

### 3. Territorial governance and spatial planning in the United Kingdom

- England is based on a model of a **liberal state** and the **common law** approach
- **Non-binding political orientation**
- Spatial **development decisions are taken from time to time by local** administrators after having *assessed* (valutato) each specific project on the merits
- “**Land use management**” approach
- “**Performative**” model

Department (a livello inglese):

- Department for communities and local government
- Department for environment, food and rural affairs
- Department for transport

**The central government has the competence to supervise and verify the town and country planning**

- Four "nations": England, Northern Ireland, Scotland and Wales "
- In England alone: - 9 regions - 33 London boroughs - 34 county councils - 238 district councils - 46 unitary authorities - 36 unitary metropolitan district councils

**The evolution of legislation:**

- The United Kingdom has **no codified constitution**
- **Housing and Town Planning Act (1909)**: constituent act of territorial governance.
- **Town and Country Planning Act (1947)** places the foundations of contemporary British spatial planning, in particular:
  - It makes **compulsory** spatial planning across the national territory
  - It transfers **to the Crown** (i.e. to the State) the **edifying right** (diritto di edificare)

- It introduces a general planning tool → the **development plan** that must serve as a basis for the local authorities for issuing planning permits
- **Town and Country Planning Act (1968) Introduces the fundamental distinction between “structure plan” and “local plan”**
- Local Government Act (1972) and the Local Government Planning and Land Act (1980), Local Government Act (1985) and Planning and Compensation Act (1991)
- **Planning and Compulsory Purchase Act (2004)**: addressed (indirizzato) by Labour governments to greater (maggiore) **flexibility, local autonomy and regional planning**
- **Localism Act (2011)** and, in England alone, **Town and Country Planning Regulations (2012)**: more recent legislation

### The setting of territorial governance:

- In deciding whether to grant a **permit to build** (nel decidere se concedere un permesso di costruire), the **local authority evaluates the project in relation to the plan and other relevant elements**
- Steps leading to the decision:
  - **Definition of a development project** by private or public operators and submission of a construction permit application
  - **Assessing** the demand (domanda) from public officials, taking into account **all relevant issues**, including stakeholders' views
  - **Proposals** by the public authority **to amend** (modificare) **the project**, which the operator concerned may accept, negotiate or reject
  - **Political decision** whether or not to grant permission to build, based (with possible differences in judgment) on the technical evaluation

### The setting of territorial governance:

- **Planning and control** functions normally *fall within* (rientrano nel) the **local authorities**, but State can *afford* (permettersi) *to grant* (di garantire) construction permits in the most important or complex cases
- As for the request for a permit (Per quanto riguarda la richiesta di permesso) the applicant may appeal to change the judgment obtained in the first instance. (il richiedente può presentare ricorso per modificare sentenza ottenuta in primo grado)

- **Territorial governance** tends to be the product of the combined action of three different "systems" (Tewdwr-Jones, 1999):
  - The "**official planning system**", which responds to plans and rules
  - The "**system of projects and policies**", involving different actors
  - The "**economic and political system**", which promotes development through inter-institutional cooperation

### The "two-tier system" of spatial planning:

- the **development plan** established by the 1947 Planning Act actually tended to retain a rigid and *detailed form* (forma dettagliata)
- the **town map** specified the land uses proposed by the plan in the *administrative boundaries* (confini amministrativi) of the city
- With this was simple to identify the boundaries of private property
- In the 1950s and 1960s a movement of criticism against post-war urban planning grows up
- In the report "**The future of development plans**" (1965), the Planning Advisory Group nominated by the British Government states said that **the form of plans is too generic**
- The **recommendations of the report** lead (portano) **to the adoption of a "two-tier system" by the 1968 Planning Act**, which divides the tasks of "**strategic**" **planning** from the "**operational**" **planning**
  - The **structure plan** (piano strutturale) is the **mandatory tool** with which each planning authority, whether it be a city or a county, is required (tanuta) to plan coherently the **overall land use** within its administrative boundaries
  - If the planning authority finds the **need to plan a single part of its territory in detail, then it prepares and approves a local plan.**

Three types of local plans:

- A. **district plan (DP)**
- B. **action area plan (AAP)**
- C. **subject plan (SP)**

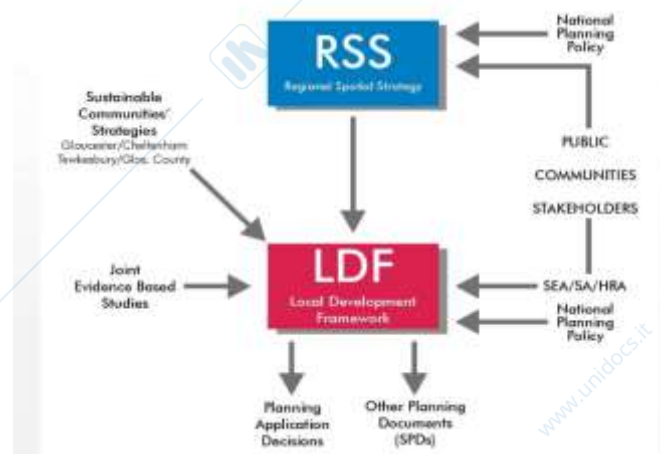
## Spatial planning under conservative governments

- The **high public value** attributed to **town and country planning** *implies* (implica) that the shift (cambiamento) of **national governments** tends to impress **significant change** to spatial planning tools
- The advent of the conservative government of **Margaret Thatcher in the early 1980s** introduced significant changes to the territorial governance system
- The **Local Government Act (1985)** has assigned each metropolitan district a unitary planning authority
- The law united for these entities the structure plan, the subject plan and the action-area plan under the **unitary development plan (UDP)**
  - The UDP consists of two parts:
    - A. The "structural" component constitutes the strategic level of general policies and goals
    - B. The "local" component, with mapping support
- Other changes involved introducing tools that would avoid/ against the usual spatial planning procedures and rules (evitare le consuete procedure e regole di pianificazione territoriale)
  - **Urban development corporations (UDCs)**
  - **Land use classes** have been **modified** by expanding the category of allowed interventions **without requiring permission to build**
  - **Enterprise zones (EZs)**
- In 1988, **planning policy guidance notes (PPGs)** and **the regional planning guidance (RPGs)** were **introduced**, useful in expressing the policies of the national government and their regional declinations
- The **Planning and Compensation Act (1991)** has given greater weight to spatial planning

## Spatial planning under labour governments

- 1997 political elections affirmed the victory of **Tony Blair's labour government**
- **The Green Paper "Planning: delivering a fundamental change"** marks the renewed policy action (azione politica rinnovata) of New Labour on territorial governance
- **The Planning and Compulsory Purchasing Act (2004)** → the most significant reform

- The new law establishes → the **planning policy statements (PPSs)** replacing the PPGs
- The PPS12 requires (obbliga) local authorities to develop the **local development framework (LDF)**
  - **LDF are portfolios of spatial policies and projects**, which together form the guidelines and actions for a given territory
  - LDF content is of two types:
    1. **Local development documents (LDDs)** help **define the development plan** → Mandatory documents are the **core strategy**, the **map of proposals**, the **general scheme of development**, and the **annual monitoring reports**
    2. **Supplementary planning documents (SPDs)**, quicker to prepare, modify and re-apply, may cover land use policies and practices for **smaller territorial portions and/or specific topics**
- The 2004 law establishes **regional spatial strategies (RSSs)**, replacing RPGs and the structure plan for the regional level
- A **key diagram** and an **implementation plan** outline targets (schema del piano di attuazione), mechanisms and indicators without reference to georeferenced sites, and **sub-regional strategies** are foreseen
- **RSSs represent**, in fact, the establishment of an **autonomous regional planning level** in the United Kingdom, **focused on the collaboration of three bodies**:
  1. The government offices
  2. Regional development agencies
  3. Regional bodies



## Recent reforms

- **Conservatives with Liberals since 2010** marked a phase of new changes for the UK's territorial governance system
- **The Localism Act (2011)** aims to achieve a more transparent, democratic and effective system
- The law **abolishes RSSs and LDFs** and **establishes the local plan**:
  - it is aimed at **unifying** (unificando) **all the structural and operational components** of territorial governance
  - It must be examined by an **independent evaluator** with the aim of verifying consistency with national laws and policies
  - It must contain a **statement of community involvement**, which explains how stakeholders can take part in the plan preparation and use
  - The **pre-application phase** is strengthened (rafforzata)
  - **For developers**, it is compulsory **to consult local communities** for certain types of settlement

### Recent reforms



- The 2011 Act also establishes **neighbourhood planning** through which **local communities can develop autonomous spatial planning proposals**
- In 2012, the government published the **National Planning Policy Framework (NPPF)** → focused on the concept of **sustainable development**

- In 2012, **Town and Country Planning Regulations** for England were also adopted, introducing **further innovations** (ulteriori innovazioni), such as collaboration between bodies, environmental strategy elements, and more specific indications on the merits of the NPPF

## Administrative approach and technical culture

- The search for **flexible mechanisms** continues to be a priority in the UK, that has an absolute primacy (primato assoluto) in experimenting with devices (dispositivi) useful to harmonize the **strategic and operational components** of the territorial governance
- In any case, the **separation** between **spatial planning** and **development control**, remains equally important
- Awareness (consapevolezza) that **other subjects are also bearers of ideas** (portatori di idee)
- **The power of the public authority to assign land use rights**
- **Planners' community** is traditionally autonomous than that of architect:
  - **Royal Town Planning Institute (RTPI)**
  - **Royal Institute of British Architects (RIBA)**
- Planners choose whether to take up the **profession in the private field**, as freelancers, or at the **service of public administration**
- If they become civil servants, they are addressed to **develop planning tools** or to **control projects and building permits**

## Efficiency, fairness, quality