Counties—Is there a role for them?

By John Deegan

1. The Government's Planning Proposals

The radical changes proposed in last December's Planning Green Paper were roundly rejected by an exceptionally large majority of the respondents to the government's public consultation exercise. In particular, when asked for a view on a proposal "to simplify the hierarchy of plans by strengthening regional plans and abolishing county structure plans" an overwhelming majority of respondents—90 per cent—voted against. A similar percentage [88 per cent] rejected the proposition that local plans and unitary development plans should be replaced with Local Development Frameworks (LDFs). These responses are even more remarkable than might be apparent at first sight, since the figures exclude from the statistical analysis about 5,000 of the total 15,000 returns, on the grounds that they were identifiable campaigns. It might reasonably be assumed that most of the 5,000 were less than wholly in favour of the proposed reforms. Moreover, the thumbs down reaction was given by all groups of stakeholders—including the business sector, in whose interests the reforms were ostensibly being promoted in the first place. It voted three to one against the abolition of structure plans. If that weren't enough, the more radical elements of the Green Paper were also savaged by the House of Commons Select Committee, which concluded that the Government would reach its objective much more effectively by working with the grain of over 50 years' experience rather than stubbornly discarding it.

It therefore came as something of a surprise to see that the government had interpreted these results to mean that "many of those who had commented on the Green Paper did not object to the abolition of structure plans as a separate tier of plan making". And so, although other controversial elements of the Green Paper have been scrapped—notably the proposed local tariffs and the Parliamentary arrangements for scrutiny of major projects—the government appears in the case of structure plans to be unmoved; it intends to abolish them. Why has it adopted such an uncompromising position?

2. Structure Plans: Success or Failure?

At first sight, this stance seems irrational, even disregarding the consultation response. The Green Paper, in its excellent diagnosis of the shortcomings of the current plan-making system, shows that the main problems lie elsewhere—notably with the continuing difficulties in achieving comprehensive and up-to-date coverage of local plans and unitary development plans. Thus it reports that 13 per cent of the 362 district and unitary plans had not at that time been put in place. By contrast, structure plans had complete coverage, and in most instances had been through at least one complete review.

A positive view of structure plans is reinforced by DETR (as it then was) commissioned research as recently as 1999. In their report "Examination of the Operation and Effectiveness of the Structure Planning Process", academics Professor Peter Roberts and Mark Baker concluded that "the current structure planning system has proved to be robust and durable". They doubted that enhanced regional planning guidance was capable of also fulfilling an effective sub-regional role, and they therefore recommended against proposals to abandon structure planning. Nevertheless, the government has continued to attack structure plans. As recently as January this year Lord Falconer claimed in Parliament that twenty-one counties had taken five years or more to adopt revised structure plans following the last round of regional planning guidance, with consequent delay to the adoption of local plans by district councils or their adoption but not in general conformity with the structure plan. The County

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Surveyors' Society (CSS), which represents UK local government strategic directors of planning, transport, waste disposal and economic development, has completed its own research into these claims. Nineteen of its member authorities were among the twenty-one cases named by Lord Falconer, and the research shows that in fact only seven had taken longer than five years to adopt their plans. In all seven cases the delays stemmed directly from central government actions, either as a result of local government reorganisation or from intervention in the structure planning process itself through objections or Directions. Moreover, there had in no case been a consequent delay to districts in the preparation of their local plans.

Thus the evidence seems clear: structure plans have proved to be the most successful element of the plan-making process to date. If, therefore, the government wishes to scrap them, and perversely heap extra pressures on those parts which are working less well, the reason perhaps lies not in process but in outcomes.

3. Is Planning Delivering?

Whilst it is very difficult to pass judgment on the outcomes of planning in the absence of a statutory purpose, there is a widely held belief that the planning system is not "delivering", particularly by way of support to UK business performance. However, the evidence for this claim appears to be very limited. Often quoted is the 1998 McKinsey report—"Driving Productivity and Growth in the UK Economy"—which claimed that planning is inhibiting productivity. The examples quoted in that report include planning restrictions preventing the construction of large retail outlets in greenfield locations, and listed building controls encouraging an inefficient (*i.e.* independent) pattern of hotel ownership in towns. Both are indeed illustrations of intervention in the free market economy, and therefore are likely to have an impact on productivity, but examples such as these commonly command substantial public support—one reason for the creation of the planning system. A more balanced view was taken in a 1998 DETR sponsored research report: "The Economic Consequences of Planning to the Business Sector" produced by Berkeley Hanover Consulting. This report considered that there were probably swings and roundabouts, with disbenefits to business such as those in the case of the McKinsey examples quoted being offset by benefits elsewhere—*e.g.* those associated with the planning system's ability to deliver certainty and guarantees against future incompatibility with neighbouring land uses. However, the authors also concluded that further research was required to prove the point one way or the other. The important conclusion to be drawn from this is that if the planning system as a whole is not failing business, then there is little point in radical reform. Instead, it would make more sense to proceed with incremental reform to the existing system, concentrating on bringing all planning authorities up to the standard of the very best.

This conclusion is reinforced by the community response to the Green Paper. Matching its commitment to business objectives, the Government has an equally strong desire to embed planning processes firmly in the community, especially via the proposed LDFs. However, the very clear negative responses (91 per cent) from the community sector to the consultation exercise doesn't help the Government. The NGO position is perhaps best illustrated by the campaign undertaken by the "planning disasters" umbrella group of green organisations, which included the creation of a website and use of powerful imagery in the media ["What colour would you like the gates of your local nuclear power station to be painted?"]. The inference is clear; far from strengthening the effectiveness of local communities within the planning system, it is widely believed that the current reforms will move decision-making further away from them. It must be said that recent announcements by the Deputy Prime Minister on additional housing provision for the southeast and eastern regions, and by the Secretary of State for Transport on regional airport strategy options give credence to this perception.

However, even if the business and community arguments for radical reform are weak, there can be little doubt that the planning system is not supporting, and indeed may stand in the way of, some key elements of the government's social and economic regeneration programmes. In particular, there are problems in the housing market, concerning affordability in high cost areas and market collapse in low demand areas; broader issues of urban regeneration; and occasional high profile cases of delay in the provision of major projects. Is it therefore the case that the Government is looking for a scapegoat and sees the diminution of the county councils' role as a quick fix?

4. The Counties: A Useful Scapegoat?

County councils have some unique features which may explain why their most significant statutory planning function has been targeted by government:

- They are perceived as powerful defenders of the interests of their residents, often against government wishes, and there may be some old scores to be settled. The most obvious example of this has been the continuing tension between "top down" forecasts of housing need in the south-east and eastern regions, and "bottom up" resistance to new housing development, with county councils caught in the crossfire.[1] However, there are other continuing tensions, not restricted to the south-east, *e.g.* over urban expansion and Green Belt policy, which tend to bring town and country into conflict, with county councils being seen to defend the rural perspective.
- There is a new public administration agenda into which county councils don't easily fit. This includes the Government's plans for regional governance (and its European context), and its approach to securing the compliance of the public sector with its requirements. This latter point could be the subject of a paper in its own right, and indeed was developed extensively in this year's Reith Lectures by Onora O'Neill. The essential features of her thesis are the decline in trust of professionals and its substitution by new accountabilities based on an explosion of audit controls and inspection regimes. For powerful local authorities, such as county councils, a conflict with their traditional authority derived through electoral legitimacy is thus inevitable.
- Numerically, county planners are a small minority within the planning profession compared with, say, the numbers in shire districts and unitary local authorities. In practical terms, this tends to mean that the key concerns of county planners can lose out to the other priorities of representative organisations such as the Royal Town Planning Institute, the Planning Officers' Society, and the Local Government Association. Since it is organisations such as these which have most contact with Government—at political and civil servant level—as well as the NGO sector, it is easy to see how agendas which marginalize the counties' contribution can become established.

5. What is The Counties' Contribution?

The discussions following publication of the Planning Green Paper may have helped crystallise our understanding of why counties are in danger of being put out into the cold; they have also sharpened up counties' own perception of the value they add to the planning system. Apart from structure plans, the counties also prepare waste and minerals local plans and make development control decisions for these

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[1] In fact, the figures show that the south-east and eastern counties have delivered well over 90 per cemt of their RPG9 housing targets. Moreover, a significant element of the shortfall appears to be a result of lack of funding for infrastructure and decontamination of brown field land rather than inadequate land supply. However, it is the perception which matters.

functions too, and along with the larger metropolitan authorities are the major players in regional planning. Indeed the Government acknowledges these roles and proposes to retain them.

However, it is structure planning which is most central to the counties' planning functions. Structure plans provide the bridge between our extraordinarily large regions and local districts, for housing and other land allocations. Without this bridge, regional policy will be undeliverable in practice, and the interests of small authorities will be unprotected. They also provide an essential link with most of the key delivery mechanisms necessary for sustainable development—transport, waste disposal, economic development, education etc—which are all delivered at county or sub-regional level. Even in sectors where supply is less clearly at this level—*e.g.* affordable housing—it is recognised by the Housing Corporation that sub-regional planning and resource allocation is important since it focuses increasingly on housing market issues which normally transcend district boundaries. Furthermore, counties have enabled the creation of centres of expertise to support analytical planning at all levels in the system, and last but not least they provide the key policies which have kept the development control system going in the absence of comprehensive coverage of local plans.

This doesn't mean that county areas are always the most appropriate units for sub-regional plans; successive local government reorganisations have seen to that. However, the case for a comprehensive statutory system of sub-regional planning remains overwhelming. The Government seems to have recognised this in its recent policy statement which makes it clear that the proposed Regional Spatial Strategies (RSS) will contain more fully developed sub-regional elements than has been the case hitherto in Regional Planning Guidance (RPG). It also acknowledges that the sub-regional elements of the RSS will need continuing input from counties. Superficially, these concessions may appear to provide the reassurances counties are looking for but this is not the case for three reasons:

- In many areas of the country elected regional assemblies are unlikely for some time yet, and so the role of the Regional Planning Body will be filled by unelected bodies with no democratic mandate. Although it may be argued that a similar situation occurs in many regions already, the crucial differences are that, in future, regional plans will have statutory status and elected county councils will play no legitimising intermediary role.
- Involvement of the counties in sub-regional planning will only be at the discretion of the regional planning body—*i.e.* there will be no statutory role. This not only increases local government concerns about the democratic deficit in the new arrangements but also, on a pragmatic level, will make it difficult to retain the role of strategic planning in competition with other statutory county services.
- The new arrangements make no provision for counties to be involved in the new LDFs, except at the discretion of district councils. Although in practice most district councils will recognise the need for counties to have ownership of LDFs if they are to have any value, in the absence of a statutory requirement there will be no pressure on either tier to prioritise the other's processes or plans.

Of course local government has a history of making almost unworkable ideas of central government work, and no doubt this could happen with the Government's current planning proposals. However, since the necessary legislation has yet to be enacted there is still an opportunity to improve them and introduce changes which command greater confidence.

6. The Need for a New Paradigm

This paper has sought so far to demonstrate that the attack on county structure planning functions has been misconceived: they have performed comparatively well in terms of process and they have fulfilled

an essential sub-regional function, between the region and the locality. They ought therefore to be seen as a launch pad for improvements to the system rather than a candidate for extinction. But before putting flesh on an alternative model it is essential to understand why planning is not delivering the key social and economic programmes referred to above. Three reasons for this stand out above all others.

Firstly, planning is still coming to terms with a new shared "vision". Its historical objectives—to secure public health, adequate good quality housing and prosperity for all—have to a large extent been met in this country, and planning and planners have contributed significantly to this success. However, the old drivers have been overtaken by new global forces such as international competitiveness, social cohesion and environmental degradation. Planners encapsulate this new agenda in the term "sustainability", but the rhetoric has not yet been matched by an understanding of how we can ensure its deliverability.

Secondly, the instruments for delivery of plans have not kept pace with new expectations. A number of these deficiencies were addressed by the Green Paper "daughter documents", for example the means of delivering affordable housing, especially in the south and east of the country, and planning processes for major infrastructure projects. In the case of the former, the proposed tariff arrangement has been rejected but substantial additional public money has been allocated by the Treasury. Whether or not this is sufficient, and indeed whether the problem is capable of resolution through public spending in the absence of a national spatial strategy, is debatable.

The solution offered in the Green Paper to the management of major infrastructure projects was an uneasy compromise between national and local decision-making processes which failed to convince. The House of Commons Select Committee raised fears of a new generation of "Swampies", but longer folk memories will recall the difficult days in the 1970s when disruption of motorway inquiries was a commonplace result of a government decree (long since rescinded) that the principle of a proposed highway scheme was not within the terms of reference of a local public inquiry, having been resolved through a Parliamentary process. The central dilemma here was, and still is, a fundamental conflict between objectives to increase community involvement in planning, at the same time as pressing for speed and compliance with government policy. The only way forward would appear to be by incorporating a commitment to subsidiarity in future changes to the planning system.

However, this is not a simple matter of defining major projects as either having or not having national significance; in practice, projects can fall anywhere along a spectrum from national through regional and sub-regional to local significance, and this has major repercussions for our development control/inquiry framework. It means, ideally, that an appropriate democratically elected body at each of these levels would need to be granted powers to determine planning applications relevant to that tier of government. The practical interpretation of this conclusion will vary in different parts of the country, depending on whether or not an elected regional assembly is in prospect, but in those areas where elected assemblies are not likely, the case for restoring county council call-in powers for major planning applications should be re-examined.

Thirdly, in the transitional stage from old to new paradigms, the focus in recent years has been increasingly on regulation—driven by rules and performance indicators which have little relationship with quality outcomes or comprehensibility to key stakeholders. This is not a problem which can be resolved solely by imposition from above of new good practice rules; it requires also "culture change" within local government planning departments to embrace the concepts of customer focus and positive planning. However, in the words of one planning academic: "The reforms will actually make the job seem more bureaucratic and regulatory and the job will not necessarily provide the challenges that will encourage people to get into planning more than they do at the moment." If this challenge isn't

addressed effectively and quickly, any debate about future arrangements is likely to be overtaken by the *force majeure* of planning's recruitment crisis.

7. Conflicting Pressures: The Bigger Picture

The Planning Green Paper offered a window of opportunity to address some of these issues, and to be fair, attempted to do so. However, it was hampered by the conflicting pressures of the Government's broader agenda for the public sector referred to above. Specifically, there appears to be some confusion of purpose between the Planning Green Paper's attempt to squeeze out elected county councils and county planning functions, and the Regional Government White Paper, "Your Region, Your Choice" which allows for the continuation of county councils and the present pattern of unelected regional assemblies. Even where elected regional assemblies are created, county councils may well continue as unitary authorities.

Moreover, whatever happens to county councils as a result of the White Paper, any new elected regional assembly would consist of only twenty-five to thirty-five elected members. This would massively reduce the overall number of elected representatives in any region; in the case of the West Midlands, for example, there would be about half as many assembly members as there are currently Westminster MPs. One of the consequences of the democratic deficit so created would be the near impossibility of delivering credible "top down" sub-regional planning which secured local ownership, and so the system is unlikely to command much confidence.

None of this confusion really suggests that there is any great depth in Government thinking behind the assertion in the Planning Green Paper that "we need a planning system that fully engages people in shaping the future of their communities". On the contrary, one can see several grounds for concern that, with the demise of the present universal sub-regional tier of planning, decisions will move even further away from communities. For example, the scattering of counties' current strategic planning functions amongst several smaller players will increase further the gap in power and influence between small and large planning authorities. Since most of the small authorities are rural, this will increase the emphasis of planning on an urban agenda and the role of major cities at the expense of rural interests and those of smaller towns. Moreover, it is likely that strategic planning functions as a whole will move out of the local government arena. A moment's thought should lead us to realise that a system which annexes county planning powers to the region must take away metropolitan and unitary authorities' strategic powers also. The system couldn't cope with strategic housing and employment land allocations, or investment priorities, determined at the regional level for the shires without at the same time addressing these issues in our urban areas. The relationship between urban and rural England is just too close.

Perhaps the greatest source of conflict, however, will arise as a result of confusion created by the plethora of different governance models which will all be rubbing up against each other. We will have regional assemblies (but not everywhere), some two tier areas (and no regional assemblies), some single tier areas (with or without regional assemblies), some elected mayors and some old fashioned leaders, and different arrangements for London—and this is just in England. Add to this cocktail the different party political control that is bound to occur from time to time and we have a recipe for the total bewilderment of the planning system's major national stakeholders.

8. An Alternative: General Principles

At this point it may be helpful to pull together the key inferences which can be drawn from the preceding analysis of the Government's proposals, as a foundation for the construction of an improved

alternative to its district-based LDF model. The key points are relatively straightforward to articulate, as follows:

- There is little support for a wholesale, radical reconstruction of the planning system.
- In particular, there is no point in recasting the system in such a way that it exerts even more pressure on the most stretched part of the system - the shire districts' local planning functions. This will improve neither speed nor certainty.
- The challenge to retention of a universal, statutory sub-regional tier of plan-making is not well-founded.
- Structure plans have proved to be a comparatively successful element in the planning process and ought to provide a foundation for future improvements. However, some flexibility needs to be retained over the definition of plan boundaries which will no longer necessarily coincide with administrative county boundaries.
- Although the planning system is not as dysfunctional as some critics would claim, especially in supporting the national competitiveness agenda, nevertheless there are failures in performance which need to be addressed. These include the non-delivery of national housing requirements, its seeming irrelevance to the urban renewal agenda, and delaying key transport infrastructure in particular.
- The planning system is by no means the sole cause of these perceived failures; under funding of public sector housing, and ambiguity in the Government's attitude towards the engagement of local communities in big decisions are at least as much to blame.
- Planning needs to commit itself to a new positive purpose, themed around "sustainability", which needs to be embedded very quickly into planners' culture if the planners' role is to survive the growing recruitment crisis.
- Any improvements to the system must be sufficiently robust to cater for a period of conflicting and confusing institutional arrangements in sub-national governance.

9. County Surveyors' Society/County Councils' Network Alternative

The County Surveyors' Society, in conjunction with the County Councils' Network (a special interest group within the Local Government Association), promoted an alternative model which recognised many of these principles, in its response to the Green Paper. This model differed from the Government's proposals by arguing for universal and statutory plans at sub-regional rather than district level, with district level plan-making on a more selective basis where they are needed. This enables both a more streamlined vertical integration between the regional, sub-regional and local levels and a more effective horizontal integration between spatial development, transport, waste and minerals, economic development and other public services. It also has the following benefits:

- It would reduce the need for one-off sub-regional strategies and housing studies as a means of bridging the gulf between regions and districts.
- It would significantly reduce the number of Local Development Frameworks required.
- It would reduce the number of cross-boundary differences and provide a ready mechanism for resolving differences of view between districts, thus providing greater certainty in the system.
- It would optimise the use of scarce planning expertise.
- It would greatly reduce cost.
- It would minimise hiatus and uncertainty otherwise created by the structural changes proposed in the Green Paper.

The detailed specification of the CSS/CCN model was by no means fixed, and there were (and are) a

number of outstanding issues which need further discussion and debate. Perhaps the two key issues are: firstly, how sub-regional boundaries could and should be identified; and secondly, how the more contentious cross-boundary issues would be resolved. In order to explore these questions, CSS commissioned an independent assessment of its initial ideas from Roberts and Baker (in view of their earlier work for DETR), informed by the operation of existing sub-regional partnership relationships. Overall, they found much positive evidence to support the conceptual model, but also highlighted some difficulties over boundary definition:

- They confirmed that the identification of sub-regional areas is not always easy. Although in northern regions of England there are well-established and fairly non-contentious functional sub-regions, in the south-east it is difficult to establish a single suite of sub-regional units. This is, in part at least, because of the size and complexity of the region.
- The boundary definition issue is not aided by the natural conservatism of some key actors at sub-regional level who tend to emphasise the benefits of existing administrative boundaries, which do not fully reflect or anticipate the dynamics of regional socio-economic change. (This may be a consequence of the lack of guidance given by CSS to its members in the initial data collection exercise, which would be addressed via clearer criteria in a second iteration of the process.)
- In the case of the south east in particular, there will be areas where special initiatives will continue to be required so long as there are significant growth pressures. Examples include the Thames Gateway, and Milton Keynes, where the functional links cross regional boundaries.

Whilst these are important reservations, they apply equally to the Government's current model since the beefed-up sub-regional aspects of its RSSs will face similar issues. In either case it will clearly be necessary for the Regional Planning Body to give a clear steer.

Roberts and Baker also looked at existing partnerships identified by CSS members. They found that the partnership models used varied considerably; in some cases membership was restricted to those authorities with statutory responsibility for strategic planning (*e.g.* Leicestershire) but in other cases (*e.g.* North Yorkshire) representation extended to district councils and/or neighbouring authorities. Also, they varied in their powers from formal voting arrangements and/or decision-making powers (*e.g.* Buckinghamshire) to having an advisory role only (*e.g.* Bedfordshire). Some of these arrangements are for the single purpose of structure planning whilst others embrace liaison over the preparation of local plans (*e.g.* Derbyshire), local transport plans (*e.g.* Nottinghamshire), and minerals or waste local plans (*e.g.* Bedfordshire). On the whole the experience of these arrangements is that they have become well-established and are, in the view of CSS members, reasonably effective.

Cross-boundary difficulties of course do arise: the most common concerning general or "overspill" development pressures within the hinterlands of larger urban areas and related issues of the greenbelt and housing markets, although transport and employment issues also figure. The researchers conclude that, given the widespread nature of these cross-district issues, it is difficult to see how they can be adequately addressed by any form of planning system that operates solely at the local level. In other words, it is precisely these types of issues that provide a compelling argument for some form of strategic planning at the sub-regional level.

10 Conclusions

With the publication in July of the Government's proposals in the light of its Green Paper consultation, it is clear that the risks of abandoning sub-regional planning have belatedly been recognised. Moreover,

it is also clear that the Government cannot deliver this essential element of the plan-making hierarchy without the co-operation of county council strategic planners, at least in the immediate future. However, it is also evident that the government wishes to marginalise the formal role of county councils in the new arrangements, for reasons which appear to be motivated by wider political considerations rather than good planning reasons. In the author's view the Government's proposals are poorly constructed in terms of efficiency, delivery and political accountability. Planning reform is needed, but it needs to be based on a better understanding of the positive experiences of the last fifty years and of the real challenges which planning now must face, rather than a series of poorly-informed preconceptions. In particular, planners need to work out what exactly the new sustainability "vision" means in practice, discover new instruments for delivering positive planning, and transform their culture, if planning is not to lapse into an essentially bureaucratic regulatory regime of limited significance. Since new planning legislation is yet to be approved there is still opportunity to improve on the Government's current proposals, and CSS/CNN have shown that there is an alternative way forward. This focuses on sub-regions as the key element of our plan-making system, with statutory sub-regional planning powers invested in democratic institutions which have the necessary capacity to ensure their delivery.