

have the power to compulsorily acquire land, this power is rarely used even if there is the prospect of beneficial development. This reluctance to use Compulsory Purchase Order (CPO) powers arises for the following reasons: local authorities do not have the time to identify a vision for the future of the area and are involved in a great deal of reactive and abortive work; local authorities are under-resourced both in terms of staff for the work involved in processing a CPO and the finance required to actually acquire land; the process is not widely understood in local authorities nor is the legal expertise always available; and finally the process is time consuming.

The difficulties of using CPO procedures usually deter most local authorities. They are therefore encouraged to look at other ways of achieving site development. This may involve either entering into a partnership with developers or seeking planning gain from a development. A compromise may have to be negotiated with developers to make the scheme acceptable to both partners. The resulting compromise may be a development which, although better than may have originally been proposed, does not achieve the environmental quality originally desired by the local authority.

NEGOTIATING DEVELOPMENT

The ideal situation for the development control planner and the developer is where there is already design and planning guidance available for a given site. This advice appears in a number of different places: it can be found in the Local Plan or in the Master Plan which may also include planning briefs, design briefs, planning frameworks, specific site guidance, city centre action plans, etc. Whatever the title of the document the objective is to give clear ideas about the design requirements for any given site. Such a document will also outline any considerations which the local authority thinks the developer should take into account. Design guidance

should not be limited to those areas dictated by the boundaries of land ownership: wherever possible design guidance should cover areas with a cohesive structure and a planning rationale for the boundary. The stronger the guidance the better will be the chance of achieving the objectives outlined in the document. Where clear guidance incorporating good design practice is prescribed for a site, a developer would have to prepare a convincing project which addressed the issues raised by the guidance. When sound design guidance is outlined by a local authority it becomes more difficult for developers to produce mediocre development.

PREPARATION OF DESIGN GUIDANCE

The preparation of design guidance should be started as early as possible and preferably be produced in partnership with landowners. The greatest advantage in adopting this approach to design guidance is that development costs are identified from the start of the development process. The land price where possible should already reflect the requirements of the local authority before it is put on the market. There is then less opportunity when the land is being sold to a developer for the developer to circumvent the implementation of design guidance by appealing to the vested interests of either the local authority or the landowner.

The landowner knows the requirements of the local authority from the beginning of the process. This, in theory, enables the land to be marketed and planning permission obtained in a shorter period of time. The early knowledge of the local authority's requirements may also assist in determining the best way to phase the development of a site. For example, there may be expensive infrastructure costs which would suggest that the most lucrative developments be constructed first, perhaps prior to the provision of some other necessary community facilities, in order to finance these less profitable developments later in the process.