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Planning for Growth and Decline

THE ROLE OF THE LAW?

THE RELEVANCE OF DEVELOPMENT CONTROL

BY

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THE RELEVANCE OF DEVELOPMENT CONTROL

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INTRODUCTION

1.1 The Town and County Planning Act 1971 ("the Act") is divided into fifteen parts.

1.2 Part II of the Act, Sections 6 to 21 inclusive, is entitled "Development Plans". These sections impose on planning authorities the duty to prepare structure and local plans. Robert Carnwath has spoken of the changes in the system for the preparation of development plans. It is in this plan making process, whatever its statutory framework, that planning authorities throughout the country seek to take the initiative to plan - in the context of land use - for the future of their areas. In broad terms, the plans will seek to balance the need to protect the environment on the one hand and, on the other, the need to accommodate or to encourage economic growth. The plans will be concerned to ensure that there is an adequate supply of land for house building, that sufficient land is released for mineral working to provide a ten year supply, that the needs of industry can be met and so on.

1.3 Against this background, it may seem surprising that a lawyer advising on planning matters will seldom be concerned to look at Part II of the Act. Of course the development plan may give a developer the best guide to the prospects of being allowed to proceed with his scheme. He may well seek to influence the contents of a new plan with a specific development in mind. But the plan itself does not give permission for anything at all. Its provisions may be unclear in relation to a particular proposal, it may be out of date, a new plan

may be in the course of preparation and in some cases it may simply be overridden.

1.4 The great majority of cases require reference not to Part II of the Act but to Part III which has the title "General Planning Control", comprising Sections 22 to 53 inclusive.

Indeed, in practice, the heart of the planning system is to be found in the twenty words of sub-section (1) of Section 23 which read:-

> "Subject to the provisions of this Section, planning permission is required for the carrying out of any development of land".

It is in this context of the regulatory system of planning control that I wish to examine some of the issues of planning for growth - and to counter decline.

DELAY - THE CRITICAL FACTOR

2.1 Because of the need for scheme - specific permissions, developers will most commonly be faced with the planning system operating, or appearing to operate, as an impediment to their contribution to economic growth. A developer promoting a major development may say to his solicitor:-

> I have options to acquire all the parcels in my site assembly - but some are about to run out;
>
> I have negotiated funding for the scheme - but interest rates are rising;
>
> I have identified my anchor tenant - but his space needs are urgent and he may have to look elsewhere;

The scheme is viable - but building and material costs are rising and we must place orders quickly.

The developers questions then are: can I obtain planning permission and - often just as important - when?

2.2 These questions have in recent years been addressed time and again by Government in their reviews of the general operation of the planning control system e.g

- Circular 22/80

- Lifting the Burden

- Speeding Planning Appeals (May 1986)

2.3 Circular 22 of 1980 has perhaps become the most quoted circular by advocates at planning inquiries. The text states and restates the Government's concern that the time required for the process of obtaining planning permission should not itself produce delays which inhibit economic growth and activity. For example:-

- "Where [the system] works slowly or badly, the price can be very high and out of all proportion to the benefits ... this mean[s] a greater awareness of the economic costs of planning control."

- "The planning system should play a helpful part in rebuilding the economy. Development control must avoid placing unjustified obstacles in the way of development."

- "The vitality of the economy depends upon new development ... Unnecessary delay in the

development control system can result in wasted capital, delayed production, postponed employment, income, rates and taxes and lower profitability."

- "The Government want to make sure that the planning system is as positive and as helpful as it can be to investment in industry and commerce and to the development industry."

2.4 Efforts have continued to speed up the operation of what we have come to regard as the conventional planning process. A recent example is the announcement in May by Kenneth Baker, the then Secretary of State, that the Government was accepting the recommendations of a Departmental Report entitled "Speeding Planning Appeals". The main thrust of the Report is to seek to reduce the average time for deciding written representation appeals from about 5 months to under 3 months by the end of 1988. In addition, the Report contains what is described as a "broad quantification of the costs of delay". Others will be better placed than I to comment on the validity of the exercise but the paper concludes that the cost per annum for each additional week in time taken to determine written representation appeals is up to £½m. It also refers to an earlier University of Reading paper which concludes that some £304m (in 1980 prices) represents a reasonable estimate of the overall costs of delay imposed by the process of development control, taking the average time to obtain a decision from the development control process to be five weeks.

2.5 When the Government came to report on the results of their efforts in the White Paper Lifting the Burden (Cmnd. 9571) published in July 1985, they could claim some limited success. Local planning authorities' performance, they said, had improved over the past few years

> "... and 70 per cent of applications are now decided within eight weeks compared to 60 per cent in 1979. But some authorities consistently achieve 80 per cent or more, while other authorities only 50 per cent or less."

2.6 The basic aims of Circular 22 of 1980 were repeated, somewhat tersely, in the White Paper in 1985:-

> "The Government continue to attach the greatest importance to ensuring that, where effective control is warranted, the system operates as efficiently and promptly as possible. This applies to both planning applications and planning appeals."

With the White Paper was issued a new Circular, Circular 14/85, again with the same message:-

> "The planning system fails in its function whenever it prevents, inhibits or delays development which could reasonably have been permitted."

2.7 But the whole emphasis of Lifting the Burden is different from that of Circular 22/80, published 5 years earlier. The need to avoid delays in the existing system is still addressed but it is made clear that this is not enough. The White Paper is essentially concerned with the Government's policy of deregulation, which effectively means the partial dismantling of the system itself. This is not put forward as a matter only for the Secretary of State for the Environment but is given prominence in a White Paper presented to Parliament by the Minister without Portfolio and supported by the Chancellor of the Exchequer, the Secretary of State for the Environment himself and five other ministers. Thus, success in

countering the perceived adverse effects on economic growth of the established planning system is now seen as an important strategic element of the Government's stated economic policy, that is to keep down inflation and to generate jobs. Deregulation, says the White Paper in its introduction, will lift administrative and legislative burdens which take time, energy and resources from fundamental business activity.

2.8 The theme was continued a year later in the White Paper "Building Businesses ... Not Barriers" (Cmnd. 9794) published in May 1986. Progress since the publication of Lifting the Burden was reviewed and yet more proposals for the simplificiation of the planning system put forward. On this occasion even greater emphasis was placed on the policy of deregulation in the context of the fight against unemployment. The White Paper was presented to Parliament by the Secretary of State for Employment, supported by nine other ministers (including the Secretary of State for the Environment), and the Introduction reads:-

> "The Government's policy towards regulation is to balance the needs of employment against all the other needs and concerns of society ... The fewer the administrative burdens and complexities involved in employing people, the more will be employed."

2.9 I will consider in the remainder of my paper a selection of the more swingeing steps, both site-specific and area-specific, which have been taken by the present Government to "lift the burden" i.e.:-

- the Vauxhall Cross saga

- Urban Development Corporations and Enterprise Zones

Simplified Planning Zones.

VAUXHALL CROSS

3.1 Everyone will be familiar with the General Development Orders made under the Secretary of State's powers in Section 24(1) TCPA 1971, which provides:-

> "The Secretary of State shall by order (in this Act referred to as a "development order") provide for the granting of planning permission."

Less familiar, however, are the Secretary of State's powers to make two different types of order under Section 24. The powers are set out in Section 24(3):-

> "A development order may be made either as a general order applicable (subject to such exceptions as may be specified therein) to all land, or as a special order applicable only to such land as may be so specified."

3.2 The Vauxhall Cross site covers some twelve acres beside the Thames on the south side of Vauxhall Bridge. By 1982, the site had been the subject of two public inquiries but with no sign of development being able to take place. As the then Under-Secretary of State for the Environment put it:-

> "We faced an almost classic case of the stagnation the existing system can sometimes produce - an important site, most of which had been virtually derelict for a quarter of a century and the future of which was interminably debated."

3.3 Amid considerable publicity, the then Secretary of State, Michael Heseltine, encouraged an architectural competition for the site and it was the winning design,

the procedure for selecting the winner itself being controversial, which was granted planning permission by the Secretary of State using his powers in Section 24 TCPA 1971.

3.4 What emerged from this exercise was The Town and Country Planning (Vauxhall Cross) Special Development Order 1982 which in its terms grants planning permission for approaching 1.5m square feet of accommodation, principally offices and shops.

3.5 It is first interesting to note that the SDO granted full planning permission, without the conditions requiring further reference back to the local planning authority or the Secretary of State on even the smallest detail. The development had to be carried out, however, in accordance with the drawings described in Schedule 2 and here are set out approaching 50 individual drawings. Whilst the absence of any requirement for subsequent approvals was no doubt intended to facilitate a speedy development, what in fact emerged in practice was some nervousness in the market as to the procedures for varying the precise form of the development, tied as the SDO was to the details of the Schedule 2 drawings.

3.6 The next point to note is the timetable. Although the SDO was preceded by the architectural competition, once the Secretary of State had decided planning permission should be granted by his own initiative, the whole procedure was completed in a month. The SDO was made on 9th June 1982, laid before parliament on 18th June, debated in the House on 28th June and came into operation on 9th July.

3.7 The debate in the House of Commons was along predictable lines, with the Opposition claiming that the use of the SDO procedure threatened to undermine the planning system and the Government claiming that

the SDO was necessary to encourage development in the interests of the economy.

3.8 The gist of the opposition speeches emerges from the following extracts:-

> "There is surely no dispute that what the Secretary of State is about in laying this special development order is to short-circuit the planning system. ... This wrong use - this misuse - of SDO's must be resisted now. If the Secretary of State gets his way, he will rely on them in the future whenever he gets impatient. ... If the Secretary of State has his way, the SDO will assume a strategic role far exceeding the limited use so far. ... We are moving into a planning era in which a Secretary of State can ride rough shod over local opinion to a far greater extent that ever before. ... Indeed, no local authority in any major conurbation can be guaranteed that it can proceed with a strategic plan for its area if the Secretary of State unilaterally uses such special development orders. This means the end of the Town and Country Planning Act 1947, and its subsequent amendments, as we know it.".

3.9 The Governments case in support of the SDO was not put in the way which might be expected today in the era of "Lifting the Burden" and "Building Businesses ... Not Barriers". No reference is to be found to deregulation or to the general aim of simplifying the planning system. Instead, emphasis was placed on the earlier public inquiries, the detailed consideration already given to the planning issues affecting the site and, in particular, that the site was one of national importance where the decision was properly taken by the Secretary of State, answerable to Parliament, rather

than by the local authority, answerable to the local community.

3.10 The Under-Secretary of State concluded his speech in the House on an urgent note:-

> "The choice is that if the order does not go through, there will be no development on this site. More years of delay, more haggling and more blight should not be tolerated by the House."

3.11 The Vauxhall Cross site next attracted the attention of the press a year later in August 1983. On 7th August 1983 the Sunday Times had the headline "The Property Flops that stopped Lyon's roar" and part of the article reads:-

> "The [Ronald] Lyon collapse is a huge embarrassment to the Department of the Environment and to the Government. A year ago then environment minister, Michael Heseltine, amid a major parliamentary row, rushed through a Special Development Order on the massive £100m Vauxhall Cross scheme on London's South bank. ... No work has begun on this Effra Site."

3.12 It might be assumed (and indeed has been assumed by many) that these events in August 1983 sounded the death knell for the use of SDO's for specific privately promoted developments. It is true that we have not seen a similar SDO since. In these days of deregulation and simplification, however, it would not at all surprise me if the Secretary of State now felt able to use the procedure again if the need arose. Indeed, this possibility was obliquely referred to on the second reading debate in March this year of the London Docklands Railway (City Extension) Bill.

As has been widely publicised, the City Extension Bill is being promoted in conjunction with the proposed Canary Wharf development in the Isle of Dogs Enterprise Zone. The debate gave some consideration to the Canary Wharf development itself and the fact that the Enterprise Zone designation would allow the project to proceed without a public inquiry. During a speech by Michael Heseltine, Mr Sydney Chapman commented that the issues which would be raised at a public inquiry could similarly be raised in debate in the House of Commons if the developers relied on an SDO and that:-

> "essentially the only difference between that route and a public inquiry is that a public inquiry would take not six months, but years, as the record and experience of major public inquiries show."

Michael Heseltine replied:-

> "As my Honourable Friend kindly reminds me, I have experience of the Special Development Order. It can be a relatively speedy and thorough process, opening up wide discussion of the plans under consideration. It can be processed quickly through Parliament, if Parliament is prepared to allow that to happen. On one occasion I used that technique, and it led to a successful conclusion of the planning process, although, sadly, the building was never built. That is one of the ill fortunes of life."

URBAN DEVELOPMENT CORPORATIONS AND ENTERPRISE ZONES

4.1 The Local Government Planning and Land Act 1980 gave birth to two important new initiatives, the ability to establish urban development corporations and to designate Enterprise Zones.

4.2 Shortly stated, the essential features of an urban development corporation are:-

(i) an urban development corporation has as its object the regeneration of the urban development area for which it is responsible

(ii) the designation of an urban development corporation is made by statutory instrument requiring the affirmative resolution of both Houses of Parliament

(iii) the urban development area itself is similarly designated by the Secretary of State, provided he thinks it expedient in the national interest, and must be an area lying within a Metropolitan District or within, or partly within, an Inner London Borough.

4.3 Two urban development corporations were designated when the statutory powers were in place, the Merseyside Development Corporation and the London Docklands Development Corporation. I propose to speak only of London Docklands, of which, unlike Merseyside, I have some personal experience.

4.4 Urban Development Corporations have a number of powers (such as wide powers of compulsory purchase) which are outside the scope of this paper. They have two main features, however, which create a special planning regime within their boundaries.

4.5 First the members of the urban development corporation are appointed by the Secretary of State and not elected. When describing the task of the London Docklands Development Corportion in Parliament, the Secretary of State said:-

"London Docklands can only be successfully regenerated by a single minded development agency.".

The Chief Executive of the Corporation himself has described the Board as comprising:-

"... persons of distinction from the ranks of government, commerce and professions and the development industry and Councillors drawn from the Docklands local authorities.".

4.6 Secondly, the Secretary of State was empowered by the 1980 Act to confer on the urban development corporation all powers under Part III TCPA 1971. This power was exercised in relation to both Merseyside and London Docklands so that the London Docklands Development Corporation now exercises the powers of the local planning authority in its area in relation to planning control.

When this proposal was considered by the Select Committee of the House of Lords in 1981, it caused the Committee some concern. Whilst accepting the Government's case they said in their conclusions:-

"The Committee are very conscious that to transfer development control over so wide an area from democratically elected councils to a body appointed by the Secretary of State is a step which is not easily justified, especially in an area such as docklands where the attachment to local democracy was shown to be so strong."

The 1980 Act gave no power to transfer to the urban development corporation any planning functions under Part II TCPA 1971 relating to development plans and thus the plan making powers in Docklands remain with the relevant London Boroughs. Although the Secretary

of State has indicated that the Corporation will be expected to take the statutory development plans "as its starting point in formulating its own planning views", this split of functions seems to me to be not only unusual but also uncomfortable, separating as it does the powers to make plans from the powers of implementation.

But the Chief Executive of the London Docklands Development Corporation appears to have no regrets as to his lack of power to formulate his own detailed development plan. He attributes much of the success of the Corporation to a combination of energy and initiative combined with a lack of what he regards as often sterile forward planning. In bringing about the achievements of the Corporation, he says:-

> "... no-one has ever sat down and produced a blue-print which has been slavishly followed. The key to the LDDC's progress to date has been its flexible approach in shaping and responding to the demands generated in the market-place and its determination in making Docklands an exceptional place to live, to work and to play.".

4.7 When writing his textbook on Urban Planning Law in the early days of urban development corporations, Malcolm Grant referred to an "uncertainty" and a "speculation".

The "major uncertainity", he said, was whether the Corporations "can succeed in attracting private sector investment to the areas". The verdict of the London Docklands Development Corporation's Chief Executive in 1986 is that Docklands' regeneration "has emerged as one of the more exciting urban success stories of the 1980's".

Malcolm Grant's "matter purely for speculation" was whether another occasion would ever arise for the designation of new urban development areas. Here again the answer may be in sight for on 7th July this year the Financial Times carried the headline "Ridley proposes to bypass councils in derelict city areas".

For areas of the north-east, north-west, Merseyside and West Midlands, reported the newspaper, the new Secretary of State is proposing to Cabinet that the experiment of the Merseyside and London Docklands Development Corporations be repeated. Less than three weeks later, that proposal had already been approved in principle by a Cabinet Committee presided over by the Prime Minister.

4.8 The second experiment introduced by the 1980 Act was the ability of the Secretary of State to designate Enterprise Zones.

They were announced in the Chancellor of the Exchequer's budget statement on 26th March 1980 as an idea:-

> "... intended to pioneer a new, and more adventurous, approach to the whole question of industrial and commercial renewal."

4.9 The measures applied to Enterprise Zones are intentionally discriminatory and take the form of a "package" of benefits to encourage development activity. These are aimed in part at removing administrative burdens and controls and in part involve positive financial planning by conferring important fiscal benefits on those developing within the Zones. This package, said the government, should provide a new climate for economic regeneration in the areas to which they applied.

4.10 In April of this year, the Estates Gazette described the "two main attractions" of Enterprise Zones as being financial, that is the exemption from rates for industrial and commercial property during the 10 year life of the schemes and the availability of 100 per cent. capital allowances for industrial and commercial buildings. But the third important feature of an Enterprise Zone is undoubtedly the relaxed planning regime within its boundaries, which relaxation the Goverment hoped would:-

> "stimulate new enterprise and new activities, which the overburden of planning law, in particular, may have restrained people from starting."

4.11 The detailed statutory provisions relating to Enterprise Zones are set out in Schedule 32 of the Local Government, Planning and Land Act 1980. In summary, the principal provisions which are relevant to this paper are the following:-

(1) Enterprise Zone schemes are prepared by District or London Borough Councils, new town corporations or urban development corporations on the invitation of the Secretary of State. In practice, this procedure led to political lobbying to be given such an invitation. In describing the setting up of the London Docklands Development Corporation, its Chief Executive says:-

> "Among the early decisions made was to bid for the creation of an enterprise zone ...".

(2) Once an invitation to prepare a scheme is issued, the ability of the public to influence its content is very limited. The body preparing the

scheme must publish its proposals and must then itself, but without being bound to hold an inquiry, consider any representations made "on the ground that all or part of the development specified in the scheme should not be granted planning permission in accordance with the terms of the scheme".

The invited body then publishes the adopted scheme, with any modifications it may have chosen to incorporate as a result of the representations. The only grounds for challenge at this stage are that the scheme is outside the powers conferred by Schedule 32 or that the interests of the applicant will be substantially prejudiced by a failure to comply with any requirement of the schedule. This limited right of challenge is by way of application to the High Court.

Once the invited body has adopted its scheme, the Secretary of State may then designate the relevant area as an Enterprise Zone. That designation is made by Statutory Instrument which is subject to negative resolution in parliament.

(3) The costs to central government of the financial benefits within an Enterprise Zone are reflected in the requirements of Schedule 32 that the Secretary of State must obtain the Treasury's consent before he either designates an Enterprise Zone or modifies the designation so as, for example, to extend its life.

4.12 As with the use of the SDO procedure for Vauxhall Cross, the Enterprise Zone experiment was seen by some in the parliamentary debates as threatening the foundations of our planning system. The following extracts indicate how the argument was put:-

"The general procedures of public consultation, proper inquiry and open government are ignored in the procedures laid down in the schedule... In Committee, speech after speech implied that it was because of planning and building controls ... that, somehow or other, a burden has been imposed on embryo economic activity which in many cases had prevented it from coming to fruition. What a lame excuse for some of the failures of British business... In our view, enterprise zones are a direct attack on planning controls and public participation in planning. They endanger the right of the public to examine all planning proposals, to put their objections to the local authority and to seek an inquiry if they wish".

4.13 There are some 25 Enterprise Zones in the United Kingdom. In general terms, the schemes themselves grant planning permission for all forms of development subject only to specified exclusions (for example, heliports, hazardous uses and refuse tips) and to specified conditions (e.g. means of access). Thus, the exclusions relate to limited forms of development for which planning permission is not given at all by the scheme and the conditions are of similar effect to the conditions in a planning permission for a specific development, with which we are all familiar, or indeed the conditions stipulated in the various planning permissions granted by the General Development Orders. The schemes in Wales take a different form in that they grant permission for specific classes of development, albeit in wide terms, subject only to conditions. For example, the Swansea scheme grants permission for general and light industrial projects, wholesale and storage warehouses, commercial offices, hotels and motels and retailing projects up to 25,000 square feet.

4.14 Of the 25 areas designated as Enterprise Zones, some 80% are wholly or mainly in public ownership. Thus, in practice, significant controls over what is permitted may be exercised through the controls of a landowner. Within the ambit of the planning system, however, it is fair to say that the Enterprise Zone schemes are to a large extent "non-schemes" and, subject only to minimum safeguards, remove planning control altogether.

SIMPLIFIED PLANNING ZONES

5.1 In winding up the second reading debate on the Housing and Planning Bill on 4th February 1986, the Under-Secretary of State for the Environment said:-

> "On simplified planning zones, the principle of simplifying the arrangements for obtaining planning permission in selected areas has been applied successfully in the enterprise zones. It is right that it should now be made available more widely".

5.2 The introduction of Simplified Planning Zone schemes was announced in the White Paper "Lifting the Burden" of July 1985. Such schemes, said the 1986 White Paper "Building Businesses - Not Barriers":-

> "will facilitate local deregulation by, in effect, extending rights to permitted development and to change of use beyond what is allowed under the General Development and Use Classes Orders."

5.3 In essence, we are now seeing the planning limb of the Enterprise Zone experiment being grafted into our planning system on a permanent basis. In contrast to the Enterprise Zone provisions, which were tucked away in a schedule of the 1980 Act, the Housing and Planning Bill introduces the statutory provisions for Simplified

Planning Zones as additions to the Town and Country Planning Act 1971 itself. Simplified Planning Zones, said the Department in September 1985, would have a wider application than Enterprise Zones:-

> "since their introduction would not be constrained by public expenditure considerations and they could be used in any area where their combination of certainty and flexibility was likely to facilitate development and renewal".

5.4 There are some important differences between the statutory procedures for Enterprise Zones and those for Simplified Planning Zones.

First, land cannot be included in a Simplified Planning Zone if it is within a National Park, a conservation area, an area of outstanding natural beauty, the green belt, or an area of special scientific interest.

Secondly, it is the local planning authorities themselves who have the duty both to consider for which parts of their area Simplified Planning Zones are desirable and to prepare schemes for those parts. In addition, a private developer or land owner can request a local authority to make a Simplified Planning Zone and, if the authority refuses, the Secretary of State has power, after considering representations, to direct that the scheme be made and, indeed, can himself make the scheme if the planning authority fails to take the necessary steps.

Thirdly, although a Simplified Planning Zone will facilitate speed and flexibility of development once the relevant proposals have been adopted, the procedures for the making and adoption of a Simplified Planning Zone scheme are much more complex, and likely to be much more time consuming, than the Enterprise Zone procedures. The procedures have been designed by

government to be similar to, but separate from, those for the preparation and adoption of local plans. In summary:-

(1) proposals for the making of a Simplified Planning Zone scheme must be widely publicized;

(2) if there are objections, the planning authority must hold a public inquiry before adopting the proposals;

(3) before the scheme is adopted, the Secretary of State may "call in" the proposals for approval by himself and is similarly required to hold an inquiry to hear the objections to the scheme if the local planning authority has not already done so.

5.5 During the Second Reading debate on the Housing and Planning Bill, the now familiar cry was heard in relation to the Simplified Planning Zone proposals:-

> "The principle of simplified planning zones is nothing more or less than a simplistic attack on the planning system as a whole for the areas that are to be designated."

But others expressed concern that the new system itself would be too unwieldly and that the government would have been better advised to consider an outright and radical reform of the planning legislation.

The best clue to what the new system will mean to the practitioner is perhaps to be found in the following passage from the Under-Secretary of State's contribution to the debate in the Standing Committee:-

> "I must stress again that the essence of a simplified planning zone is flexibility, which we

see as one important contributory part to get enterprise moving. In return for the flexibility, there would be wide-ranging, far-reaching, in-depth public consultation into the setting up of a simplified planning zone".

THE FUTURE

6.1 In their 1986 White Paper "Building Businesses - Not Barriers", the Government said:-

> "The planning system should be simplified and made more efficient. This does not mean that it will be dismantled".

This line was followed by the Under-Secretary of State when winding up the Second Reading Debate on the Housing and Planning Bill in February. He said:-

> "The town and country planning system has not changed in its essentials since it was established in 1947. The planning provisions in the Bill do not represent radical change. On the contrary, they are sensible incremental improvements designed to simplify the system and increase its efficiency, and to strengthen the protection of our environment and heritage".

6.2 But the new Secretary of State has already made clear his impatience with the constraints of the system as it exists. "Ridley attacks planning controls" was the headline in the Financial Times on 11th July, reporting on a speech to the RIBA advocating freedom from bureaucratic control for architectural design. "I doubt", said Nicholas Ridley, "if Vanburgh or Lutyens would even have received planning permission for most of their buildings". Again, in attending a ground-breaking ceremony at Tobacco Dock, Wapping in June, the Secretary of State is reported as saying:-

"I am glad to be somewhere where there have been no planning inquiries or the endless aggro that prevents developers from carrying out their projects".

6.3 So will Simplified Planning Zones only be used as a tool to generate or redirect growth in and to specific areas by releasing the "planning brake" which applies elsewhere? Whatever may emerge, it is clear that we are still in a climate of change. Somewhat cautiously, a report published in August by the CBI and the National Development Control Forum - "Planning and Working Together" - recommends that no more Enterprise Zones should be declared until current research into existing areas is complete and that Simplified Planning Zones should be directed primarily at the redevelopment of derelict or unused land. The government itself promises a consultants report in the spring on the impact on British business of the Enterprise Zone experiment.

But the CBI/National Development Control Forum report also urges measures to speed up planning decisions and recommends that structure and local plans must be kept up to date. Development Plans, it says, "should be regarded as the backbone of planning policy" but "amendments are urgently needed to streamline procedures" in the statutory plan process.

It can only be concluded, from the trends traced in this paper, that the Government's response must be that, whilst these are familiar cries, experience has shown nothing short of radical, or at least more radical, reform will suffice.

6.4 It is right to be sceptical today about the overall impact on our planning system of Simplified Planning Zones. Indeed, in the second reading debate in the

House of Lords on 30th July, Baroness Stedman said, in opposing the new schemes, "We believe that the SPZ will prove to be just another complication to an already complex system of controls." But if Simplified Planning Zones are successful, might they instead be the beginnings of a much more fundamental change in our approach to planning control, that is the introduction for many parts of the country of what is in substance a zoning system and where applications for planning permission for specific developments will be largely a thing of the past.

6.5 It may be no coincidence that the procedures for the adoption of a Simplified Planning Zone are similar to those for the adoption of a local plan. The essential difference is that a Simplified Planning Zone scheme itself grants planning permission for the proposals it contains. Could the same apply to all local plans, for example, by incorporating development order sections in the plan whereby general permissions are given for development in accordance with the policies with departure applications being treated as applications for the modification of the plan itself? The importance of plan making would then be hugely increased. I began this paper by saying that a lawyer advising on planning matters is seldom concerned to look at Part II of the 1971 Act, entitled "Development Plans". If the principles of Simplified Planning Zones gave rise to a system of more-or-less general application, the new Part II would be pre-eminent.