

A moratorium needs hard data on a development's potential negative effects to validate it. Nassau County, New York successfully imposed a moratorium on growth until the problem of the increased salination of its groundwater supply could be solved. A moratorium on commercial development over 10,000 square feet in size in Walnut Creek, California until the traffic congestion problems could be remedied was, however, struck down in the courts because it was inconsistent with the master plan (*Lesher Communications, Inc. versus City of Walnut Creek, Contra Costa Supreme Court, 1986*). The use of moratoria in the United States received a boost in 2002 when the United States Supreme Court supported their use without having to compensate those whose development proposals were delayed (*Taboe-Sierra Preservation Council, Inc. versus Taboe Regional Planning Agency, 23 April 2002*) (Lucero and Soule, 2002).

Design Review

To some observers, the truly creative activity in the design process lies neither in the design of the programme nor that of the building or complex but rather in the evaluation of possible schemes. Recognizing and selecting good designs, especially departures from the norm is a highly risky business and there are many examples of award-winning schemes that have turned out to be failures in terms of people's lives. The evaluation of designs involves:

- 1 predicting the future context in which the scheme will function aesthetically and behaviourally;
- 2 predicting how the scheme will work in that future;
- 3 evaluating its performance against other possible schemes.

The future is, however, unknown although we can make reasonable predictions based upon sound information about trends in society. Should, however, one 'play safe' or 'go for broke'?

In some places the process of design review is carried out purely subjectively and in others an open-to-view system of scoring is used. In the latter case the goals are weighted, recognizing that some goals are more important than others. Each aspect of design is evaluated numerically based on experts' opinions in terms of the stated goals for a development site. The process may be highly transparent but it has received considerable criticism because of the subjectivity of the evaluation on each of the dimensions of a design. The openness does, however, present a developer with an understanding of the logic of the review process and what is purported to be in the public interest and what is not.

The Battery Park City Planning Authority received 27 proposals from property developers for the building of Rector Place in Battery Park City, New York (see Chapter 8). The question was: 'How should each possibility be evaluated?' Some variables such as financial return to the city in terms of tax revenue can be assessed with reasonable accuracy. Other dimensions of design such as 'fitness to