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IL QUADRO DELLA PIANIFICAZIONE TERRITORIALE IN GRAN BRETAGNA

Introduzione di F. Archibugi

Centro di studi e piani economici

Il Centro di studi e piani economici (Centro Piani) è una organizzazione indipendente, privata, non-profit, e non politica, che ha lo scopo principale di promuovere e sviluppare ricerche nel campo della pianificazione e della planologia, e favorire la collaborazione multidisciplinare degli esperti – a cominciare dai suoi associati – in tali ricerche.

Il Centro Piani fu fondato a metà degli anni '60 a Roma e ha cooperato alle prime esperienze del Governo italiano nel campo della programmazione economica. Successivamente, dissociandosi dalle alterne vicende dell'esperienza italiana, ha sempre più orientato la sua attività nel campo della ricerca, teorica e applicata, relativa alla "planologia", stimolando intorno ad essa la convergenza delle "scienze della pianificazione" e di metodologie avanzate di valutazione e decisione politica.

Fra le sue finalità, vi sono quelle di sviluppare e diffondere ricerche empiriche di prospezione a medio e lungo termine, con l'approfondimento delle relazioni fra tali ricerche di prospettiva e gli studi di pianificazione, nonché dei supporti tra ricerca scientifica, innovazione, sviluppo economico e qualità della vita. Sempre fra le sue finalità vi è quella di studiare le forme di utilizzazione nella pianificazione integrata pubblica, di metodi automatici di informazione, di metodi avanzati di elaborazione dei dati e di tecniche di valutazione.

Per realizzare opera di supporto e di assistenza tecnica ai programmi multilaterali e bilaterali di cooperazione nei paesi in via di sviluppo il Centro Piani ha creato una speciale sezione operativa il <u>Development Planning Centre</u> (DPC), finalizzato a dare supporto in particolare ai progetti di pianificazione all'UNOP. Il DPC, oltre che della esperienza degli associati del Centro Piani, si avvale di giovani energie nel volontariato civile (sia nei paesi sviluppati che in quelli in via di sviluppo), che procura di formare e addestrare specificamente alle tecniche e alle esperienze di pianificazione integrata dello sviluppo.

Il Centro Piani ha messo in opera - con il contributo finanziario del Consiglio Nazionale delle Ricerche - un <u>Sistema Informativo sulla Scienza della Pianificazione</u> (SISP) attraverso il quale persegue una costante opera di documentazione, sugli sviluppi della Planologia.

Il Centro Piani nel perseguimento dei suoi fini e nell'esecuzione delle sue ricerche promuove convegni e seminari, distribuisce borse di studio, realizza corsi di formazione nelle tecniche e nei metodi di pianificazione integrata.

Il Centro Piani promuove numerose pubblicazioni, affidandole a Editori specializzati o realizzandole in proprio, organizzate in apposite serie. Ogni anno viene aggiornato un apposito Catalogo delle Pubblicazioni.

Il Centro Piani ha una sua propria sede in Roma, nella periferia sud della città, in cui è locata una Biblioteca specializzata nel campo delle Scienze della pianificazione, collegata con il SISP. La Biblioteca è a disposizione degli studiosi e degli studenti.

Il Centro Piani i cui associati sono singoli studiosi ed enti, è diretto da un Consiglio Direttivo - di durata triennale - che produce un Rapporto di attività annuale presentato ai soci e poi pubblicato.

Il DPC è diretto da un Comitato composto dai coordinatori dei diversi gruppi settoriali di lavoro del DPC stesso.

IL SISTEMA DI PIANIFICAZIONE TERRITORIALE IN GRAN BRETAGNA

Nota introduttiva di Franco ARCHIBUGI

Nel presente "reprints" sono riprodotte alcune pagine di un opuscolo divulgativo preparato nel 1978 dal competente servizio di informazioni del Governo britannico, ma con la sostanziale cooperazione del Dipartimento dell'Ambiente che é la branca (noi diremmo "ministero") dell'amministrazione centrale che istituita alla fine degli anni '60, ha la competenza gestionale della pianificazione territoriale secondo il "sistema" che viene descritto dall'opuscolo stesso.

Il sistema inglese attuale é stato "riformato" e introdotto con radicali innovazioni, dunque, alla fine degli anni '60 e perfezionato con alcune leggi agli inizi degli anni'70, in connessione ad una contemporanea riforma del "governo locale". Esso ha immesso un meccanismo procedurale piuttosto nuovo che, dopo le deludenti esprienze della pianificazione "indicativa" degli anni '60, costituisce una esperienza importante nella direzione di un governo razionale del territorio: esperienza che va seguita, e all'uopo imitata.

Cercheremo di indicarne gli aspetti caratteristici salienti nei seguenti punti:

a) dice il documento nell'introduzione: "sebbene il sistema di pianificazione regolatoria concerne essenzialmente lo sviluppo dell'ambiente fisico, l'approccio implicito é quello di identificare i bisogni delle persone e il modo possibile di soddisfarli. Ciò spiega

- il lento spostamento da una ristretta concezione di assegnazione d'uso del territorio ad una pianificazione strategica di più largo respiro finalizzata agli obiettivi sociali ed economici della comunità";
- b) il sistema introdotto aumenta alcune responsabilità del governo centrale, sopratutto nella ricerca
  di "uniformità" nell'esercizio delle responsabilità locali: "l'effettiva amministrazione e l'esercizio del
  potere discrezionale entro i limiti istituzionali
  e regolamentari sono di responsabilità di ciascuna
  autorità, ma per alcuni servizi i ministri. del governo centrale hanno dei definiti poteri, alcuni dei
  quali finalizzati ad assicurare una misura di uniformità nazionale, altri per la protezione di diritti
  individuali";
- c) il nuovo sistema é esplicitamente fondato sul riconoscimento dei difetti dell'antico sistema di pianificazione urbanistica, puramente fisica: "i primi piani nati dalla legislazione del 1947 assegnavano il territorio ai vari usi - per es. residenziale, industriale, commerciale, o direzionale; esprimevano le proposte delle autorità di pianificazione per strade, edifici pubblici, parchi, altri spazi d'uso pubblico come pure gli usi esistenti che si proponeva di conservare; le aree definite per uno sviluppo globale; indicavano le 'cinture verdi' intorno alle aree urbane; ... Questi 'vecchi' piani ebbero qualche efficienza nel controllare sviluppi non desiderabili, ma hanno avuto minore successo come strumenti per una pianificazione creativa e non trattarono in maniera integrata e globale(comprehensively) i problemi connessi che emergevano dall'uso del territorio e dalle domande di traffico":
- d) il nuovo sistema, quindi, esplicitamente afferma il bisogno di integrazione strutturale fra l'approccio puramente "fisico" della pianificazione (quello "vecchio") e quello diciamo socio-economico; e questo fin dal nome di uno dei due strumenti del sistema. Infatti il "nuovo tipo

di piani di sviluppo introdotto alla fine degli anni '60 si fonda sui 'piani di struttura' (structure plans) e sui 'piani locali' (local plans). E a questo nuovo sistema fu "richiesto il compito di ridurre i tempi amministrativi, di sottolineare una pianificazione 'positiva' per la creazione di un ambiente gradevo-le piuttosto che per il controllo 'negativo' di sviluppi indesiderati, e di permettere al pubblico di svolgere un ruolo più importante nel processo di pianificazione."

- e) il nuovo sistema definisce in una procedura le responsabilità interconnesse dei diversi livelli territoriali; infatti " i'piani di struttura' sono preparati dalle autorità di pianificazione della contea" e i'piani locali'- che devono in generale conformarsi ai piani di struttura - sono preparati dalle autorità di pianificazione dei distretti! Le Contee (che sono 45 in Inghilterra, 8 nel Galles, mentre in Sozia, Irlanda del Nord e Grande Londra gli enti amministrativi sono diversamente ripartiti) e i Distretti (che sono 332 in Inghilterra, 37 nel Galles, 53 in Scozia e 26 in Irlanda del Nord), sono le due entità di governo locale (elettivo) del sistema inglese. Ora, ogni piano di struttura deve essere approvato dal Segretario di Stato all'ambiente(ministro) "prima che siano adottati i principali piani locali". E questo requisito " autorizza il Segretario di Stato a modificare le politiche e le proposte generali dei piani di struttura alla luce delle politiche nazionali o regionali, in conseguenza di conflitti all'interno del piano, o come risultato di una controversia sostanziale".
- f) il nuovo sistema definisce ed applica una interessante meccanismo di "partecipazione" del pubblico sia alla formazione che alla gestione dei piani, sia a livello di distretto (piani locali) che di contea (piani di struttura). Infatti: "le autorità di pianificazione locale sono obbligate dalla legge a informare e consultare il pubblico durante la preparazione sia dei piani di struttura che dei piani

locali. Le autorità sono libere di scegliere qualsiasi metodo che ritengono coerente con il tipo di piano e le circostanze locali. Principalmente esse usano una pubblicità di massa." Nelle pagine che seguono sono indicati i principali sistemi di pubblicità usati. (In uno speciale "reprint" del Centro Piani -84/C/9- é stato riprodotto uno opuscolo del Dipartimento inglese dell'ambiente, concernente le istruzioni e i consigli forniti alle autorità di distretto per organizzare "speciali inchieste pubbliche locali"). Per quanto riguarda i piani di struttura, quando questi vengono sottoposti all'approvazione del Dipartimento dell'ambiente, essi sono pubblicati e privati o organizzazioni possono sottoporre obiezioni o sostenere controproposte al Segretario di Stato. "A causa della natura strategica generale dei piani di struttura (nei quali non si può identificare proprietà individuali o diritti di proprietà) la tradizionale forma della \*inchiesta pubblica sulle obiezioni non é appropriata, e al suo posto vi é un 'esame pubblico' (examination in public) di un certo numero di materie selezionate." L'esame é condotto da un panel, composto da un presidente indipendente e due altri membri, che fanno rapporto al Segretario di Stato, che poi decide. Le procedure, i problemi e i metodi seguiti per questi "esami pubblici" dei piani di struttura sono oggetto di una pubblicazone del Dipartimento dell'ambiente che é servita da guida per le procedure in essere, (e che é riprodotta come "reprint" del Centro Piani, 84/C/8)

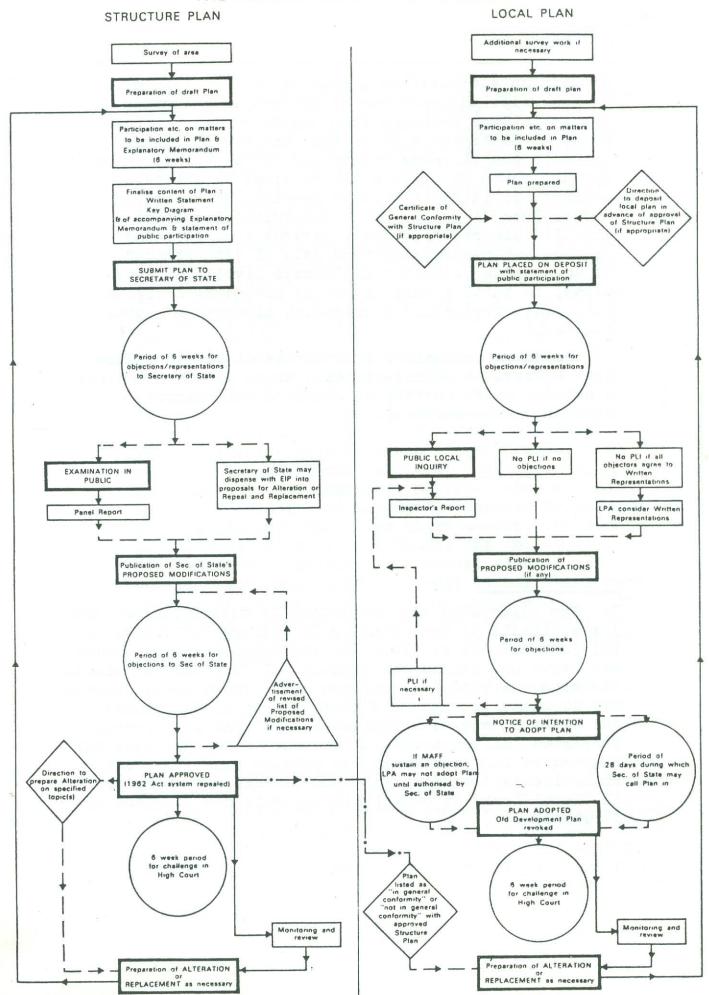
Abbiamo voluto quì sottolineare gli aspetti più significativi del sistema ("nuovo") inglese di piani-ficazione territoriale; per maggiori dettagli saranno ovviamente più utili i documenti che vengono riprodotti; e per ancora maggiori dettagli, viene riprodotta una bibliografia, in allegato al presente "reprint".

La conoscenza di questo sistema di pianificazione e il modo con il quale esso "regola" i rapporti di decisione, di autorità e di potere, fra i tre livelli digoverno locale avente "autonomie" legali, perché di origine elettiva, ci induce ad una considerazione generale: malgrado che il sistema di autonomia locale in Gran Bretagna (con organi elettivi a livello di distretto e di contea) sia fra i più antichi, e che il paese stesso sia fra i più "decentrati" dal punto di vista delle gestioni di interesse collettivo, tuttavia é stato previsto un "sistema" interrelato di analisi di "conformità" fra i tre livelli (distretti, contee, governo centrale) che produce una ripartizione non solo di "competenze" ma una logica selezione del"giusto livello di decisione, in tutti i casi in cui le autonomie decisionali "interferiscono" e producono incoerenze o conflitti.

Senza un meccanismo procedurale di questo genere ogni sistema di pianificazione, prima ancora di andare a cercare altri fattori di crisi, é chiaramente destinato alla paralisi.

Per illustrare con precisione le interrelazioni fra i tre livelli di decisione, e le differenti "fasi", in cui la decisione si articola, riproduciamo nella pagina che segue uno schema che riassume il "sistema" di pianificazione territoriale inglese nel "procedimento" unitario di piano (lo schema é tratto da un altro ppuscolo del Dipartimento dell'Ambiente). Il Piano di Struttura preparato dalla autorità di contea, viene approvato dal Segretario di Stato, dopo una precisa procedura; e il Piano locale é condizionato dal livello superiore mediante il "Certificato di Conformità Generale con il Piano di Struttura".

# THE DEVELOPMENT PLAN PROCESS



# INTRODUCTION

BY COMPREHENSIVE land-use planning and development control the United Kingdom has had considerable success in resolving the conflicting demands of industry, commerce, housing, transport, agriculture and recreation and in reducing environmental pollution. The legal and administrative framework for environmental planning, which has evolved over many years, has encouraged positive planning to ensure the wise use of land for the benefit of

the community.

With some 56 million people living in an area of 244,108 sq km (94,250 square miles), the United Kingdom has a high population density, about 229 people to the square kilometre (593 per square mile). In England the figures are 355 people to the square kilometre (920 per square mile), and in London 4,411 people per square kilometre (11,432 per square mile). It is therefore essential to preserve a balance between the competing claims made on the environment. There is no 'national plan' for urban and land development, but there are laws dealing specifically with environmental health and the control of pollution, and a statutory system of land use planning applying over the whole country and to virtually every kind of development, All development requires local 'planning permission', and all applications for permission are dealt with in the light of 'development plans' which set out strategies for each area on such matters as housing, transport, industry and open land.

The country was the first to be faced, in the nineteenth century, with major problems arising from industrialisation and particularly from the transformation of an agricultural society into an urban one in a very short time. Many of the current problems of British planning—such as the urgent need to renew or redevelop substantial parts of the main inner areas of major cities

-still arise from the legacy of this urban development.

The experience of much of the nineteenth century showed what could go wrong when, in a period of rapid change, there was no real attempt to plan development in the interests of the community as a whole, and the United Kingdom became one of the first countries to develop a process of town and country planning. The system started in a small way with acceptance of the idea that basic services such as water supply, drainage and sewerage needed to be provided collectively, but soon developed to include the regulation of standards of house-building and street layout, and then into a means of controlling land uses, and of limiting and directing the form of town development. Eventually it became concerned with most aspects of urban, and to a lesser extent rural, living. The gradual increase in planning—involving for example the stopping of suburban 'sprawl', policies to locate industry and employment, the creation of new towns, growing restraints on the use of cars in towns, and controls on mineral extraction—has, however, been possible only because most people feel that the benefits outweigh the disadvantages.

Public acceptance of the planning system has been accompanied by a growing demand by both groups and individuals to participate more fully in the planning process. The unofficial 'amenity society' movement in particular represents an influential and expanding element in the system. The movement,

which has a history of more than a hundred years, comprises a diverse and often overlapping range of groups, both local and national. Some of the main national groups are mentioned in the text of this pamphlet. The local ones largely represent a recent trend, and illustrate an element of popular involvement in public affairs which extends not only to environmental issues but also for example to the concerns of tenants', immigrants' and social welfare

claimants' groups.

Although the statutory planning system is primarily concerned with the development of the physical environment, the underlying approach is to identify people's needs and possible ways of meeting them. This explains the growing move away from narrow land-use allocation towards broader strategic planning recognising the community's social and economic goals. Planning is now seen as a less finite, more continuous and flexible apparatus than it was some years ago. Administrative structures, as well as policies, have changed to meet new problems. The 1970s have seen, for instance, both the formation of a comprehensive central Department of the Environment responsible, in England, for the whole field of planning and environmental

protection, and a complete reorganisation of local government.

The handling of development in Scotland related to the discovery of North Sea oil provides an example of the way that planning can be used effectively and flexibly in a novel situation. Much of the development—industrial building or the expansion of towns—is of the sort that planning authorities are used to dealing with, but some involves both the very latest technology and changes in scenic areas which have hitherto been little affected by construction work. The problems that have arisen have been met by national, regional and local action in the form of policy guidance from the centre, regional strategies, development plans and project appraisals by consultants and by a recognition on the part of those responsible for the planning system, centrally and locally, and of developers, of a need for flexibility and cooperation.

Most people in the United Kingdom have now come to appreciate the importance of conserving the country's rich and varied heritage. This has been a gradually but constantly increasing concern, which can be seen in several ways. Perhaps most obvious is the careful upkeep of historic monuments, buildings and areas, but there is also the emphasis now placed in housing policies on the improvement of homes or whole districts rather than, as in the past, the practice of clearance and redevelopment. The countryside landscape, too, although still under pressure from changes in farming methods, the spread of towns and the demands of town dwellers for recreation, is now safeguarded more carefully than ever before, as well as being made more generally accessible through national parks and other policies. The achievements of the clean air and clean water programmes, and other efforts to clear up and prevent pollution, are themselves creating a greater public awareness of the value of conservation.

This pamphlet broadly describes the administrative system and the main objectives behind the planning of the environment in the United Kingdom. It refers to some of the special features and problems of British planning, and mentions briefly some of the measures adopted to promote a cleaner and healthier environment in which people can live and work. Within the United

Kingdom there are some differences in the organisation and responsibilities of central and local government in relation both to the planning machinery and to the legislation as between England, Wales, Scotland and Northern Ireland. This pamphlet deals generally with the United Kingdom as a whole except where specific references are made in the text.

# CENTRAL AND LOCAL GOVERNMENT

Central Departments

The main government departments concerned with environmental planning are listed below.

The Department of the Environment, under the Secretary of State for the Environment, is responsible in England for a wide range of functions relating to the physical environment in which people live and work. It brings together the major responsibilities for land use, planning, housing and construction,

countryside policy and environmental protection.

The Secretary of State is concerned primarily with the strategic issues of policy and priorities, including public expenditure, which determine the operations of the Department as a whole. He is also responsible for urban affairs and inner city renewal; new towns; local government; and regional affairs. He is assisted by a Minister for Housing Construction who is responsible for the finance and policy of the housing programme; the construction industries; and planning, development control and land. A Minister of State has responsibilities including sport and recreation; the control of pollution; water and sewerage; minerals; and countryside affairs.

The Department is also concerned with the conservation of historic towns and buildings and ancient monuments, and research into planning matters,

building and construction, environmental pollution and resources.

The Department of the Environment is advised on ways in which the quality of the built environment could be improved by the Environmental Board which comprises both outside experts and senior officials of the Departments of the Environment and Transport.

The Department of Transport, headed by the Secretary of State for Transport, is responsible in England for the main inland transport industries, including railways, buses, freight and ports. It is also responsible for the planning and construction of motorways and trunk roads, although responsibility for the appointment of inspectors at public inquiries and decisions on their reports is shared with the Department of the Environment. The Department is also responsible for local transport, road and vehicle safety, and vehicle and driver licensing.

The Welsh Office has broadly the same range of executive responsibilities in Wales—exercised by the Secretary of State for Wales—as the Departments of the Environment and Transport have in England. The range includes town and country planning, housing, local government, environmental services (including water supplies, sewerage, refuse disposal and all aspects of pollution control), new towns, roads, national parks, ancient monuments and historic buildings. It also includes agriculture. The Secretary of State has direct ministerial responsibility for selective financial assistance to industry in Wales, as well as general responsibility for economic development. The Welsh Development Agency and the Development Board for Rural Wales, responsible to him, have important industrial and environmental functions (see pp 12–13). Centred in Cardiff with a small ministerial office in London, the Welsh Office works closely with the government departments concerned with

economic and social planning, through the Welsh Council (see p 12).

The Scottish Development Department and the Scottish Economic Planning Department are both responsible to the Secretary of State for Scotland. The Scottish Development Department is concerned with a number of services affecting the physical environment of Scotland, such as town and country planning, housing, roads and local transport planning, water supplies and sewerage, ancient monuments and historic buildings, coast protection and flood prevention, local government, building standards and the prevention of pollution. The Scottish Economic Planning Department is responsible for industrial and economic development, including the Scottish aspects of regional and industrial policies and the economic aspects of North Sea oil and gas development; selective assistance to industry; oversight of the Scottish Development Agency (see p 13); rural development; electricity; and new towns.

The Department of Industry is responsible for general industrial policy and for industrial aspects of regional policy including financial assistance to industry. Some regional industrial policy functions are exercised by Welsh and Scottish departments.

The Ministry of Agriculture, Fisheries and Food, the Department of Agriculture and Fisheries for Scotland, and the Department of Agriculture for Northern Ireland are concerned with physical planning related to agricultural land as part of their responsibilities for agriculture, forestry and fishing.

The Department of the Environment for Northern Ireland, under the Secretary of State for Northern Ireland, is responsible for planning, housing, roads and bridges, water supplies and sewerage, local government, transport and traffic, pollution control, amenity lands, environmental public health, and historic buildings and ancient monuments.

#### Devolution

The Wales Act 1978 and the Scotland Act 1978 envisage the extension of decentralised decision-making by establishing elected assemblies in Wales and Scotland with responsibility for a wide range of domestic affairs. These would include planning and development (although aspects of economic and industrial development would be subject to United Kingdom guidelines), housing and roads and local transport planning. The proposed Welsh Assembly in Cardiff would have an executive role which would leave the United Kingdom Parliament with full responsibility for primary legislation. The plans for Scotland would involve a Scottish Assembly in Edinburgh with powers of primary legislation in the so-called 'devolved areas', and a Scottish Executive to administer devolved topics. The establishment of each assembly is subject to the approval, in referendums, of at least 40 per cent of the Welsh and Scottish electorates. Details are contained in COI Factel No 679, Devolution in the United Kingdom.

#### Local Authorities

Local government in the United Kingdom is the responsibility of elected local authorities which are democratic representatives of their areas and

provide services under specific duties or powers laid down by Parliament. The actual administration and the exercise of discretion within statutory limits are the responsibility of each authority, but for some services central government ministers have defined powers, some of which are designed to secure a measure of national uniformity, others for the protection of individuals' rights. For some services the minister concerned has wide powers of supervision; for others there are strictly limited powers.

The environmental services for which local authorities are responsible and which are relevant to this pamphlet include: town and country planning, housing, bridge and highway construction and public transport co-ordination, the provision of recreation grounds and parks, refuse collection and disposal. litter prevention, noise abatement and the prevention of air pollution.

In England (outside London) there are 45 large county authorities within which there are 332 smaller district authorities. Broadly speaking, the counties are responsible for matters requiring administration over wide areas or requiring the support of substantial resources. Such matters include strategic planning, transportation planning, thighways traffic regulation and refuse disposal. The district councils are responsible, for example, for most local plans and development control (see pp 7-11), building regulations, the main housing functions and environmental health. Powers to operate some functions, such as the provision of parks, are available at both county and district levels; arrangements depend on local agreements.

Greater London is administered by the Greater London Council (GLC) and the councils of 32 London boroughs and the Corporation of the City of London. The boroughs and the City Corporation are the basic units of local government, dealing for instance with local plans, development control, housing and environmental health. The GLC provides services which require unified administration and control over the whole area of the capital, such as the provision of the main strategic road network. The GLC, as well as the boroughs, exercises some housing functions, including the arrangements with 'expanding towns' outside London (see pp 20–1).

In Wales there are eight county and 37 district authorities and the division of environmental planning responsibilities is much the same as in the English counties and districts.

The mainland of Scotland is divided, for local government purposes, into nine regions within which there are 53 districts. The regional and district authorities exercise a separate range of functions in rather the same way as the counties and districts in England. Because of their isolation from the mainland, Orkney, Shetland and the Western Isles each have a single, virtually all-purpose authority.

In Northern Ireland the arrangements are different from the two-tier systems in other parts of the United Kingdom. Although some local environmental services are administered by the 26 district councils, responsibility for planning, roads, water supply and sewerage services is exercised by local offices of the Department of the Environment for Northern Ireland working closely with the councils. The Northern Ireland Housing Executive (see p 35), responsible to the Department, administers housing.

# THE FRAMEWORK OF PLANNING

**Development Plans** 

The basis of British town and country planning is the development plan which, broadly speaking, consists of a series of documents—including a written statement and maps or diagrams—containing a local planning authority's main objectives for land use in the area over a period of years. The plan itself does not directly control the development or acquisition of land, but it sets out policies and proposals, or allocations, as a framework against which such decisions can be made.

The first plans under legislation originating in 1947 allocated land for various uses—for example, residential, industrial, shopping or business; showed the planning authority's proposals for roads, public building, parks, open spaces and other public uses, as well as existing uses which it was proposed to retain; defined areas for comprehensive redevelopment; showed 'green belts' surrounding urban areas; and indicated areas where existing uses of land were intended to remain generally unchanged. These 'old' plans proved effective for controlling undesirable development, but they had less success as instruments for creative planning and did not bring together comprehensively the related problems arising from the use of land and the demands of traffic.

In the late 1960s a new type of development plan system consisting of structure' and 'local' plans, was designed to reduce administrative delays, to emphasise positive planning for the creation of a pleasant environment rather than the negative control of undesirable development, and to enable the public to play a greater part in the planning process. This new system is being introduced progressively, area by area, over a period of years and the old development plans are gradually being superseded by the new ones.

Structure and local plans, like the old development plans, are based on a survey of the area instituted by the local planning authority or group of authorities working together. Outside consultants can be employed to help with the work. The survey takes into account the main physical and economic characteristics of the area (including the principal purposes for which land is used); the size, composition and distribution of the population; the communications and transport system and the traffic; and any other important considerations (including any prescribed by the Secretary of State). Structure and local plans are under continuous review and may be altered from time to time.

Structure plans are prepared by the county planning authorities (in Scotland, by regional planning authorities). They consist of a written statement, illustrated diagrammatically and setting out and justifying policies and general proposals for the development and other use of land in the area, including measures for the improvement of the physical environment and the management of traffic. The policies and general proposals must be set in their regional context—showing, for example, the implications of investment and employment—and must indicate any 'action areas' where comprehensive development, redevelopment or improvement is expected to start within ten years (five in Scotland).

Local plans, including plans for 'action areas', must conform generally to the structure plan and are normally prepared by district planning authorities, although sometimes by county planning authorities (regional planning authorities in Scotland). They consist of a written statement and a map setting out the authority's proposals for the development and other use of land for the area, defining precisely the area of land affected by the proposals. The plans deal with the detail of development, and so provide the basis for development control (see p 10) and for co-ordinating public and private development. Besides the plans for action areas, there are 'district plans' for the comprehensive planning of relatively large areas, usually where a change will take place in a piecemeal way over a long period, and 'subject plans' for dealing with a particular type of development (such as reclamation of derelict sites) in advance of the preparation of a comprehensive plan. Most local plans in Scotland are expected to be comprehensive, although there is provision for action-area and subject plans (but not district plans) in special cases.

Structure plans are not prepared in Northern Ireland. The statutory system is based on the preparation of development plans by the Department of the Environment for Northern Ireland.

#### **Public Participation**

Since a development plan may affect everyone in the area it covers, local planning authorities are required by law to inform and consult the public during the preparation of both structure and local plans. The authorities are free to use whatever methods they think fit, according to the type of plan and local circumstances. At first they tended to rely on mass publicity. Illustrated leaflets were distributed, and the local press was used to publicise survey information and proposals. Written comments were invited from individuals, and a large number of local organisations were contacted and asked to contribute comments. Public opinion surveys were undertaken, and exhibitions and public meetings were held.

While a large number of members of organisations and individuals contributed, the proportion of the local population that became involved was often disappointingly small, however, except in places like villages with which people could identify well or where people had much at stake, as when their homes were affected by pollution or by development proposals. In these small areas, too, the people who actively responded were fairly representative of the local community, but in most places the people who spontaneously made some contribution to the wider policy issues over a large area were not usually typical of the whole population.

Local planning authorities are now trying to improve their methods of publicity and participation. This involves attempting to reach a wider public—for instance by the use of local radio and regional television during the preparation of structure plans, and by the use of community workers, street groups and local information points during the preparation of local plans. Leaflets are printed in several languages in some areas with a number of ethnic groups. The local planning authorities are also trying to obtain a deeper response through conferences, seminars and the follow-up of public meetings by discussion groups, and by the use of slide-and-tape shows and video-tape.

Standing organisations such as specialist or generalist panels have been convened. In local action areas joint parties have been set up consisting of councillors, local residents and planners who prepare a plan for submission to the planning committee of the local planning authority. Authorities have arranged detailed interviews of individuals and have tried to improve the quality of the replies received from organisations by providing them with 'kits' which can assist members' discussions. Some authorities are trying to obtain a more representative response by conducting opinion surveys on the basis of a random, representative sample and by recruiting people at random for generalist panels or detailed interviews.

The law requires local planning authorities to consider the views of the public. The authorities state how they have drafted their policies to meet public opinion, or why they have not been able to agree with opinions expressed in the statement on public participation which they have to submit to the Secretary of State. He has to decide whether the authorities have adequately achieved the purposes of the law.

#### Approving or Adopting the Plans

Every structure plan must be approved by the Secretary of State before the relevant local plans can be adopted. This requirement enables the Secretary of State to modify the policies and general proposals of structure plans in the light of national or regional policies, in consequence of conflicts within the plan, or as the result of substantial controversy.

To reduce the risk of planning delays in the inner cities (see p 23), the Inner Urban Areas Act 1978 gives local planning authorities power to adopt local plans in advance of approval of the structure plan, provided that the local plan is in general conformity with the structure plan as it stands for the time being. Throughout Scotland local plans can be adopted in advance of the approval of the structure plan.

When the structure plan is submitted for approval, it is published and members of the public and organisations can submit objections or supporting representations to the Secretary of State. Because of the broad strategic nature of structure plans, with no identification of individual properties or property rights, the traditional form of a public inquiry into objections is not appropriate, and instead there is an 'examination in public' of a number of selected matters. These are selected by the Secretary of State to provide himself with the additional information and arguments he needs to reach a decision on the plan having regard to the representations received and in the light of earlier public consultation.

The examination is undertaken by a panel, consisting of an independent chairman and two other members, which reports to the Secretary of State its conclusions on the plan, including views of modifications that may be needed. This procedure avoids time-consuming and unprofitable discussion of matters of great detail, and focuses attention on fundamental matters of strategic importance. The Secretary of State takes account of the panel's report before deciding whether to approve the plan, with or without modifications.

Local plans go through a similar process of preparation, with consultation, publicity and public participation, and when the plan is ready (and there is an approved structure plan) it is made available for public inspection. Objectors



to the plan have a right to be heard at a public local inquiry. The local planning authority must consider the inspector's report, and may propose modifications to the plan before adopting it. A local plan does not normally require the approval of the Secretary of State, but he has the power to call it in for his own approval, although this is intended to be exceptional.

## Control of Development

With certain exceptions, all 'development' (which in planning law includes most forms of construction, engineering and mining and any material change in the use of land or existing buildings) requires the prior consent ('planning

permission') of the local planning authority.

When determining an application for planning permission, the authority must keep in mind the provisions of the development plan for the area concerned and any other relevant considerations—for example, the effect of the proposal on road safety, the appearance of the surroundings, or public services such as drainage and water supply. If proposals for development do not accord with the plan, the local planning authority can give its consent if it believes that they do not conflict with or prejudice a fundamental provision of the development plan. In the case of other departures from the plan, the authority must (if it proposes to permit the development) give public notice of the application, asking for representations, and must send a copy of the application to the Secretary of State. The Secretary of State does not normally intervene unless it appears that important planning principles or issues of more than local significance are involved, but he has powers to call in the application to make his own decision, or to direct that planning permission be refused, or to leave it for decision by the local planning authority.

In Scotland planning authorities can approve applications for development which does not accord with the development plan provided that the applications have been advertised and representations considered. There are separate arrangements for notifying the Secretary of State about development

proposals which could have national implications.

After considering an application for planning permission, the local planning authority can grant unconditional permission, refuse its consent, or grant its consent subject to such conditions as it thinks fit (these may require, for example, the setting aside of part of the site to provide car parking space, or that the site be landscaped). There is a right of appeal to the Secretary of State against refusals or conditions attached to a grant of permission. The Secretary of State's decision may be challenged in the High Court on points of law.

The Secretary of State has the power to decide all appeals, but he can make regulations transferring certain kinds of appeal for decision by an inspector (in Scotland a reporter) acting on his behalf. In either case, a local public

inquiry may be held.

If development is carried out without permission (or conditions are not complied with), the local planning authority may serve an 'enforcement' notice (against which there is a right of appeal to the Secretary of State) specifying the steps which it requires to be taken for the purpose of remedying the breach of planning control. The authority has a right to prosecute developers who fail to comply with an enforcement notice.

The town and country planning legislation recognises the importance of taking public opinion into account, not only in the preparation of development plans (as described above) but also in considering individual planning applications. Registers of all planning applications have to be kept and made available for public inspection, and applications for certain types of development (broadly those which might be regarded as rather anti-social on grounds of noise or other nuisance) must be advertised locally giving the general public a chance to object. Local inquiries into planning appeals and applications called in for decision by the Secretary of State are normally held in public, and people are given an opportunity to express views about the proposed development. When appeals are decided on the basis of written representations, people who may be affected are given a chance to express their views in writing.

In the case of a development proposal of national or regional importance or of a very scientific or technical nature, the Secretary of State may constitute a Planning Inquiry Commission for the purpose of inquiring into and reporting on the proposal

In 1975 a Review of the Development Control System prepared for the Secretaries of State for the Environment and for Wales (the Dobry report) see Reading List, p 64), found that 'the system [of development control] is potentially very good but its procedures do not adequately meet current needs'. The review mentioned that the system had achieved a great deal—'the countryside, for instance, has been well defended, considering the enormous pressures upon it; the impact of suburban sprawl could easily have been catastrophic'.

In 1976 and 1977 the Environmental Sub-Committee of the House of Commons Expenditure Committee examined the system of land-use planning and development control in England and Wales in relation to planning applications, appeal procedures and determination, with a view to identifying reasons for delays and the costs that such delays create. In its report published in 1977 (see Reading List, p 64) the Sub-Committee concluded that the time taken to determine a relatively small proportion of all applications was excessive and that 'the greatest scope for improvement lies in assisting all authorities to reach the standard now set by the best'.

In January 1978 a Government White Paper, *Planning Procedures* (see Reading List, p 64), was published in response to the Sub-Committee's report. While pointing out that in the vast majority of cases the time taken to process planning applications was not unnecessarily long, it recognised a continuing need to find ways of improving the effectiveness of the development control machinery.

# Regional Planning

Successive Governments in recent times have believed that regional planning is necessary in order to achieve more evenly balanced economic activity throughout the country. Increasing importance has been attached to the need to plan development and other land use (including transportation) over a wider area than that of an individual local planning authority; to the growing relationship between neighbouring areas; and to relating physical, economic and social planning.





In England the Department of the Environment has decentralised to regional offices much of its work on regional economic and physical planning, transport and housing, thus enabling the London headquarters to concentrate

on the integration of planning proposals at a national level.

For the purpose of regional planning, England is divided into eight regions: the North, Yorkshire and Humberside, the East Midlands, East Anglia, the South East, the South West, the West Midlands, and the North West. Each region has an appointed economic planning council with about 30 parttime members drawn, for example, from local authorities, industry, commerce and the universities, to advise the Government on the needs and potentialities of the area, and an economic planning board comprising senior representatives in the region of the central government departments concerned with environmental issues, industry, investment and manpower. A regional director, who is a senior official of the Department of the Environment, can as chairman of the regional economic planning board keep in close touch with the regional activities of other economic departments. His direct responsibility in the region for a wide range of the Department's services (including planning, housing and transport) and for the Department's relationships with local authorities also means that he can co-ordinate the region's economic and physical planning.

The regional economic planning councils published, at an earlier stage, major reports on their regions, all suggesting that purely economic problems such as serious unemployment within a region, or the need for new industry and other forms of employment could not be solved in isolation from social and environmental factors. Improvements in education, health and social services, recreation and transport, as well as in the physical fabric and in amenities generally, might help to influence the growth of industry and

commerce and their movement into a region from elsewhere.

The present stage is one of formulating medium- and longer-term regional strategies, where necessary with sub-regional studies of areas with particular problems. The Government attaches great importance to the preparation of regional strategies co-ordinating economic and land-use planning and taking into account, for instance, the distribution of population, industry and employment. The work is being carried out by collaboration between the regional economic planning councils, local authorities and central departments. The reports on which they are based are normally commissioned by the central Government, economic planning councils and local planning authorities. The strategies provide a regional framework for the preparation of local planning authorities' development plans (see p 7), and a guide to investment decisions in both the public and private sectors. So far, strategies have been produced for the South East, East Anglia, North West Yorkshire, and Humberside, and West Midlands regions. They are reviewed periodically.

In Wales the Welsh Council, a nominated body composed of private individuals with wide interests and knowledge of Welsh problems, advises the Government on the broad strategy of regional development and the best use of resources. It co-ordinates the departments' work on regional development and planning. The objectives of the Welsh Development Agency are as follows: the furtherance of economic development in Wales; the promotion

of industrial efficiency and international competitiveness; the provision, maintenance and safeguarding of employment; and the improvement of the environment (for example, through the rehabilitation of derelict land). The Development Board for Rural Wales is responsible for similar and additional functions in mid-Wales which has special problems associated with rural areas.

Several separate organisations in Scotland are concerned with promoting economic development, as well as the Scottish Economic Planning Department (see p 5). They include the Scottish Economic Council which is the main source of advice and has members drawn from industry, commerce, local authorities, agriculture and the universities, and the Economic Planning Board for Scotland, composed mainly of senior officials from a number of government departments, which co-ordinates the departments' policies concerned with economic development. The Scottish Development Agency has powers and funds to promote the creation of jobs and the development of industry, and to bring about a favourable environment for economic development. Strategic planning in the regions of Scotland is undertaken by the regional local government authorities, and a number of studies of the economic and physical problems and potentialities of Scotland's regions or subregions have been undertaken either directly by the Government or by joint teams formed with university departments.

In Northern Ireland a regional physical development strategy has been adopted for the years 1975 to 1995. The main town in each district local authority area is seen as a point of planned growth, Belfast, Londonderry and Craigavon playing a dominant role. In the case of Belfast a policy of limiting the spread of the urban area applies. The development strategy also envisages that the smaller country towns should fulfil a more modest role, being primarily tourist centres and dormitory towns and in some cases service centres, although some industrial development is foreseen. The third and smallest type of settlement is the village which, with the country towns, may absorb part of the population displaced from the countryside by the reduction of employment opportunities in farming.

#### Regional Development Policies

Alongside the development of regional machinery for environmental planning there are special government policies which try to ensure that resources are deployed in every part of the United Kingdom to the best advantage of the country as a whole. The policies for distribution of employment are an example. The Government exercises control over the location of industry through an industrial development certificate system and over the location of offices. In addition it has over the years offered a variety of incentives to manufacturing industry to persuade firms to move to 'assisted' areas. These have included the provision of government factories at low rents, loans and grants towards the cost of new buildings and plant, investment grants towards the cost of production equipment, selective assistance for projects likely to provide employment, assistance towards the retraining of workers and rehousing grants. Grants are available to firms already in an area as well as to new firms and for modernisation of factories as well as for projects likely to provide extra employment. Further information on this

aspect of regional policy is contained in COI reference pamphlet, <u>Regional</u> <u>Development in Britain</u>, R5804.

#### The Community Land Scheme

The two basic features of British post-war planning, the statutory development plans combined with development control through planning permission, have done much to prevent undesirable development, but have not helped local authorities to act positively to promote the kind of private development needed by the community since they have largely had to await private initiative. The gap was recognised in a government White Paper, Land, published in 1974 (see Reading List, p 64): 'The community does not at present have sufficient power always to plan positively, to decide where and when particular development should take place. Public ownership of development land is designed to give this power to its rightful owner, the community.'

The Community Land Act 1975, which followed the White Paper, gave local authorities responsibility for the supply of land for development—private as well as public—in their areas. It empowered authorities to acquire land (compulsorily if necessary), service it, and subsequently dispose of it to builders or developers for private development. At present it is left to authorities to decide when it is necessary to intervene in this way to bring land forward for development. The Government's aim is that eventually all land for development will be made available by the authorities. Statutory Orders introducing this full duty will be made progressively on individual authorities as they gain experience.

Local authorities' land acquisitions are carried out within the administrative framework of the Community Land Scheme which is the responsibility, in England, of the Department of the Environment. The Scheme provides for authorities to borrow money to purchase and manage development land and to repay loans from the receipts of disposals. Each authority keeps a separate Land Account to represent the stewardship of its land holdings. Once the Scheme has built up to a steady turnover it will be financially self-supporting.

The first objective of government land policy is to enable the community to control the development of land in accordance with its needs and priorities, and the opportunity for surpluses on land dealings—to which the net-of-tax advantage, see below, will give rise in some cases—is secondary to the primary objective of positive planning. Under the Community Land Scheme proposed land acquisitions must be consistent with planning objectives established in the normal way through development plans and planning control. While the Scheme can be used on occasion to bring 'green-field' sites onto the market at a profit to the acquiring authority, increasing attention is paid to the redevelopment of run-down urban sites. The Scheme helps authorities to deal with the problems of multiple ownership, assorted tenure, inadequate infrastructure, and general dilapidation which have in the past discouraged private development and led to wasteful (and socially undesirable) under-use of inner city land.

Private firms and individuals will encounter the Scheme in one of two ways. First and foremost, the private sector will increasingly look to local authorities as suppliers of land for development. Second, when landowners submit

a planning application for 'relevant' development (that is, proposed development which is significant in planning terms), local authorities, in addition to determining the application, must also serve a notice saying whether or not they intend to acquire the land for subsequent disposal through the land scheme if planning permission is granted.

In acquiring land from a local authority, a buyer will usually be granted freehold ownership of land intended for housing development. Where the land is intended for commercial or industrial use, however, the normal

terms of disposal will be a lease for 99 years.1

In Wales the Community Land Scheme is administered by the Land Authority for Wales, which takes the place of local authorities for land matters and reports to the Secretary of State for Wales. In Scotland community land activity is the responsibility of local authorities, as in England, and operates under a similar scheme administered by the Scottish Development Department. The community land policy does not extend to Northern Ireland.

#### Land Values

The granting of planning permission for a piece of land frequently has the effect of increasing its value to builders and developers in the market, perhaps by several times. The Government's view is that this increase in value is attributable not to the result of the owner's improvements but to the efforts of the wider community which grants that planning permission and pays for the infrastructure which has made that development possible. This increase in value should belong to the community, the Government believes, and the second objective of land policy is to restore to the community the increase in value of land arising from its efforts.

For many years, when land has been acquired by a local authority from a private landowner, the landowner has received compensation which has not been limited to the value of the land based on its current use but may reflect any value due to the prospect of carrying out development. This may include the value of the development which the acquiring authority intends to carry out. Eventually, the Community Land Act will change the basis of compensation so that the landowner is compensated on the basis of the value of his land in its existing state. This change cannot, however, be effected for many years, until all development land is passing through public ownership,

In the meantime development land tax is imposed on the increase in value mentioned above, as a means of transferring the benefit to the community. The tax on any difference between the market value of the land with planning permission and its value in its existing use (or the price paid for the land by the landowner if this was higher) is at present zero on the first £10,000 in any one year, two-thirds on the next £150,000 and four-fifths thereafter. The Government's aim is to raise these tax rates progressively towards 100 per cent in step with the progress that local authorities make in becoming dominant suppliers of development land.

<sup>&</sup>lt;sup>1</sup>English property law includes both <u>freehold</u> and <u>leasehold tenure</u>. Where property is freehold there is <u>no time limit</u> on the owner's possession. Where it is leasehold the occupier 'leases' it for a set period, and pays an annual 'ground rent' to the freehold owner. Most houses are freehold; flats, maisonettes and many other properties are usually leasehold.

When land is sold privately, owners pay tax to the Exchequer, but when land is acquired by a local authority under the Community I and Scheme the tax that would otherwise have been paid to the Exchequer is deducted from the purchase price the local authority pays the landowner. The net result for landowners is the same whether they sell their land on the open market or to a local authority. The ability of local authorities to acquire land 'net-of-tax' automatically secures that the community obtains the benefit of any development value. This net-of-tax arrangement applies to all land acquired by local authorities—for housing, schools, hospitals, as well as to the land acquired for later disposal to the private sector.

Since local authorities are not equally endowed with land or opportunities for development, and in order to spread the benefits of development value equitably, surpluses on local authorities' Land Accounts are shared partly with the Exchequer and partly through a pooling arrangement among the

authorities.

## Voluntary Organisations

The introduction to this pamphlet mentions the part that voluntary groups, national and local, play in the British approach to the planning of the environment. Some of the main national groups are briefly mentioned elsewhere in the text. The Committee for Environmental Conservation, comprising many of these bodies, acts as a liaison body, and is concerned with broader aspects of environmental interest than those covered by many individual groups. The Town and Country Planning Association, founded in 1899, seeks to improve the quality of land use planning, and operates a planning aid service for local amenity groups; while the Royal Town Planning Institute encourages high standards in town planning. The Centre for Environmental Studies is an independent research body concerned with urban, regional and other planning problems.

# READING LIST

	Official Publications (published by Her Majesty's Stationery Office-indicated)	unless of	ierwise
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<sup>&</sup>lt;sup>1</sup>Ministry of Agriculture, Fisheries and Food (Publications), Block C, Government Buildings, Tolcarne Drive, Pinner, Middlesex HA5 2DT.

<sup>2</sup>Priced publications available through the Community's sales offices, including HMSO.

Fifth Report: Air Pollution Control—an Integrated Approach. Cmnd 6371. ISBN 0101637101.	1976	£ 1·75
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<sup>&</sup>lt;sup>1</sup>A number of the other official and voluntary bodies mentioned in the text of this pamp<sup>1</sup> publish annual and other reports recording the progress of their work.