

Property and regeneration: planning matters!

Greg Lloyd looks at the conundrum land use planning represents in the modern world.

Land use planning forms part of the complex set of rules and regulations which guide and enforce land and property development in the wider public interest. Land and property development is essentially a profit-driven activity, and land use planning seeks to assert a broader, more holistic social value on the physical development outcomes. Why a conundrum?

On the one hand, as a society, we generally take land use planning for granted and only tend to engage with it when we are forced to. The established system is usually perceived in negative terms – having to prepare and submit a planning application; having to meet conditions laid down on the granting of planning permission and so on. At other times, individuals may feel obliged to give up time and energy to become involved in the preparation of a development plan or, horror of horrors, to become politically animated to resist a proposed development which is perceived to be inimical to their personal interest.

On the other hand, remove land use planning from the theatre of societal management and the certainty of our lives would quickly dissipate – as the property world would then likely become a very awkward lottery. Depending on locality, proximity to other activities, expected developmental potentials and a host of other circumstances, property values would likely be affected in a contrary manner. Such uncertainty would be very damaging for individual, corporate, neighbourhood, business and community well-being. Yet, notwithstanding the importance of land use planning then to the modern way of living, why does it attract such bad press? Why is planning constantly vilified – by a host of interests – property developers, landowners, home owners, communities, environmental groups and even government itself?

Historical background

One reason is that the land use planning system today is a product of a particular epoch. The initial comprehensive legislation – the Town and Country Planning Act 1947 – was introduced into a particular time and place and was intended to achieve certain things – such as slum clearance, post-war reconstruction, the provision of new housing and settlements, the inclusion of retailing and industrial facilities, the linking-up of communities through transport opportunities – and the necessary conditions for economic growth.

In general terms, the land use planning system secured these immediate post-war objectives and, moreover, did so in a way that ensured orderly and well-managed patterns of property development to appropriate standards. Design and location may be controversial here – but architectural imagination would need to be another discussion. There can be little doubt that the UK became a more civilised place as houses were built, the essential infrastructure was laid down and land was allocated to allow for anticipated growth and development in a spatially co-ordinated

way. Indeed, by the 1960s, land use planning had matured sufficiently to innovate – it distinguished between planning for strategic issues in terms of the allocation of industrial, commercial and residential land developments, and planning for local agendas around, particularly around siting and design, layouts and the provision of facilities. In addition, civil society was brought into the process more explicitly so as to provide a litmus-test that the technical matters of regulating land and property development reflected as far as possible the principles of public participation and a broad understanding of the public interest, mediated by governance at the most appropriate (local) level.

Subsequently, the land and property development industry has become more sophisticated and has developed positive working relations with local planning authorities. This has created a viable partnership to ensure that local and regional property markets work reasonably efficiently. Both sides of the equation – land use planning and land and property development work under difficult conditions; on the one side estimating likely demand for housing, retailing and industrial developments, and – on the other side – trying to deliver complex development schemes to the requisite standards. While there are problems, by and large the land use planning and property development relationship is a robust one.

Negativity and criticisms

So why is land use planning so exposed to negative criticism? Recently, for example through the Barker Reviews, the Treasury has taken an interest in the potential role land use planning can play in facilitating national economic growth. There are two dimensions to this interest – does land use planning inhibit growth through restrictive land allocation policies and regulation? Can it provide a more flexible supply of land? This underscores the protective and developmental capacities of the land use planning system which operates at a micro and a macro scale.

The land and property development sector may thus be critical of land use planning because at a fine-grained level, in local and regional markets, land supply for housing never seems sufficient and decision making is perceived as too slow and costly. In addition, it is argued, there is a tendency for local planning authorities to impose conditions and seek agreements on planning permissions with little reference to the financial realities of the land and property development sector.

In contrast, environmental groups and agencies become agitated with what they hold to be the pro-development bias of land use planning. Here, the argument advanced is that insufficient weight is given to non-economic factors, and that as a result the environment is rapidly being damaged, and social justice issues ignored. Think tanks then weigh in with their (politically-driven) views and advocate solutions for which they bear no democratic responsibility. Finally, individuals and communities become

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exercised about protecting particular qualities of defined life-styles where they perceive these as threatened by certain development proposals. Often such delaying actions can slow up the various planning processes so that the system itself attracts criticism from other quarters.

At particular places, at particular times, and from the viewpoint of particular interests, the merits of objection, concern and disagreement may hold and may be justified. The bottom line is that what was once considered and recognised as a shared public interest for the desired outcomes of a planning system has been replaced by a complex plurality of relatively more private and competitive interests. In practice, these tend to shout loudly for attention and control and assert a narrow, rather than a collective, perspective. Very rarely, it seems to me, do these particular interests calmly point to a positive alternative to a given development or policy proposal, and planning – which, after all, is only a societal tool – becomes a convenient scapegoat.

Moreover, the job facing the land use planning system – and the cadre of public, private and voluntary sector planners who principally operate it, has become more complicated and differentiated. Over time, technology has advanced and economic growth materialised so the types of developments coming forward have become more complex, such as mixed-use developments. The development of on-shore oil and gas facilities, for example, to serve the off-shore energy economy, the location of out-of-town shopping-malls and the roll-out of mobile telephony infrastructure have all brought new challenges to the land use planning system. As developments have taken place, and proximities between land uses become narrower, then trade-offs between different development types becomes more sensitive. In effect, trying to provide the democratic spaces to deliberate and to reconcile the private and public interests involved has itself become squeezed.

There is another important dimension. Economic development is not even over time or space. That truism is very powerful, yet is often overlooked. It applies equally to associated land and property developments. Simply look at the very uneven economic activity in the UK at the present time. The south of England is over-heating and there are a host of pressures on the property market, particularly with respect to housing and water infrastructure. Compare it with the north where the opposite prevails. In reality, the picture is even more layered as, at a finer scale, under-performing land and property development markets sit cheek-by-jowl with buoyant local property markets.

Here is a point well worth making. Land use planning has for some considerable time been dealing with both the positive and negative effects of modern living. Whilst then it is often characterised as simply being the regulator for land and property development and ensuring that communities continue to improve their quality of life, it has simultaneously been addressing the problems of degeneration. The causes of economic, social and environmental degeneration in certain localities are very complex and it is generally held that government action is required to

turn them around. That is not to say that markets could or would not do so (so-called gentrification by groups of individuals) but this may only happen in certain limited places and circumstances. The timescales may be sufficiently long that untold damage is done to the areas, communities and individuals involved. Land use planning has played a leading role in promoting the redevelopment of neighbourhoods, ensuring the provision of appropriate retailing and community facilities and seeking to connect up areas to promote greater social inclusion and cohesion.

Recent changes

So what of the catalogue of ills? There is a familiar mantra here that the land use planning systems needs to become more efficient (and make decisions quicker, prepare development plans faster and enforce decisions more rigorously); that it needs to be more effective (and ensure that sufficient land is allocated, protected and that this takes place); and that it must become more transparent and open (so that all interested parties – indeed all of us? – have a say in the workings, deliberations and outcomes of the land use planning system).

Both the Planning and Compulsory Purchase Act 2004 in England, and the Planning etc (Scotland) Act 2006 have recently sought to address these concerns and to implement a package of reforms to enhance both the effectiveness of the land use planning system and the skills base of the profession.¹ In 2006, in England, the Barker Review took this process of critical reflection further forward. The recent White Paper **Planning for a Sustainable Future** was published by a coalition of government departments: Communities and Local Government; Environment, Food and Rural Affairs; Trade and Industry; and Transport.² The cross-departmental support may suggest at how important land use planning is now considered in England. The White Paper promotes major reforms which seek to speed up land use planning, address infrastructure questions, whilst improving community consultation. Its vision is for 'a planning system which supports vibrant, healthy sustainable communities, promotes the UK's international competitiveness, and enables the infrastructure which is vital to our quality of life to be provided, in a way that is integrated with the delivery of other sustainable development objectives, and ensures that local communities and members of the public can make their views heard' (para 1.3). Sixty years after that first attempt to create a comprehensive package to manage the land resource, the patent complexity of the issues in a global context and in the light of climate change is very clear.

In practical terms, the White Paper sets out proposals inter alia to provide for major infrastructure projects through improved national planning policy statements and a new Independent Planning Commission which will decide on individual projects through the use of particular experts. Second, the White Paper proposes simplifying the local planning system for householders to make it far easier to make home improvements like extensions

¹ Peel, D. and Lloyd, M.G. (2007) Neo-traditional Planning. Towards a New Ethos for Land Use Planning? *Land Use Policy* 24(2), pp. 396 -403.

² HM Government (2007) **Planning for a Sustainable Future**. London, Cm 7120, May.

and conservatories. Third, planning is expected to play a bigger role in tackling climate change, and it is suggested that householder small-scale renewable technology developments will not require planning permission. Finally, it seeks to ensure the planning system will continue to support town centres. This will involve a new test to ensure the well-being of town centres and provide protection from out-of-town developments. The White Paper also includes a new commitment to protect green belts and the overriding emphasis on brownfield development is re-asserted.

Taken individually, these ideas clearly resonate with specific concerns. There is a danger that their selected application remains piecemeal and poorly joined-up. What land use planning really needs is a collective and strategic ethos. This must be able to accommodate the different land and property development contexts across the UK, reflect the interests of the devolved administrations and be seriously resourced in terms of strategic infrastructures. Land use planning needs to be taken seriously in political circles and each of us must discharge our personal responsibilities, particularly as certain development rights become individualised.

In an elegant essay about land use planning Will Hutton, the social commentator, argued for the need for a collective debate – what he described as: **“a richer national conversation in which all the phenomena that connect – insecurity, inequality, distrust of the new, disbelief that private ambitions can have public benefits and scepticism about the effectiveness of any public action – are openly talked about and resolutions sought”**. He further asserted that this would require: **“politicians prepared to dare and citizens prepared to respond”**.³

As society seeks to adapt to a complex modern world, it needs to reposition land use planning, land and property development and economic regeneration rather differently. We need then to clarify how we define and articulate the public interest – at all levels – national, regional, local. We need to change behaviours. Think of the emergent crises around climate change, flooding and the collapse of basic infrastructures. Governments, think tanks, academicians, the media, single-issue groups and society at large needs to share a more rounded view of these challenges and the alternatives available. We need to revisit our established fiscal arrangements and the provision of strategic infrastructure that connects and crosses administrative boundaries. This would mean thinking on a longer term basis and jointly with the devolved administrations. At the local level, it would mean challenging the ‘me, me, me’ mentality which seems to have replaced the property cliché ‘location, location, location’. In essence, it is time to re-assert a wider social interest and responsibility in land and property development.

What of the opportunities for investment in regeneration? The argument here is that reform of land use planning can only go so far. The major hurdle is societal. We require a more rounded, deeper, transformative overhaul of the ways in which we use land and property development for regeneration purposes. We need to explore new vehicles for ‘ethical’ land and property development investments, as is the case elsewhere in the financial and investment markets. Yet before these can take effect, we need a shared understanding and commitment to an appropriate articulation of land use planning and regeneration in the new millennium.

3 Hutton, W. (2005) Save the Lakes from stagnation: The Swiss have shown us how to regenerate the Lake District. *The Observer*, April 3