



# The City of London Law Society

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## Response to Consultation on Greater Flexibility for Planning Permissions

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The City of London Law Society (CLLS) represents over 13,000 City lawyers, through individual and corporate membership including some of the largest international law firms in the world. These law firms advise a variety of clients from multi-national companies and financial institutions to Government departments, often in relation to complex, multi-jurisdictional legal issues.

The CLLS responds to a variety of consultations on issues of importance to its members through its 17 specialist committees. This response to the consultation on Greater Flexibility for Planning Permissions has been prepared by the CLLS Planning and Environmental Law Committee ("the Committee"). The Committee is made up of leading specialists in the field of planning and environmental law.

### Response

1. We welcome the proposal further to extend flexibility for planning permissions by allowing the extensions procedure to apply to unimplemented phases of development, where development has commenced in respect of an earlier phase. The flexibility introduced by the amendments made by the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (2009/No 2261) has provided a relatively straightforward means of applying for a replacement planning permission subject to a new time limit. The current requirement that the procedure only applies to developments which have not commenced at all is too restrictive, however, and we consider there is no good reason for it not to apply to phased development where development has commenced on one or more but not all of the phases.
2. The proposed revised wording of Article 10B of the GDPO, in paragraph (1)(c)(i), only extends flexibility to an outline permission "*which is expressly intended to be implemented in phases*". We question whether this restriction is necessary and whether there is any good reason for excluding outline planning permissions which in fact have been implemented in phases, even if development in phases is not expressed on the face of the permission.

3. We question the need for the inclusion of the words in paragraph (1)(c)(i) "*other than a permission granted on an application made under paragraph (b)*".

Paragraph (1)(c)(ii) makes it clear that the new procedure only applies in respect of a planning permission granted on or before 1 October 2009. It would not be possible for an application made under paragraph (b) to have been granted planning permission on or before 1 October 2009.

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