

# The land use planning system A creative tool in regeneration?

Written by Greg Lloyd

## The Urban Task Force

The future vitality of England's towns and cities was at the centre of the Urban Task Force Report published in 1999. The report was concerned with the causes and outcomes of urban decline, aiming to define an agenda for practical action to draw people back into the built up areas. The principles on which the Urban Task Force drew included the promotion of design excellence, the creation of social well-being, and how environmental responsibility could be facilitated within a viable economic and legislative framework. Its recommendations for action, and the subsequent debates on how to secure an urban renaissance, have been well documented in the media and have attracted considerable critical attention. So far, little radical innovation in the arrangements for enabling an urban renewal has been achieved, although the recently published Green Paper in England may be seen as a first response

to the Task Force. Yet the debates around urban regeneration matters have changed quite considerably.

The Task Force, despite the relative lack of action, provides an interesting insight into the role of the land use planning system in any intended programme for urban regeneration. In general terms, it notes that the land use planning system needs to change in the context of urban regeneration. In particular, planning should provide a more positive and assertive framework for action by the various institutions involved. In its deliberations, for example, the Task Force points to the perceived weaknesses in the planning system which are commonly cited by critics of the land use planning system. These are the slowness of administration in planning procedures, the complicated and legalistic processes which are involved, and which are incomprehensible to many people, and

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the fact that the planning system can serve as a deterrent to private sector investment.

However, times have changed. Despite the criticisms, the Task Force does not then proceed to advocate the removal or streamlining of the planning system to achieve more efficient implementation of the regulatory arrangements. Interestingly, that is often the logic applied to the planning system. On the contrary, the Task Force asserts that 'planning for an urban renaissance needs a strong lead from government. When it comes to land use planning, our urban areas lack a coherent framework.'<sup>1</sup>

This must be seen as a vote of confidence in the role of the land use planning system. It is a recognition that planning has the potential to offer the assertive leadership that is seen as a pre-requisite in enabling urban regeneration. This applies to the holistic view of regeneration, with progress made in securing an improvement in the social, community, economic and physical urban environment. Importantly, however, the Urban Task Force argues for the modernisation of the land use planning system to fulfil its full potential. This raises questions about the role of land use planning in the context of regeneration, and the ways in which it is changing to meet these new challenges.

## Changing roles of planning

Contemporary land use planning practice is multi-layered, and represents a complex process that seeks to balance the broader interests of the community. In part, land use planning belies its early origins as a regulatory tool of the state. It emerged as a response to the social, economic and environmental problems associated with urbanisation, industrialisation and attempts to secure unfettered economic growth. It emerged also at a time when market forces were the principal and unchallenged driving influences of change in Britain. Understandably, perhaps, this is the unpopular face of planning. It is perceived as negative or restrictive in

effect. It is this facet of practice that attracts most disdain. Such criticism is often unfounded or partial, as the regulatory functions of planning are based on very positive contributions to the promotion of high quality design, appropriate and exciting layouts, and are based on productive partnerships with other professions associated with the built environment.

Over time, various commentators have argued that there is another dimension to the regulatory responsibilities of the land use planning system. This is the visionary – or purposive programme – of the planning system. This refers to the critically important role whereby it provides a means of seeking alternative paths of socially acceptable development. This would involve defining agreed priorities for communities, and providing leadership for the actions of the myriad of public and private interests involved in the development, regeneration and refurbishment processes of change. The forward looking aspects of the planning system provide the context for its regulatory activities, but also create certainty and confidence across the board for all the public and private sector players involved in development.

There is also another facet to the modern land use planning system. This is often overlooked or underplayed in commentaries on the effectiveness of development planning and development control processes. Land use planning is about implementation, or delivery of services, developments or activities. It is the process through which ideas can be translated into practical effect. Through such devices as planning agreements, development schemes can be promoted and brokered in such a way as to realise economies of scale for the community at large. The critical link between the provision of infrastructure for developments, and the integration of individual schemes within larger settlements is an important outcome of this role of the planning system.

It is fair to say that the different aspects of planning practice and the operation of its associated procedures have got out of kilter. Land use planning today is seen principally as a negative, regulatory, restrictive device – and as such it attracts criticism from across the

board. The comments made by the Urban Task Force reflect the frustration with this regulatory and bureaucratic function of planning. The visionary elements are down played, notwithstanding the explosion of non-statutory strategic planning guidance that has appeared in the form of Planning Policy Guidelines. These form the backdrop to the statutory planning system, but are often seen as a part of government that is quite separate from planning. In similar fashion, the implementation aspects of planning are often overlooked, or indeed misunderstood. Land use planning is a conduit to putting measures into effect, yet planning does not appear to be able to play its pivotal role.

## A modern role in practice?

Put simply, the purpose of the land use planning system is unequivocal. Paraphrasing the statements contained in the strategic planning policies of government, it is clearly the case that planning seeks to guide the future development and use of the land and property resource. It is intended to ensure that appropriate locational priorities are met for development, and that this takes place in tandem with the principles associated with sustainable development. Significantly, planning also seeks to provide protection from inappropriate development.

In Scotland, the primary objectives of the planning system are clearly stated in terms of setting the land use framework for promoting sustainable economic development, encouraging and supporting development, and maintaining and enhancing the quality of the natural heritage and natural environment. This clearly reflects the multi-layered purpose of the planning system.

More than that, modern planning practice can be very innovative. It can adapt to the changing socio-economic, and institutional circumstances within which it operates. A good example of this may be taken from Scotland. There, the Local Government (Scotland) Act 1994 introduced a streamlined, single tier, market oriented enabling system of

local governance. Thirty-two unitary authorities were put in place, with joint working arrangements extended to a number of key strategic services. This applied to the arrangements for structure planning.

New structure plan provisions were put in place, with seventeen structure plan areas defined for the geography of statutory land use planning. Of these, six were defined to work on a joint working basis. In practice, it is very evident that the joint working arrangements have not created an even geography of structure planning provision across Scotland. On the one hand, for example, there is the influence of scale. The experience of the Glasgow and Clyde Valley arrangements reflect a large geography of institutional structures which are also relatively formalised to facilitate the effective integration of the authorities involved. On the other hand, some joint planning arrangements are relatively more informal. Furthermore, these may be based on the fragmentation of previously existing single structure plans and may involve only a limited number of councils. This is the case in the former Tayside area, with two of its authorities – Dundee and Angus – forming a joint structure plan. Land use planning is flexible enough in practice to deliver its statutory responsibilities according to circumstance and locality.

## Devolution

The modernisation processes continue with much of this momentum associated with the devolution of governance. The creation of the Assemblies in Wales and Northern Ireland, the Parliament in Scotland, and the regionalism evident in England, including the arrangements for London, have together created a need to review existing planning arrangements. There are many arguments over whether this process of modernisation would have taken place regardless of devolution, or whether this is leading to greater divergences in planning practice. But it is clear that a number of moves are in train to ensure a better fit of the land use planning system to the devolved structures of governance. It is important to



acknowledge that the interest in reviewing planning embraces both the statutory elements as well as the provisions for non-statutory strategic policy guidance.

Yet there are significant moves to modernise the operation of the planning system across the devolved UK. The Green Paper in England and the Consultation Papers in Wales, Northern Ireland and Scotland all seek to design a modern agenda for strategic planning practice. This goes a long way towards addressing the deficit in terms of a visionary and strategic agenda for planning and development. The individual papers approach the nature of the future planning system in different ways, although all are driven by the same desire to modernise, and create a better fit for planning.

## Planning in Scotland

In Scotland, there is an emphasis on the arrangements for strategic planning. This is not the only focus of the Scottish Executive, however, as there are tandem reviews of the ways in which public involvement in planning is achieved, and with the quality of urban design.

The Consultation Paper considers how the arrangements for strategic planning could be modernised, and it also considers how planning can be more firmly integrated with other activities, such as local and regional economic development. The Consultation Paper puts a number of ideas including the

preparation of a national (spatial) overview. The intention is not to produce a national plan for Scotland, but to set out a light touch statement of national planning objectives. This innovation would be in line with similar moves that have been put in place in Wales and Northern Ireland, and would provide an important context to the management of sub-national planning priorities in Scotland.

Significantly, it is proposed to end the requirement for the full coverage of structure plans. This recognises the differential geography of development pressures, and the robustness of the strategic framework provided by the National Planning Policy Guidelines. The idea of city-regions is suggested for the four largest cities – Aberdeen, Dundee, Edinburgh and Glasgow. In these, strategic development plans and local development plans would set out the agendas for change for the immediate short-term action. Outside the city-regions, development plans will provide for single plan coverage, and be more comprehensive than present day local plans. There would be an emphasis on implementation.

## Economic development

Another example from Scotland of the ways in which planning practice is being modernised is the review of the strategic planning policy guidance for economic development purposes. The original National Planning Policy Guideline (NPPG), *'Business and*

*Industry'*, was issued in 1993. The revised draft is called '*Economic Development*'. While the process of review is still underway, it demonstrates the way in which planning can play a positive role in promoting economic competitiveness, social justice, and environmental sustainability.

The revised draft states that the planning system should provide strong support for economic development, and new and expanding businesses. This is to be achieved, *inter alia*, through ensuring a range and choice of marketable and quality sites, safeguarding high amenity sites, supporting clusters, and addressing the needs of corporate developments and small businesses in urban and rural areas. It considers partnership arrangements to ensure implementation of development initiatives, the promotion of accessibility, and the re-use of previously developed sites. Environmental and design considerations are intrinsic to the guidance, and it contains practical ideas for local authorities in addressing these specific needs. The emerging themes are concerned with partnership, dialogue and governance, and on outcomes in a strategic context. The joining up of economic, community and environmental considerations is very evident.

## Community and leadership

There is interest also in the improved delivery of local services across a devolved UK. The deployment of ideas associated with local strategic partnerships and community planning has attracted considerable interest as a potential means of defining practical agendas for positive policy action. In particular, it could knit together in a practical manner the numerous agencies engaged in local governance, economic regeneration, social inclusion and environmental sustainability.

Community planning is entirely consistent with broader moves to enhance the role of local involvement and empowerment in policy implementation through networks of

local rural partnerships, community based urban regeneration initiatives and the decentralisation of local government. Indeed, community planning is defined as any process through which a council comes together with other organisations to plan, provide for or promote the well-being of communities they serve. Yet, early experience suggests that many community plans are aspatial in character, and this suggests an important contribution for the planning system in providing that framework for the implementation of policies and priorities.

## Funding solutions

Today, urban policy is a combination of conventional planning intervention and market influenced funding arrangements. On the one hand, urban funding seeks to address social exclusion but, on the other, this is rationed through competitive bidding. The Urban Task Force (1999), however, advocated a different approach, to be based on tax measures to encourage the physical regeneration process. These could be tax disincentives to divert property development away from sensitive green-field areas, or incentives to attract investment into the inner urban communities. Research into the constraints of land ownership on urban redevelopment proposed Urban Partnership Zones as a way forward. These Zones would comprise a declaration process together with the production of development briefs; the creation of a development partnership together with an anticipated rapid implementation programme; a competitive basis to determining appropriate implementation partners; arrangements for land assembly; land for shares; and measures to promote capital investment through taxation advantages<sup>2</sup>.

Following on from these tax disincentives to alter patterns of behaviour in respect of developing, investing in, owning and occupying property, there has been a modest move towards this approach. The 2001 Budget statement, for example, brought forward various aspects of fiscal relief in relation to land and property namely tax credits, capital allowances, stamp duty and VAT.

Recent research funded by the ESRC<sup>3</sup> examined the potential use of tax based measures for the purposes of urban regeneration. This builds on the interest shown in a more innovative use of the taxation system to attract private finance into the regeneration of urban areas. Comparative evidence from Ireland and the US suggests there is potential for this but care needs to be exercised in recognising the ways such measures operate under different national and local taxation regimes, the relative performance of national and local economies, and the parallel performance of local property markets. The research shows that any tax based measure needs to operate within a clear planning framework, which provides certainty for those engaging with the incentives.

## A way forward?

In recent years, the land use planning system has become nearly invisible, and the target of much unfounded criticism. Much of this reflects a poor understanding of the contribution of planning to society. It is more than a simple regulatory function of local government. Its strategic agendas can help create certainty and confidence for investment and operate on the demand side of development. Its visioning processes, and associated provision of infrastructure and integrated policies can enhance the supply side of economic development. It is clear that a considerable modernisation process is underway, and hopefully this will enhance the visibility of planning as a key function in a devolved UK.

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