

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:-

B.Sc.

ES3660: Planning And Environmental Law

COURSE CODE : **ENVS3660**

UNIT VALUE : **0.50**

DATE : **17-MAY-04**

TIME : **14.30**

TIME ALLOWED : **2 Hours**

ENVS3660 PLANNING AND ENVIRONMENTAL LAW

ANSWER THREE QUESTIONS

1. Buildit Plc want to build a yachting marina on a wetland close to the sea and the area of the enclosed water surface is to exceed 1,000 square metres. The local group Society for the Protection of Wetland Birds (SPWB) are concerned and lobby the local authority. As a result, the local authority decide to refuse permission for the development. Buildit Plc appeal.

At the appeal the dispute is heard by an inspector, Mr. Shark, whose brother is managing director of Buildit Plc. He suspects that an environmental impact assessment should have been carried out, but now that he has had a chance to hear all the issues, concludes that he can weigh up all the factors of the decision himself. He is also of the view that planners should not take environmental issues into account as 'presumably the Environment Agency have no objection to this project going ahead, or they would have said so'. He grants approval to Buildit Plc for their application.

SPWB are outraged and come to you for advice.

Please advise them on the appeal procedures and the appropriateness of Mr. Shark hearing the appeal (25% of the marks). Please also advise them on Mr. Shark's view that environmental matters are not the concern of planners (25% of the marks). Lastly, please advise them whether an environmental impact assessment is required (25% of the marks). If it is required, please briefly outline what this would entail (25% of the marks).

2. David Lindlay has set up a small furniture-making workshop in an old pig shed behind his house. He intends to make furniture solely as a profitable hobby. David also sets a few display pieces outside his workshop as well as an inflatable chair given to him by a friend, which he fills with helium and flies from the roof.

At first, David makes the occasional piece for friends but gets few orders from members of the public. One day, however, a neighbour wrongly starts the rumour that David is related to the Royal Family and from then on his business takes off overnight. People turn up from 8am on Monday mornings until 6pm on Friday evenings to catch a glimpse of David at work and he has so many commissions that he decides to work on his furniture full-time rather than just as a hobby.

With all the people crowded round his workshop, David's girlfriend Sophie starts to sell the visitors refreshments: tea when it is cold and wet and local apple juice when it is warm. There is no parking near the workshop so people walk along the bridleway to get to his workshop. Sophie also decides to open a temporary post office on site, selling postcards and stamps and arranging with the Post Office for a weekly delivery service.

TURN OVER

While the neighbours are pleased for David they are concerned by all the noise and overcrowding and are appalled by the amount of rubbish the visitors leave behind them each day. They wonder whether David needs planning permission to carry out his business in this way.

Please advise the neighbours. No part of the site is listed or in a conservation area.

3. Mrs. Hubbard has found an old planning permission in a shoebox in her attic, dated 1954, to build a windmill in the field behind her house. Since 1954, the field has been included in 'greenbelt' land but Mrs. Hubbard would like to build the windmill nevertheless. She insists that this is the only way she can leave her council house and no longer rely on state-funded housing. She wishes to be independent.

One problem facing Mrs. Hubbard, however, is that there is no direct access from the field to the nearest road and she would have to cross Farmer Giles' land to reach the road. Mrs. Hubbard and Farmer Giles are sworn enemies so it is unlikely that he would grant her the permission she needs to gain a right of way across his land.

Mrs. Hubbard tells you that when she builds the windmill she would like to build a separate 'home' (really no more than a garden shed) for her pet rats (all 8 of them). Her neighbours are extremely concerned about this last suggestion, as they do not want rats in the neighbourhood.

Please advise Mrs. Hubbard on whether she is likely to be able to implement the planning permission she has found. No part of the site is listed or in a conservation area.

4. Explain how the protection of human rights should be integrated into the plan-making process.

5. Plush hotel plc wish to build a new hotel and salmon fishery next to a river. The area is designated as greenbelt but Plush hotel are optimistic that their application will succeed due to its innovative design. The only building currently on the site is a dilapidated old cowshed, which Plush hotel wish to turn into a café and spa area. Their architect has developed plans for them to remove fireplaces, install skylights and rebuild exterior and interior walls to transform the shed. The exterior is to be clad in aluminium and spotlights are to be installed.

The site has a number of trees that are all protected by tree preservation orders and a number of ancient hedgerows. Plush hotel are planning on removing all of these.

Local residents are concerned and come to you for reassurance. Please advise them on whether Plush hotel will need planning permission or other consent for any of their proposed works. No part of the site is listed or in a conservation area.

6. Are there any reforms you would propose to fundamentally transform the nature of planning law? If so, what are they? Please explain why they are necessary and what they would achieve.

END OF PAPER

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