E-Supplement Three: Recent UK Planning Systems

PLANNING AT THE LOCAL AUTHORITY LEVEL: DEVELOPMENT PLANS

Endless Changes

The development plan system has also undergone several major changes in form and content over the last 40 years. Not only have the types of plans changed but also the delineation of the areas they cover. Also some planning departments have been amalgamated with other departments such as highways, estates and environmental services because of government cutbacks and reorganisation. Following the establishment of the modern planning system, in the post-war reconstruction period, under the 1947 Town and Country Planning Act, local authorities were required to produce development plans at county and urban borough level, as well as a range of types of local area plans. The plans were clearly site related, with an emphasis on dealing with the effects of bomb damage, housing shortages, and rebuilding city centres. There was little space for regional considerations in these early plans. However, there was a strong government emphasis on regional economic planning too. But this was administered separately from physical land-use planning, although, for example, local planning authorities had to take into account central-government led, regional policy by allocating space for new ‘regional’ industrial estates in their new plans.

Structure Plans

 The first major revision to the post-war planning system took place at the end of the 1960s, when certain ‘guinea pig’ local authorities, identified by the government’s Planning Advisory Group (PAG) tested out, what became known as, the Structure Plan system. It was a two tier system with Structure Plans providing a strategic steer to plan making at county and metropolitan level, and an enhanced version of Local Plans providing the basis for detailed plan-making at district level. Structure Plans were rolled out across the whole country under the 1971 Town and Country Planning Act.

This change coincided with a wider reorganisation of local government in the early 1970s. The boundaries of many counties were redrawn in 1974 to incorporate the wider catchment area or ‘travel to work’ area around major cities. For example, the super-county of Avon was created to cover Bristol and its hinterlands in North Somerset and South Gloucestershire. New metropolitan authorities were established to cover major conurbations such as Greater Manchester and Merseyside. Structure Plans were prepared for these new enlarged county areas and the metropolitan areas, at what might be seen as a sub-regional, or at least extra-urban level, which transcended pre-motorcar, historical boundaries. This is because such cities have large hinterlands, catchment areas and surrounding suburban development so it is impossible to plan for the immediate city in isolation.

The Structure Plan was essentially a written policy document accompanied by a series of diagrammatic policy maps, which illustrated policy rather than providing specific zonings, as explained in the Development Plan Manual (DOE, 1972,b; Cullingworth and Nadin, 2006). The chapter topics covered by the Structure plan were population, employment, resources, housing, industry and commerce, shopping, transportation, minerals, education, social services, recreation and leisure, conservation and landscape, and utility services. The approach reflected new planning theories such as ‘systems theory’ from North America (see Chapter Eight).

The role of the Local Plan was to apply the strategy as set out in the structure plan, to provide a detailed basis for development control, to co-ordinate development and investment and to keep the public informed (Healey, 1983). Local Plans showed proposals over the next 5 years, were Ordnance Survey based and comprised a variety of plans including Action Area plans to deal with specific locality-based issues. They might identify policies for a city or town centre or for an area in need of regeneration or conservation, and thus included a combination of area-based and thematic policies. Thus the Structure plan and the Local plan together formed the statutory development plan for the area concerned. Local plans provided the mainstay of planning guidance at the local level for many years, and were a clearly understood and practical means of setting out land use plans for the future of an area and a basis for effective development control. They provided a detailed set of policies that would be used to determine planning applications, and a detailed map that would show important designations (and their boundaries) such as green belts, housing development, retail areas and urban conservation areas. Whilst Local Plans worked well, the higher-level Structure Plan was much criticised for being difficult to understand because of their non-site-specific maps and simplified style of presentation. Although improved public participation was introduced as a key element in the Structure Plan process (Skeffington,1969) there was much criticism from environmental and community groups of the remoteness, and impersonality of the planning system.

The timescale to produce such plans was considerable and could go on for years. Few county planning departments had the staff and resources to draw up the plans and to subject them to subsequent modification. In some planning authorities they still comprise the main development plan documents Whilst a wide range of topics were looked at with regard to potential future demands for land and development, in reality the capacity of the local authority planners to influence them directly was limited, because these matters are under the control of other local government departments or the private sector. Thus Structure Plan sections on education, social services and health proved outside of the remit of planning power. However some local authorities sought to use planning as a management tool which co-ordinated the work of all their departments, including education, social services and highways. This prefigured later attempts in the 1990s onwards to adopt a more inclusive approach to spatial planning that was not limited only to land-use matters but also to the delivery of a wider range of local authority services.

The Structure Plan system should not be written off as ancient history by the reader, because, so slow was the pace of change and plan-making in some shire counties that, in the absence of any more recent plans, this two tier system remains in operation, and the updated Structure Plan is still the main legally binding policy document. For example subsequent guidance was produced in 1999 for those local planning authorities still working under this system (1999 Structure Plans: A Guide to Procedures). In reading this account of past planning system, you may get a sense of déjà vu as styles of development plan seem to go in cycles and come back into fashion if you wait long enough, cycling from strategic to local emphasis and so forth.

Unitary Development Plans

The levels at which the planning system operates and the areas that it covers are directly linked to the structure of the local authority system in which it operates. Under reorganisation in 1974, new counties had been created such as Avon (around Bristol), and Humberside (around Hull), which sought to combine cities with their hinterlands, as the growth of motorcar ownership along with increased suburbanisation no longer made it realistic to limit the planning of a city to its historic boundaries. In 1986 the Conservative government abolished these counties and restructured city government. It also abolished the GLC (Greater London Council) which had been established since 1965, arguably it comprised the largest population concentration and Labour-held council in the country whose policies were often seen to conflict with national objectives.. Long awaited Local Government Boundary Reorganisation took place in 1996 (following the 1992 Local Government Act), making way for a new system of unitary authorities (Cullingworth and Nadin, 2006). As a result of these changes many former lower-tier district authorities became unitary, single-tier authorities in their own right with their own development planning powers, especially those containing substantial urban populations. Thus the control of the hinterlands surrounding main conurbations (such as Bristol with Avon) was lost which had been so important in developing sub-regional level transportation and housing policy.

 Subsequently, many boundaries have been redrawn and local authorities have lost or gained planning powers as a result of local government reorganisation. But it is also the case that many parts of the country have remained untouched by this process, in such areas the shire counties have remained, typically subdivided into four or five district authorities. This all makes for a fragmented and often confusing structure of local government – yet it is vital to understand exactly who is responsible for making planning policy and development decisions at the local level. Please check the current boundaries and designations of local government authority areas and related planning powers on the internet to keep up to date on this complex issue.

The second major change to the planning system coincided with all this local boundary reorganisation. Under the 1986 Housing and Planning Act Unitary Development Plans (UDPs) were introduced. These were first drawn up for the London boroughs and large metropolitan conurbations, and were subsequently produced for many of the new unitary provincial urban areas and other urban local authorities too. The new UDPs sought to combine the best of the structure and local plan approach from the old system. Part I of the UDPs was devoted to strategic policy statements, like the old Structure Plan, and Part II dealt with detailed land use issues and planning in specific areas like the old Local Plans. Details of the format were set out in the Circular 3/88 *Unitary Development Plans* and in the edition of PPG12 produced at that time. The requirements governing UPDs were consolidated in the Town and Country Planning Act 1990 and the 1992 Local Government Act required local authorities to prepare UDPs rather than maintaining Structure and Local Plans.

Originally it was envisaged that all local authorities would progress to a new unitary system, as suggested by the 1989 White Paper *The Future of Development Plans,* which in turn reflected the lighter touch towards planning control expressed in the 1985 White Paper, *Lifting the Burden*. However it was mainly the more urbanised areas that were required to produce such plans, but overall progress was limited. Those planning authorities that did not produce UPDs survived on a range of Structure Plans, approved local plans and half-finished district plans. Reasons for local planning authorities failing to keep up with new requirements, included massive cutbacks in local government planning departments, both in terms of staffing and resources; increased development pressures; political changes; and generally a more complex and time-consuming set of planning regulations (more hoops to jump through) especially in respect of environmental and sustainability procedures. Some planning departments ceased to exist and were merged with Highways, Estates or other related departments.

The introduction of UDPs met with a mixed reception across the country. There was little enthusiasm in predominantly rural shire counties for moving over to the unitary plan system, because there was a need for a strategic county wide overview to be retained. Issues that needed to be included in county wide development plans include strategic policy statements on new housing, green belts, industrial, business, shopping and employment areas, rural economy, strategic highways and transport, mineral working, waste disposal, tourism and leisure. However, arguably, unitary authorities, covering urban areas, which were previously historic urban boroughs are the ones which have gained the most from producing their own comprehensive local plans, unfettered now by a higher county planning level. For guidance on development plan practice see DoE,1992a;DETR,1998a and b).

London Planning

 London was covered by the GLC (Greater London Council) created from the LCC (London County Council) in1965, and operated as a sub-regional, trans-conurbation planning power in its own right, but with the London boroughs also retaining their own plan-making powers too, which inevitably led to some friction. In the London boroughs, and in the large metropolitan areas, which comprise the conurbations of the North and Midlands, Unitary Development Plans (UDPs) became the main form of development plan. Change began in the 1980s with the abolition, under the 1985 Local Government Act, of the Greater London Council (GLC) and the Metropolitan County Councils (MCCs) on 1st April 1986. These were replaced by 32 London Borough Councils (Heap,1991:38). But in London the GLA itself was given powers to produce The London Plan, which was effectively a higher level Development Plan (or RSS) for the whole conurbation. The tenuous relationship between the London boroughs and the subsequent GLA (Greater London Authority founded 2000) continues to evolve. Please see E-Supplement 2 for more information on London, Wales, Scotland and Northern Ireland.

Non-Statutory Plans

Whilst some large authorities were keen to embrace the UDP changes, as indicated, some local authorities did not have the resources or political will-power to implement the new system and instead used a range of plans approved by the local council as the basis of policy making in the interim. The status of non-statutory plans which are not directly part of the development plan system is subject to much legal debate. These include plans produced by local authorities with the approval of their planning committee, and which express overall policy direction. These are seen as having some validity as legal sources of policy, particularly when an update of the required statutory plan is yet to be produced. But, successive governments have taken the view that such informal 'bottom drawer' plans have limited weight in planning appeals. Some small local authorities have hobbled along using such plans for several years and have never caught up, which makes it very difficult for developers seeking clarity as to current planning policy in the area in question.

Many local authorities prepared design guides and planning standards reports which were taken as being the definitive policy of the local authority (cf Essex, 1973,1997 and now online). Subsequently central government went on to produce its own design guidance, work to which in more recent years CABE contributed (Commission for Architecture and the Built Environment). Likewise, some community groups and local area residents were lobbying to make their area the subject of a Local Plan, prefiguring the current inclusion of neighbourhood and parish plans within the development plan ‘folder’.

As will be explained in Chapter Eleven on regeneration, development plans were not the be all and end all to planning under Thatcher and Major. A series of new *ad hoc* designations, initiatives and local planning mechanisms were introduced, such as Enterprise Zones, Simplified Planning Zones and Urban Development Corporations covering larger areas. All were given separate powers from the local planning authority in which they were located, and all intent on encouraging private business and local enterprise which were believed to be the better means of generating renewal than state-led regional planning initiatives under previous Labour governments.

Local Development Frameworks

The third main change to the development plan system came under New Labour, albeit more slowly than expected. With the advent of New Labour in 1997 many planners expected there to be another revision to the planning system early on, given previous Labour governments fondness for planning as an ideology and method of governance (Healey et al, 1988). The desire to improve the planning system was signalled by the 1998 government report, *Modernising Planning,*  (DETR,1998,a) and in the 2001 Green Paper, *Planning: Delivering Fundamental Change* (DETR,2001a). A whole series of other aspirational (spin) planning documents were produced by central government at this time with particular emphasis on both environmental sustainability and urban design. These included ‘Sustainable Communities: Delivering Through Planning (ODPM, 2003a); and ‘Sustainable Communities: Building for the Future’ (ODPM,2003b) in which it was suggested that 60 per cent of new residential development should be on brown land and this was followed in 2007 by the White Paper, Planning for a Sustainable Future. In parallel there was a greater emphasis on higher densities on new housing estates, urban regeneration and a greater commitment to ‘place making’ and urban design. For example, Lord Rogers (the world-famous architect) headed the Urban Task Force in 1999 and produced the report, Towards an Urban Renaissance (Rogers,1999), which was followed by the Urban Summit of 2002.

There was no attempt early on to replace the market-orientated planning system which had been introduced under the preceding Conservative governments (of Thatcher and Major). However, one can see some similarity, relatively speaking, between the outgoing Conservative government and incoming New Labour in approaches to planning reform. Indeed, many of the structural changes to planning that were made by New Labour were based upon reforms to local government already started under Major.

It was not until the Planning and Compulsory Purchase Act of 2004 that major new planning legislation was introduced. In the interim, New Labour promoted a range of policy proposals*, ad hoc* changes, policy initiatives, and ‘spin’ all of which had major town planning implications. These included pronouncements on urban regeneration, regional development, transport, environmental sustainability, and urban deprivation and social inclusion: but no major planning legislation. So central government policy initiatives, rather than local authority planning policy, seemed to be taking the lead. Under the 2004 Planning and Compulsory Purchase Act, as described above) a new Regional level of planning was introduced, with Regional Spatial Strategies providing the main strategic ‘development plan’ level. So contrary to all previous planning practice, the counties and major urban boroughs were no longer the main level which produced development plans, and only retained a few functions such as waste management and transport. Counties only retained limited planning-related roles such as waste disposal, minerals planning, and some highways responsibilities. Rather it was the local district authorities (the previous second tier) that were made responsible for producing what was known as the Local Development Framework (LDF), which was the main planning policy document at local authority level.

Under this new system, the RSS and the LDF together formed the statutory development plan for the area concerned. The LDF was designed to make the plan making system at the local level more flexible. Instead of consisting of one plan (that could take a long time to amend) the LDF constitutes, what is termed, a Folder of documents, a number of which could be easily modified in the light of changing circumstances. The key policy document was the Core Strategy: this set out the broad framework and strategy for the future development of the local planning authority’s area over a 20 year period. The Core Strategy constituted one of a number of Development Plan Documents (DPDs). DPDs had considerable weight within the LDF suite of documents and were subject to public consultation and independent examination. Other DPD documents included Area Action Plans (not Action Area plans note), which applied more general planning policy to a particular locality experiencing significant change (or in need of conserving), and more detailed Development Management and Site Allocations documents which spelled out in detail the policies needed to determine planning applications and the location of new housing sites, for example. A variety of other documents were also required to be included in the LDF folder including the Statement of Community Involvement (explaining how the local community and other stakeholders would be involved in the plan making process) and the Annual Monitoring Report (an annual check of progress against policies and targets in the Core Strategy and other DPDs). A Sites and Policies Development Plan will usually sit alongside the Core Strategy in some of those local planning authorities that are still operating under the previous system.

The most important objective is to have some sort of adopted Local or Development Plan which defines where new housing can take place. But over half of local planning authorities still do not have an adopted plan, under any of the past or present systems, and therefore are wide open for challenge for new house building under the NPPF and the Coalition’s emphasis upon developer-led building. For example at present 100,000 new houses are built per year but the government is keen to increase this figure even if this involves building on the edge of green belt (as also discussed in other chapters). 161 out of 336 local planning authorities have adopted plans, of the remainder 77 have submitted or published unadopted plans, and 98 have no up to date plans. Clearly ‘planning’ no longer has the huge power and support that it carried in the past.

**(See Textbox I.2.1** **Local Development Plan Folder prior to Coalition Changes, in the illustrative material on the web for chapter two.)**

Supplementary planning guidance could also be included. Supplementary Planning Documents (SPD) previously known as SPG (Supplementary Planning Guidance) comprise an appendix to the main development planning documents. SPD contains policies that either do not fit readily into the main land-use related policy categories in the main document, because of their more social nature, or that require more detailed guidance. These might include policies on ethnicity or gender and planning; accessibility and urban design, community issues and so forth. The SPD should be taken into account as a ‘material consideration’ but does not have the same statutory force as the rest of the document. But in the case of the Greater London Authority (see E-Supplement 2 for London), special powers enable the SPD to count as of equal legal standing, to the rest of the London Development Plan documents (Greed and Reeves, 2005).

A statement of Community Involvement also had to be submitted alongside the plans which was meant to demonstrate that the local community had been consulted, and agreed with the final plans. A variety of other types of documents might also be included in the LDF Folder including Design Guides, Development Briefs (for large new proposed development) and Master Plans. It should be noted that the term ‘master plan’ did not mean a ‘development plan’ (as under the original 1947 Town and Country Planning Act) but rather in the modern urban design sense of creating a comprehensive approach to the planning of a specific area, for example in the case of a large urban regeneration project. Space was also allowed, within the LDF Folder, for ‘issue-based documents’ which as the name suggests allowed for a more extensive treatment of particular controversial policy issues.

As can be seen, what was required was fairly complex, and required a high level of competence from the local planning authority’s planning staff to ensure they covered all the required components of the LDF documentation, which effectively amalgamated both forward planning and detailed planning implementation issues, whilst always looking over their shoulder at the requirements of Big Brother the RSS! Arguably the new planning system was driven, to a considerable degree, by the search for sites on which to locate the large amounts of new housing that were being cascaded down from the RSS housing policy allocations. It took many years to introduce this new system and in many parts of the country the old local plans remained in force for a considerable time. In fact many local planning authorities still only had local plans in place when the Coalition government moved away from the terminology of the Local Development Framework system and reintroduced the notion of the local plan in 2012!

Planning policy documents at both RSS and LDF Core Strategy level were not structured around specific land uses, such as housing (per se), employment or recreation, for example, as had been the case in past development plan systems Rozee,2008). Rather the emphasis in central government guidance was on providing planning policies that facilitated key policy objectives around key policy themes such as promoting sustainability, reducing car use, meeting housing need, reducing urban sprawl, meeting infrastructural demands, and achieving high levels of infill and higher residential densities, increasing social inclusion and employment and enabling urban regeneration and the use of brownfield sites. This new approach was confusingly also called spatial planning. But, this term did not mean old fashioned land-use based physical planning. Rather ‘spatial planning’ was understood under New Labour to describe a new more managerial approach to planning in which all sorts of policies social, economic, environmental, physical, health, transport, cultural are united together in relation to the overall policy direction for a particular spatial locality (Healey,2007: Morphet,2010). To some extent, therefore, the new approach to planning helped integrate the main themes of the various *ad hoc* initiatives ‘spun’ by New Labour in respect of the importance of community, social inclusion, urban regeneration, sustainability and the new urbanism (as discussed further in the subject chapters in Part III). The idea of spatial planning also harks back to the aspirations of urban systems planning in the 1960s in which the planner acted as overall co-ordinator for the policy direction of the local authority as a whole.

The emphasis on spatial planning, whilst welcomed by some professional planners and many academics, meant little to the average citizen, and its name confused many people. . However, such was the spin and complexity of ‘doing planning’, that for many planning authorities the LDF system led to far too much concentration on getting the process right and possibly less on the actual content of the plans. However, it was not initially intended to be an onerous process and there was a genuine intention to adopt a more progressive approach to planning (Rozee, 2008). Yet a number of more far sighted authorities managed to produce innovative and dynamic plans for their localities despite the complexities of the system. However, on the whole, the new system (as introduced in 2004) failed to connect with the wider public. Along with the top-down housing targets that were increasingly driving the system at the local level there was much opposition to planning policies in many parts of the country, especially in affluent suburban areas on the edge of towns and in villages threatened with large amounts of new housing development. This all created fertile ground for more reforms to the system following the general election of 2010 resulting in the 2011 Localism Act which introduced yet another new development plan system as explained in Chapter Two.