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STRUCTURE PLANS: LOCAL PLANS: COMPENSATION

STRUCTURE PLANS AND LOCAL PLANS

by

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STRUCTURE PLANS AND LOCAL PLANS

I would wish to divide my paper into four sub-headings:-

- (a) Structure Plans - philosophy and planning purpose.
- (b) Structure Plans - procedures and testing process.
- (c) Local Plans - role and purpose.
- (d) Local Plans - procedures and testing process.

(a) STRUCTURE PLANS - Philosophy and Purpose

As the conference has heard the Structure Plan owes its birth to dissatisfaction with the previous Development Plans' so called rigidity and the time consuming process involved in its approval. The former arose from its precision in land use terms, the latter because people, in particular land owners, could clearly see how it affected their interests and were therefore disposed to object when the Plan was detrimental to them.

The delay in the approval occurred because Central Government was called upon to 'arbitrate' in numerous individual cases between the public good as the Local Authority planners saw it, and vested land ownership rights. The task was monumental and it is not surprising that the system failed. Plans were submitted in 1964 and approved in 1976. (Essex Development Plan First Review).

Understandably, Central Government and Local Authorities looked for a more simple process of setting out a planning programme and development control policy for the numerous administrative areas.

The Structure Plan and Local Plan system was conceived and Sir Frank Layfield has given this conference an unrivalled picture of its pregnancy period and birth pangs.

He has analysed its parenthood and the high hopes of its launch into life. But what of its growth through childhood? Perhaps too much was expected of this prodigal son. It was supposed to release planning from the confines of a Plan in the literal sense, to be replaced by a Key Diagram and words. It is salutary to look at the thickness of the old Development Plan Written Statement when the Plan was the main document, and look at the Structure Plan when words take over!

The concept was bold but in my view over-emphasized the influence which a Local Authority has, over the economy and social development of it's area with only the weapon of land use control.

Let me take an example. A Structure Plan states as an objective:-

"TO MAINTAIN AND IMPROVE THE ECONOMIC PROSPERITY OF THE COUNTY AND TO INCREASE JOB OPPORTUNITIES AND THEREFORE PROMULGATES POLICIES TO THIS END".

POLICY E.1

THE COUNTY COUNCIL WILL ENSURE THAT SUFFICIENT LAND IS MADE AVAILABLE TO ATTRACT MANUFACTURING INDUSTRY TO THE COUNTY TO MEET THE PREDICTED JOB REQUIREMENT.

POLICY E.2

TO MEET POLICY E.1 LAND HAS BEEN ALLOCATED AS FOLLOWS:-

- (i) POLICY AREA 1 60 HECTARES
- (ii) POLICY AREA 2 80 HECTARES

etc.

However, the allocation of land does not of itself create job opportunities. That depends today upon the national and international trade situation, Central Government and E.E.C. labour supply qualities of that County to attract industry.

Any land use document should concern itself with the preferred locations where development should take place if the demand arises, and to ensuring there is overall, sufficient land to accommodate that development. It cannot of itself create demand.

Such is the limitation of a Structure Plan to positively create prosperity. What about restrictive policies? Now we enter into an area where land use policies can have a more definite effect. It is unfortunately always easier to stop something happening than to make something happen.

It is a curious thing that if a Structure Plan is concerned about stopping development then there must be a sound economic reason for the development pressure to arise. If this country is to survive in an intensively international competitive scene, then development, whether industrial, commercial, (dare I include office), or residential, should primarily take place in the most favoured location. If, as maybe good environmental reasons conflict with such economic criteria, then suitable alternative locations must be earmarked and promoted in the Structure Plan system of the region concerned.

To summarise - first, words capable of a variety of interpretation have replaced a precise land use Plan, which was easy to understand. Secondly, eloquent statements of intent are worthless without positive administrative power to achieve them. Thirdly, legitimate constraint in one Structure Plan area must be balanced with growth potential in another.

Structure Plans were intended to be a broad statement of strategic long term objectives and integrated policies to provide a framework for more specific Local Plans and to guide industrialists, businessmen and the development industry.

They were to be co-ordinated to regional plans reflecting national policy. In practice, however, they too often become parochial in character and dominated by County political considerations. A plan for a County and not a County plan as part of a regional and national concept.

They were intended to allocate resources and plan for the infrastructure necessary to support development, but recently we have seen how far resource allocation has become a function of Central Government and outside the control of County Authorities.

They were intended to be long term plans but this effective long term planning depends upon the validity of the forecasts of future population, employment, shopping etc. levels. However, what material have the Planning Authority available to it in formulating their Structure Plan forecasts? Unfortunately, out-dated statistics. How many Reports of Survey and Technical Papers have had to rely on 1961 and 1971 data to produce a plan supposed to be relevant in 1991! How can Central Government expect Local Authorities to produce worthwhile planning documents when they will not produce the up-to-date statistical material essential for proper evaluation.

I, therefore, come to several inescapable conclusions:-

- (i) Planners and politicians alike have been misguided in thinking that Structure Plans can achieve objectives.
- (ii) Structure Plans and indeed any planning document can only guide development to the most appropriate locations within its area and not create development.
- (iii) Regional planning is in decline and the Structure Plan system is inadequate without it.
- (iv) Without an up-to-date statistical basis, no Local Authority can satisfactorily project into the future to produce a long term plan.

For the Structure Plan concept to succeed a reappraisal of the planning policy hierarchy is urgently required and the role and purpose of the Plans re-determined.

First, I believe in regional planning, that means a brief and realistic evaluation of a region's potential should be prepared with Central Government and Local Authority involvement. Basic population, employment, housing forecasts, with the benefit of up-to-date statistical material, should be determined. These should be expert views and collated at national level, evaluated nationally as one process and then produced as the guideline for County Structure Plans.

The Structure Plans would confine themselves to assimilating the growth assigned to their area by the approved regional plan and indicating District Council areas where various forms of development should take place. This will invoke a two stage appraisal of the relative quality of the built and countryside environment within the regional priorities which would have been determined.

Thus, the statutory planning process at the Structure Plan level should be concerned with the provision of infrastructure and land allocation for the possible potential for development and not concerned with development control as we practitioners understand it today. Development control, as I suggest, is a matter for Local or District Plans.

So much for philosophy and you may think I have painted an ideal and unobtainable objective. I do not think so. If regional planning was taken seriously, as the responsibility of Central Government being democratically elected and passed down for the County Authorities to guide the location within their area of determined growth potential, leaving the District Councils to precisely define the sites to accommodate such growth if demand arises, then the planning system could be seen to move from Central Government policy through County to Districts, with public participation increasing at each level. It surely was the original concept.

(b) STRUCTURE PLANS - Procedures and Testing

I have set out my views in general terms of how the original concept of Structure Plans could be revitalised to achieve what I consider is their proper purpose.

I now turn to examine the process of their preparation and more particularly the present procedures for testing the validity of their policies. My viewpoint is unashamedly that of the practicing planner looking in from the outside, advising clients whose legitimate interests may be prejudiced by structure plan policies which incorrectly interpret the needs and requirements of their areas.

To relate my discourse to actuality, I have taken as an example one Structure Plan in preparation, namely the Gloucestershire Structure Plan.

First, let me outline the procedures normally adopted. A Project is published which sets out how the Plan is to be prepared. This is often followed by a "Choices" document (in Gloucestershire called "The Problems"), which is designed to stimulate interest and discussion in the area on the future which the residents and local organisations wish to see. Meanwhile, the technical work proceeds with various volumes of Report and Survey produced on major topics - population, housing, employment, shopping, countryside, agriculture, transport, etc.

Then comes the Options Report, setting out alternative broad strategies, following which a "preferred strategy" is chosen and policies to achieve same prepared and formulated into a Draft Plan. This is subsequently modified and refined into the Submitted Plan which is placed before the Secretary of State.

Public participation is of course today a statutory requirement which has to be documented in accordance with Section 8 of the Town and Country Planning Act, 1971. Gloucestershire adopted a three stage process. Stage 1 at the Project Report stage - 1,500 people visited the display mobile unit, 1,000 people attended the meetings and 249 responded with written comments. Total population in 1976 of the County was 491,500.

Stage 2 was after the consideration of the Options Report when over 350 responses were received, representing all the District Councils, one third of the Parish Councils, 63 interested groups and a number of private individuals. On this slender statistical basis the County Planning Authority concluded it had received a consistent "groundswell of public opinion".

After the publication of the Draft Plan a further public participation exercise was conducted. 750 people attended the six meetings, 2,500 people visited the exhibitions and 481 responded with written comments. Comprised in the latter were every District Council, 98 Parish Councils, 86 groups and the remainder private individuals.

This in my experience is a typical level of involvement by the public in Structure Plan participation and indicates not any failure on the part of the County Council but a failure of the Structure Plan concept, with its generalised wording, to indicate to the public and the business community how their interests are affected.

Where a Structure Plan reflects a properly constructed regional plan based on detailed and considered research perhaps this lack of testing by public participation would not be so worrying but if analysis of such a low level of response is taken to justify insular policies then it most certainly should be.

In Gloucestershire a "Concensus Option" was adopted for the Draft Plan "the intention was to combine, where possible those aspects of the different options that gained most support". The Tables below analyse that support:

Table 1

District Council Area	Public Authorities	Parish Councils	Interest Groups	Individuals	Totals
Cheltenham	1	-	7	18	26
Cotswold	3	24	13	37	77
Forest	3	21	4	37	65
Gloucester	1	-	4	17	22
Stroud	1	16	7	41	65
Tewkesbury	2	26	3	27	58
Countywide	14	-	25	2	41
TOTALS	25	87	63	179	354

Table 2 O P T I O N S

District Council Area	A	B	C	D	Other	Totals
Cheltenham	1	3	10	7	5	26
Cotswold	21	11	24	12	9	77
Forest	7	2	35	15	6	65
Gloucester	7	4	6	2	3	22
Stroud	15	6	18	19	7	65
Tewkesbury	9	5	19	14	11	58
Countywide	8	8	8	3	14	41
TOTALS	68	39	120	72	55	354

- Notes
- Option A - Current Approach to Accommodate Trends
 - Option B - Encourage Economic Growth
 - Option C - Assist Areas of Limited Opportunity
 - Option D - Limit Growth

It is interesting to find in further analysis that the Public Authorities supported the mildly or strongly restricted growth policy options, the public were more uniformly spread throughout the options while transport and commercial organisations supported the growth option. Another significant point is that this public response upon which the strategy of the Draft Plan was based took place without the benefit of the fifteen Draft Technical Volumes of the Report of Survey which were not published until November 1978 the date of the publication of the Draft Plan although earlier Topic Studies in a Technical Paper Series has been distributed to external authorities' organisations for informal consultation. By the time fully informed criticism of the Structure Plan policies could be prepared on behalf of or by individual industrialists or businessmen the strategy was chosen and the main policies determined.

The Gloucester Structure Plan was submitted to the Secretary of State in March 1980, with modifications from the Draft Plan and updated Report of Survey Technical Papers published. The Plan had taken four years to formulate. The total number of written responses throughout its three stages of formulation was 1084 with the same respondents often commenting at each stage.

I have taken the Gloucester Structure Plan procedure as a typical example of Structure Plan preparation work and my comments are not intended to be critical of that County Council. Indeed they clearly worked hard to evoke public interest and employed sophisticated forecasting techniques. I do feel however that there is need for careful and critical examination of the way in which a Structure Plan is tested. Looking at the Gloucester Plan we have seen that only 1084 responses were received in a County of some 500,000 persons in the pre-submission period. The balance of influence in such low participation levels clearly lies with the second and third tier local authorities. They, without specialised personnel or resources, are often not in a position to challenge the forecasting techniques

used, or the results. Yet an appreciation of these and a judgement of their suitability and degree of accuracy are essential for constructive criticism of policies and implementation. The responses therefore must of necessity be "political" in character.

Very rarely is there sufficient general public and business community response for the Structure Plan authority to justly claim a true consensus strategy. One must ask therefore, where does the preferred strategy originate? In my view it should arise from a sound regional base and from a detailed evaluation of the technical research work refining regional policy to the specific Structure Plan area and its subdivisions. Only if there is a clear majority opinion from a statistically acceptable response level should the regionally derived and technically supported strategy be significantly altered. However, it too often is. In Gloucestershire the technical projections of population, housing, and employment were converted to predictions by the introduction of policy decisions i.e. "political" intentions. If one considers that the public participation was insufficient to warrant such "adjustments" to the technical findings then the conclusion must be that they mainly reflected County Council member's own views discussed with council members of constituent authorities.

It is my view that at the submission stage all too often there has been little or no effective testing of the technical material upon which the Structure Plan is based. No statistically acceptable volume of public opinion received and no justification of the "preferred" options selected by the County Council members.

What I think most often happens is that differences between County and District Authorities and one District and another have been mainly ironed out at a "political" level and a compromise, authority orientated Submitted Plan produced.

If I am correct the only worthwhile, critical, professional investigation relies upon the efficiency of the process by which the Secretary of State arrives at his modifications and his approval decision. So I turn to consider the Examination in Public procedure.

Briefly this commences with a period for any person, organisation or authority to submit written representations which form the base critical material examined by the appointed Panel (usually two officials from the Department of Environment an outside chairman more often than not a barrister). With the benefit of Department of Environment briefing, a preliminary set of subjects is chosen for examination at the Examination in Public and a provisional list of participants selected.

It is here at this early stage that, in my opinion, weaknesses in the system appear. Automatic choices for the limited places at the Examination in Public for the strategic matters are the District Councils and Statutory Authorities who have already had the greatest opportunity to get their particular views incorporated in the submitted Structure Plan. It is not surprising to find that on the main issues at most Examinations in Public the District Councils give unreasoned but generalised support to the County Council. Within their own areas there may be policies, allocations or proposals about which District and County have not resolved their differences but on the strategy general accord in the usual order of the day.

Who then is to challenge the strategy and the underlying technical work upon which the strategy should be based?

It cannot be the individual member of the public or resident association because they do not have the resources to employ the expertise essential to research the technical forecasting work, examine the assumptions used and to identify weaknesses or where the submitted Structure Plan policies are at variance with their conclusions. It rarely is the commercial development industry because by its very nature it is demand led and therefore only becomes deeply involved when a member has a particular scheme threatened by the Structure Plan policies. The generalised nature of a Structure Plan mitigates against the industrial organisations recognising the possible effect of policies upon member's activities or expansion programmes.

Often it is only the Housebuilders Federation and perhaps individual housebuilders with widespread development interests in the Structure Plan Area who lead the informed criticism of the strategic issues. The reason is that in Structure Plan after Structure Plan they have seen the level of house completions reduced to an extent that threatens the existence of the housebuilding industry as we know it today. Their approach to a critical examination of the underlying fundamental technical forecasting of the appropriate levels of population, employment and housing has improved to a high standard in recent years. Circular 9/80 points to their success at Central Government level in introducing practical reality into the theory of housing land allocations. Such realism is still to be seen to be fully reflected in Structure Plan policies.

The difficulties facing such a participant at an Examination in Public are large. In effect it is necessary to prepare a complete alternative strategy so that revised population and housing future estimates accord and integrate with employment and social policies. Nor is it sufficient to stop at County level as each policy area has to be considered and appropriate allocations made. An examination of land resources has to be carried out to ensure that the development required to meet the revised estimates can be carried out on land not infringing the priority environmental constraints of the area.

A formidable and expensive task to be carried out in under one year! In the case of Gloucestershire the Structure Plan was submitted in December 1979 and the Examination in Public took place in September 1980. In the time available at best only the possible weakness of the technical base of the Structure Plan can be exposed and the effect of "political" influence on technical projections identified. The full justification of the suggested alternative strategy is nigh impossible.

Even if a technically sound and complete critical assessment of a Structure Plan's strategy is prepared the Examination in Public is a poor vehicle for its proper consideration. The time allocation is heavily weighted in favour of the local authority establishment. There is no opportunity for a participant to cross examine the County on the important technical issues. The County authority all too often wish to keep the Examination in Public to generalisations and away from the technical justifications of their strategy. A debate yes, a critical examination no.

What of the Panel's task! Surely an unenviable one. More often than not their involvement with the Structure Plan area is small before their appointment so they cannot rely on personal knowledge. Their opportunity for examination of a particular issue in depth is limited. I have too often heard a member of a panel trying to elicit some important technical or statistical information from a County representative with less than satisfactory results.

Even if a fundamental weakness in a Structure Plan's strategy becomes apparent which needs a comprehensive rewriting of the policies the Panel have no technical staff to evaluate the consequences and to advise upon the appropriate recommendation for modification to the Secretary of State. Their only recourse would be to recommend the rejection of the Structure Plan as submitted with guidance for resubmission. A bold course to adopt and one which would set back the planning of that area, for another four years or so. This position is in my opinion unacceptable.

I am not saying that Panels have been totally ineffective. Modifications arising from Panel's reports have often clarified ambiguity in submitted Plans and given more flexibility in implementation. The result I know of hard work by busy Panel members. But the plain fact is that they are given an inadequate procedure and inadequate means to achieve a proper critical examination.

Often the Structure Plan as modified leaves inconsistencies between the policies and explanatory paragraphs, increased land allocations out of step with population or employment levels, and difficulties of interpretation when applying the Structure Plan to a particular development proposal.

Most Structure Plans I admit have been improved by the Panel, not so many have been truly critically examined because of the inadequacies of the procedure.

So much for the criticism of the present system. I feel it is the responsibility of any constructive critic at least to provide in outline a solution to the weaknesses he considers exist.

First it is in my view essential as I have said before that there is a valid regional plan against which the Structure Plans in that region can be measured or judged. With the decline in up-to-date regional planning, Structure Plan policies become formulated in a vacuum. For instance there is a growing school of thought that restrictive County Structure Plan policies in respect of housing land allocation is creating in the South East of England an unmet "floating" demand for housing accommodation which can only mean that the legitimate desires of many people for new homes in a location of their choice will be stifled.

A second example of the dangers of Structure Plans and District Plans being considered in isolation is the saga of the expansion of Gatwick Airport. District Plans are being prepared in conformity with the agreed West Sussex Structure Plan ignoring the inevitable development pressure which must arise when the airport expansion takes place.

Secondly, Structure Plan Panels must be given the resources to carry out their function properly. I would suggest they require a back up team as follows, to be effective:-

- a) A planning counsel with a brief to cross examine participants.
- b) An economic planning adviser with research facilities to evaluate the technical and statistical material put forward by the participants and possible suggested modifications.
- c) Specialist experts where the Structure Plan issues require them.

This team, equivalent to those formed for major planning Inquiries, would be responsible to the Panel and receive briefings from them prior, during and post the Examination in Public. To allow time for the necessary evaluation work the time scale of submitted plan to Examination in Public and to the Panel's report would be necessarily extended but this is surely a small price to pay for fundamentally sound and coherent Structure Plans governing the land use of this country for a ten year period.

The Gloucester Structure Plan as we have seen, took four years in formulation to submitted plan stage and seventeen months to the published Secretary of State suggested modifications. Another six months for evaluation is all my ideas would need.

(c) LOCAL PLANS - Role and Purpose

My first point is that local, or as it is more often called District Plan, is as good as the Structure Plan upon which it should be based. It appears to be a common theme in the Secretary of State's modifications and approval letters that the submitted Structure Plan was less than satisfactory in providing the guidance for the preparation of local plans. Sometimes it seems that Structure Plans are produced as an independent document without a true appreciation of what they should be - a link between the Regional and Local Plan.

Looking at the Gloucestershire Structure Plan, it chose to promote the implementation of its policies through Policy Areas, not related to District Council boundaries. Whereas there is some logic in this approach given the relationship of the administrative boundaries to areas of common economic characteristics the problems of achieving worthwhile District Plans are multiplied.

The Structure Plan forecasts are in Policy Areas and no District Council break down has been prepared. So for example Gloucester City Council in preparing it's District Plan has say employment or residential allocations to make with only predicted employment or dwelling requirements for the Policy Area which included part of Tewkesbury and Stroud District Council areas.

This example highlights the difficulties which are emerging in ensuring coherent planning documentation in the current system. However, the relationship of the District Plan to the Structure Plan is not the only problem.

The role of the District Plan should be to implement Structure Plan policies in specific land use terms; to identify sites upon which the development required to meet approved Structure Plan policies is to take place, to control densities and the general layout and character of that development, to specify the physical and social infrastructure to support the development and to provide a clear framework for development control.

Read together the Structure Plan and District Plan replaces the old style County Development Plan with its Town Map Inserts.

It is towards the District Plan that a landowner, occupier or property developer must now look for guidance in such matters as the continuity of the existing use, the possibility of extension and the development potential of the property in question. In other words the District Plan should indicate what planning permissions could reasonably be expected to be forthcoming and whether existing activities are appropriately located in planning terms.

Today property ownership rights, whether freehold or leasehold, depend for their value upon the planning attributes of a particular property. It is important therefore that such attributes are formalised in a properly approved planning document sufficiently explicit to enable a reasonable certainty of quantification. Without such a formal planning control statement the property owner/occupier is at the whim of the particular members of the planning authority at the particular time when he wishes to exercise his proprietary rights or on appeal the views of a particular Secretary of State.

An up-to-date, properly examined and tested, formally approved District Plan, with rights of objection adjudicated upon fairly, can be seen as one of the foundations of a property owning democracy.

To what extent does the present system produce such a foundation? Of concern to my mind are four facets of the present District Plan system:-

- (i) Even in urban areas where there is constant change in activity requirements with consequent change of use or development requirements apparently areas are to be left without District Plan coverage. Hence no formally approved specific development control document against which the individual planning decisions of the planning authority can be tested.
- (ii) Where District Plans have or are being prepared Department of Environment circulars recommend a Proposals Map concentrating specific identification only where the planning authority envisages change will take place. A far cry from a comprehensive land use zoning framework for the whole area. Outside those areas the subject of actual proposals, a broad brush approach is used with all the consequences of uncertainty and the necessity of time consuming, expensive individual planning applications before perhaps even preliminary quantification of the market value of property ownership can be made.

- (iii) Another problem which has arisen because the current District Plans are concerned only with the planning authority's land use proposals, is that there is no opportunity of a landowner obtaining a change in an adopted Draft Plan so as to allocate his property for development. Once again his only recourse is to make a planning application. However, this may be refused because the proposal is not District Plan policy.
- (iv) A new and worrying attitude growing in local authorities is that the formal approval of a District Plan, with the necessary public inquiry, should be avoided or delayed and the time saved spent in completing the District Plan preparation programme. Nobody would criticise the speedy preparation of District Plans following approval of Structure Plans but not surely at the cost of denying the right of objection to proposals which seriously prejudice particular property ownership rights. A plethora of informal plans is not what planning in this country needs. The informal Town Centre Plan of the past was considered necessary because of the length of time the old style formal development plans took to become a statutory document. The very reason you will remember the new system was introduced.

The concern which these four facets of District Plans raise in my mind is the fundamental issue of whether the prime objective of any planning system namely to utilise the nation's land resources for the greatest benefit of its citizens is being distorted for ease of administration.

(d) LOCAL PLANS - Procedures and Testing

The Procedure for the preparation of a District Plan follow the established and well known pattern reflecting on a smaller scale those I have outlined for a Structure Plan. Reports of Survey or Topic Papers are formulated containing the essential technical and research material on which the plans are based. Again unfortunately not always available to the public at the consultation stage.

A Draft or Consultation Draft Plan is then published and representations invited. After these have been considered by the local authority the District Plan is adopted and there follows a period for formal representations. The normal course is for these to be the subject of a public enquiry presided over by an Inspector appointed by the Secretary of State, but who reports to the local authority who then decide whether the plan should be amended in accordance with some or all of his recommendations.

The procedure is more akin to a Section 36 planning enquiry with the objector entitled to legal representation and to call expert evidence. The authority's officers are open to cross examination.

Having regard to my comments upon the Examination in Public procedure one could assume that I consider this a more appropriate form of examination and testing. That is correct. However, at least two problems remain. To take the smaller one first. Because of the format of the Plan with its Proposals Map and lack of clear development control guidance over much of the area it covers it is difficult for many landowners, industrial and commercial occupiers to appreciate the possible effect on them and their activities of the contents of the Plan. Often it is even more difficult to formulate concise objections when vague policy statements of the following kind are part of the Plan:-

- (i) On Land not subject to local plan proposals, there will be a presumption in favour of retaining the existing use, and the degree of use to which that land is put, provided that it is not being carried out in contravention of planning control, and unless there are exceptional reasons for development or other change.
- (ii) Although it is intended that the District Plan will be used for development control purposes, the Local Planning Authority will consider any planning application on its merits, having regard to any other material considerations as required by Section 29 of the Town and Country Planning Act 1971.(1)

The latest overall prejudicial effect of the Plan may however become all too apparent upon a planning refusal for an intensification of existing use or an extension of buildings.

Is it too much to ask that a Plan which is the basis for the implementation of development control at individual property level should be more specific in giving guidance on how a planning application will be received?

The major problem, however, as I see it, is the clear fact that the local authority is the final judge of its own proposals except in the very rare occasions when the Secretary of State intervenes.

If it does not agree with the Inspector's recommendations then subject to Secretary of State's intervention, they can ignore them. Even more insidious they can exert influence on the Inspector at the Inquiry by making it quite clear that they do not intend to modify their Plan to meet a particular objection.

It could be said that the power of the Secretary of State to intervene is adequate safeguard. I do not agree. What could be an insufficient reason for the Secretary of State to intervene and call for the whole Plan to be reserved for his approval may be of fundamental importance to an individual landowner.

To give an example. An industrialist is the owner/occupier of premises zoned in the statutory development plan for industrial purposes. The company purchased the property on this understanding and invested capital on extensive renovation and installation of expensive site specific machinery. That property becomes part of the fixed capital assets of the firm and an important feature in its

(1) Draft Burgess Hill District Plan.

capital structure. The investment was made with the knowlege and indeed perhaps intention that in the future this property asset could be funded as a sale and leaseback transaction to support a further expansion of their business activities.

Along comes the District Plan removing the zoning and leaving the property in a non-allocated area, referred to in terms of primarily residential areas within which there will be a general presumption in favour of residential development.

Is there a solicitor or surveyor experienced in advising institutional funds who would say that that company would not be seriously affected by the formal approval of that District Plan? Perhaps millions of pounds locked in a fixed capital investment and not freely available for funding expansion. Yet at the same time would the non recognition of this fact by the local authority constitute a sufficient reason for the Secretary of State to call in the Plan for his approval?

My conclusion is that District Plans should be the subject of impartial evaluation and approval and this means that Central Government should accept its responsibilities.

C O N C L U S I O N

There is to my mind a need to go back to the fundamental concept of Structure Plans and Local Plans. To see them as part of an integrated planning system. Regional planning must be revitalised and form the background and major source of technical and research material upon which County authorities can draw. The pooling of resources from the Department of Environment and the Counties in the region could make this research work cost effective. The Structure Plans should then be closely related to regional requirements and concentrate on land use planning accepting the limitations of planning to control wider economic and social trends. They can only contain policies in response to past and anticipated trends. They cannot create them.

The testing procedures should be revised to ensure a more thorough examination of the preferred strategy and the technical basis for such a strategy made available earlier in the process. Panels should be given the tools to do the job.

A new generation of Structure Plans should, in being more land use orientated, give clearer and more definite guidance for the preparation of District Plans.

Such Plans should be more precise in their form and give clear guidance to the landowner, industrial and commercial concerns and the developer of the implications of their development control policies.

Any planning system must of necessity impose restrictions on the rights of landowners and the activities of industrial, and commerical concerns hopefully for the benefit of us all. A good planning system should also encourage positive action and direct development to appropriate locations. Derived from a well tested basis, statutory plans should provide a climate of certainty and interfere with the economic and social development of the country as little as possible.

The present system falls well short of this ideal but, to use a surveyor's term, could be refurbished, without demolition and reconstruction, to be much nearer the mark.