropriate supporting local guidance (perhaps a design code) to provide a framework within which development can occur and be monitored, LDOs would consider strategically and positively (through the process of formulating a LDO) how to manage small-scale change in an area. Members would be involved in developing a strategic framework for managing minor development, a topic which is often not the subject of strategic focus. It is likely that much of the development concerned is minor and would normally be dealt with (and mostly permitted) by officers under delegated decision-making arrangements.</li> <li>ii. LDOs could provide a way to reduce 'unnecessary' planning applications being submitted to local authorities. Recently, the Householder Development Consents Review introduced an impacts-based approach to the consideration of householder permitted development rights, with impacts measured on a number of levels ranging from the building in which the development is taking place, to neighbouring properties, to the street and at the largest scale, to the wider neighbourhood/locality. LDOs were viewed as an important tool for managing change in an impacts-based approach.</li> </ol>		
<b>About You</b>		
What are your opinions on the changes to create more proportionate PD rights in terms of impacts?		
Supportive	No Opinion	Against



+++++		
(Prompt)		
Changes to Microgeneration permitted development		
Changes to householder permitted development		
Details		
<b>Your Organisation</b>		
What effects have emerging impact based PD rights had on your organisation?		
(Prompt)		
e.g. Statutory instrument 2008 - Changes to Householder and Domestic Microgeneration Permitted Development Rights		
Details:		
Are you aware of the changes introduced in the 2008 Planning Act? Specifically the removal of the requirement for the LDF to be in place for an LDO to be made?		
Prompt		
The Planning Act 2008 will make it easier for local planning authorities to introduce LDOs once the provision is commenced. The 2008 Act removed the requirement previously in place that LDOs should be made to achieve policies set out in adopted Local Development Documents. Any local authority will be able to make an LDO.		
Yes	No	
What effect do you think this will have on the uptake of LDOs?		
Positive	No Opinion	Negative





Details:

Does your organisation devote a considerable amount of resources to applications which have a disproportionate impact on their surroundings, in your opinion?  
  
(if appropriate)

Details:

### The Mystery of LDOs

Why do you think there has been a lack of interest from Local Authorities in LDOs?

Details:

What do you think are the benefits of LDOs

Details:

What problems do you think could arise as a result of a Local Development Order?

Details:

What further action or incentives should be provided to encourage LPAs to introduce LDOs?

Details:

What areas do think would be suitable or particularly unsuitable for the creation of an LDO?

- |                |               |                  |
|----------------|---------------|------------------|
| Business Parks | Train station | Town Centre      |
| Universities   | Airport       | Waste & Minerals |
| Schools        | Villages      | Renewable Energy |

Details:



## Development of LDOs

(If the stakeholder is strongly against the idea of LDOs this section may not be relevant.)

What time period should be attached to an LDO? (if any)

How do you think an LDO could be a useful tool to aid regeneration?

What additional information do you think would be useful to aid LPA with the implementation of an LDO?

Business Case

Example / Pilot LDO

Legal

## Pilot LDO?

What potential pilot LDOs do you think would be useful to your organisation?

Details:

THE END.



## Appendix C LPA survey questions



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# Local Development Orders Survey

## 1. Introduction

Entec UK Ltd is carrying out research on behalf of the Planning Advisory Service which aims to understand the views of local planning authorities and other users of the planning system about the scope and potential use of Local Development Orders (LDOs). This will examine views about how LDOs can be used as a mechanism for providing proportionate processes for smaller scale development proposals, but determined at the local level rather than national level.

Awareness of Local Development Orders is believed to be low, but new impetus has been given to their potential use through recent reforms of permitted development rights, through the Killian-Pretty Review which has examined the development management system, and through changes to LDO procedures included in the Planning Act 2008.

We are keen to gather the views of Local Planning Authorities as a key part of this research. The survey is focused on understanding more about the potential types of development a LDO could cover, on awareness of LDOs and commitment to consider LDOs. We want to understand the range of circumstances in which a LDO could be suitable.

The results will be used to inform the development of a knowledge report to be published on the Planning Advisory Service website. A knowledge report explores the potential for the use of this mechanism along with guidance on how to prepare a LDO and what the business case for preparing one may look like.

Further work may follow to support local authorities who want to develop a LDO.

### WHO SHOULD FILL IN THIS SURVEY?

The survey is relevant to policy, development management and enforcement aspects of LDOs. We would be happy to receive survey responses from all disciplines within LPAs.

Please fill in as many of the questions below as possible, even if you are not interested in LDOs as this will help us to improve our knowledge about your views.

Thank you

# Local Development Orders Survey

## 2. About your local authority

This section of the survey is designed to obtain information from you about what kind of local planning authority you are responding from, taking into account size, location, workload and development patterns.

It hopes to build a picture of the level and mix of applications and of the tools used by the authority in managing development in the area.

\* 1. Which Local Planning Authority do you represent?

2. Which region are you based in?

East Midlands

East of England

London

North East

North West

South East

South West

West Midlands

Yorkshire and The Humber

3. Do you represent a predominantly rural or urban area?

Rural

Urban

4. Please give an estimate how many people are employed by your authority in providing planning policy and development management/control services and functions.

Spatial policy planners

Planners determining applications

Technical Support Officers determining applications

Administrative support

Enforcement planners

Monitoring officers

Other

# Local Development Orders Survey

5. Please provide the number of planning applications determined by your authority in the last year for which figures have been published (last 4 quarters to December 2008 inclusive), in the following categories.

Total applications	<input type="text"/>
Major applications	<input type="text"/>
Minor applications	<input type="text"/>
Other applications	<input type="text"/>

6. We are interested in the potential use of LDOs in a range of 'self-contained' development situations. We would like to know about the range and number of such developments in your area.

For the categories shown below, please give a broad estimate of the number of developments within your area.

Business/research parks	<input type="text"/>
Educational (college) campuses	<input type="text"/>
Hospital campuses	<input type="text"/>
Schools	<input type="text"/>
Waste and Minerals sites	<input type="text"/>
Bus/Train Stations	<input type="text"/>
Airports and Ports	<input type="text"/>

7. Please give a broad estimate the number of planning applications your authority determines each year from these types of development (total for all sites)

Business/research parks	<input type="text"/>
Educational (college) campuses	<input type="text"/>
Hospital campuses	<input type="text"/>
Schools	<input type="text"/>
Waste and Minerals sites	<input type="text"/>
Bus/Train Stations	<input type="text"/>
Airports and Ports	<input type="text"/>

# Local Development Orders Survey

8. Please indicate whether the following approaches to development management are supported by the authority's planning committee members:

	Not applicable	Routinely	Occasionally	Infrequently	Never
Conditions to restrict permitted development	jñ	jñ	jñ	jñ	jñ
Article 4 Directions	jñ	jñ	jñ	jñ	jñ
Masterplanning/design guides	jñ	jñ	jñ	jñ	jñ
Design Codes	jñ	jñ	jñ	jñ	jñ
Informal Design Advice	jñ	jñ	jñ	jñ	jñ
Landscape Character Appraisals	jñ	jñ	jñ	jñ	jñ

Comments

9. With regard to Design Codes, please indicate any circumstances in which you have prepared or are preparing Design Codes.

- On sites where early development is a key objective.
- On sites that are likely to be developed in multiple phases.
- On sites where landownership and development partners are known and S106 agreements will be prepared.
- In Conservation or other heritage and landscape quality areas.
- Where a good relationship exists or can be built with landowner and/or developer.
- For large opportunity or strategic sites.

Other (please specify)

# Local Development Orders Survey

10. Please identify any applications for development which you feel could be managed more effectively and the means which could be used (tick all that apply).

	Design Code	LDO	Informal Design Advice	Conditions to restrict permitted development	Village Design Statement	Other (please specify below)
Business/research parks	€	€	€	€	€	€
Educational (college) campuses	€	€	€	€	€	€
Hospital campuses	€	€	€	€	€	€
Schools	€	€	€	€	€	€
Waste and Minerals sites	€	€	€	€	€	€
Bus/Train Stations	€	€	€	€	€	€
Airports and Ports	€	€	€	€	€	€
Householder development	€	€	€	€	€	€
Minor development in town or other retail centres	€	€	€	€	€	€
Minor and householder development in geographically restricted areas e.g. Villages	€	€	€	€	€	€
Other (please specify)						

# Local Development Orders Survey

## 3. Awareness of Local Development Orders

This section of the survey is seeking to understand the general level of awareness of local authorities about Local Development Orders.

We want to understand your views about the potential benefits of LDOs. We also want to know about any obstacles which need to be removed in order to create the right conditions for LDOs to be introduced more widely.

\* 1. Prior to this survey and study, had you heard about Local Development Orders?

Yes

No

If yes, please explain from where

\* 2. Were you previously aware of the changes introduced to LDOs by the 2008 Planning Act? (Specifically, the removal of the requirement for the LDF to be in place for an LDO to be made).

Yes

No

3. How much do you agree with the potential benefits to be gained from introducing an LDO within your LPA?

	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
Would permit types of applications that are invariably granted.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Would encourage preparation of design guides and area management plans.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Would offer simpler procedures for applicants.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Would be easy to understand by all stakeholders and across a local planning authority area.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Would be easy to implement and monitor/enforce.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Would be cost effective for LPAs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Would facilitate redeployment of LPA resources to more complex applications.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Would maintain/create transparency of decision-making.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Satisfaction by neighbouring occupiers would be maintained.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

# Local Development Orders Survey

Would protect and enhance the environment.	jn	jn	jn	jn	jn
Would address the cumulative impact of small scale development.	jn	jn	jn	jn	jn
Would stimulate regeneration on large sites.	jn	jn	jn	jn	jn

Other benefits (please specify)

4. Guidance on LDO procedures is set out in DCLG Circular 1/2006. We are interested to know your views on the elements of the technical process and the resources required to deliver them.

For each element of the LDO process listed below in the left hand column, please use the drop down menus in each column to choose the statement which best fits your views of the technical process and the resource implications of LDOs for the local planning authority.

	How well do you think the process will work?	What will be the resource implications for the authority?
Provide a Statement of Reasons	<input type="text"/>	<input type="text"/>
Carry out Informal consultation	<input type="text"/>	<input type="text"/>
Prepare a Draft LDO	<input type="text"/>	<input type="text"/>
Undertake Formal consultation	<input type="text"/>	<input type="text"/>
Fulfil EIA requirements	<input type="text"/>	<input type="text"/>
Secure Secretary of State Consent	<input type="text"/>	<input type="text"/>
On-going implementation	<input type="text"/>	<input type="text"/>
On-going enforcement arrangements	<input type="text"/>	<input type="text"/>
Regular/Annual Monitoring arrangements	<input type="text"/>	<input type="text"/>
Produce locally-determined supporting guidance eg Design Code.	<input type="text"/>	<input type="text"/>

Please explain further where you are particularly encourage or discouraged by any aspects of LDOs

## Local Development Orders Survey

5. If you were going to recommend that your authority prepared a LDO, how do you think your members would react to the proposal?

6. What would help to improve the attractiveness of LDOs?

# Local Development Orders Survey

## 4. Interest in LDOs

This section seeks to gather information on your level of interest in and experience of LDOs. In particular, we want to know if you have done any work on LDOs or are likely to consider doing so.

1. Please indicate if your local authority has considered using LDOs by selecting one the choices below.

- Local authority has adopted a Local Development Order.
- Local authority is actively preparing a Local Development Order.
- Local authority has started to prepare a Local Development Order but this is currently not being progressed.
- Local authority is considering whether to prepare a Local Development Order.
- Local authority is not currently considering whether to prepare a Local Development Order, but might be interested in future in preparing one.
- Local authority is not currently considering whether to prepare a Local Development Order and is not currently interested in preparing one in future.
- Other (please explain)

## Local Development Orders Survey

2. If you have prepared, are preparing or are considering a Local Development Order, please indicate the main development types/areas covered by the LDO.

- Business/research parks
- Educational (college) campuses
- Hospital campuses
- Schools
- Waste and Minerals sites
- Bus/Train Stations
- Airports and Ports
- Town Centre/Retail areas
- Residential areas
- Other

Please provide more details on the scope and uses of the LDO(s) you have prepared, are preparing or are considering

3. Have you or would you consider using LDOs to promote the achievement of local policy objectives, for example to promote renewable energy development or to increase flood resilience?

Please explain your view about the potential of LDOs to operate in this way, in the comment box below.

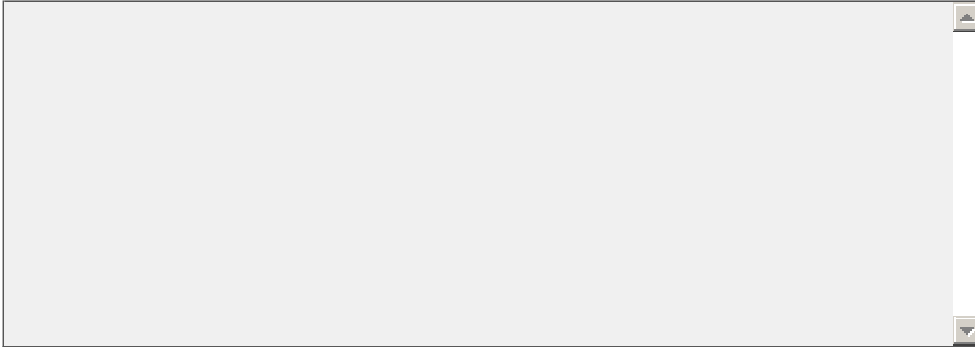
# Local Development Orders Survey

\* 4. Would you be interested in taking part in a LDO pilots project with the Planning Advisory Service?

Yes

No

If so, please provide contact details and a brief outline of the LDO situation ...



# Local Development Orders Survey

## 5. About you

We would like to understand who has filled in our survey to build a picture of the response to the survey from development managers, policy development officers or monitoring and enforcement officers.

This section asks for a few details about you

\* 1. Would you be available to discuss your response in a telephone interview?

Yes

No

If so please provide name, email address and telephone contact details

2. Please indicate your core job roles below (tick all that apply).

Development management

Policy development

Monitoring or enforcement

Service management

Elected member

Other

Other (please specify)

# Local Development Orders Survey

## 6. You have finished

You have completed the survey! Thank you very much for giving your views which will be taken into account in developing our findings and recommendations to the Planning Advisory Service.



## Appendix D Call for Information



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## Material Sent to Stakeholders and Posted on Online Discussion Forums

The note set out below was sent to hundreds of stakeholders in the planning system and placed on several web discussion forums.

Information was placed on line discussion forums to raise awareness and potentially generate feedback on LDOs. A number of potential online resources were identified for consideration. Of those identified, the Planning Advisory Service website and the Planning Magazine website offered facilities to upload materials and start discussions and this was done accordingly on the 10<sup>th</sup> February 2009.

For the online discussion forums a two-pages brief was prepared, outlining the purpose of the study, defining LDOs and explaining the relevance of the research. This was also summarised to provide a title for the discussion and a brief summary which allows forum users to search thought the topics.

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### **WHAT IS THIS NOTE FOR?**

This note is intended to stimulate discussion and feedback about Local Development Orders, which were a new feature introduced to the planning system in 2004. It gives some information about a new Planning Advisory Service research project on Local Development Orders, explains the purpose of LDOs and asks for your views about the potential for them.

### **WE WANT YOUR VIEWS ON LOCAL DEVELOPMENT ORDERS**

Entec UK Ltd is carrying out research commissioned by the Planning Advisory Service which aims to understand the views of local planning authorities and other key stakeholders about Local Development Orders (LDOs) – their potential uses and obstacles to their introduction.

The research will inform the development of a new ‘Knowledge Report’ on the PAS Website, to provide advice and support to local authorities who may want to know more about LDOs. After evaluating the results of this research, PAS might undertake further work to actively support local authorities on the development of LDOs.

The Planning and Compulsory Purchase Act 2004 introduced Local Development Orders and commencement followed in 2006 with guidance provided in Circular 1/2006. However, what LDOs are and what they could do is not well understood and none are known to be in place.

We hope that will change. But first, we need to understand what local authorities, customers and other stakeholders in the planning system think of LDOs and what needs to be done to encourage their use in appropriate circumstances.



## **WHAT IS A LOCAL DEVELOPMENT ORDER AND WHAT DOES IT DO?**

A LDO is an order laid down by a local planning authority, through which permitted development rights additional to those granted nationally by Government, are granted to certain types of development (specified in the order) within a certain area (also specified in the order).

The intention has been that LDOs could be a valuable tool to do a number of things.

- i. LDOs could be a mechanism through which minor development in defined areas can be managed more effectively through an impacts-based approach;
- ii. By using supporting tools such as design codes, LDOs provide a positive mechanism to manage small-scale change in an area and improve quality;
- iii. LDOs could provide a way for members to play an important part in developing a strategic framework for managing minor development, a topic which is often not the subject of strategic focus;
- iv. LDOs could reduce workloads for local authorities. It is likely that much of the development concerned is minor and would normally be dealt with (and mostly permitted) by officers under delegated decision-making arrangements;
- v. LDOs could provide a way to reduce ‘unnecessary’ planning applications being submitted to local authorities and so benefit customers. Recently, the Householder Development Consents Review introduced an impacts-based approach to the consideration of householder permitted development rights, with impacts measured on a number of levels ranging from the building in which the development is taking place, to neighbouring properties, to the street and at the largest scale, to the wider neighbourhood/locality. LDOs were viewed as an important tool for managing change in an impacts-based approach.

## **WHY LOOK AT LOCAL DEVELOPMENT ORDERS NOW?**

This is a good time to look at LDOs afresh for three reasons:

- i. There has been a clear focus from Government to examine how the burden of making planning applications can be reduced through both process-improvements and removal of the need for planning permission where this is appropriate and proportionate. While people have strong views about changes which have resulted, there has been greater acceptance of the principle of change in the how we manage minor development;
- ii. The Planning Act 2008 will make it easier for local planning authorities to introduce LDOs once the provision is commenced. The 2008 Act removed the requirement previously in place that LDOs should be made to achieve policies set out in adopted Local Development Documents. Any local authority will be able to make an LDO;



- iii. Reflecting the downturn in the economy, local authorities could release resources for preparation of LDOs in readiness for a future upturn in activity;
- iv. LDOs could be used by local authorities to plan ahead for anticipated peaks in workload arising from particular trends in small scale development which could be managed more effectively;
- v. Positive tools are needed to promote important national objectives through the multitude of small-scale developments, for example renewable energy and flood resilience. Could LDOs play a role in this?

## **TELL US YOUR VIEWS**

We want to know what local planning authorities and all users of the planning system think of Local Development Orders. We have set out some questions which we hope will encourage you to give us your views about LDOs. We are also sending out a survey about LDOs to local authorities and interviewing a range of local authority and other stakeholders about them. We hope this will help us to identify the actions needed to encourage greater use of LDOs.

- i. In what circumstances could you imagine a Local Development Order being made?
- ii. In your view, what would the main benefits of making a Local Development Order be?
- iii. What do you think the main risks of a making a Local Development Order are and how would you overcome them?
- iv. How would making and operating a Local Development Order impact on Customers of the planning system?

## **SHARE YOUR EXPERIENCES**

- i. If you have experience of preparing a LDO, we would like to know about it;
- ii. If you intend to prepare a LDO, we would like to hear from you;
- iii. If you are a customer of the planning system, we would like to hear your views about how LDOs could improve efficiency and service for you.

## **CONTACT**

If you would like to discuss and aspects of, or contribute to, this research please contact Lee Searles at Entec UK Ltd on 0118 377 5618 or at [lee.searles@entecuk.co.uk](mailto:lee.searles@entecuk.co.uk).



## Details of Discussion Forums

The online forums did not turn out to be as useful as expected to gauge views and opinions on LDOs and no responses were made to the posted materials. The forums were however useful for raising awareness of LDOs. These online resources are often used by planning professions to seek advice and keep abreast with contemporary issues. Whilst there were no replies posted to the material uploaded to the Planning Magazine website or Planning Advisory Service website, the Planning Magazine website post indicates it was viewed 72 times. (10.03.2009) Contact details were also provided and some stakeholders got directly in touch as a result of this.

In addition, online resources with no direct discussion posting-facilities, were contacted with a view to dissemination of materials through their networks. These included the Planning Officer Society website, the Royal Town Planning Institute website and the Local Government Association website.

## Online Resources

<b>PAS</b> <a href="http://www.pas.co.uk/pas/forum/discussions.do">www.pas.co.uk /pas/forum/discussions.do</a>	
Forum Facility	✓
Details	Officers forum facility with options to reply
Actions	Material posted on the "plan making and local development framework" message board 10.02.2009
<b>Planning Magazine</b> <a href="http://www.planningresource.co.uk/forum/">http://www.planningresource.co.uk/forum/</a>	
Forum Facility	✓
Details	Forum facility with options to reply
Actions	Material posted on the "talk about planning" message board 10.02.2009
<b>RTPI</b>	
Forum Facility	✗
Details	No Forum Facility
Actions	Contacted with a view to dissemination of materials through their networks
<b>POS</b>	
Forum Facility	✗
Details	Membership is required and membership is limited and has to be paid for
Actions	Contacted John Silvester, Communications Manager with a view to dissemination of materials through their networks



## Appendix E Desktop Review of Published Stakeholder Views



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The table below is a summary of views expressed by stakeholders during the formulation, introduction, commencement and amendment of the LDO process from 2003 to 2008.

Stakeholder	Response to:	Comments
General		<a href="#">Link</a> Perhaps model national and regional LDOs might show LPAs how principles of impact approach could be applied consistently and efficiently
Broads Authority		<a href="#">Link</a>
British Property Federation	Planning and Compulsory Purchase Bill	<a href="#">Link</a> Whilst Local Development Orders are warmly welcomed, the proposed ability of a local authority to revoke an Order at absolutely any time creates uncertainty. It is unlikely therefore that they will be of appeal to those that must commit financially to schemes. We suggest that an amendment is made so that a planning permission granted by a Local Development Order should remain in force for a certain minimum period – say two to three years.
British Retail Consortium	Planning Green Paper	BRC disagree with the idea that PD rights should be varied locally. This would be a recipe for confusion as business could potentially have hundreds of different consent regimes to deal with. This would directly act against the government's desire for clarity and consistency. There are better ways to enable householder applications to be processed swiftly.
CPRE	Planning Green Paper	The proposals for local powers to relax permitted development rights should be abandoned as they are likely to undermine public confidence in local planning and make it slower, more expensive and less efficient – for little discernable gain. The review of the GDPO is supposed to make the system more comprehensible – local PD rights are likely to complicate matters further leading to needless confusion and extra costs to both the LPAs and applicants, and confusion among the community as to what did or did not require a planning application. Locally PD rights would also lead to;  potential for cross boundary absurdities such as different standards on either side of the same street  extra burdens on LPAs in drawing up, reviewing and enforcing their local standards on either side of the same street  a probable increase in retrospective applications for permissions as a result of the greater uncertainty, which could undermine public confidence in local planning  potential damage to the countryside and the built environment from ill-judged local extensions of PD rights.
The Civic Trust	Planning Green Paper	Locally flexible PD rights would make a complicated system worse and should not be allowed, except in a limited number of standard ways, such as article 4 directions.
CABE	Planning Green Paper	Locally flexible PD rights should continue to be set nationally – the Local Government White Paper makes clear that it is the task of national government to set standards and that the local government to execute functions against locally agreed priorities.
CBI	Planning Green Paper	If local flexibility is confined to extensions of PD rights, then the proposal is very welcome, and fully supported by the CBI. It will not create confusion because the baseline of national PD rights will be widely known, and further relaxations will simply be in addition. Even if LPAs are reluctant to use such powers to increase the freedom of commercial applications, it would be to everyone's advantage if they could use the powers to reduce the large volume of minor householder applications and therefore reduce the stress on the system. The CBI would strongly oppose any allowance for LPAs to reduce the extent of the GDPO.



Stakeholder	Response to:	Comments
Country land and Business Association (CLA)	Planning Green Paper	Local determination of PD rights will hinder efficient planning. This could lead to more restrictions, leading to more proposals, particularly in rural areas, which are considered sensitive, clogging up the planning system with inconsistencies in interpretation between LPAs.
The Countryside Agency	Planning Green Paper	An approach to PD rights based on a national definition that can be adapted, if necessary, by LPAs to suit local circumstances is favoured. Such flexibility would need to be clearly stated and easily understood to avoid confusion and inconsistency. This approach would accord with the idea of responsiveness to local needs within the planning system and it would fit well with the spirit of subsidiarity.
English Nature	Planning Green Paper	English nature opposed the complexity arising from locally determined changes to PD rights and these must at least be excluded where there is a potentially significant effect upon an SSSI. There is a carefully constructed link to the protection of SSSIs through the Wildlife and Countryside Act 1981 controls whereby PD rights require the consent of English Nature.
The Housebuilders Support Federation.	Planning Green Paper	The introduction of local amendments to the GPDO should be seen as additional deemed permissions, and could be governed by the application of design guidelines produced by the LPA. The suggestion that a great deal of development currently requiring planning applications could be included in the GPDO is welcomed. The removal of a small number of household applications from the planning system, would free resources to allow not just for the considerations of larger schemes having a wider impact, but also for the promotion of other possible planning alternatives.
Institute of Directors	Planning Green Paper	There is little evidence to suggest that IoD members would like to see the introduction of local PD rights. Accordingly it may be sensible to continue to determine PD rights nationally.
The Law Society	Planning Green Paper	Different PD rights in different LPA areas would only lead to confusion and could generate a sense of injustice. Taken to the extreme, businesses with operations located in several areas might shape their expansion plans with a view to exploiting the areas with the most generous PD rights.
LGA	Planning Green Paper	LDOs might remove the need to make decisions for classes of development that maybe of a uniform nature or take place within the context of management plans agreed between LPAs and developers in specific locations, ie business parks, institutional buildings with listed status, etc.
London First	Planning Green Paper	PD rights through the GPDO should be set locally, subject to a minimum and maximum level, to ensure LPAs use the power to use widen the GPDO, not restrict it.
Joint Committee of the National Amenity Societies.	Planning Green Paper	GPDO is surely to be regarded as the minimum standard below which no LPA should be allowed to dip. Increasing restrictions as in conservation areas is justified because such areas are designated for the public good and there is a statutory duty laid on LPAs to preserve or enhance their character. If local PD rights are allowed they should not be permitted within conservation areas, in listed buildings or their cartilage, or with development that affects the settings of a listed building. They should certainly not apply to any building in receipt of public subsidy, either in the form of historic buildings of housing grant monies originating from English Heriatge or the Heritage Lottery fund.
Planning Inspectorate	Planning Green Paper	Locally flexible PD rights are strongly opposed as they would be likely to cause considerable confusion. They would not encourage development by cutting red tape for developer; any variation in PD rights is likely to apply only at the margins, to minor development.



Stakeholder	Response to:	Comments
Planning officers Society	Planning Green Paper	The implications of changes in PD rights on both LPAs' workload and on the local environment should be considered. Before any consideration is given to local PD rights it is essential that the GPDO is redrafted to deal with the present ambiguities and complexity of wording. This should be a governemtn priority. It is unlikely that LPAs will want to adapt local PD rights, but if they do, proper consideration and consultation on the proposed designations should take place through the consultation process on the Local Deveopment Framework.
Regional Development Agencies of England	Planning Green Paper	The proposal for local PD rights may well be worth pursuing provided it results ingreater clarity.
RSPB	Planning Green Paper	There is a risk that local PD rights could give rise to adverse environmental impacts. They would add to uncertainty for developers working across LPA boundaries. RSPB expressed concerns over complexity of PD rights in general.
RTPI	Planning Green Paper	LDOs should only be adopted through the Action Plan process, should be subject to formal enquiry, and should last long only as long as the plan is in force.
POS	January 2009 Response to Killian Pretty Review Recommendations	Recommendation 1 The Society remains to be convinced of the benefits of local development orders, given that they will increase the level of inconsistency between and within local authority areas, and therefore add to the public confusion over the need to apply for planning permission; notwithstanding this concern the Society will work with CLG in piloting any initiatives if this recommendation is to be taken forward.



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## Appendix F Views given by LPAs



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Below is a summary of views given by individual LPAs in telephone interviews. The views given here have been interpreted and summarised by Entec and have not been cleared with the LPA concerned. They cannot be regarded as a formal view of the local authorities or individuals concerned.

## Slough Borough Council

Contact: Paul Stimpson, Head of Policy

### *Has your council considered the use of LDOs as a planning tool*

Initially a SPZ was set up for Slough Trading Estate and when this was renewed for another 10 years a provision was included within the legal agreement for making a Local Development Order as it appeared to the LPA that SPZs were being phased out by the Government. Slough Trading Estate has around 300 firms employing approximately 1800 people and is managed by SEGRO.

Each year 3 to 5 new build units for B1/B8 use are brought forward under the relaxed controls provided by the SPZ. Under the agreement there are also certain planning benefits that are provided eg Hopper bus.

Slough Borough Council has found that the landlords have effectively ensured compliance by policing the SPZ themselves and there are relatively few complaints. In addition they have stronger policies on certain matters eg landscaping and require a higher standard than may otherwise be required.

Slough Borough Council sees a LDO as a practical alternative to a SPZ which allows for 'bread and butter' development to be undertaken without the need for planning permission. The LDO is to be taken forward through the LDF process.

### *Issues / potential problems*

One particular issue was raised in respect of the experience of the Slough Trading Estate SPZ which could also apply to a LDO if not addressed. The SPZ restricts the number of storeys of a building but does not place a restriction on the height. As a result a single storey Data Centre was constructed on the fringe of the estate and this building gave rise to complaints from neighbouring residents over its excessive height. He therefore considered that there could be a similar situation with a LDO of unintentionally allowing a form of development that might not be acceptable and therefore there is a need to ensure the wording of a LDO is correct.

On the matter of potential political concerns regarding relaxed planning controls he confirmed that this was not an issue either with the SPZ or the principle of the LDO.

### *Further Application for LDO*

There was not considered to be much, if any, scope for the further application of LDOs in Slough as the circumstances which make it a practical option at Slough Trading Estate do not apply elsewhere eg land in single ownership.



*Would anything make LDOs more attractive – incentives*

It was not considered that incentives would be appropriate or assist in take up.

*Do you think any more guidance would help*

Further guidance is not considered to be necessary.

*Would you be prepared to participate in a pilot study*

Slough Borough Council would be pleased to share its experiences to date although these relate to SPZ.

## London Borough of Barnet Council

Contact: Jo Henry, Planning Performance and Regulations Manager

*Has your council considered the use of LDOs as a planning tool*

No LDOs have been made in the London Borough of Barnet and no formal consideration has been given to their use.

It is considered that whilst in principle their use seems fine, in practice they provide little benefit and then only in particular situations. In his view they would not be appropriate to residential areas where the GPDO is already 'too generous' with regard to the development that can be constructed as Permitted Development but accepts they could, in particular circumstances, be useful in industrial areas and business parks.

*Issues / potential problems*

He considered that politicians in LB Barnet are concerned regarding the lack of planning controls and further relaxation by way of an LDO would not meet with their support.

He considered that the adoption of a LDO would give rise to the issue of accountability; as currently complaints regarding Permitted Development can be explained as being in accordance with Government legislation but with a LDO the blame would fall on the LPA. This is considered to be a further reason why politicians and Chief Officers would be reluctant in adopting their use.

The potential loss of planning fee income would be a concern particularly in the current climate with applications down some 20%. Notwithstanding this, the adoption of a LDO would involve costs and funds are not available.

*Would anything make them more attractive – incentives*

It was not considered that incentives would be appropriate or assist in take up.

The point was made that the knowledge of LDOs amongst even amongst senior planners was very limited and, even accepting that their usefulness is limited, the fault lies with Government in not promoting their use.



*Do you think any more guidance would help*

It is considered that further guidance would not be of assistance.

*Would you be prepared to participate in a pilot study*

This was not considered to be appropriate.

## Hertsmere Borough Council

Contact: Polly Chacon, Development Control Manager

Mark Silverman, Policy Manager

*Has your council considered the use of LDOs as a planning tool*

No LDOs have been made in Hertsmere and to her knowledge no formal consideration has been given to their use.

The use of a LDO was being considered as one possible option for Elstree Studios.

*Issues / potential problems*

It is considered that the use of LDOs fits in with the LDF process and might be appropriate in certain circumstances.

She considered the biggest issue would be obtaining Members support as they favoured more, rather than less, control over development. She did not consider changes to the GPDO had given rise to any significant impacts in the Borough either in respect of fee income or number of applications and considered the potential issue of reduced fee income arising from a LDO would be secondary.

*Would anything make them more attractive – incentives*

She considers this would be difficult but one option would be the loss of housing delivery grant.

*Do you think any more guidance would help*

It is not considered that further guidance would be of assistance.

*Would you be prepared to participate in a pilot study*

Yes but she doubts whether this would be appropriate.

(We are endeavouring to obtain more detail from the Policy Manager regarding the possible LDO)



## London Borough of Bromley

Contact: Tony Stewart, Development Control Manager

*Has your council considered the use of LDOs as a planning tool*

One LDO was commenced but not progressed.

*Issues / potential problems*

As a generalisation he felt that Members would not agree to a relaxation of planning controls. He considered there was a lack of sites where LDOs might be appropriate as much of the Borough was subject to designations like green belt.

He expressed a concern regarding the GPDO and, in particular, that it was open to interpretation.

## Kerrier District Council

Contact: Nicola Stimpson, Head of Planning

*Has your council considered the use of LDOs as a planning tool*

Consideration is currently being given to the making of a LDO although no particular site has been finalised. The aim would be to provide the Town or Parish Council with decision making powers in respect of a particular town or village by relaxing control over certain development which is in conformity with an agreed plan. This would be undertaken through a process of SPD or Village Design Statements.

It is seen as a means of empowering Town and Parish Councils and would be most appropriate where there is a robust policy basis.

*Issues / potential problems*

She does not foresee any problems with making a LDO, in particular she considers there are no political conflicts as Members are completely supportive of the process which is seen as empowering the Town and Parish Councils. She does not consider that loss of planning fee income will be significant and this does not give rise to concerns.

The issue of funding is, however, a matter of concern and various sources have been considered including funding as a pilot by the new unitary authority, One Cornwall. Currently this is not the highest priority due to the Local Authority changes.

*Would anything make them more attractive – incentives*

She considers that if funding could be provided this would be an incentive.



*Do you think any more guidance would help*

She did not consider further guidance was necessary.

*Would you be prepared to participate in a pilot study*

Yes

## Weymouth and Portland Borough Council

Contact: Richard Burgess, Director of Environment (until 28/2/09 – interviewed through POS)

*Has your council considered the use of LDOs as a planning tool*

Weymouth and Portland BC has not explicitly considered recent provisions regarding Local Development Orders; but remains committed to the view that there is much to be said in terms of public understanding to having a universal national code of permitted development. Our previous experience of restricting this (in areas where housing development had been built on landfill) was that this was a recipe for confusion, inconsistent advice and created difficulties with property sales, land searches etc-which outweighed the benefits.

*Issues / potential problems*

In addition to those identified above he considers any theoretical reduction in workload is likely to be outweighed by an increase in correspondence as property owners, solicitors etc seek confirmation that planning permission was not required by virtue of the LDO. He considers that LDOs have the potential to make things more complicated.

*Would anything make LDOs more attractive – incentives*

Whilst he would neither suggest nor advocate this as an effective mechanism some form of Planning Delivery Grant where there was a financial incentive for a reduction in the no of minor and domestic applications is theoretically possible but very difficult to apply equitably given the number of Authorities with large numbers of conservation areas etc where tighter restrictions apply and would presumably have to continue.

*Do you think any more guidance would help*

He doesn't consider there is much purpose. He considers there are currently a number of substantially more significant issues in planning than LDOs.

## Wycombe District Council

Contact: David Dewar



*Has your council considered the use of LDOs as a planning tool*

A high vacancy rate is currently being experienced in High Wycombe town centre due to a combination of a major new shopping development which opened in the town centre last year and the economic downturn. This has left some of the old parts of the town centre struggling with filling up all the units and this is where the vacancy rate has increased.

Therefore, the council is considering whether to introduce a Local Development Order in one part of the town centre which has been particularly affected, to extend permitted development rights in this zone to cover all uses with an active frontage. The council will need to consider carefully how to treat listed buildings within the area for which an LDO is envisaged.

The process for preparing an LDO appears to be straightforward and the net additional costs over existing LDF based consultation will be minimal. The flexibility afforded through the LDO if delivered in the form envisaged will be incentive enough to prepare one. The council would be interested in becoming a pilot authority should these take place.

## Hampshire County Council

Contact: Richard Read

There is a wide disconnect between the 'thinkers' and practitioners on LDOs. The former see it as a policy tool while the latter as DC efficiency measure - that is what was originally intended or as indicated by its placement in the Development Control section of the 2004 Act. Government needs to be clear about the purposes of LDOs.

The LDO approach differs radically from the development control approaches undertaken in the last 60 years, which is based on considering each case - except very minor ones - on their merits. To many interests - some of which are deeply entrenched - this is acceptable, so there is cultural resistance.

Local authorities have significant other short to medium term priorities. The economic downturn is affecting DC caseloads, but the resources freed up as a result are either being directed to LDF preparation, or else are being 'saved'. It is probable that funding would need to be available, potentially at 100%, to encourage LPAs to commit to developing LDO pilots. Even if successful, these are unlikely to encourage wide take-up of LDOs.

The LDO approach creates a different kind of development management mechanism. It doesn't sit well next to our existing development control system. They require different skill mixes, but more importantly require different infrastructures - there is a question of whether both could be resourced in the long term.

Notwithstanding these issues the LDO approach has many merits - most planning regimes are founded this way, so the UK is perhaps out of step! An appropriate next step would be to review the purpose of LDOs before more active promotion.



## Cotswold District Council

Contact: Chris Vickery, Planning Policy Manager.

There are 144 Conservation Areas in the Cotswold DC area. The character and appearance of new development is carefully managed with members taking an active role through the planning committee. Given the potential for significant impacts from quite small developments on the character of conservation areas, the general pressure on planning from councillors and the public is for greater planning control, which is perceived to be best managed through the individual planning application process.

In general, there is little scope for an LDO in a rural area such as the Cotswolds. There may be greater scope for LDOs in more urban areas. At present there would be no interest in preparing an LDO, with other priorities and resource issues providing the focus.





## Appendix G LPA Survey Response Results




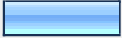







# Entec

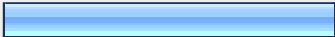
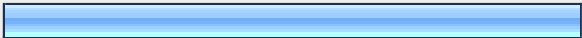
*Creating the environment for business*



# Local Development Orders Survey

1. Which Local Planning Authority do you represent?		
		Response Count
		25
<i>answered question</i>		<b>25</b>
<i>skipped question</i>		<b>1</b>

2. Which region are you based in?			
		Response Percent	Response Count
East Midlands		4.2%	1
East of England		12.5%	3
London		12.5%	3
North East		4.2%	1
<b>North West</b>		<b>20.8%</b>	<b>5</b>
South East		16.7%	4
South West		16.7%	4
West Midlands		4.2%	1
Yorkshire and The Humber		8.3%	2
		<i>answered question</i>	<b>24</b>
		<i>skipped question</i>	<b>2</b>

3. Do you represent a predominantly rural or urban area?			
		Response Percent	Response Count
Rural		36.4%	8
Urban		63.6%	14
<b>answered question</b>			<b>22</b>
<b>skipped question</b>			<b>4</b>

4. Please give an estimate how many people are employed by your authority in providing planning policy and development management/control services and functions.				
		Response Average	Response Total	Response Count
Spatial policy planners		6.05	127	21
<b>Planners determining applications</b>		<b>10.29</b>	<b>216</b>	21
Technical Support Officers determining applications		2.00	40	20
Administrative support		5.90	124	21
Enforcement planners		2.50	50	20
Monitoring officers		0.70	14	20
Other		2.07	29	14
<b>answered question</b>				<b>21</b>
<b>skipped question</b>				<b>5</b>

5. Please provide the number of planning applications determined by your authority in the last year for which figures have been published (last 4 quarters to December 2008 inclusive), in the following categories.

	Response Average	Response Total	Response Count
<b>Total applications</b>	<b>1,097.80</b>	<b>16,467</b>	15
Major applications	44.86	628	14
Minor applications	315.71	4,420	14
Other applications	822.46	10,692	13
	<i>answered question</i>		<b>15</b>
	<i>skipped question</i>		<b>11</b>

6. We are interested in the potential use of LDOs in a range of 'self-contained' development situations. We would like to know about the range and number of such developments in your area. For the categories shown below, please give a broad estimate of the number of developments within your area.

	Response Average	Response Total	Response Count
Business/research parks	5.90	59	10
Educational (college) campuses	2.09	23	11
Hospital campuses	0.91	10	11
<b>Schools</b>	<b>92.73</b>	<b>1,020</b>	11
Waste and Minerals sites	30.82	339	11
Bus/Train Stations	6.36	70	11
Airports and Ports	0.64	7	11
	<i>answered question</i>		<b>12</b>
	<i>skipped question</i>		<b>14</b>




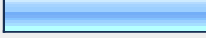
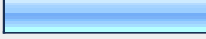

**7. Please give a broad estimate the number of planning applications your authority determines each year from these types of development (total for all sites)**

	Response Average	Response Total	Response Count
Business/research parks	23.22	209	9
Educational (college) campuses	3.89	35	9
Hospital campuses	2.11	19	9
<b>Schools</b>	<b>27.80</b>	<b>278</b>	10
Waste and Minerals sites	7.10	71	10
Bus/Train Stations	2.33	21	9
Airports and Ports	0.67	6	9
	<i>answered question</i>		<b>10</b>
	<i>skipped question</i>		<b>16</b>

**8. Please indicate whether the following approaches to development management are supported by the authority's planning committee members:**


	Not applicable	Routinely	Occasionally	Infrequently	Never	Response Count
Conditions to restrict permitted development	0.0% (0)	21.1% (4)	<b>52.6% (10)</b>	21.1% (4)	5.3% (1)	19
Article 4 Directions	0.0% (0)	5.3% (1)	<b>31.6% (6)</b>	<b>31.6% (6)</b>	<b>31.6% (6)</b>	19
Masterplanning/design guides	0.0% (0)	<b>33.3% (6)</b>	<b>33.3% (6)</b>	22.2% (4)	11.1% (2)	18
Design Codes	5.6% (1)	16.7% (3)	16.7% (3)	22.2% (4)	<b>38.9% (7)</b>	18
Informal Design Advice	0.0% (0)	<b>66.7% (12)</b>	22.2% (4)	11.1% (2)	0.0% (0)	18
Landscape Character Appraisals	5.3% (1)	21.1% (4)	<b>26.3% (5)</b>	<b>26.3% (5)</b>	21.1% (4)	19
	Comments					2
	<i>answered question</i>					<b>19</b>
	<i>skipped question</i>					<b>7</b>


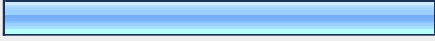
**9. With regard to Design Codes, please indicate any circumstances in which you have prepared or are preparing Design Codes.**

		Response Percent	Response Count
<b>For large opportunity or strategic sites.</b>		88.9%	8
On sites that are likely to be developed in multiple phases.		55.6%	5
On sites where landownership and development partners are known and S106 agreements will be prepared.		44.4%	4
On sites where early development is a key objective.		22.2%	2
Where a good relationship exists or can be built with landowner and/or developer.		22.2%	2
In Conservation or other heritage and landscape quality areas.		44.4%	4
	Other (please specify)		1
	<b><i>answered question</i></b>		<b>9</b>
	<b><i>skipped question</i></b>		<b>17</b>

**10. Please identify any applications for development which you feel could be managed more effectively and the means which could be used (tick all that apply).**

	Design Code	LDO	Informal Design Advice	Conditions to restrict permitted development	Village Design Statement	Other (please specify below)	Response Count
Business/research parks	<b>61.5% (8)</b>	38.5% (5)	46.2% (6)	30.8% (4)	0.0% (0)	7.7% (1)	13
Educational (college) campuses	50.0% (6)	33.3% (4)	<b>58.3% (7)</b>	25.0% (3)	0.0% (0)	8.3% (1)	12
Hospital campuses	50.0% (6)	25.0% (3)	<b>66.7% (8)</b>	25.0% (3)	0.0% (0)	8.3% (1)	12
Schools	50.0% (7)	28.6% (4)	<b>64.3% (9)</b>	21.4% (3)	0.0% (0)	7.1% (1)	14
Waste and Minerals sites	16.7% (1)	33.3% (2)	33.3% (2)	<b>66.7% (4)</b>	0.0% (0)	16.7% (1)	6
Bus/Train Stations	50.0% (5)	10.0% (1)	<b>60.0% (6)</b>	20.0% (2)	0.0% (0)	10.0% (1)	10
Airports and Ports	20.0% (1)	<b>40.0% (2)</b>	<b>40.0% (2)</b>	<b>40.0% (2)</b>	0.0% (0)	20.0% (1)	5
Householder development	50.0% (6)	16.7% (2)	58.3% (7)	<b>75.0% (9)</b>	0.0% (0)	8.3% (1)	12
Minor development in town or other retail centres	41.7% (5)	25.0% (3)	<b>66.7% (8)</b>	41.7% (5)	0.0% (0)	8.3% (1)	12
Minor and householder development in geographically restricted areas e.g. Villages	50.0% (5)	10.0% (1)	50.0% (5)	<b>70.0% (7)</b>	40.0% (4)	10.0% (1)	10
Other (please specify)							1
<b>answered question</b>							<b>15</b>
<b>skipped question</b>							<b>11</b>

11. Prior to this survey and study, had you heard about Local Development Orders?				
			Response Percent	Response Count
Yes		100.0%	19	
No		0.0%	0	
If yes, please explain from where			13	
<i>answered question</i>			19	
<i>skipped question</i>			7	

12. Were you previously aware of the changes introduced to LDOs by the 2008 Planning Act? (Specifically, the removal of the requirement for the LDF to be in place for an LDO to be made).				
			Response Percent	Response Count
Yes		52.6%	10	
No		47.4%	9	
<i>answered question</i>			19	
<i>skipped question</i>			7	

**13. How much do you agree with the potential benefits to be gained from introducing an LDO within your LPA?**

	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree or disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>	<b>Response Count</b>
Would permit types of applications that are invariably granted.	6.3% (1)	<b>56.3% (9)</b>	12.5% (2)	18.8% (3)	6.3% (1)	16
Would encourage preparation of design guides and area management plans.	0.0% (0)	<b>31.3% (5)</b>	<b>31.3% (5)</b>	25.0% (4)	12.5% (2)	16
Would offer simpler procedures for applicants.	0.0% (0)	<b>50.0% (8)</b>	18.8% (3)	18.8% (3)	12.5% (2)	16
Would be easy to understand by all stakeholders and across a local planning authority area.	0.0% (0)	12.5% (2)	18.8% (3)	<b>50.0% (8)</b>	18.8% (3)	16
Would be easy to implement and monitor/enforce.	0.0% (0)	6.7% (1)	13.3% (2)	<b>40.0% (6)</b>	<b>40.0% (6)</b>	15
Would be cost effective for LPAs.	6.3% (1)	0.0% (0)	31.3% (5)	<b>43.8% (7)</b>	18.8% (3)	16
Would facilitate redeployment of LPA resources to more complex applications.	0.0% (0)	18.8% (3)	<b>31.3% (5)</b>	<b>31.3% (5)</b>	18.8% (3)	16
Would maintain/create transparency of decision-making.	0.0% (0)	12.5% (2)	18.8% (3)	<b>50.0% (8)</b>	18.8% (3)	16
Satisfaction by neighbouring occupiers would be maintained.	0.0% (0)	0.0% (0)	31.3% (5)	<b>56.3% (9)</b>	12.5% (2)	16
Would protect and enhance the environment.	6.3% (1)	0.0% (0)	<b>43.8% (7)</b>	37.5% (6)	12.5% (2)	16
Would address the cumulative impact of small scale development.	6.3% (1)	0.0% (0)	25.0% (4)	<b>56.3% (9)</b>	12.5% (2)	16
Would stimulate regeneration on large sites.	6.3% (1)	25.0% (4)	18.8% (3)	<b>37.5% (6)</b>	12.5% (2)	16
Other benefits (please specify)						1
<b>answered question</b>						<b>16</b>
<b>skipped question</b>						<b>10</b>

14. Guidance on LDO procedures is set out in DCLG Circular 1/2006. We are interested to know your views on the elements of the process required to deliver them. For each element of the LDO process listed below in the left hand column, please use the drop down menu to select the statement which best fits your views of the technical process and the resource implications of LDOs for the local planning authority.

How well do you think the process will work?

	0 - Don't know	1 - requirement should be easily fulfilled	2 - requirements will be fulfilled with some difficulty	3 - requirements will be difficult to fulfil
Provide a Statement of Reasons	15.4% (2)	<b>38.5% (5)</b>	23.1% (3)	15.4% (2)
Carry out Informal consultation	7.7% (1)	15.4% (2)	<b>53.8% (7)</b>	15.4% (2)
Prepare a Draft LDO	7.7% (1)	7.7% (1)	<b>69.2% (9)</b>	7.7% (1)
Undertake Formal consultation	7.7% (1)	15.4% (2)	<b>38.5% (5)</b>	30.8% (4)
Fulfil EIA requirements	<b>30.8% (4)</b>	23.1% (3)	15.4% (2)	15.4% (2)
Secure Secretary of State Consent	30.8% (4)	<b>38.5% (5)</b>	15.4% (2)	7.7% (1)
On-going implementation	15.4% (2)	23.1% (3)	<b>46.2% (6)</b>	7.7% (1)
On-going enforcement arrangements	15.4% (2)	7.7% (1)	<b>38.5% (5)</b>	30.8% (4)
Regular/Annual Monitoring arrangements	15.4% (2)	7.7% (1)	<b>38.5% (5)</b>	30.8% (4)
Produce locally-determined supporting guidance eg Design Code.	<b>30.8% (4)</b>	7.7% (1)	23.1% (3)	15.4% (2)

What will be the resource implications for the authority?




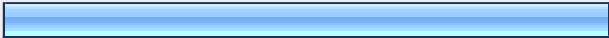
	0 - Don't know	1 - negligible resource implications	2 - insignificant resource implications	3 - significant, but manageable resource implications
Provide a Statement of Reasons	7.7% (1)	7.7% (1)	23.1% (3)	<b>38.5% (5)</b>
Carry out Informal consultation	7.7% (1)	0.0% (0)	0.0% (0)	<b>76.9% (10)</b>
Prepare a Draft LDO	7.7% (1)	0.0% (0)	15.4% (2)	<b>46.2% (6)</b>
Undertake Formal consultation	7.7% (1)	0.0% (0)	0.0% (0)	<b>69.2% (9)</b>
Fulfil EIA requirements	23.1% (3)	0.0% (0)	7.7% (1)	<b>38.5% (5)</b>
Secure Secretary of State Consent	<b>23.1% (3)</b>	15.4% (2)	<b>23.1% (3)</b>	<b>23.1% (3)</b>
On-going implementation	15.4% (2)	7.7% (1)	15.4% (2)	<b>38.5% (5)</b>

On-going enforcement arrangements	15.4% (2)	7.7% (1)	7.7% (1)	<b>38.5% (5)</b>
Regular/Annual Monitoring arrangements	15.4% (2)	7.7% (1)	15.4% (2)	<b>30.8% (4)</b>
Produce locally-determined supporting guidance eg Design Code.	30.8% (4)	0.0% (0)	0.0% (0)	15.4% (2)
Please explain further where you are particularly encourage or discour				

15. If you were going to recommend that your authority prepared a LDO, how do you think your members would react to the proposal?	
	Response Count
	13
	<b>answered question</b> 13
	<b>skipped question</b> 13

16. What would help to improve the attractiveness of LDOs?	
	Response Count
	9
	<b>answered question</b> 9
	<b>skipped question</b> 17

17. Please indicate if your local authority has considered using LDOs by selecting one the choices below.

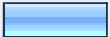
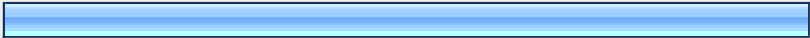
		Response Percent	Response Count
Local authority has adopted a Local Development Order.		0.0%	0
Local authority is actively preparing a Local Development Order.		0.0%	0
Local authority has started to prepare a Local Development Order but this is currently not being progressed.		6.7%	1
Local authority is considering whether to prepare a Local Development Order.		6.7%	1
Local authority is not currently considering whether to prepare a Local Development Order, but might be interested in future in preparing one.		20.0%	3
<b>Local authority is not currently considering whether to prepare a Local Development Order and is not currently interested in preparing one in future.</b>		<b>66.7%</b>	<b>10</b>
Other (please explain)		0.0%	0
		<b><i>answered question</i></b>	<b>15</b>
		<b><i>skipped question</i></b>	<b>11</b>

18. If you have prepared, are preparing or are considering a Local Development Order, please indicate the main development types/areas covered by the LDO.

		Response Percent	Response Count
Business/research parks		0.0%	0
Educational (college) campuses		0.0%	0
Hospital campuses		0.0%	0
<b>Schools</b>		<b>100.0%</b>	<b>2</b>
Waste and Minerals sites		50.0%	1
Bus/Train Stations		0.0%	0
Airports and Ports		0.0%	0
Town Centre/Retail areas		50.0%	1
Residential areas		0.0%	0
Other		0.0%	0
Please provide more details on the scope and uses of the LDO(s) you have prepared, are preparing or are considering			1
<b>answered question</b>			<b>2</b>
<b>skipped question</b>			<b>24</b>

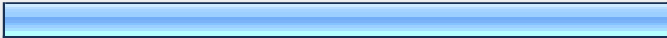
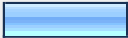
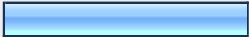
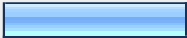

19. Have you or would you consider using LDOs to promote the achievement of local policy objectives, for example to promote renewable energy development or to increase flood resilience? Please explain your view about the potential of LDOs to operate in this way, in the comment box below.

		Response Count
		9
<b>answered question</b>		<b>9</b>
<b>skipped question</b>		<b>17</b>

20. Would you be interested in taking part in a LDO pilots project with the Planning Advisory Service?			Response Percent	Response Count
Yes			11.1%	2
No			88.9%	16
If so, please provide contact details and a brief outline of the LDO situation ...				2
			<i>answered question</i>	18
			<i>skipped question</i>	8

21. Would you be available to discuss your response in a telephone interview?			Response Percent	Response Count
Yes			33.3%	6
No			66.7%	12
If so please provide name, email address and telephone contact details				5
			<i>answered question</i>	18
			<i>skipped question</i>	8

22. Please indicate your core job roles below (tick all that apply).

		Response Percent	Response Count
<b>Development management</b>		73.3%	11
Policy development		13.3%	2
Monitoring or enforcement		26.7%	4
Service management		20.0%	3
Elected member		0.0%	0
Other		6.7%	1
		Other (please specify)	1
		<b><i>answered question</i></b>	<b>15</b>
		<b><i>skipped question</i></b>	<b>11</b>