



Abigayle Boardman

Student ID: [REDACTED]

**COULD A REGULATORY APPROACH TO PLANNING BE EFFECTIVE  
WITHIN ENGLAND?**

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*The University of Liverpool School of Environmental Sciences Being a dissertation submitted to the University in partial fulfilment of the requirements for the degree work of Abigayle Boardman. I declare that this dissertation is my own work.*

SIGNED: *A Boardman*.....

DATE: 5th September 2021.....

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## **EXECUTIVE SUMMARY**

Regulatory planning systems are more prescriptive than discretionary systems, with clear rules around what development is or is not permitted. Such systems control development to a specific degree, providing maximum storey height, set back distances from roads and design criteria. Discretionary approaches are developed around a need for flexibility, with greater emphasis placed on the assessment of individual developments. England is almost exclusive globally in its use of a discretionary planning system and to some, this is considered its greatest strength. In August 2020 the UK Government published the Planning for the Future White Paper, which proposed significant changes to the current system. Despite not explicitly referring to regulatory planning, some of the language used and changes proposed align with more regulatory systems. The Paper has sparked mass debate as to whether the introduction of more regulatory approaches within the planning system is correct. Part 1 of this paper sets the context for the study and provides an overview of the White Paper, regulatory and discretionary planning systems and specifically the systems used in England, Australia and the U.S.A

## **PART 1: SETTING THE CONTEXT**

### **Planning for the Future: An Introduction**

It is recommended that the White Paper is read in conjunction with this study. Section two provides an introduction to the Paper and summarises the overarching proposals, the changes under the three pillars and the sub-proposals and methods for delivering the changes. Consideration is then given to the Papers responses by various public bodies.

Section 2 finds there to be a mixed response to the White Paper, with some changes, such as increased digitisation, being supported and others, such as the introduction of growth, renewal and protected areas, being resisted. Some have also challenged the viability of some of the proposed changes, such as the 30-month timeframe for the development of a Local Plan.

### **Context and Case Studies**

Section 3 helps set the context for the study by providing a summary of regulatory and discretionary planning systems, setting out the key differences between the two approaches. A broad overview of the American and Australian planning systems is then provided.

Section 3 finds the U.S.A to have a clearly regulatory planning system whereas Australia's system combines elements of both regulatory and discretionary systems. Such approach is considered to be a hybrid of the two. The remainder of the study draws on the regulatory American, discretionary English and hybrid Australian systems to compare and contrast their effectiveness within the English context.

## **PART 2: THE STUDY**

### **Literature Review**

A full literature review is provided within Section 4 and examines the academic and professional literature in response to the White Paper and more broadly on regulatory and discretionary planning systems. This then assists with an assessment of the theoretical arguments in favour and against each approach and the Paper.

A SWOT analysis is produced for both regulatory and discretionary planning systems based on the literature and it is found that where one system falters, the other excels. Gaps in the research are considered and were used to assist in the formulation of questions for the primary research element of the study.

### **Establishing Effectiveness**

Prior to assessing whether a more regulatory system could be effective in England, what characterises an 'effective' system must be established. What one country considers to be an effective process may be different to another and as such, Section 5 uses the academic research, survey results and video interviews to establish what is effective within the English context. It is found that there are four characteristics considered essential to an effective planning system in England, namely:

1. Speed in the determination of applications
2. Public engagement and participation
3. Ability to adapt to unforeseen circumstances

#### 4. Discretion in decision-making

### **Analysis**

Section 6 uses the information obtained throughout the study, including through the literature review, video interviews, online survey and academic research to assess how effective the American, Australian and current English system are at displaying the four identified essential characteristics. It was found regulatory approaches had greater speed in determining applications and that a discretionary system was more capable of discretion in decision-making. All three study countries experienced difficulty with public engagement and participation, however, all were capable of adapting to unforeseen circumstances.

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## **1.0     INTRODUCTION**

This study seeks to establish whether the introduction of a regulatory planning system to England could be effective. The study is partly in response to the Planning for the Future White Paper (the “Paper”) published by the UK Government in August 2020. The Paper proposes an overhaul of the English Planning system and included a number of suggested changes that could be considered akin to processes found within regulatory planning systems. This study is split into two parts, the first setting the context behind the study by introducing the White Paper, regulatory and discretionary planning systems and introducing the two case studies, the U.S.A and Australia. Part two then undertakes a staged study starting with a Literature Review where gaps in the literature were used to formulate the next stage of the study; the survey and semi-structured interview. Finally, effectiveness is established within the English context before the findings of each stage of the study are analysed against the key characteristics of an effective English planning system

England currently has a discretionary planning system and places an emphasis on the planning application process. England is almost unique globally for its discretionary planning system, with most other countries adopting a regulatory approach. Regulatory systems are characterised by their clear rules and regulations, with a greater emphasis placed on the plan-making stage. The U.S.A is an example of a country with a regulatory planning system. Australia’s planning system has characteristics of both regulatory and discretionary systems and can therefore be considered as a hybrid of the two. The changes proposed within the Paper could arguably result in a hybrid system within England by introducing a number of regulatory aspects.

This study has identified four characteristics which are considered essential in order for an English planning system to be effective and has assessed these characteristics against the regulatory American system, hybrid Australian system and the existing discretionary English system in order to establish whether a regulatory system can be effective within the context of England. The study has also sought to consider whether there could be any potential consequences of introducing a more regulatory planning system to England.

## **1.2     Ethical Statement**

This research project has been undertaken in full compliance with research ethics norms. Five main ethical principles have been abided by, namely 1) minimising the risk of harm; 2) obtaining informed consent; 3) protecting anonymity and confidentiality 4) avoiding deceptive practices and 5) providing the right to with-

draw. All respondents to the survey and video interview were provided with the University of Liverpool's Participant Information Forms shown at Appendix 1 and 2 which provided them with the context and purpose of the study and advised on how and where data would be stored and the individuals right to withdraw. The information collected within the survey and video interviews has been stored securely on the University of Liverpool's M:Drive and will be deleted no more than 5 years following submission of this research. All responses to the survey and the identity of those who were video interviewed has been kept completely anonymous and all participants are permitted to withdraw from the study at any time. Prior to undertaking the video interview, the Ethical Consent Form included at Appendix 3 was completed. Both the information sheets and consent forms included contact information, should any of the participants have had any questions, required any further information or wished to withdraw from the study. There are no anticipated ethical issues that could arise as a result of this study and there are no questions that could make the participants feel upset or uncomfortable. The video interviews were recorded and transcribed immediately following such that the original audio could be deleted. The transcripts from the video interviews are included at Appendix 4 and 5.

## **PART 1**

### **SETTING THE CONTEXT**

## 2.0 PLANNING FOR THE FUTURE: AN INTRODUCTION

### 2.1 Planning for the Future White Paper 2020

The Planning for the Future White Paper was put to public consultation by the UK government in August 2020. The Paper proposes “radical reform [to the planning system] unlike anything we have seen since the Second World War” (MHCLG, 2020) and begins by setting out what the government considers should be the aim of the planning system, namely to ensure new development brings with it the schools, hospitals, surgeries and transport local communities need and to protect architectural heritage and the natural environment (MHCLG, 2020). The Paper identifies a number of challenges and issues with the current planning system, summarised in Fig.1 below, and this serves as the basis for the proposed changes.

| Planning for the Future White Paper: Challenges and Issues with the UK Planning System (MHCLG, 2020) |                                                           |
|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| Challenges                                                                                           | Issues                                                    |
| shortage of beautiful, high quality homes                                                            | system is too complexed                                   |
| shortage of places where people want to live and work                                                | system is shaped on Town and Country Planning Act 1947    |
| combatting climate change                                                                            | decisions are discretionary rather than rules based       |
| improving biodiversity                                                                               | development of local plans takes too long                 |
| supporting sustainable growth throughout the country                                                 | local plans do not provide enough certainty and are vague |
| rebalancing the economy                                                                              |                                                           |
| delivering opportunities for the construction sector                                                 |                                                           |
| the ability of more people to own assets                                                             |                                                           |
| our capacity to house the homeless                                                                   |                                                           |

*Fig.1: Planning for the Future White Paper: Challenges and Issues with the UK Planning System*

The introductory chapter also outlines the five overarching proposals the Paper hopes to achieve:

- Proposal 1.** Streamlined process with increased democracy at plan-making stage
- Proposal 2.** Digital-first approach
- Proposal 3.** New focus on design and sustainability
- Proposal 4.** Improve infrastructure delivery throughout the country
- Proposal 5.** Ensure land is available for homes and other development the community wants and needs

The Paper is split into three “Pillars” comprising 21 sub-proposals, outlining how the five overarching proposals above can be achieved. The three Pillars are discussed below and the sub-proposals for each are summarised in Fig.2. The Paper explores the way in which the changes are proposed to be implemented.

It should be noted that the information below is a brief summary of the White Papers most pertinent points, however it is recommended the Paper is read in full in conjunction with this study. The Planning for the Future White Paper can be found on the GOV.UK website.

## **2.2 Pillar One - Planning for Development**

Pillar One is perhaps the most contentious as it proposes to simplify the Local Plan process by requiring Plans to identify land under three areas: Growth; Renewal; and Protected (MHCLG, 2020). Within Growth Areas, the Local Plan could grant Outline Planning Permission to developments that accord with its policies and allocation. Similarly, within Renewal Areas, Permission in Principle could be automatically granted for complying developments. Protected Areas would be subject to more stringent development controls to ensure sustainability, heritage or cultural features are protected. A move to a more interactive and map based system with increased emphasis on public participation at the plan making stage is also proposed (RTPI, n.d.) and it is hoped that increased digitalisation of the planning system and streamlining of the approach could speed up the decision making process, with the current 8 and 13 week statutory timeframes for determination becoming firm, sanctionable deadlines (MHCLG, 2020). A revised National Planning Policy Framework (the “NPPF”) was proposed to set out national development management policies, which could include broad limits on heights, scale and density in growth and renewal areas (MHCLG, 2020), albeit such detail has not

been included within the most recent iteration of the NPPF, adopted July 2021, however Local Authorities have been encouraged to develop local design codes.

A single statutory sustainable development test would be introduced for Local Plans (RTPI, *n.d.*), which is a similar approach to that found in the U.S.A, in an attempt to speed up the plan-making process (MHCLG, 2020). As with the housing targets, it's proposed sanctions should be used if the local authority or Planning Inspectorate fails to meet a statutory timetable for key stages in plan development (MHCLG, 2020). Neighbourhood plans will be retained and support will be provided to allow communities to engage better with the process using digital tools (MHCLG, 2020).

### **2.3 Pillar 2 - Planning for Beautiful Places**

Pillar 2 seeks to ensure beautiful and sustainable development, not just in terms of the physical buildings but also in terms of the public realm and sense of community (MHCLG, 2020). The Paper proposes to achieve this through a revised National Design Guide and Manual for Streets as well as the introduction of a National Model Design Code (RTPI, *n.d.*) and local design codes. To support this, it is proposed that each local planning authority will be required to have a chief officer for design and place-making to support the delivery of locally-popular design (MHCLG, 2020). Homes England will also have a new role in delivering beautiful places (RTPI, *n.d.*) through its strategic objectives.

The Paper proposes the introduction of a 'fast-track for beauty' (RTPI, *n.d.*), which will see the NPPF updated, making clear that schemes compliant with design codes have greater certainty for approval (MHCLG, 2020). This is evident in Paragraph 110 of the revised NPPF 2021. In addition, masterplans and site-specific codes will be produced for significant development allocated in Growth Areas, setting the initial parameters for the site (MHCLG, 2020).

Finally, the fast-track for beauty will see wider permitted development rights to support "gentle intensification", citing pattern books as a possible option (MHCLG, 2020). Architectural pattern books came into existence during the Renaissance period, but became a useful tool in the 18th and 19th centuries to popularise designs and spread the Georgian-ideal internationally (RIBA, *n.d.*) by allowing building designs to be recreated anywhere in the world (Zabiello, 2004).

## **2.4 Pillar 3 - Planning for Infrastructure and Places**

Pillar 3 seeks to ensure that there is adequate infrastructure and community facilities available to support new developments. Currently, developer contributions are secured by either a Community Infrastructure Levy, which is not mandatory and only around half of local authorities currently charge it, or a planning obligation such as a Section 106 agreement, which are discretionary and negotiable (MHCLG, 2020). As both these options pose potential problems in terms of securing sufficient funding to make the necessary improvements, it is proposed they are replaced with a fixed Infrastructure Levy that would be calculated off the final value of the development. Local Authorities would also have increased flexibility on how and where the levy is spent (RTPI, *n.d.*), including on helping to deliver affordable housing (MHCLG, 2020). The scope of developments that would be required to pay a levy is also proposed to be expanded to include certain forms of development brought forward under permitted development rights (MHCLG, 2020).

## 2.5 Sub-Proposals

The three pillars and their associated sub-proposals are summarised in Fig.2 below.

| Pillar 1 - Planning for Development                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Pillar 2 - Planning for Beautiful and Sustainable Places                                                                                                                                                                                                                                                          | Pillar 3 - Planning for Infrastructure and Connected Places                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposal 1 - The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.                                                                                                                                                                                                                                   | Proposal 11 - To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.                                                                         | Proposal 19 - The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished. |
| Proposal 2 - Development management policies established at national scale and an altered role for Local Plans.                                                                                                                                                                                                                                                                                                                                                                            | Proposal 12 - To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making. | Proposal 20 - The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights                                                                                                                        |
| Proposal 3 - Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.                                                                                                                                                                                                                                                                                                                                                | Proposal 13 - To further embed national leadership on delivering better places, we will consider how Homes England’s strategic objectives can give greater emphasis to delivering beautiful places.                                                                                                               | Proposal 21 - The reformed Infrastructure Levy should deliver affordable housing provision                                                                                                                                                                 |
| Proposal 4 - A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met. | Proposal 14 - We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.                                                                                           |                                                                                                                                                                                                                                                            |
| Proposal 5 - Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.                                                                                                                                                                            | Proposal 15 - We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.                                               |                                                                                                                                                                                                                                                            |
| Proposal 6 - Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.                                                                                                                                                                                                                                                                                                                                                           | Proposal 16 - We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England                                                       |                                                                                                                                                                                                                                                            |
| Proposal 7 - Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.                                                                                                                                                                                                                                                                                                                                            | Proposal 17 - Conserving and enhancing our historic buildings and areas in the 21st century.                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                            |
| Proposal 8 - Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.                                                                                                                                                                                                                                             | Proposal 18 - To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050                                                                                                     |                                                                                                                                                                                                                                                            |
| Proposal 9 - Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                            |
| Proposal 10 - A stronger emphasis on build out through planning                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                            |

Fig.2: Planning for the Future White Paper: Sub-proposals

## **2.6 Delivering Change**

The Paper then discusses how the changes will be delivered. Firstly, by ensuring investment into public buildings to support high street renewal and secondly by considering alternative uses for surplus publicly owned land (MHCLG, 2020). The paper touches on the possibility of changes to development corporation models to enable more housing and regeneration schemes to come forward, albeit this was subject to a different consultation (MHCLG, 2020) and it proposed the cost of operating the system is to be funded principally through landowner and developers rather than through tax payers (RTPI, *n.d.*).

The paper states that a digital change is needed, with local authorities taking full advantage of “PropTech” (Property Technology) to increase the accessibility and engagement with the planning system from the community (MHCLG, 2020). The paper also states a “cultural change” is needed within planning departments, so that they are more proactive and open-minded in their approach (MHCLG, 2020). These changes will require a comprehensive resource and skill strategy for the whole of the planning sector (RTPI, *n.d.*). By strengthening the role of digital planning, it is hoped more development management resources will become available (RTPI, *n.d.*). Enforcement powers and sanctions will also be strengthened including the effectiveness of temporary stop notices (MHCLG, 2020).

## **2.7 Consultation Responses**

It was hoped that the Governments summary of the White Papers consultation responses would have been published in time to inform this study, however, at the time of writing they were unavailable. Instead, a number of public and government agencies as well as notable publishers within the planning industry have published their responses to the consultation and some of these have been considered and summarised within Fig.3 below to provide an indicative overview of the response to the Paper.

| Consultee                                                                        | Interest                                                                       | Supports                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Objections                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Campaign for Rural England<br><br>(CPRE, 2020; (Barton <i>et al</i> , 2021)      | Charity group campaigning for a sustainable future for the countryside         | <ul style="list-style-type: none"> <li>Supportive of increased use of technology</li> <li>Supports appropriate strategic plan and the introduction of a national spatial plan</li> <li>Supportive of standardising a calculation for establish housing need</li> </ul>                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>concerns for how community involvement and a zoning-style system would integrate</li> <li>fears paper has missed opportunities for affordable and sustainable housing</li> <li>concerned for the potential impact on social housing</li> <li>Objects to reliance on centralised prescription and formulae as opposed to local evidence and judgement</li> <li>“Worst of both world” in terms of the environment and place-making”</li> <li>Unrealistic 30-month plan development timeframe</li> <li>Proposals to speed up plan making are at odds with desire for greater participation</li> <li>Removal of development management policies would be detrimental to local nuances and community would have absolutely no opportunity to express their views on nationally set DM policies</li> <li>Object to abolition of duty to cooperate</li> <li>Object to proposed method of calculating housing need</li> </ul>                  |
| Royal Town Planning Institute<br><br>(RTPI, 2020)                                | Chartered Institute which maintains professional standards within the industry | <ul style="list-style-type: none"> <li>Growth Areas could offer greater certainty and increase confidence in the system</li> <li>Single sustainability test</li> <li>Supports automatic granting of permission for areas substantial development through the plan process</li> <li>Support potential for Protected Areas</li> <li>Support digitisation of the process</li> <li>Supports creation of design coding body and chief officer for design role within LAs</li> </ul> | <ul style="list-style-type: none"> <li>Proposals would require a “paradigm shift” in resources and capacity in Local Plan development</li> <li>Renewal Areas are too simplistic to manage the complexity of existing developed areas</li> <li>Some Local Development policies specific to an individual area will be required, even if these are beyond the scope of the proposed nationally set policies</li> <li>Opposes standardising method of establishing housing need</li> <li>Opposes the sanctionable statutory timeframes</li> <li>Opposes 30month statutory timeframe for Local Plan production</li> <li>Opposes replacement of Section 106 and CIL with a consolidated Infrastructure Levy and considers should remain to be set locally</li> </ul>                                                                                                                                                                                                               |
| National Housing Federation<br><br>(NHF, 2020)                                   | Association for social housing providers                                       | <ul style="list-style-type: none"> <li>Broadly supportive of Pillars 1 and 2</li> <li>Support digitisation of process</li> <li>Supports increased use of design codes</li> <li>Support retention of neighbourhood plans</li> </ul>                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>Do not consider adequate assessment of the impact of the proposed Infrastructure Levy has been undertaken</li> <li>Concerned Infrastructure Levy would promote most profitable schemes and therefore argue affordable housing should be exempt</li> <li>Suggested borrowing by local authorities to provide infrastructure does not seem a suitable option</li> <li>Unclear how housing associations would secure homes within private developments</li> <li>Concerns regarding viability of 30-month Local Plan timeframe</li> <li>Opposes standard and top-down method of calculating housing need</li> <li>Renewal Areas need more consideration</li> <li>Local Authority skills and resources will need support</li> </ul>                                                                                                                                                                                                         |
| Town and Country Planning Association<br><br>(TCPA, 2020)                        | Independent charity working to improve the art and science of planning         | <ul style="list-style-type: none"> <li>Agree the planning system is in need of reform</li> <li>Acknowledge aspiration to make planning system more accessible through digital tools, but suggests a combination of approaches is needed</li> <li>Agree Local Plans should be more accessible and visually engaging</li> <li>Support retention of neighbourhood plans</li> <li>Supports stronger emphasis on build-out</li> </ul>                                               | <ul style="list-style-type: none"> <li>Do not support the direction of travel set out in the Paper, which proposals do not support the aims set out in the Paper</li> <li>Proposals seem geared towards streamlining the processes as opposed to rebuilding trust in the system and promoting good design</li> <li>Difficult to understand how proposals can tackle challenges highlighted within the Paper</li> <li>Oppose nationally set development management policies as they would fail to consider specific local needs and circumstances</li> <li>Insufficient information presented in the Paper to allow support for the consolidated sustainable development test</li> <li>Strongly opposes standardised method for establishing housing need</li> <li>Opposes granting of some consents through the local plan as this is counter-democratic</li> <li>Oppose 30-month timeframe for local plan production</li> <li>Do no support fast-track for beauty</li> </ul> |
| London Assembly/ Mayor of London<br><br>(London Assembly/ Mayor of London, 2020) | Prepare the Mayor London Plan and hold Mayor accountable for actions           | <ul style="list-style-type: none"> <li>Supports creation of a more user-friendly system</li> <li>Broadly welcomes the intention of a new consolidated sustainable development test, subject to clearer and more specific detail</li> <li>Supportive in principle of intention to have a more standard approach to decision-making but not at the expense of providing sufficient information to consider a proposal</li> <li>Supports move to a more digital system</li> </ul> | <ul style="list-style-type: none"> <li>Does not support the proposed three new designations which are considered to already be reflected in the London Plan and Local Plans but in a more “nuanced and flexible way”</li> <li>Proposed Growth, Renewal and Protected Areas are too simplistic which would create confusion for users</li> <li>Risk of inflationary impacts on land values and could embed inequalities</li> <li>Nationally set development management policies would be inadequate when considering the range of planning issues within complex urban areas such as London</li> <li>Nationally set policies could “stifle innovation”</li> <li>Insufficient detail within the Paper to assess the suitability of a consolidated sustainable development test</li> <li>Opposes standard method for establishing housing need</li> <li>Opposes 30-month timeframe for Local Plan development</li> </ul>                                                         |
| Landscape Institute<br><br>(Landscape Institute, 2020)                           | Professional body for the landscape profession                                 | <ul style="list-style-type: none"> <li>Map-based system with zonal permission could address some issues</li> <li>Support proposal to create Chief Design Officer positions</li> <li>Supports digital-first approach</li> </ul>                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>Will need to be cautious that an overly simplistic approach is not introduced, with an over-reliance on Design Code-led Growth Areas</li> <li>Locally set policies should remain</li> <li>Oppose fast-track to beauty and any simplification of route to detailed consent</li> <li>Considers decision-making requires qualitative human judgement as the default</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Fig.3: Planning for the Future White Paper: Consultation Responses

Clearly there has been a mixed response to the changes proposed within the paper, with some aspects of it being largely supported and other aspects strongly opposed. In particular, the consultation responses have revealed that there is an overall acceptance that the current planning system is in need of reform, with much support for the proposed increased use of digital-technology (CPRE, 2020; Barton *et al*, 2021; RTPI, 2020; London Assembly/Mayor of London, 2020; Landscape Institute, 2020) and greater visualisation of Local Plans (NHF, 2020; TCPA, 2020). However, the Paper has come under fierce criticisms for presenting vague and unclear proposals, which require further consideration and clarity (NHF, 2020). Some of the proposals that have come under fire include the proposition for Growth, Renewal and Protected Areas, the consolidated sustainable development test and details as to how the specifics of each development will be assessed in a system with a greater reliance on design codes (Landscape Institute, 2020; London Assembly/Mayor of London, 2020). Respondents also opposed nationally set development management policies as it's considered such approach would not allow for nuances and specific needs of an area to be addressed (TCPA, 2020; London Assembly/Mayor of London, 2020; CPRE, 2020; Barton *et al*, 2021). Furthermore, the standardised method for calculating housing need, with a national housing target has also come under scrutiny (RTPI, 2020; TCPA, 2020; London Assembly/Mayor of London, 2020) and the 30-month timeframe for Local Plan development has also been branded unrealistic and unachievable within all responses reviewed for this study.

### **3.0 CONTEXT & CASE STUDIES**

#### **3.1 Introduction**

Two case studies have been used to inform this report: the U.S.A, due to its clear regulatory system; and Australia, due to its hybrid model. As first-world countries which share many cultural similarities with England it's considered that they are comparative case studies to use for the study. In order to assess whether a regulatory planning system could be effective in England, the context for the study must first be understood, including the difference between regulatory and discretionary planning systems, and an overview of how the American and Australian planning systems operate. This study is also in response to the Planning for the Future White Paper published by the UK Government in August 2020, which proposed an overhaul of the current English planning system and received backlash over its apparent move towards a more regulatory system. An overview of the Paper is provided within Section 2 of this report.

#### **3.2 Regulatory and Discretionary Planning Systems**

Regulatory planning systems are found throughout much of the developed world and can appear in many models but are characterised by their clear regulation over land use and development. They are specific, built around a “will/will not” and “can/can not” approach to development (Schulze Baing & Webb, 2020) and a need for established and clear rights (Booth, 1995). One form of regulatory planning is zoning which is used in countries such as the U.S.A, Japan, the Netherlands and Germany (Breach, 2020). Typically, zoning systems divide land into different parts, within which only specified forms of development are permitted (Lichfields, 2018). A key benefit of regulatory planning systems is the certainty they create for land owners and developers (Schulze Baing & Webb, 2020) through this process.

England's planning system is unique in that it is discretionary, with emphasis placed on the planning application process (Allmendinger, 2006). Discretionary systems are characterised by their flexibility and adaptability and are built around a “may” and “will consider” attitude to use and development (Schulze Baing & Webb, 2020; Booth, 1995). For some people, the ability of the discretionary system to adapt to specific local circumstances, at a site-by-site basis, is the greatest quality of discretionary planning (Lichfields, 2018).

### **3.3 Case Study 1: USA - Euclidean Zoning and Form-based Code**

Within the U.S.A there are two main regulatory approaches to planning used: Euclidean zoning or Form-Based Code. Euclidean zoning is form of regulatory land-use planning which allocates a list of specific uses that are permitted in specific zones (Stockham, 1973). Within each zone, the function, shape and bulk of the development is regulated (Schulze Baing & Webb, 2020) using two tools: a zoning map, which visually identifies the boundaries of each zone; and legally binding zoning-regulations, which set out what is permitted in each zone (Lichfields, 2018). As zoning-regulations address all matters of technical detail, the system is considered to be highly predictable and has no planning application system as with England, but instead a Construction Start Notice is issued if the regulations are met (Dring, 2020). This could be considered similar to a Prior Notification route within England. Form-Based Code uses physical form as the organising principle, as opposed to separation of uses (Form-Based Codes Institute, *n.d*) as found in Euclidean zoning, but remains a regulatory system with its use of maps and clear regulatory codes.

The USA is governed over four levels: national, state, county government and local authorities (OECD, 2017). Planning powers are placed in the hands of the states, who by-and-large delegate power to county governments. The national government does not have direct planning powers, but can in-directly influence planning through national legislation in relation to matters such as environmental considerations (OECD, 2017). State-wide strategic plans are sometimes produced and the content of these plans varies from state to state (OECD, 2017). At county government level, Comprehensive Plans are produced which are instruments for strategic planning and guide the preparation of zoning ordinances and codes (OECD, 2017), which consist of a map and a form of technical details document.

### **3.4 Case Study 2: Australia - Hybrid**

The approach to planning in Australia is considered to be a hybrid approach due to it sharing characteristics of both regulatory and discretionary systems. Planning in Australia is not governed at a national level, but instead each state prepares their own Planning Scheme (Rumming & Gurrán, 2014; Pemberton, 2015). Within each state, the municipalities also prepare a planning policy framework for their area (Pemberton, 2015). Although governed at a state level, the general processes of the various planning systems in Australia are comparative across states.

In Australia, land use and development is controlled through the use of maps, technical guidance and policies at state and local government level. Each state prepares a map showing which forms of development are permitted and where and this map is accompanied by a Design Code containing written regulations in relation to certain uses (Cliffe, 2020). Land is allocated into zones, within which there are uses which require a planning permit, those which don't and prohibited uses (Pemberton, 2015). There are often state-level design code documents for each type of development and each local government also produces:

- a scheme map - expanding on the state-level map for their local area
- a scheme text - for each type of zone
- planning policies - which are usually specific to a plot of land, street or particular type of development (Cliffe, 2020).

Each property within the plan can be affected by multiple overlays relating to issues such as environmental matters and a number of particular provisions setting out specifics such as car parking, advertisements and private amenity space (Pemberton, 2015). It's clear how this element of the Australian system can be considered regulatory and similarities can be drawn with the U.S.A's approach. Furthermore, the Papers proposed increased emphasis on design codes and granting of permission through Local Plans bares many clear similarities with the Australian system.

The Australian system also has discretionary elements to it, most notably within the planning permit process. Planning permits are similar to a planning application in England, and are considered at state or local government level (Rumming & Gurran, 2014). Planning permit applications have a statutory 60-day determination period and decisions usually include a required completion date, a useful tool to ensure developments are implemented (Pemberton, 2015). Decisions on planning permit applications are therefore discretionary (Rumming & Gurran, 2014). Unlike England, the planning system in Australia is governed at municipality level, which has resulted in state governments being accused of using the system as a political tool (Rumming & Gurran, 2014). As such, in recent years the system has seen consistent reform.

## **PART 2**

### **THE STUDY**

## **4.0 LITERATURE REVIEW**

### **4.1 Introduction**

England originally had a regulatory approach to planning, as introduced under the Housing and Town Planning Act (1909) which required Local Authorities to develop plans for undeveloped land in their areas. Further Acts followed in 1919 and 1932 consolidating the regulatory approach to planning by not permitting developments that did not adhere to the plan (Booth, 1999). This changed with The Town and Country Planning Act 1947, which introduced the requirement for a planning application for development and extended the planning systems control to all land and buildings, introducing a discretionary approach to decision-making and differentiating England's planning system to much of the developed world (Cullingworth & Nadin, 2002; Booth, 1999).

In recent decades the introduction of a regulatory planning approach to England has become a hotly discussed topic and in the past year the Planning for the Future White Paper, which promises “radical reform unlike anything we have seen since the Second World War” (MHCLG, 2020), has been a catalyst to the debate. The Paper suggests that Local Plans take too long to adopt and do not provide enough certainty and that decisions are discretionary rather than rule based, resulting in increased planning risk (MHCLG, 2020). It's proposed to move to a rule based system with Local Plans allocating land into three distinct areas. The White Paper does not explicitly refer to the introduction of a regulatory planning system but left the possibility of such approach open with its reference to a programme of reform for the next century (Dring, 2020; Schulze Baing & Webb, 2020; Policy Exchange, 2020). The White Paper is unclear as to how and what extent the proposed changes would be introduced but does present a number of problems with the current system as justification for its proposals. This study is seeking to understand whether the regulatory style changes proposed can result in a more effective planning system within England.

### **4.2 Planning For the Future: Analysis**

The changes proposed within the Paper are discussed in Part 1 Section 2. This Section of the study focuses instead on an analysis of the Paper, bringing in consideration of the two case studies. The Paper was published by the UK Government in August 2020 during the mist of the COVID-19 pandemic. The Paper argues that the current planning system is outdated and has become over complex from it's beginnings in the Town

and Country Planning Act 1947 (MHCLG, 2020). Whilst not explicitly referring to regulatory planning, the language used in the Paper and description of the changes proposed aligns with such approaches (Schulze Baing & Webb, 2020).

In support of its propositions the paper offered some statistics relating to the current planning system such as that only 7% of the public trusted their Local Planning Authority to make decisions on large developments, 49% distrusted developers and 36% distrusted their Local Planning Authority (MHCLG, 2020). Indeed the Grosvenor Study in 2019 found similar statistics (Grosvenor Study, 2019). The extent to which a more regulatory approach would help these issues is still however to be seen, for example, Australia's recent planning reforms, which saw an increased regulatory approach, triggered concerns over an increased potential for political and private sector corruption (Rumming & Gurran, 2014). The White Paper also suggested that only 50% of Local Planning Authorities had an up-to-date Local Plan as of June 2020 (MHCLG, 2020) albeit this was during the height of the COVID-19 Lockdown, which was having huge implications on the preparation of plans by Local Authorities and the examining of Local Plans by the Planning Inspectorate and as such questions are raised as to whether this statistic provides a realistic insight.

Since the publication of the White Paper there has been a surge in literature on the subject of regulatory and discretionary planning. Some felt the Government has left open the possibility of introducing a regulatory approach to England by the suggestion of creative solutions and a long-term programme of reform (Dring, 2020; Schulze Baing & Webb, 2020; Policy Exchange, 2020). Indeed similar reservations were felt about Australia's recent planning changes with some concluding any reform would be "patchy and evolutionary" rather than the immediate implementation of a single vision (Ruming & Gurran, 2014). The White Paper is not explicit in how the changes will be implemented and over what timeframe, however, such radical reforms could take a significant amount of time to implement and could require a shift in local planning department skills due to a need for increased focus on the plan making process (Lichfields, 2018) which is not fully recognised within the Paper.

The allocation of land into three areas is one of the most significant changes proposed. Growth Areas would have the ability to grant Outline Planning Permission and Renewal Areas would have the ability to grant Permission in Principle through the Local Plan (Schulze Baing & Webb, 2020). In 2015, President of the Royal Town Planning Institute, Janet Askew, said the granting of planning permission through the Local Plan would undermine a Local Authorities ability to negotiate crucial details of development and would be an un-

necessary change, as development that is designated within the Local Plan almost always gains consent (Wainwright, 2015). However, the reduced need to consult on individual schemes has been considered a benefit by some due to its potential to decrease the time taken to determine an application (Lichfields, 2018). Some also consider the proposed increase in the use of Local Development Orders to increase the speed and effectiveness with which consents are issued, to be a viable opportunity (Dring, 2020). Local Development Orders grant permitted development rights for particular development in a specified location and therefore already draw on aspects of a regulatory approach to planning.

Further opportunities that could arise through the introduction of a more regulatory approach within England include:

- land swaps and trading rights (the transfer of development rights on different plots)
- development premiums (benefit system wherein developers earn credits by achieving certain goals set out by the Local Planning Authority)

- land pooling

(Lichfields, 2018).

#### **4.3 Regulatory and Discretionary Planning: Analysis**

The introduction of a regulatory planning system to England has become a hotly debated topic in recent years with some notable figures within the field having argued that England's planning system is becoming increasingly more regulatory whilst elsewhere, regulatory systems have become increasingly more discretionary (Reps, 1969; Allmendinger, 2006). They argue that the introduction of Supplementary Planning Documents and Housing and Economic Land Assessments bare similarities with regulatory systems through the information they contain, and more recently the introduction of Permission in Principle (Gallent *et al.* 2019). Meanwhile, some criticised countries such as the U.S.A for becoming increasingly more discretionary, arguing this would undermine the principle of certainty and predictability that are inherent to regulatory approaches (Reps, 1969).

Regulatory planning is considered to be more specific and characterised by clear rules, certainty and predictability (Schulze Baing & Webb, 2020; Booth, 1995; Dring, 2020). Regulatory planning should theoretically therefore result in quicker planning decisions, as a development either does or does not accord with what is

permitted (Schulze Baing & Webb, 2020), possibly even removing the need for public consultation (Jowell, 1973; Schulze & Webb, 2020). However, when considering a request for a zoning amendment to deviate from the permitted rules, a degree of discretion is required (Schleicher, 2013). The theoretical arguments in favour of regulatory planning are broadly aligned with these views across the literature.

The theoretical arguments in favour of discretionary approaches suggest they are more flexible, with a greater emphasis placed on the decision-makers (Schulze Baing & Webb, 2020) due to the professional judgement required when navigating the ambiguous and sometimes contradictory statements of a discretionary system (Dring, 2020). Some feel discretionary approaches are based on a need to address future developments in a flexible manner and consider it to be one of the key strengths of the English planning system (Booth, 1995). However, others argue that discretionary decision-making in planning can impact prosperity through the possibility of bias and the extensive application processing time (Gurran & Phibbs 2013; Ruming & Gurran, 2014).

#### **4.4 Assessment**

Up until around the 1990s regulatory planning was rarely offered as a solution to the issues with the English system (Booth, 1989). McBride was one of the first to advocate for a regulatory approach to be introduced due to his contention that the relationship between the planning-making and decision-making roles was ineffective, largely due to the need to account for material considerations in reaching decisions (McBride, 1979). McBride was a Lawyer by profession and as such advocated: the ‘rule of law’; the administrative process of the American system; and the certainty and consistency it presented (McBride, 1979). More recently, it has been suggested that all land should be allocated as either development or non-development land with no restrictions to development on private land (Airey & Doughty, 2020). Whilst this seems an extreme solution to the shortcomings of the English system, it demonstrates a growing feeling that some degree of change needs to take place.

The Paper argues that the current system does not provide enough certainty around what development is acceptable and that Local Plans rely on vague statements (MHCLG, 2020) and so seeks to increase certainty through a more rules based system, as suggested in 1979 by McBride. In the U.S.A, if the technical details are adhered to a permit will be issued for the development (Dring, 2020). However, their system allows for variances to the adopted plans (Goodman & Freund, 1968; Moseley, 1986) and therefore the plans do not

represent the last word on development, reducing their certainty (Booth, 1989). Given only certain forms of development would benefit from the Paper's proposed automatic consents granted through the Local Plan, it's questioned whether certainty would be increased overall. Studies have suggested zoning amendments can be timely to determine (Booth, 1989), however this is within a system where the emphasis remains on the plan-making process, whereas the Paper appears to retain emphasis on the planning application process. Booth, who's view on regulatory planning challenges the theoretical arguments for the process, found through his case studies that thinking certainty can be gained through the legislation of plans is "a delusion", with the rules faltering under the particularities of each development (Booth, 1989), challenging the sentiments of McBride and bringing into question whether the changes in the Paper will achieve its objectives. The ability to deviate from the rules and regulations has also been argued to result in piecemeal planning for specific properties (Mantysalo et al, 2011; Schulze Baing & Webb, 2020; Korthals Altes, 2016). The consequence of piecemeal planning for specific plots would appear counter to the theoretical arguments in favour of regulatory planning. As early as 1969 Reps had identified that such theoretical arguments were deeply undermined by a multitude of zoning amendments, special exemptions and unenforced violations, concluding that what remains is "the structure of certainty without the substance - a mere facade" (Reps, 1969).

Some have argued that in regulatory planning systems the role of the decision-maker is one that requires little professional judgement; the development is either within or outside the parameters of the technical rules and land-use map (Reps, 1969; Schulze Baing & Webb, 2020). However, others have argued that the codes used in America are not always obviously or easily applicable, requiring careful consideration by both developers and Planning Officers (Moseley, 1986; Booth, 1989). Changing to a regulatory approach in England could require a shift in Local Authority skills and resources, particularly if a greater emphasis is placed on Local Plan development (Lichfields, 2018). The Paper proposes a "comprehensive resources and skills strategy for the planning sector" (MHCLG, 2020) but is vague on specifically what skills will be required within the new system. Certainly more regulatory approaches could require planners to have an understanding of GIS or other map-based software, something which is currently appreciated but not entirely necessary to work within the English system.

Under Pillar 1 of the White Paper, Local Planning Authorities will be required to produce interactive Local Plan maps identifying land into the three areas on a 30-month statutory timeframe (MHCLG, 2020; RTPi, n.d.). Whilst theoretically regulatory approaches should result in a quicker plan-making process, it has been

argued that in practice this is not the case. This is in part due to the content of regulatory codes and technical rules needing to be detailed and complex (Booth, 1989; Dring, 2020) in order to be able to effectively regulate development. Janet Askew, former President of the RTPPI and whose research focused on regulatory systems, commented that “zoning is certainly not a panacea for speed... it is an incredibly complex process” (Wainwright, 2015). As regulatory systems have the increased emphasis on the plan making stage, the increased level of technical detail can make them longer to produce. For example, and although not one of the case studies, when the city of Toronto, Canada was amalgamated, it took eight years to consolidate the planning by-laws into a single plan (Schulze Baing and Webb, 2020). It therefore remains to be seen whether the Governments statutory 30-month timeframe is reasonable or achievable.

Some arguments against regulatory planning systems are that they can struggle to adapt to unforeseen circumstances and plan for the best use of land within a dynamic market (Munneke, 2005; Schulze Baing & Webb, 2020). It has been suggested regulatory approaches may be better suited to the planning of entirely new settlements or major expansions as they can struggle to manage the already built environment, resulting in frequent requests for amendments and exceptions (Schleicher, 2013; Schulze Baing & Webb, 2020). The flexibility and adaptability of the English discretionary system was apparent at the start of the COVID-19 pandemic, when emergency permitted development rights allowed the provision of facilities to help save lives, such as the temporary change of use of buildings as well as enabling the industry to continue operating through methods such as virtual planning committees (gov.uk, 2020). The emergency response of planning sectors within America and Australia and has been explored further through the video interviews discussed in Section 5.

A significant and recurring criticism of regulatory planning is that it creates a manufactured scarcity of land, driving up values and contributing to inequality (Jacobs, 1961; Fischel, 2004). In particular, Euclidean Zoning has been seen as a generator for suburban sprawl and socioeconomic segregation within communities (Hall, 2007), echoing the earlier concerns of notable figures such as Jane Jacobs. A number of public policy research organisations and think-tanks have found through studies that the increased use of zoning and land-use regulations in America has resulted in a reduced supply of housing, causing housing affordability problems within many American cities and statistically linking land-use regulation to rising real average house prices in 44 states (Calder, 2018). They found that regulatory planning can separate people by income, for example, by not permitting multi-family homes within certain areas (Institute for Humane Studies, 2018;

City Beautiful x Skill Share, 2021). The socio-economic threat associated with more regulatory approaches must be considered by the Government.

## 4.5 Conclusions

There are clear theoretical arguments in favour and against of both regulatory and discretionary approaches to planning, with the literature suggesting where one system exceeds the other falters. The strengths, weaknesses, opportunities and threats found within the literature has been presented in the SWOT analysis at Fig. 4.

| SWOT ANALYSIS                                              |                                                                                                                    |                                                                                                     |                                                                                                       |
|------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| REGULATORY PLANNING SYSTEMS                                |                                                                                                                    |                                                                                                     |                                                                                                       |
| Strengths                                                  | Weaknesses                                                                                                         | Opportunities                                                                                       | Threats                                                                                               |
| Increased certainty                                        | Zoning amendments and requests to deviate from technical rules are common                                          | Land swaps, trading rights and land pooling                                                         | Creates a manufactures scarcity of land, driving up values and potentially socio-economic segregation |
| Increased predictability                                   | Most effective when planning for entirely new development rather than management of the existing built environment | Automatic granting of consent that complies with guidance                                           | Loss of flexibility and can struggle to adapt to unforeseen circumstances                             |
| Theoretically a quick process                              | Long processes development plans and technical guidance                                                            | Development premiums (developers could build more if they achieve certain goals set out by the LPA) | Could require a shift in LPA skills and resources                                                     |
| Clear and strict rules and allocations                     | Clear and strict rules can also inhibit development                                                                | Increased use of LDO's could be quicker and more effective                                          | Can cause controversy over prescriptive land allocations                                              |
| DISCRETIONARY PLANNING SYSTEMS                             |                                                                                                                    |                                                                                                     |                                                                                                       |
| Strengths                                                  | Weakneses                                                                                                          | Opportunities                                                                                       | Threats                                                                                               |
| Flexible approach to decision-making                       | Uncertain and unpredictable                                                                                        | Requires professional judgement in decision making (skilled profession)                             | High number of appeals with a good number being upheld                                                |
| Adaptable to change, including in unforeseen circumstances | Based on broad and sometimes conflicting policy statements                                                         | Site-by-site consideration of proposals                                                             | Application process can be slow and tedious                                                           |
| Allows creativity in the developments proposed             | Theoretically a longer process                                                                                     | Keeps land costs lower as no manufactured scarcity                                                  | Disconnect when weighing policy considerations against material considerations                        |

Fig.4: Regulatory and Discretionary Planning SWOT Analysis

Perhaps Jowell, in 1975, was correct in his judgement in stating:

*“what is gained in uniformity may be lost in flexibility; rules to prevent the arbitrary may encourage the legalistic; case-by-case adjudication may prevent comprehensive planning; rules that may shield the bureaucrat from pressures and allow the efficient and speedy dispatch of cases, may offend the client who desires individually tailored justice”* (Jowell, 1975).

Simply put, many of the weaknesses of regulatory systems are the strengths of discretionary systems and visa versa. The research does however suggest that the problems with the English system, as highlighted within the Paper, are apparent elsewhere across the world, including where a regulatory approach is adopted. As such, the literature brings into question whether the Paper can deliver on what it promises and reform the British planning system to one that is efficient and fit for purpose.

#### **4.6 Gaps in the Research and Key Questions**

The literature revealed some gaps in the current research. In particular it was noted that while a number of key texts draw on the use of Case Studies to inform their reports, none of the texts found had sought out primary experiences from individuals working in the systems. As such it is hoped this study can help contribute to the field through the use of Video Interviews and Surveys with individuals in the profession. The literature also revealed a need for further exploration into the planning systems emergency response to COVID-19 within America and Australia in order to gain an understanding as to whether Englands response was comparative.

Some key questions were revealed which were then explored through the Video Interviews, Surveys and additional research. The key questions following the literature review are:

- What is the average processing time for a planning application/zoning amendment in Australia and America?
- What is the average time taken to develop a Local Plan (or equivalent) in Australia and America?
- In America, do zoning amendments account for a majority of new development?

## **5.0 ESTABLISHING EFFECTIVENESS**

### **5.1 Introduction**

The purpose of this study is to investigate whether a regulatory approach to planning could be effective in England. It is therefore fundamental to define what ‘effectiveness’ is in the context of planning in England.

### **5.2 The Purpose of the English Planning System**

The purpose of land use planning is to implement government intervention into the way in which land is owned, used and developed (Healey, 1983). In England, national government intervention into land use and development is primarily through the NPPF, with planning powers devolved to Local Planning Authorities. In more recent decades, the planning system has also become integral to achieving sustainable development. The NPPF states that in order to achieve sustainable development, the planning system has three overarching objectives:

- economic;
- social;
- environmental.

(NPPF, 2019).

### **5.3 Defining Effectiveness**

For the purpose of this study it is necessary now to look to define ‘effectiveness’ within the context of the English planning system. The Oxford English Dictionary defines effectiveness as:

“the degree to which something is successful in producing a desired result.” (Oxford English Dictionary, 2013)

The desired result in this case being the fulfilment of the three overarching objectives of the NPPF and the aims of local planning policies. Clearly, the specific visions and objectives of each local authority will vary,

therefore this report explores the essential characteristics of an effective planning system that can be applicable to any local authority in England, and how they can be achieved.

#### **5.4 Essential Characteristics of an Effective English Planning System**

The Paper and literature have been examined to establish the academic and theoretical opinion on which characteristics are essential to an effective planning system. Next, video interviews were held with two individuals with experience in the American system to establish what they considered to be the essential characteristics. Finally, this study has been informed by a survey shared on professional networking site LinkedIn, which requested responses from planners with experience in the English system to establish what they considered to be the essential characteristics.

##### Planning for the Future White Paper

The White Paper discusses a need for sufficient new places to be developed to meet needs and a system capable of “unlocking growth and opportunity”, achieving beautiful places and supporting revitalisation of existing places (MHCLG, 2020). The Paper proposes a modernised more user friendly and digital planning system, with more democracy for neighbourhoods and communities and a greater emphasis on prosperity across the country (MHCLG, 2020). Furthermore, the Paper is explicit in stating that land use planning and development control are forms of regulation and should therefore be predictable and accessible, striking a balance between the needs of the developers, end-users and community (MHCLG, 2020).

##### Literature

Using the findings of the Literature Review undertaken in Section 4, which identified the strengths and weaknesses of regulatory and discretionary planning systems, the characteristics considered essential to an effective planning system have been identified.

Some papers suggest a planning system must be capable of responding to unforeseen circumstances and opportunities for development, whether that be through discretionary decision making or the ability to apply for planning amendments (Schleicher, 2013; Schulze Baing & Webb, 2020). Whilst others suggest certainty,

consistency and fairness to be of greater importance than flexibility and adaptability (Jowell, 1973; McBride, 1979).

Booth was perhaps correct in 1995 when he concluded that an agreement needs to be made as to what level of certainty is required and how decision-makers are to be held accountable (Booth, 1995). Given the findings of this study thus far would suggest no such decision has been reached as yet, perhaps the starting point is to identify what characteristics are essential to those directly involved with and affected by the process.

### Primary Data

As identified above, there are many characteristics one may consider essential to an effective planning system and as such the primary data collected to inform this study sought answers from planners in England, the U.S.A and Australia.

### U.S.A

Video interviews were held with a planner based in the U.S.A and a planner based in England, with experience in the U.S.A. The following characteristics were identified as:

- clear standards
- predictable results and approval procedures
- effective and visual communications
- balance between public good and private development
- democratic principles
- a system designed around equity<sup>1</sup>

### Survey

Survey respondents were also asked what they considered to be the essential characteristics of an effective planning system. The question was multiple choice, with choices informed by the answers from the literature

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<sup>1</sup> *Equity is an emerging ideology which recognises that the specific needs of different groups may require different resources and opportunities. Equity is different to equality, which means different groups are given the same resources.*

review and video interviews. Respondents also had the opportunity to select multiple answers and provide their own suggestion. The responses are shown within Fig.5 below.

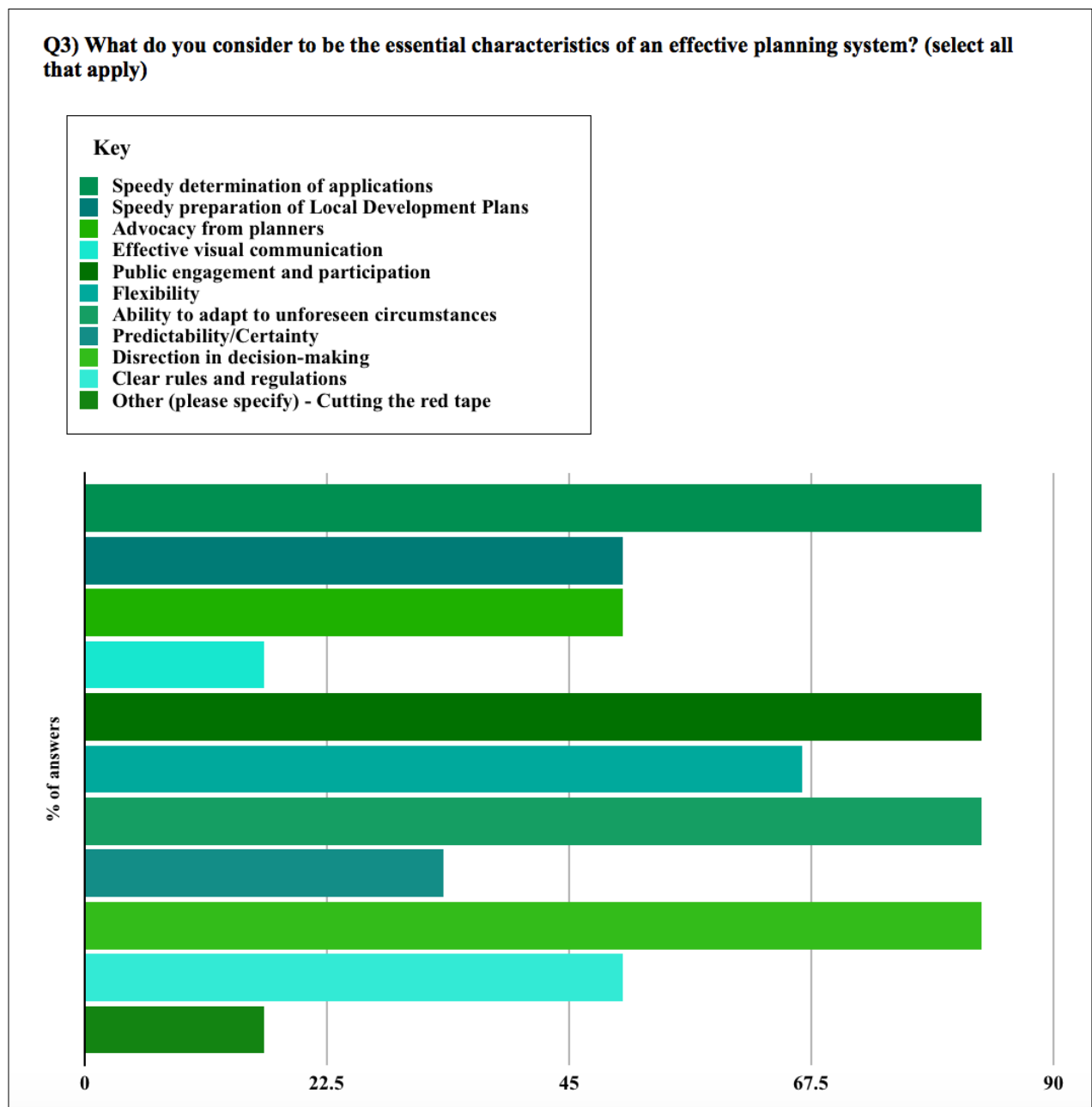


Fig.5: Online Survey Question 3

The survey identified four clear essential characteristics for an effective planning system as follows:

1. Speed in the determination of applications
2. Public engagement and participation
3. Ability to adapt to unforeseen circumstances
4. Discretion in decision-making

Considering the finding of the Literature Review, characteristics 2-4 above appear inherent to the discretionary planning system currently operating in England. Characteristics inherent to regulatory systems were also presented within the survey, such as: effective visual communication; predictability/certainty; and clear rules and regulations. These characteristics received the least votes.

Given the findings of the video interviews, it could be considered that what characterises an effective planning system can vary between countries and as such a decision first needs to be reached to establish the processes, characteristics and outcomes that are of greatest importance to that particular country (Booth, 1995). In the case of the Paper, the Government may have “jumped-the-gun” with the proposals and changes outlined, and perhaps an earlier consultation to identify what the professionals in the industry and members of the public expect and desire of the planning system in England could have assisted in the formulation of the proposed changes.

Given this study is seeking to establish whether a regulatory planning system could be effective within England, the four key characteristics identified within the Survey will be carried forward to establish if they can be achieved within a more regulatory system.

## **6.0     ANALYSIS**

### **6.1     Introduction**

This section will seek to establish whether a regulatory system can fulfil the four essential characteristics of an effective planning system, as identified within Section 5. The chapter will also seek to assess whether the current discretionary system is fulfilling these objectives and is informed by information obtained through the Literature Review, Video Interviews and online Survey.

### **6.2     Methodology**

A Literature Review was undertaken within Section 4 and provided a baseline understanding of the topic and key points of debate. The purpose of the Literature Review is to establish the current knowledge in the area using this to identify gaps within the research and formulate questions for the primary data collection. This helps to avoid repeating earlier works in order to contribute something new to the field.

It was intended to undertake semi-structured video interviews with planners with experience in the American or Australian systems. Email requests were issued to consultants either based in or with experience of the planning system in Australia or the U.S.A. Two willing participants with experience of the American system were found. Unfortunately, no interview materialised with Australia. Each participant was provided in advance with a set of questions used as a guide to the discussion as well as a copy of the Universities Participant Information Form and the Ethical Consent Form, which was completed at the start of the video interviews. A copy of the interview transcripts have been included at Appendix 4 and 5 and the interview questions at Appendix 6 and 7. In order to protect the identity of the participants, they will be referred to as “Planner A” and “Planner B”. The recordings were transcribed following the interviews in order for the information collected to be analysed. When considering the qualitative data, a degree of judgement and interpretive skill is required due to the role of ‘self’ in an interview process.

An online survey was also shared on LinkedIn, with responses requested from planners with experience in the English system. Ten multiple choice questions were asked and allowed for multiple answers to be selected for each. Some questions also allowed the opportunity for the participant to present their own answer. A copy of the interview questions has been included at Appendix 8 and the results included at Appendix 9. Par-

ticipants were able to access the Universities Participant Information Form and all answers were entirely anonymous. A total of 6 individuals responded to the survey.

### **6.3 Characteristic 1: Quick determination of applications**

The ability to determine planning applications quickly has been identified as a key characteristic of an effective planning system by 83.33% of respondents to the survey. Within England, the current statutory timeframes for determination of a planning application is 8 weeks for a minor development and 13 weeks for a major application. As of 2020, just 3.2% of local authorities sat below the governments “special measures” threshold for the speed of determination of applications (Khan, 2021) and between April-June 2020, 89% of major applications were determined within their 13-week timeframe, or the agreed time (MHCLG & ONS, 2020). It would be beneficial if statistics were published in regard to the number of applications determined within the statutory timeframe, without extensions of time, however no such figure is available. Therefore the statistics presented may show some planning departments as performing better than they are.

During the interviews the determination timeframes of amendment and exception requests in the U.S.A were discussed. Planner A revealed that small developments such as householder developments can take a matter of weeks to determine, whilst larger schemes can take anywhere between a couple of weeks to months. This would appear slightly quicker to the U.K, where even minor applications can take months or years to determine. The U.S.As approach also appears quicker than in Australia where there is a statutory 60-day timeframe for determination, however the ‘clock is stopped’ when new information is requested. As of 2017, the state-wide average for the determination of applications including time when the clocked was stopped was 210 days (Clause1, 2017).

The findings of this study suggest that fully regulatory systems such as that in the U.S.A have the potential to determine amendment or exemption requests quicker than the more discretionary approaches seen within England and Australia. Both of these countries operate systems that statistically suggest they perform better, whilst in reality in England agreements to extensions of time mask the number of applications that exceed their 8 or 13 week timeframe and in Australia, the stopping of the 60-day clock masks the delays beyond that timeframe. The Paper suggests the 8 or 13 week timeframe should be a firm deadline, and proposes to integrate software capable of providing access to a wide range of data to reduce the information needed to be submitted with an application and automating routines to assess whether proposals are “within the

rules” (MHCLG, 2020). Such approach would appear more aligned within that found in the U.S.A and so could have the potential for speeding up decision making. It is not clear whether the government proposes to pause the statutory timeframe if further information is requested. The atomisation of routines across Local Authorities could however prove a successful change, with the survey finding the standardisation of processes and resources across Local Authorities to be the best way to improve the current system.

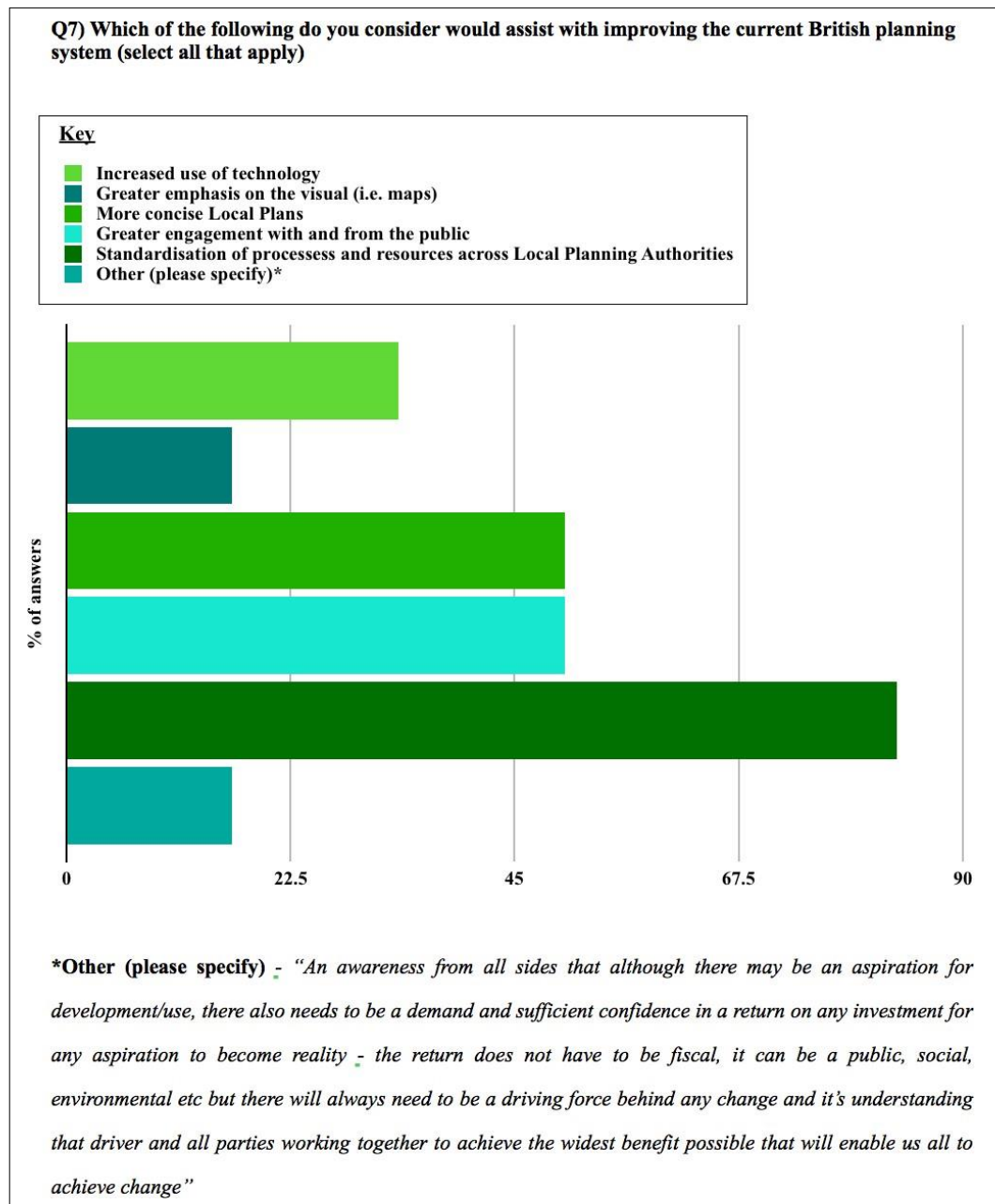


Fig.6: Online Survey Question 7

## 6.4 Characteristic 2: Public Engagement and Participation

Public engagement and participation was also identified by 83.33% of the survey respondents as an essential characteristic of an effective planning system and as shown in Fig.6 above, 50% of those surveyed considered greater engagement with and from the public to be a way to improve the current system. In 1969 the Skeffington Report was published in the mist of slum clearances and gentrification and proposed that development plans should be subject to full public consultation and input (Skeffington Report, 1969). Since publication of the Skeffington Report, public engagement and participation in the English planning system has become a well-debated topic.

Many factors can influence participation, and it's often found that the affluent, educated and older middle-class generation are most likely to participate in the planning system, as they generally have more time to engage (RTPI and Grayling Engage, 2020). In 2020, 69% of respondents to a YouGov poll had never engaged with a local plan consultation with the figure rising to 80% for 18-34 year olds (RTPI and Grayling Engage, 2020). In 2019, the Grosvenor Group undertook the largest ever study on public trust in large-scale development in England, finding many of the reasons for distrust stemmed back to public engagement, as demonstrated in Fig.7 below (Grosvenor Study, 2019).

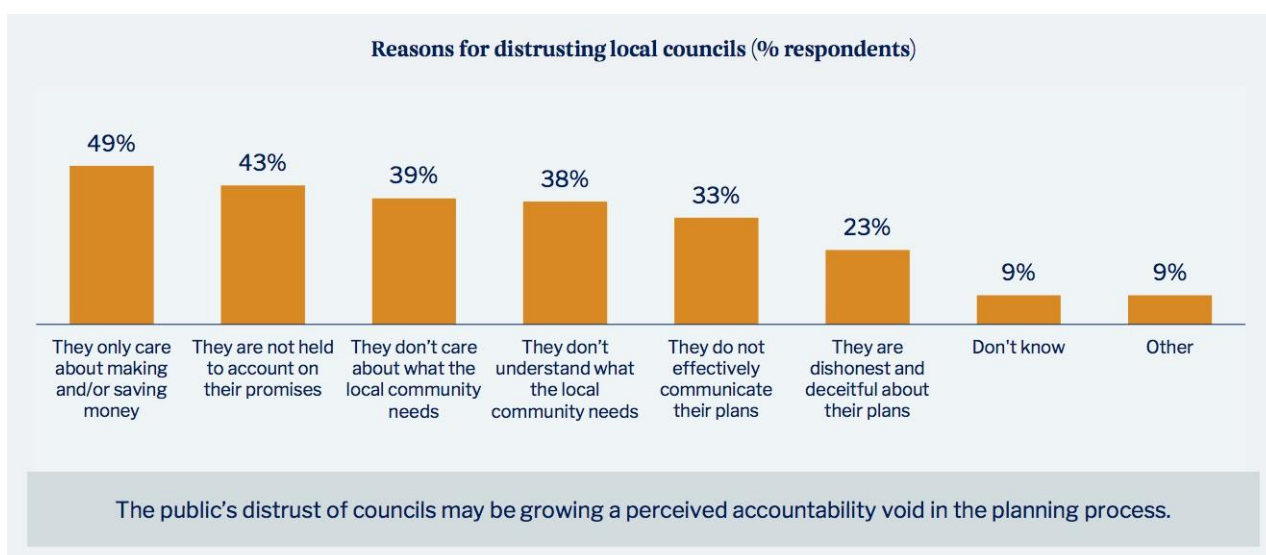
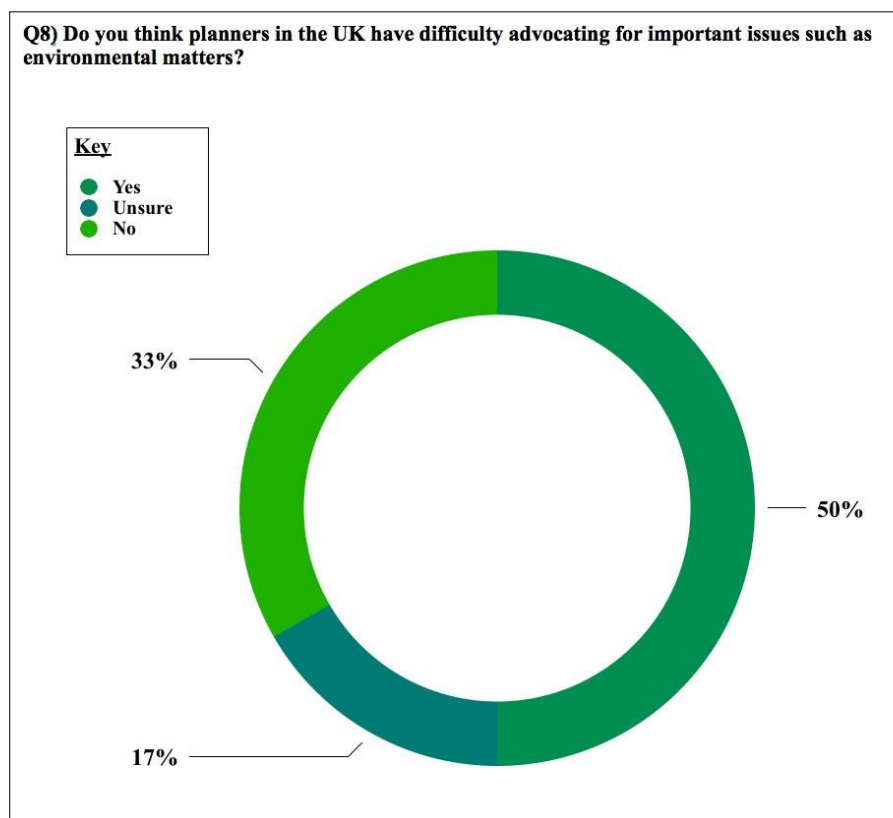


Fig.7: Grosvenor Study, 2019 - Reasons for Distrusting Local Councils

Of the eight answers, “they don’t care what the local community needs”, “they don’t understand what the local community wants”, “they do not effectively communicate their plans” and “they are dishonest and deceitful about their plans” could all be at least in part alleviated with effective public engagement and parti-

cipation. The findings of the Grosvenor Study support the survey findings in suggesting that the current processes for public engagement in the planning system in England are not fulfilling their intended purpose. Indeed similar studies in both the U.S.A and Australia found there to be a gap between what the general public expected of their participation in the planning system, and the reality (Weymouth & Hartz-Karp, 2019). The study also found that over 50% of planners feel they have difficulty advocating for important issues within the current English planning system as shown in Fig.8. Without effective participation with and from the public, planners are unable to effectively identify and advocate for important issues and the general public feel a level of distrust or disinterest from the Local Authorities.



*Fig.8: Online Survey Question 8*

The Paper proposes to increase the use of digital technology within the planning system, making it more user friendly and easier to engage with. Responses to the Paper from a number of public and government bodies and notable publishers in the planning industry, considered in Chapter 3, were generally supportive of the proposed increased digitisation and ambition to increase public participation and in 2020 the RTPI found that just under half of the general public would be more likely to get involved if they could do so online, whilst 21% still wanted to engage in person (RTPI, 2020). Despite these findings, only 1/3 of Survey respondents considered an increased use of technology as a way to improve the planning system.

## **6.5 Characteristic 3: Ability to adapt to unforeseen circumstances**

Again, 83.33% of respondents to the survey identified the ability to adapt to unforeseen circumstances as an essential characteristic of an effective planning system. The Literature Review found there to be a general consensus that this characteristic is inherent to discretionary approaches to planning. Few suggestions were given in the literature reviewed regarding examples of potential unforeseen circumstances, however, the COVID-19 Pandemic has presented a great opportunity to compare the approaches taken within the English planning system to that in the U.S.A and Australia.

Within England, rapid measures were introduced following the onset on the pandemic. At LPA level, planning departments were provided with the means to enable them to work from home and from 7th May 2020, Government legislation was passed to allow planning committees to take place virtually. From 9th April 2020, temporary Permitted Development Rights were introduced to allow development by Local or Health Authorities for the purpose of “preventing an emergency; reducing, controlling or mitigating the effects of an emergency; and taking other action in connection with an emergency” (LGA, 2020). This enabled testing centres, vaccination centres, mortuaries and hospitals to be built without full planning permission. From 22<sup>nd</sup> July 2020, planning applications expiring between that date and 31<sup>st</sup> December 2020 were given an extension to 1<sup>st</sup> May 2021 to be implemented (Business and Planning Act 2020). Other changes were also made to Permitted Development Rights to help enable businesses to diversify their income, for example, public houses were temporarily permitted to serve hot food to takeaway without a change of use application.

In the U.S.A, both Planner A and Planner B revealed that the regulatory nature of the planning system and the scope of what the system controls is different, meaning the planning system was not particularly impacted. Working from home was enabled and local jurisdictions responded in similar ways to England through allowing outdoor dining and takeaway services, however these are not controlled by the American planning system per-say. From the interviews undertaken, this study has found that in practice regulatory planning systems could respond to unforeseen circumstances just as effectively as a discretionary system. Given the inherently political nature of planning, processes for emergency legislation could be used almost anywhere in the world to enable a planning system to respond effectively and rapidly to a particular circumstance through the introduction of temporary measures.

Within Australia, a similar response to England was adopted wherein reforms were introduced to increase flexibility within the system to address health and wellbeing impacts. This included the adoption of 7 principles to guide planning and recovery through the pandemic (PIA, 2020) as summarised in Fig.9 below.

| Planning Institute Australia: Planning Principles for Response and Recovery from COVID-19 |                                                                            |
|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| 1                                                                                         | Our first duty is the protection of human life and safety                  |
| 2                                                                                         | Planning must ensure health, safety and wellbeing during the crisis        |
| 3                                                                                         | The planning system must continue to function remotely and efficiently     |
| 4                                                                                         | Planning organisations must retain the capacity to operate                 |
| 5                                                                                         | Planners must remain functional, be informed and connected                 |
| 6                                                                                         | The planning system has a crucial role supporting and stimulating recovery |
| 7                                                                                         | Good planning must continue to deliver value for communities               |

*Fig.9: Planning Institute Australia: Planning Response to COVID-19*

(PIA, 2020).

The specific response was determined at state level, however the above principles were followed by the states in their individual responses. In New South Wales, response mechanisms included introducing temporary planning measures until 31st March 2022, which include allowing supermarkets to receive 24-hour deliveries, the implementation of temporary cycle lanes without planning permission and allowing public hearings taking place online (nsw.gov.au, 2020).

This study has found it would be difficult to conclude that either a regulatory or discretionary planning system struggles to respond to unforeseen circumstances. The COVID-19 pandemic provided the perfect opportunity to assess the responses of different planning systems and clearly similar, rapid responses were taken across the three countries considered in this study.

## 6.6 Characteristic 4: Discretion in Decision Making

83.33% of respondents to the survey identified the ability to have discretion in decision making as another essential characteristic of an effective planning system. Having discretion in decision making means having the ability to base a decision on the particulars of that development and not adopting a “one-size-fits-all” approach. Clearly the current English system has discretionary decisions because of its fundamental emphasis

on the planning application process. Each development is assessed on its own particular merits and supported by technical reports specific to that development at that site. Furthermore, the application process means that the material considerations for the particular development can also be considered, such that a balancing exercise can be undertaken to establish whether the benefits of the proposal justify its approval, even in circumstances where it may be contrary to the provisions of the adopted development plan.

Planner A and B confirmed that within the U.S.A there is an emphasis placed on the plan-making stage and this means an application isn't required for most developments that conform with the plan and technical details. However, zoning amendments or exemption requests present an opportunity for a discretionary approach to be taken towards a development. Planner A confirmed that amendments and deviations from the defined rules are common, however further research into whether developments implemented via this route are responsible for more developments than those implemented through accordance with a plan is needed. Planner A also advised that how common amendments are does vary state-to-state, with cities on both sides of the spectrum of being generally supportive or resistant to amendments.

Within Australia, the discretionary aspects of their hybrid system are most prevalent within the application process. Whilst the development plan documents within each state can be rather regulatory, with clear rules around what is and is not permitted, the application process still plays a crucial role and allows for discretionary consideration of proposed developments. This therefore allows for specific considerations to be understood and a decision can be reached which weighs the benefits and risks specifically associated to a proposed development.

In conclusion, discretionary decisions are made within each type of planning system, however, within England and Australia there is a greater emphasis on the planning application process, allowing for discretionary consideration of a greater amount of development. Within the U.S.A, the regulatory nature of the system means that conforming developments do not require consideration through an application and therefore the ability to reach a site-specific judgement on that proposal is removed. Greater emphasis is however placed on the plan-making process in order to alleviate the need for site-by-site consideration of developments. Unsurprisingly, the study has found the inherent nature of discretionary planning systems to mean they are more likely to have a greater level of discretion in decision making.

## 6.7 Potential Consequences

As shown in Fig.10, 33.33% of survey respondents felt the changes proposed within the White Paper constituted a switch to a more regulatory system, with the remaining 66.67% considering the changes to constitute somewhat of a shift.

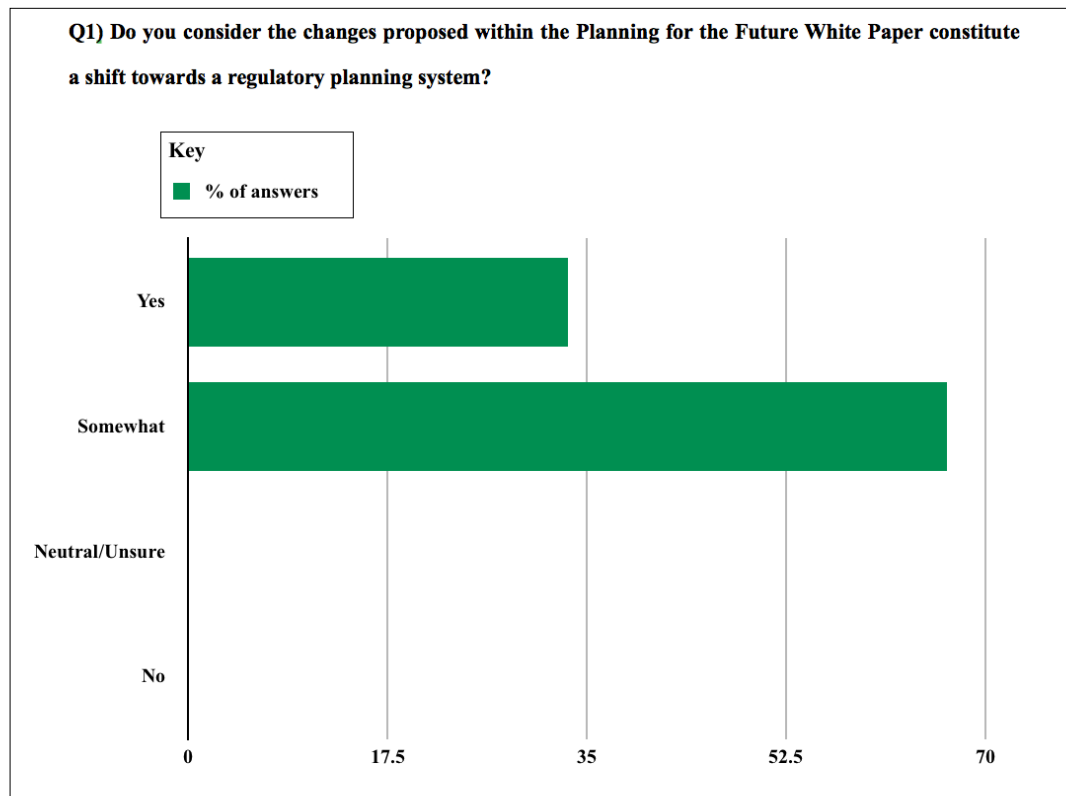


Fig.10: Online Survey Question 1

If England is to switch to a more regulatory approach to planning, then the potential consequences to that approach should also be considered. It was found within the Literature Review that regulatory planning approaches such as that found in the U.S.A can cause a manufactured scarcity of land, due to the allocation of set areas for specific developments (Fischel, 2004; Institute for Humane Studies, 2018). This has been suggested to result in increased values for land with studies linking rising land-use regulation with rising real average house prices in 44 American states (Calder, 2018). As shown in Fig.11 the respondents to the survey were inconclusive as to whether they considered regulatory approaches to have such an affect of land values.

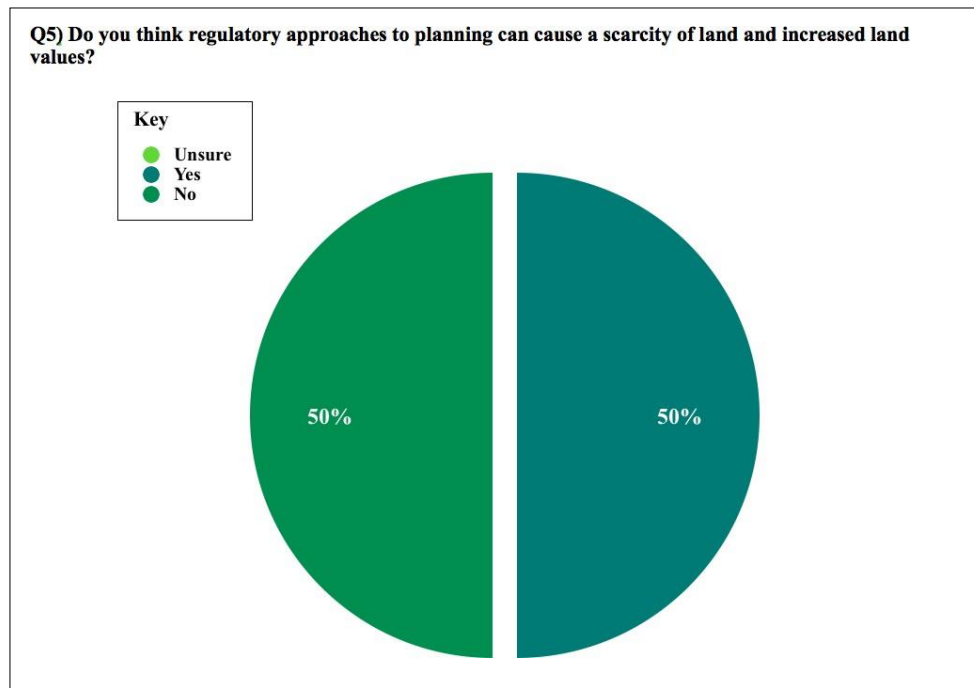
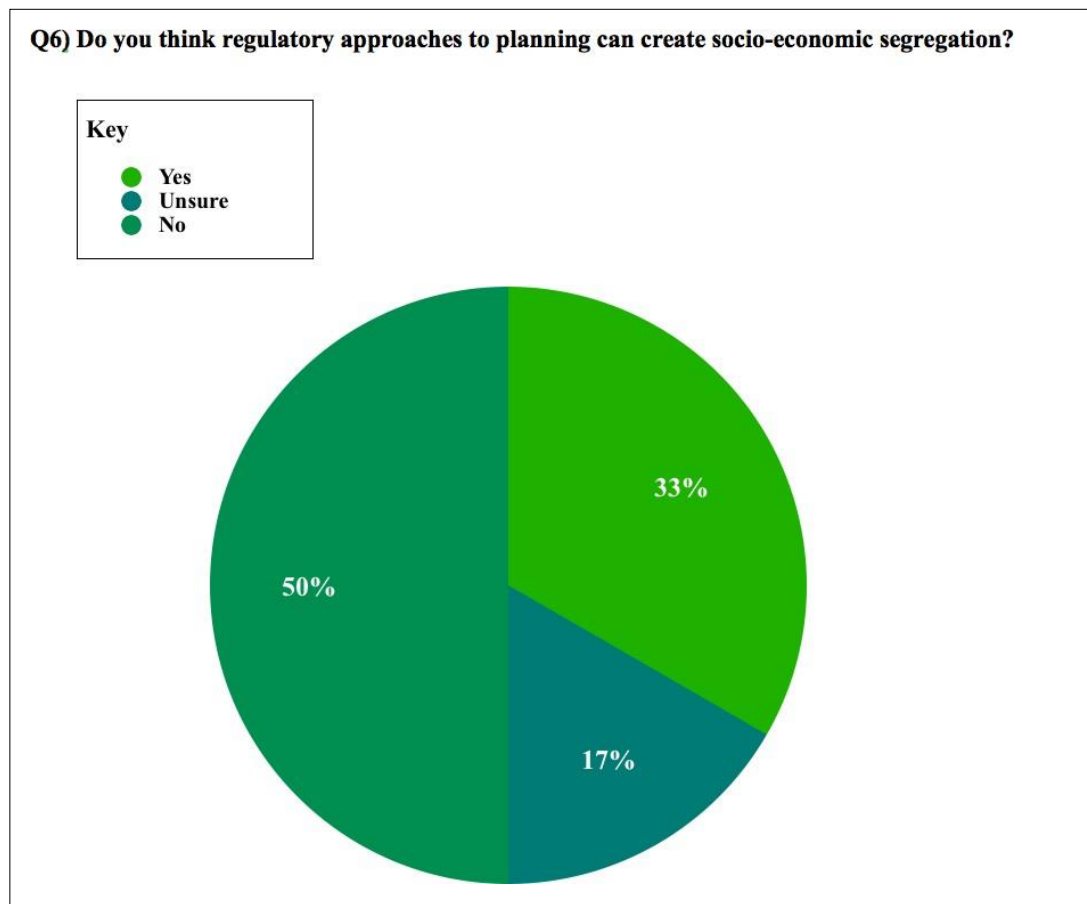


Fig.11: Online Survey Question 5

The video interviews also discussed this possibility and it was felt that a manufactured scarcity of land resulting in increased land values is a more prevalent issue within a Euclidean style of regulatory planning, which definitively separates different uses. It was also felt that, if planned for correctly, potential issues such as housing affordability could be mitigated. Given the White Paper does not propose a fully regulatory system, it is possible that the changes wouldn't result in a manufactured scarcity of land and increased land values as discretionary decisions and the ability to apply for planning permission would remain.

The Literature Review also identified the potential for socio-economic segregation within communities (Hall, 2007; Institute for Humane Studies, 2018; City Beautiful x Skill Share, 2021). However, the studies have acknowledged that this is again more prevalent within Euclidean systems. As discussed with Planner B, socio-economic segregation through the American planning system was possibly a purposeful outcome of the planning system following the end of legal segregation. The topic has been heavily studied, possibly most notably within Richard Rothstein's *The Color of Law*. However, Planner A expressed that whilst socio-economic segregation could be a potential outcome of a regulatory planning system, this could equally be mitigated at the plan-making stage, through a suitable mix of permitted uses, designs, and densities. The majority of respondents to the survey also disagreed that regulatory planning can create socio-economic segregation as shown in Fig.12.



*Fig.12: Online Survey Question 6*

## **6.8 Limitations**

This study has not been without limitations. Most notably it was not possible to have direct correspondence with Australia through a video interview and such discussion could have provided valuable first-hand accounts of the Australian planning system. Two video interviews were held with individuals based in or with experience of the U.S.A's system. These two interviews gave insight into the American system that both solidified and challenged the academic literature and provided context and greater understanding of this system, which has been hugely beneficial in reaching the conclusions of this study. However, interviews with a larger sample size could have further built on this element.

The survey was published to LinkedIn, with responses requested from planners with experience of the English planning system. The survey was re-shared and re-posted at least twice a week for the four-weeks it was live. A total of 6 responses were received and have been of great use to the study. However, with greater time and resources, more responses could have been received, increasing the reliability of the results. In future studies, it would be beneficial to seek a sponsorship or collaboration to enable promotion of the survey

through various channels. The gathering of information from a wider scope of people could also be beneficial, including members of the public and developers, to fully understand what is considered an effective planning system.

## 7.0 CONCLUSION

It is felt that the changes proposed within the Planning for the Future White Paper would result in a move towards a hybrid planning approach in England, similar to that found in Australia. This study revealed that what is considered an essential characteristic of an effective planning system varies between countries and it was established that within the English context, 1) being able to determine applications in a timely manner 2) enabling public engagement and participation 3) being able to adapt to unforeseen circumstances and 4) having discretion in decision-making were essential.

The Paper proposes that statutory timeframes for determining applications will become sanctionable which could help increase effectiveness. However, the findings of this study have shown that countries with a reliance on a discretionary planning application process, such as England and Australia, experience delays in reaching decisions. Whereas, within the U.S.A, their clear rules and regulations means requests for amendments and deviations can be quickly considered and determined.

All three countries struggled with the levels of public engagement and participation. The Paper proposes to increase the used of PropTech and other digital technology to increase public engagement with both planning applications and the development of Local Plans. The RTPI found in 2020 that just under half of the public would be more likely to get involved in Local Plan development if they could do so online. Therefore, the change proposed in the Paper does present an opportunity to increase effectiveness in this regard.

This study has found that both regulatory and discretionary planning systems are able to effectively respond to unforeseen circumstances. The COVID-19 pandemic has demonstrated this through the way each country enabled home-working and virtual participation, as well as emergency development and diversification of businesses. It could therefore be concluded that the English planning system is already effective in this regard, but could remain effective following the changes proposed within the Paper.

Finally, the ability to have discretion in decision making and consideration of development was clearly greater within England and Australia. However, there remains opportunity for discretionary consideration within the U.S.A through requests for amendments and exceptions. It is therefore concluded that more discretionary systems allow for discretionary consideration of a greater amount of development. If carefully implemented and regulated, the reforms of the Paper could reduce the amount of developments requiring

planning permission whilst retaining the ability to consider non-confirming or contentiously located developments in such way. This is a similar approach to Australia however, where speed in determining applications is also often a problem. It may therefore not be possible to have an effective system that can both consider a majority of development in a discretionary manner, whilst also maintaining speed in the turn-around of a decision. Certainly within the context of England, where discretion in decision making is considered essential to the systems effectiveness at fulfilling the objectives of local and national policy, this study suggests a fully regulatory system would not be effective.

In conclusion, the changes in the White Paper may go some way to increasing the effectiveness of the English planning system. The changes proposed are in no way revolutionary, nor do they seek to carve a unique approach to planning within England. More so, the changes proposed would align the English planning system with the Australian hybrid approach. The research undertaken in this study has found that the Australian system experiences many of the same issues as the English system and indeed even when comparing the English system to the U.S.A, where one system is successful the other falters and visa versa. The Paper has perhaps come too early and without sufficient consultation to establish what the public and professionals working in and affected by the system would like to see achieved. This study has found that the changes proposed in the Paper do suggest to a more regulatory approach, however the literature and case studies do not suggest such a move would be capable of being more effective in England than the current system. It is recommended that further consultation and research is undertaken prior to adoption of any of the changes proposed within the Paper to ensure they would be effective within the English context.

## **7.1 Recommendations**

Having examined the research, the following areas need to be considered:

Firstly, there needs to be a greater level of engagement with public and private sectors as well as academics and members of the public to establish what is considered important for the planning system in England to achieve.

Secondly, there is possibly a lack of public sector planners, a lack of funding and a lack of impact, in part due to them working from home, and alternative solutions to delays within the public sector planning process

should be considered. For example, the feasibility of private sector planners being able to determine applications.

Thirdly, applications that are to be refused, or Appeals, should be dealt with by way of remediation and effective collaboration between the public and private sector. By increasing the engagement and trust between the two sectors, could the system become more effective, such as through public sector planners taking a proactive approach to working with private sector planners to enable developments which may initially be contrary to the local plan.

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## **APPENDIX 1: ONLINE SURVEY PARTICIPANT INFORMATION FORM**



Version number: 1

Version date: 14th April 2021

**Title of the research project:** Would a regulatory planning system be more effective than a discretionary system in England?

**Researcher:** Abigayle Boardman

### **1. Invitation Paragraph**

You are being invited to participate in a research study being undertaken as part of a postgraduate dissertation project at the University of Liverpool. Before you decide whether to participate, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and feel free to ask us if you would like more information or if there is anything that you do not understand. I would like to stress that you do not have to accept this invitation and should only agree to take part if you want to. Thank you for reading this.

### **2. What is the purpose of the study?**

The aim of this research is to assess whether a regulatory, zoning style planning system could be successful in England and to establish what its consequences would be.

### **3. Why have I been chosen to take part?**

You have been chosen because you are a planning professional with experience and understanding in the field.

### **4. Do I have to take part?**

Participation in this questionnaire is voluntary. I recognise that recent weeks have been a time of considerable upheaval and that people will have competing priorities at this difficult time.

### **5. What will happen if I take part?**

If you decide to take part, you will be asked to fill in an online questionnaire. Questionnaires will be conducted in English. It should take approximately 10 minutes to complete. During the questionnaire you will be asked to indicate your responses using the mechanism clearly outlined. This will usually involve selecting a response that best represents your opinion in relation to the question.

### **6. How will my data be used?**

The University processes personal data as part of its research and teaching activities in accordance with the lawful basis of 'public task' and in accordance with the University's purpose of 'advancing education, learning and research for the public benefit'.

Under UK data protection legislation, the University acts as the Data Controller for personal data collected as part of the University's research. The researcher supervisor acts as the Data Processor for this study, and any queries relating to the handling of your personal data can be sent to the research supervisor via the mechanisms outlined at the end of this information sheet.

Participant information sheet\_ONLINEquestionnaire\_dissertation

If you begin to complete the questionnaire and do not wish to continue, you may withdraw from the study by closing your browser. You do not have to give a reason as to why you wish to stop. As the questionnaire does not collect any data that will identify you personally, once you submit your questionnaire, your responses will not be identifiable and withdrawal will no longer be possible

**12. What if I am unhappy or if there is a problem?**

If you are unhappy, or if there is a problem, please feel free to let me know by contacting myself or my research supervisor (details below) and we will try to help. If you remain unhappy or have a complaint which you feel you cannot come to us with then you should contact the Research Ethics and Integrity Office at [ethics@liv.ac.uk](mailto:ethics@liv.ac.uk). When contacting the Research Ethics and Integrity Office, please provide details of the name or description of the study (so that it can be identified), the researcher(s) involved, and the details of the complaint you wish to make.

**13. Who can I contact if I have further questions?**

**Student Researcher**

Abigayle Boardman

[A.Boardman@liverpool.ac.uk](mailto:A.Boardman@liverpool.ac.uk)

**Dissertation Supervisor**

Catherine Queen

[C.Queen@liverpool.ac.uk](mailto:C.Queen@liverpool.ac.uk)

In order to proceed, please respond to the following questions:

1. Do you confirm that you are over 16 years of age?  
  
Yes  
  
No
  
2. Do you confirm that you have had the opportunity to consider the information provided about the purpose of this study, your involvement and the use and storage of the data it collects?  
  
Yes  
  
No
  
3. Do you understand that if you have further questions, you may contact the researcher named above?  
  
Yes

Further information on how your data will be used can be found in the table below.

|                                                                                           |                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>How will my data be collected?</b>                                                     | I will implement the questionnaire using SurveyMonkey                                                                                                                                                |
| <b>How will my data be stored?</b>                                                        | Responses will be initially stored on the SurveyMonkey platform. Data will be exported and stored securely on a password-protected computer or university storage device.                            |
| <b>How long will my data be stored for?</b>                                               | Exported survey data will be stored electronically and will be kept for up to 5 years, when it will be disposed of securely. This is in accordance with the University's data archiving procedures.  |
| <b>What measures are in place to protect the security and confidentiality of my data?</b> | I will store data securely and only myself and my supervisor will have access to it.                                                                                                                 |
| <b>Will my data be anonymised?</b>                                                        | Yes. The questionnaire does not ask you to provide data that I think will make you identifiable. For example, I do not need to know your name, address or date of birth.                             |
| <b>How will my data be used?</b>                                                          | The results of this study will be used to write a research report and may lead to academic publication.                                                                                              |
| <b>Who will have access to my data?</b>                                                   | Only myself and my supervisor.                                                                                                                                                                       |
| <b>Will my data be archived for use in other research projects in the future?</b>         | No.                                                                                                                                                                                                  |
| <b>How will my data be destroyed?</b>                                                     | Electronic data will be permanently deleted from all computers and institutional servers within 5 years of the study and the SurveyMonkey platform immediately following submission of the research. |

**7. Will I be offered any financial incentives to take part in the research?**

I am not able to offer any payment or expenses for participating in the questionnaire.

**8. Are there any risks in taking part?**

There are no anticipated risks to you taking part in this questionnaire.

**9. Are there any benefits in taking part?**

There are no direct benefits to you taking part in the research, although you will be helping me to find out information that is important to my research aims.

**10. What will happen to the results of the study?**

The results of this study will be used to write a research report and may lead to academic publication.

**11. What will happen if I want to stop taking part?**



No

4. Participation is voluntary and involves the completion of this questionnaire. As the questionnaire does not collect personal data, do you understand that once you submit the questionnaire, it will not be possible to locate your data and withdraw from the study?

Yes

No

## **APPENDIX 2: VIDEO INTERVIEW PARTICIPANT INFORMATION FORM**



**Version number:** 1

**Version date:** 26th April 2021

**Title of the research project:** Would a regulatory planning system be more effective than a discretionary system in England?

**Researcher:** Abigayle Boardman

### **1. Invitation Paragraph**

You are being invited to participate in a research study being undertaken as part of a postgraduate dissertation project at the University of Liverpool. Before you decide whether to participate, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and feel free to ask if you would like more information or if there is anything that you do not understand. I would like to stress that you do not have to accept this invitation and should only agree to take part if you want to. Thank you for reading this.

### **2. What is the purpose of the study?**

The aim of this research is to assess whether a regulatory, zoning style planning system could be successful in England and to establish what its consequences would be.

### **3. Why have I been chosen to take part?**

You have been chosen because you are a planning professional with experience and understanding in the field.

### **4. Do I have to take part?**

Participation in this interview is voluntary. I recognise that recent weeks have been a time of considerable upheaval and that people will have competing priorities at this difficult time.

### **5. What will happen if I take part?**

If you decide to take part, you will be asked to take part in an interview. The interview should take approximately 60 minutes to complete and will be conducted in English. I would like to audio record your interview but I will not capture the video itself. The interview will take place via a video call using Microsoft Teams. I will provide you with my user ID and call you at a date and time that is convenient to you when you will have access to the video calling software and equipment. Before we begin, I will ask you to read through the consent form that has been provided alongside this participant information sheet and gain your verbal consent to participate. I will audio record this to confirm it. During the interview, you will be asked a series of questions related to your experiences. There are no incorrect answers and you are free to answer each question in as much detail as you like, or simply not at all.

### **6. How will my data be used?**

The University processes personal data as part of its research and teaching activities in accordance with the lawful basis of 'public task', and in accordance with the University's purpose of "advancing education, learning and research for the public benefit.

Participant information sheet\_VIDEOinterview\_dissertation

Under UK data protection legislation, the University acts as the Data Controller for personal data collected as part of the University's research. The research supervisor acts as the Data Processor for this study, and any queries relating to the handling of your personal data can be sent to the research supervisor via the mechanisms outlined at the end of this information sheet.

Further information on how your data will be used can be found in the table below.

|                                                                                           |                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>How will my data be collected?</b>                                                     | I will record your interview responses using a Dictaphone or an approved mobile telephone.                                                                                                                                                                                                                                         |
| <b>How will my data be stored?</b>                                                        | I will store the recording securely on a password-protected computer or university storage device. I will immediately transfer the recording to secure storage and delete the original file. The recording will be transcribed to a Word document whereupon all identifying information will be removed and the recording deleted. |
| <b>How long will my data be stored for?</b>                                               | All transcribed data will be stored electronically and will be kept for up to 5 years, when it will be disposed of securely. This is in accordance with the University's data archiving procedures.                                                                                                                                |
| <b>What measures are in place to protect the security and confidentiality of my data?</b> | I will store data securely and only myself and my supervisor will have access to it.                                                                                                                                                                                                                                               |
| <b>Will my data be anonymised?</b>                                                        | Yes. Pseudonyms or participant numbers will be used to report all data.                                                                                                                                                                                                                                                            |
| <b>How will my data be used?</b>                                                          | The results of this study will be used to write a research report and may lead to academic publication.                                                                                                                                                                                                                            |
| <b>Who will have access to my data?</b>                                                   | Only myself and my supervisor.                                                                                                                                                                                                                                                                                                     |
| <b>Will my data be archived for use in other research projects in the future?</b>         | No.                                                                                                                                                                                                                                                                                                                                |
| <b>How will my data be destroyed?</b>                                                     | Electronic data will be permanently deleted from all computers and institutional servers. Consent forms will be shredded.                                                                                                                                                                                                          |

**7. Will I be offered any financial incentives to take part in the research?**

I am not able to offer any payment or expenses for undertaking the interview.

**8. Are there any risks in taking part?**

There are no anticipated significant risks to you taking part in this interview. I do not think that there are questions that should make you feel upset or uncomfortable. I recognise that the current pandemic has changed the composition of and use of household space at this time, which therefore might limit privacy and/or access to communication infrastructure. Before I begin the interview, I will indicate whether there are any details about the location I am calling from that could compromise your confidentiality (such as interruptions from other members of the household) and how I will respond to this eventuality. You are free to decline answer of any questions or to stop the interview at any time, without giving a reason.

**9. Are there any benefits in taking part?**

There are no direct benefits to you taking part in the research, although you will be helping me to find out information that is important to my research aims.

**10. What will happen to the results of the study?**

The results of this study will be used to write a research report and may lead to academic publication.

**11. What will happen if I want to stop taking part?**

If you begin the interview and do not wish to continue, you stop at any time without giving a reason. If you wish to remove your data from the research after the interview, you may do so within two weeks of the date of the interview. After this time, the interview will have been transcribed and all identifying information removed and therefore removal will no longer be possible.

**12. What if I am unhappy or if there is a problem?**

If you are unhappy, or if there is a problem, please feel free to let me know by contacting myself or my research supervisor (details below) and we will try to help. If you remain unhappy or have a complaint which you feel you cannot come to us with then you should contact the Research Ethics and Integrity Office at [ethics@liv.ac.uk](mailto:ethics@liv.ac.uk). When contacting the Research Ethics and Integrity Office, please provide details of the name or description of the study (so that it can be identified), the researcher(s) involved, and the details of the complaint you wish to make.

**13. Who can I contact if I have further questions?**

**Student Researcher**

Abigayle Boardman

[A.Boardman@liverpool.ac.uk](mailto:A.Boardman@liverpool.ac.uk)

**Dissertation Supervisor**

Catherine Queen

[C.Queen@liverpool.ac.uk](mailto:C.Queen@liverpool.ac.uk)

## **APPENDIX 3: VIDEO INTERVIEW ETHICAL CONSENT FORM**



### **Participant consent form – Interviews via video call**

Version number: 1    Version date: 14th April 2021

**Title of the research project:** Would a regulatory planning system be more effective than a discretionary system in England?

**Researcher:** Abigayle Boardman

Please read through this consent form before the interview. At the beginning of the video call, prior to any questions being asked, I will ask you to provide verbal responses to confirm your consent to being interviewed. I will ask you to answer Yes or No to the following statements.

|   |                                                                                                                                                                                                                                                                                                                           |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | I confirm that I have read and have understood the information sheet dated 1 for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.                                                                                                       |
| 2 | I understand that taking part in this study involves participation in an interview.                                                                                                                                                                                                                                       |
| 3 | I understand that my participation is voluntary and that I am free to withdraw at any time during the interview and up to two weeks after the interview without giving any reason, without my rights being affected. In addition, should I not wish to answer any particular question or questions, I am free to decline. |
| 4 | I confirm that the student researcher has explained any details about their location that might raise issues about confidentiality.                                                                                                                                                                                       |
| 5 | I understand that I can ask for access to the information I provide and I can also request the destruction of that information if I wish during the two-week period. I understand that after two weeks, I will no longer be able to request access to or withdrawal of the information I provide.                         |
| 6 | I understand and agree that my participation will be captured via recording only the audio element of the video call for the purpose of producing an anonymised interview transcript.                                                                                                                                     |
| 7 | I understand that the information I provide will be held securely and in line with data protection requirements at the University of Liverpool. I understand that interview recordings and transcripts will be retained by the researcher and stored securely for up to 5 years, when it will be deleted.                 |
| 8 | I understand that my quotes from the interview will be used to write research outputs but that confidentiality and anonymity will be maintained and it will not be possible to identify me in any such outputs.                                                                                                           |
| 9 | I agree to take part in the above study.                                                                                                                                                                                                                                                                                  |

#### **Student Researcher**

Abigayle Boardman

A.Boardman@liverpool.ac.uk

#### **Dissertation Supervisor**

Catherine Queen

C.Queen@liverpool.ac.uk

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#### **APPENDIX 4: PLANNER A VIDEO INTERVIEW TRANSCRIPT**

ENVS491 DISSERTATION - UNIVERSITY OF LIVERPOOL

VIDEO INTERVIEW TRANSCRIPT

ABIGAYLE BOARDMAN

COULD A REGULATORY APPROACH TO PLANNING BE EFFECTIVE WITHIN ENGLAND?

ABIGAYLE BOARDMAN (AB)

PLANNER A (PA)

**AB:** Hello, hi, thank you for joining me.

**PA:** Hi, thank you for having me.

**AB:** So I just need to go through the consent form quickly, if you could just answer yes or no to them?

**PA:** Sure.

**AB:** Okay, you confirm you have read and have understood the information sheet dated 1 for the above study. You have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.

**PA:** Yes

**AB:** You understand that taking part in this study involves participation in an interview?

**PA:** Yes

**AB:** You understand your participation is voluntary and that you are free to withdraw at any time during the interview and up to two weeks after the interview without giving any reason, without your rights being affected. In addition, should you not wish to answer any particular question or questions, you are free to decline.

**PA:** Yes

**AB:** You confirm that the student researcher, me, has explained any details about my location that might raise issues about confidentiality.

**PA:** Yes

**AB:** You understand that you can ask for access to the information you provide and you can also request the destruction of that information if you wish during the two-week period. You understand that after two weeks, you will no longer be able to request access or withdrawal of the information you provide.

**PA:** Yes

**AB:** You understand and agree that your participation will be captured via recording only the audio element of the video call for the purpose of producing and anonymised interview transcript.

**PA:** Yes

**AB:** You understand that the information you provide will be held securely and in line with data protection requirements at the University of Liverpool. You understand that interview recordings and transcripts will be retained by the researcher and stored securely for up to 5 years, when it will be deleted.

**PA:** Yes

**AB:** You understand that your quotes from the interview will be used to write research outputs but that confidentiality and anonymity will be maintained and it will not be possible to identify you in any such outputs.

**PA:** Yes

**AB:** You agree to take part in the study.

**PA:** Yes

**AB:** Okay, so the questions now. Erm, the first is what do you consider to be the essential characteristics of an effective planning system?

**PA:** So, I think to be effective you need to have clear standards and have predictable results, which also means that you have clear and predictable approval procedures. That being said, is everything effective? We will get to that later.

**AB:** So, are you aware of the Planning for the Future White Paper and its proposed changes to the planning system?

**PA:** I did skim it, based off your introduction to the white paper, just at a very high level.

**AB:** Okay, thank you. So, with regulatory approaches, do you think they can struggle to respond to unforeseen circumstances?

**PA:** I am a little confused by this question, could you clarify that, so do you mean that a regulatory approach could better respond to unforeseen circumstances?

**AB:** So when I have been doing my reading a few people have suggested, although they have not really given any examples, which I found quite interesting, that regulatory approaches can struggle to respond to unforeseen circumstances. So, I guess the best situation I can think of is Covid and when that took a hold here”

**PA:** I see, ok so more challenging to respond to unforeseen circumstances?

**AB:** Yeah

**PA:** Not necessary, I guess it depends on the degree to how regulatory the planning system is. I think what I will be talking about later in some of your questions is going to be helpful in helping you to understand that. Even though there is the sense that the US system is regulatory there is a lot of discretionary action within it, so I think there is still a lot of flexibility in the approach.

**AB:** Okay, thank you. So, how did the American planning system respond to COVID-19?

**PA:** I would have to say, that the planning system as a whole was not generally impacted or really responded to Covid. I think it was more just local jurisdictions that did their own what you would call discretionary actions to respond. In terms of like now temporally allowing outdoor dining or the conversion of parking spaces to outdoor dining spaces, allowing takeout to serve alcoholic beverages, you know little things like that. But it was more of a local level and not necessarily the American planning system as a whole.

**AB:** That was similar here outdoor dining, takeaway alcoholic drinks but controlled by the planning system, so that went through emergency legislation so you didn't need permission to do it. Yeah, just a bit of background around the question.

**PA:** Yeah, yeah, but I do think in general those tactical strategies did have an impact on the overall planning system because now in general, planners and designers are starting to think about how to improve the outdoor spaces. Especially the public realm so that there are more activities along those areas.

**AB:** Yeah, definitely. Okay so are you able to provide an indication as to how long it generally takes to determine a Zoning Amendment or Exception Request?

**PA:** This is a very broad and vague question. Zoning amendments and exceptions are typically in tiers where you could start with a very small exceptions then go to a very large amendment. Small ones are fairly quick and simply but again, those are more geared towards very small individuals maybe property home owners, you know very small additions to houses things like that. The larger projects are the ones that usually request a zoning amendment and those could take several months at a minimum, because they would require a much more detailed approval process, like city council approvals, public hearings which include notifications that takes quite a bit of time. Also, with the zoning amendment if there is something else you need to do, it generates a planning amendment, it will just take much longer as well too.

**AB:** That's really interesting, I did an interview with [removed to protect anonymity] and she was saying just how quick everything is in your system, so you were saying months for a large zone planning amendment its months for a householder planning application here."

**PA:** Oh, really?

**AB:** Like a little extension on the back of your house its like, minimum 8 weeks.

**PA:** Oh, wow.

**AB:** Yeah, I guess things are like crazy fast

**PA:** I guess things are relative, you know. Here developers have a little bit of clout in the US system because it's so market based and so anything that impacts their profit margins just going to make them very unagreeable, also a longer approval process will impact their cost.

**AB:** Yeah, it seems so quick, that's really interesting. Okay so the next question is are you able to provide an indication as to how long it generally takes to prepare a zoning map and associated technical details?

**PA:** I'm going to assume that this question means an update to a zoning map and then an update to the zoning code. I would say years for that because in general the zoning codes always have to be consistent so any updates to the zoning code there is updates to the general plan and they usually happen hand in hand. In general a plan update usually takes years as well too, so, 2 /3 years at minimum.

**AB:** Okay, thank you. So, do you think the English planning system is in need of reform?

**PA:** I really don't know; I can't say, I do feel like if there is so much conversation about how discretionary it is that there maybe some need for a reform. Not to say that a regulatory approach is the best approach but it

feels like there needs to be some objective standards, so that people have a good idea of what they can do and not do with their property, and also give them a timeframe for when those approvals can happen and not just be perceived to be at the whim of the planner and the council.

**AB:** Do you think the American planning system is in need for reform?

**PA:** Yes, I don't think there is a perfect system for planning anywhere in the world but that's the nature of planning, it is a messy area and arena. I think in the US, the planning system varies quite largely by state, by the jurisdiction, federal level, state level, county and city level as well too. Throughout the entirety of the US there are varying levels of the planning system so there is clearly a need for reform, within in California, which is where we are based there has recently been a lot of conversation about producing more housing for affordable housing, accelerating housing production and all of that means, that really, they want to streamline a pool of processes for housing developers. One of the approaches that they have recently passed is called the Objective Design and Development Standards called ODDS. That has been funded through grants to many cities, so that they can develop these objective standards, so that developers now know objectively what they can do with their property and get streamlined approvals that that will hopefully quicken and accelerate the housing production.

**AB:** Okay, that's interesting. Are zoning amendments/deviations from the defined rules and zones common?

**PA:** Yes, they are, like I said before, some are fairly quick and easy, some of them just take a long time. I think many developers now, are very sophisticated to know what they can and cannot do within certain cities and all cities vary as well too. So, in some cities you may go and everything can be by the book, so as long as you can go and it's by the book yeah. In some cities there is a lot of room for discretion, so if you do the same thing in this city versus that city it could take 4 weeks here, 4 months over here. So, there's a lot of variation, I would say that means a lot of freedom for local jurisdictions.

**AB:** Would you say they're more common than developments in accordance with the plan?

**PA:** Yes, again it depends on the city, there are cities on both extremes of that spectrum, so it really is up to the local jurisdiction.

**AB:** Of course. So, do you think regulatory approaches to planning can create a scarcity of land resulting in increased land values?

**PA:** I think it can, but it also depends. You know plans can be written so that there are no artificial scarcity's but it can be the opposite as well too, I think what I am trying to understand with this question though, is if you think you are doing a purely euclidean type of land plan, which is separation of uses then that will definitely bring you limited amounts of land per the use of the land that you are trying to seek. So, in that approach then certain land uses will have impacts on the land value, for sure.

**AB:** Do you think regulatory approaches to planning can create socio-economic segregation?

**PA:** Yes, pretty much my answer to this is the same as my answer to the previous question about land value. It goes hand in hand, land values and social economic segregation which is why there is a big environmental justice component to a lot of the plans that we do now. Which is actually mandated by the state too, that we incorporate environmental justices in to cities general plans which later will have trickle down effect to the zoning code as well.

**AB:** And do you think regulatory approaches can impact on housing affordability?

**PA:** Yes, same thing as well too. You know that if you are looking at segregation of land use it's the same thing with land values, social economically, segregation affordability of housing. You know but it's entirely possible for a similar model of planning to not do that as well too, if you just have the right of components built in and you spread it out and have a lot of mix used in them. Even with the same quantity of housing there are lots of different ways you can design and plan the city that it does not have such a high impact on affordability, land values or social economics.

**AB:** So, when you have your zoning plans and you are in your certain area, how common is mixed use development? This isn't on the sheet this is just off the back because for example where I live, I live quite literally in the town centre above a shop, does that happen?

**PA:** It's very rare you would get that here but I think that's the direction we are trending towards, but also a very murky direction because now that everybody has got so used to the segregation of land uses, now that we are trying to mix the uses together again, everyone calls it mixed use but they don't know what it is exactly. Then they can't apply the same quantitative factors to calculating mixed use so there's a lot of confusion of that. How to plan for it, design for it but I think the ultimate goal is to get to the type of town centres that you are talking about, that have shops and residential above it or just like a new term, called a 20-minute city where you can do anything within a 20-minute walking distance. So, I think that is what we are trying to get towards but the tools we are using are still a little bit raw and are simply called mixed use, which is why there is this need now for objective design standards and a lot of that is geared towards housing, which is included in mixed used zones and mixed used designations.

**AB:** That's really interesting. Erm, do you consider the American system to be clear and easy for a non-professional to navigate and engage with?

**PA:** Typically, no I would say but it does differ from city to city. I'm not a true advocate of form-based codes but I do like form-based codes. I wrote my dissertation, my phd dissertation on comparing form-based codes with euclidean zoning codes. I do see that form-based codes could be easier for the common person to read and understand and know what to expect, versus the conventional euclidean zoning, or even the conventional plans that are still around in the US are a little bit hard to navigate, because the system that we have here is a little bit disjointed, where they have different typical areas. Sometimes you have to jump from here to here, and you are sifting through like 300-page documents to find the information you need sometimes

**AB:** Yeah it's very much like that here, there are a lot of additional documents to be considered beyond those containing policy. Erm, in your opinion, is a discretionary, regulatory or hybrid approach most effective?

**PA:** This is a little bit of a confusing question for me as well too. I think most cities have a hybrid approach even if they may not think so. There is nothing that is clearly discretionary or just clear regulatory. All jurisdictions start with the regulatory approach but then they build in discretionary actions because there is always going to be little exceptions or little nuances, that they want to have control over and cities have different areas that they are interested in. Like for instance the city of Pasadena is very strict about their design, so anything that has a design component to it goes through pretty much a discretionary approach, whereas other cities that are not that design orientated but are more about the use or building height for example, those things would not matter as much.

**AB:** Thank you, so that's all my questions, did you have anything you wanted to ask me?

**PA:** I would like your take about the two different approaches and how you are formalizing your pieces?

**AB:** At the moment I am finding it very interesting to see how different the two approaches are because our plans are just wordy and the whole thing is vague. I think that the American system seems to make a lot more sense. I feel like I am understanding broadly how it works, whereas it took quite a while for it to start clicking for our own system, even though I am working in it and then I am also doing Australia. Looking at Australia's system as my other case study and they have more a hybrid approach between the two, they have sort of the zones and the strict regulations but a quite big focus on the planning application process and discretion in those decisions, so that's quite interesting as well. The American system is a lot quicker at everything.

**PA:** Here we think everything is so slow, but yeah, so, I just want to make this clear though. I think when we are talking about the planning system in general there are two large components within it. There's the policy side, more of the guidance but very kind of regulated guidance and then there is the code, which is like the law. What you have to do or what you cannot do. So, in the US the policy part is called the general part and then regulatory part is the zoning code, so that's why the two always have to go hand in hand and be consistent with each other so the general plan is where you know, the plan obviously everything is laid out but the details of that, which are the standards are contained within the zoning code. Again, many people find that a little confusing because sometimes they will read in the general plan this is what you can do with your prop-

erty blah, blah and then when you look up its parcel's information. You will always see what the general plan information is and it could be mixed use court or single family residential and then when you look up the zoning code information it will say something a little more detailed like to 2 units per acre single family or 4 units per acre single family something like that. Then in the zoning code they will have all the standards about height, massing, setbacks all of that kind of thing, but in the general plan it is where they will say, in general, that if you are in this designation, you should have this type of environment with no sidewalks, nice yard or if it is mixed use have commercial. Then the how too is actually in the zoning code, again that goes to the common person who may not know to look in both places. But its kind of a double ended approach.

**AB:** That's really interesting and that makes make a lot more sense in my head, really interesting, interesting how you have sort of definitions around things like height and setback and design because it's a lot broader than that in the UK. Nowhere that has anywhere that has anything to do with maximum heights, its crazy.

**PA:** So, if there is a proposal for a large development next to, within a smaller lower destiny environment is they community outreach and does the community get a say?

**AB:** Yes, there are certain very small kinds of development are allowed under the permitted development order which is law. Under that, like a little one-story extension, something to your house very minor. Everything else you have to put a planning application in and there will be 4 weeks of public consultation, so neighbours can respond and statutory consultees so heritage England will respond about the heritage impacts, environmental and highways officers will take a look from an environmental and transport point of view. Then they have minimum 4 weeks to think about it and then possible issue a decision or if it has a lot of objections or if they are going to recommend it for refusal it will go to the planning committee and the council will review it all together in a room then it will get permission.

**PA:** That sounds similar to the large development projects that go on in the US. What you just said reminded me that there is a third leg to the planning system in California which is the environmental review it called SEQRA. Under SEQRA all projects need to have some kind of environmental impact review, so many different things can trigger that and once you go in to that land of SEQRA you never know when you are going to get out of it. So, a lot of cities when they do, when they do the general plan, they try to do an overarching

SEQRA so that all projects that are somewhat consistent with the general plan and zoning code don't necessarily have to go through that EIA process because it is very lengthy and costly as well. These are the 3 legs in the stool of the planning system here right now.

**AB:** That really interesting, that's actually one thing they are proposing in the white paper. At the moment if an application has the potential to have environmental impacts, we have a similar. We have to do all these surveys but that are on a city-by-city basis. You do one and it says there might be this and then you have to do another and another, then the clients like this is a lot of money. That's one thing they have proposed in the white paper is to do a big environmental assessment for the whole of a local authority's area, for that reason.

**PA:** Yeah, yeah. I think it helps a little bit but even within that, most EIAs work for a general plan still specify in this area further surveys are needed, so if something happens this is what the developer must do, kind of approach. When I was skimming through the white paper, I did see that in the UK there is a lot of emphasis on aesthetics how things should be beautiful. I really like that because I think it's an important part of the character of the building natural environment, community in general. I think in the US we are afraid to say that outright because many people find or preserve that as being objective. What is preferred aesthetics, what is beautiful, can be a subjective term. Whereas I don't think that is necessary the case, whereas you have consensus as to what you community should look like, that is what defines what beautiful means to that community and that can be quantified so that you have standards and guidelines for it, so I really like that part in the white paper actually.

**AB:** That's brilliant, thank you. There is quite a lot of emphasis on that even down to where we have a conservation area and you can't use certain materials or only have timber framed windows in the building, they can get quite specific in conservation areas with things like that, especially since COVID. That's another thing that's had that extra boost behind it, that we need green spaces and we need private amenity space and public amenity space and tree lined streets everywhere, I think that sounds nice. Anyway, thank you so much for joining me, it's been really useful.

**PA:** No problem, thank you for having me. If it's okay, I would love to read your paper if you wanted to email a copy?

**AB:** Of course, its due in in September, so once it's been marked I will!

**PA:** Amazing, and thank you for contacting me.

**AB:** No thank you, goodbye.

## **APPENDIX 5: PLANNER B VIDEO INTERVIEW TRANSCRIPT**

ENVS491 DISSERTATION - UNIVERSITY OF LIVERPOOL

VIDEO INTERVIEW TRANSCRIPT

ABIGAYLE BOARDMAN

COULD A REGULATORY APPROACH TO PLANNING BE EFFECTIVE WITHIN ENGLAND?

ABIGAYLE BOARDMAN (AB)

PLANNER B (AB)

**AB:** Hi, thank you for meeting with me today.

**PB:** Hey, no problem.

**AB:** So before we start I just need to go through the consent form. If you could just answer yes or no to the statements.

**PB:** Of course.

**AB:** So, you confirm you have read and have understood the information sheet dated 1 for the above study. You have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.

**PB:** Yes

**AB:** You understand that taking part in this study involves participation in an interview?

**PB:** Yes

**AB:** You understand you participation is voluntary and that you are free to withdraw at any time during the interview and up to two weeks after the interview without giving any reason, without your rights being af-

fect. In addition, should you not wish to answer any particular question or questions, you are free to decline.

**PB:** Yes

**AB:** You confirm that the student researcher, me, has explained any details about my location that might raise issues about confidentiality.

**PB:** Yes

**AB:** You understand that you can ask for access to the information you provide and you can also request the destruction of that information if you wish during the two-week period. You understand that after two weeks, you will no longer be able to request access or withdrawal of the information you provide.

**PB:** Yes

**AB:** You understand and agree that your participation will be captured via recording only the audio element of the video call for the purpose of producing and anonymised interview transcript.

**PB:** Yes

**AB:** You understand that the information you provide will be held securely and in line with data protection requirements at the University of Liverpool. You understand that interview recordings and transcripts will be retained by the researcher and stored securely for up to 5 years, when it will be deleted.

**PB:** Yes

**AB:** You understand that your quotes from the interview will be used to write research outputs but that confidentiality and anonymity will be maintained and it will not be possible to identify you in any such outputs.

**PB:** Yes

**AB:** You agree to take part in the study.

**PB:** Yes

**AB:** Okay, so I did block an hour out but I don't think we're going to need that, it was just to be on the safe side. So the first is more of an opinion based question, but what would you consider to be the essential characteristics of an effective planning system?

**PB:** I mean it's such a good question I wish I had a clear answer. I mean equity is really important, but how you achieve that is obviously really difficult. I think something that gives a really decent balance between public good and the need to still have private development is key but again it's really difficult to achieve. Yeah, a system that does incorporate democratic principles is really important and a system that has really effective and visual communication is important as well. I think that's probably something that the UK needs to work on. For something that is in the public domain and does affect daily life, it's not well understood.

**AB:** No definitely, I agree with that one. All of our planning is hidden away in a million documents, so I struggle to understand how someone who doesn't work in it can understand it.

**PB:** Oh they don't, that's why you get so many like things going wrong all the time like people cutting down trees not knowing they're protected, or painting over their driveways not knowing that they can't do that. I also think Green Belt has to be the most misunderstood policy in the UK because people think it's an environmental designation when it's not. It has a catchy name and people are very attached to it, in my opinion.

**AB:** No I agree, I think some of its Green Belt and it's not good quality land. So are you aware of the white paper the changes it's proposing to the planning system?

**PB:** Honestly, I'm obviously aware of it but I have fully digested it, but I have been to a lot of events about it. To be honest, I'm struggling to see how it's as revolutionary as everyone keeps saying. It just seems like another version of what we have. They seem to be proposing like an English form of zoning. I don't know, it just looks similar to a local plan map but with different names, like growth area. I'm interested to see how it will work in practice.

**AB:** It is a lot to get through. From my reading, the introduction of the growth, renewal and protected areas seems to be the biggest change but i'm not sure it is the biggest change, I think the granting of outline approval and pip is possibly quite a significant one, but I'm struggling to see how that will work in practice and be controlled.

**PB:** It just seems like it's still the planning system, it doesn't seem like a huge change. But we'll see.

**AB:** So do you feel it's still quite discretionary in its approach?

**PB:** Oh yeah, I think that's really the key difference between what you see in the UK and what you see internationally.

**AB:** Yeah. So, do you think regulatory systems can struggle to respond to unforeseen circumstances, like COVID is obviously a great example?

**PB:** Do you have any case studies? It's not something I've really thought about.

**AB:** Yeah, so it's something that's come up a-lot in the theory behind the regulatory approaches but i haven't really seen anyone giving an example. Obviously in the UK, we were quick to introduce temporary planning measures in response to COVID.

**PB:** I feel like they could respond, but I'm just not sure what the mechanisms could be. Like in the UK, permitted development is a law so it was easy to quickly respond and rush through emergency legislation. Regulatory systems are the same, they're in law, so I would have thought you could have a quick change to the municipality code, or you could not do enforcement. So I don't know, I would be a bit cynical to say it's that difficult for a regulatory system because if it's in law, you can change the law.

**AB:** Yeah. So how long does it take to determine a zoning amendment in the U.S?

**PB:** To be honest, I'm not sure because I haven't really worked in that side of planning in America. My experience is from up state New York, so it very limited to that area. So in New York, it's split into counties,

within which there's towns and then there's cities or villages within that town. But it's more for economic development than what we think of as town planning. It's multilayered.

**AB:** Okay, that's interesting. It's starting to sound more complex than our system.

**PB:** I know. It's just different. Because if you're a planner, you work in a city, you're just going to be focused on that city and be trying to make a comprehensive plan for that city and every now and again you're going to update your zoning code. So it think it's like at the local, functional level, there may be more similarities, but the overall structure of how the U.S.A is set up, is very different to here. Erm, what was the question again?

**AB:** How long does it take to determine an amendment?

**PB:** I don't exactly know, but what they would generally do is if you want to develop something, it may or may not be possible, depending on what the zoning code says. Like usually there's a maximum footprint of what your house can be and like, in New York City, this is a bit complicated, but you have air rights above your building, so basically, if zoning says your building can be this high but it's only this high, you can sell that difference to neighbouring building and they can use your air rights to go higher. So yeah, if you want to do something different to the code, you put together a submission of some kind and I think it's just considered by either a local clerk or maybe it would go to a committee if it's at all controversial. I think it's more a case of a rubber stamp if you're in accordance with the zone though. I'm not sure what you would need in terms of supporting information, like in the UK you need so much. I think there's something called a variance, where you ask for an exception, but that is probably going to land you in a committee situation. Really though, I think it's that you should be looking to change the rules rather than get an exception. I remember this happened when I was at uni over there because you know it was a college town and there was some attempt to decouple parking requirements from something, because in the states there's this system that sort of bundles parking into zoning codes to provide a minimum number of spaces but it massively increases development costs and is unsustainable. So there was this attempt to say a development shouldn't have to provide parking and my professor said they should be looking to change the code not get a variance. So yeah, I studied there and worked there for a year so I don't know everything.

**AB:** That's no problem, you have some experience and that's more than me! So, how long does a zoning code generally take to prepare?

**PB:** So in New York, you prepare a comprehensive plan, which is like a local plan, but it can be at any scale, village, town, city and it sets out your vision and objectives and is very tailored to that place. In the UK plans are very similar no matter where you go whereas in the U.S, there's a lot more flexibility to make your plan what you want it to be. But your zoning code has to be in compliance with the comprehensive plan. So usually, if the comprehensive plan gets updated, you need to update your code. So when I was working on comprehensive plans I think we had to do two rounds of consultation, but it didn't take anywhere near as long as a plan here. It was a few months work, depending on the scale of it. I did one for a village that was like super quick, definitely not even six months. But after that you had to go through a process called SEQRA, which was sort of like an examination but more environmentally geared.

**AB:** That's really interesting.

**PB:** Basically it's way quicker than here, it's just a case of meeting the regulations.

**AB:** That's great, thank you. So do you think the English system is in need of reform?

**PB:** I don't think it needs reform, just rethinking. I think they really need to re think the Green Belt and call it something different, more in line with what it is. You know, it's an old policy that's causing a lot of problems. When it was introduced, it was meeting a need and we need to ask if it's still meeting that need. And I think, what else, I think the discretionary aspect of the system is a strength but it can be difficult because it does mean things take very long, like I personally don't think you need eight weeks to determine a minor application and planning committees are an issue as they tend to be older, male dominated. But I don't know how you change that. I think keeping the digital planning committees could be a way to change that in terms of participation, but it is a shame that was removed.

**AB:** I was shocked. I thought that was it for good now, not just for the participation but even for the sustainability of not having to travel half way across the country to attend.

**PB:** I know, it was so good. So yeah, the answer is aspects of it, the key being Green Belt and accessibility. I know a lot of people say they want it more digital but I'm not sure what they mean by that and how. At the moment we have digitisation of paper based systems but yeah, I do think more high quality interactive mapping. So yeah it's just about making the system work better and be a bit less complicated.

**AB:** So, do you think the American system is in need of reform?

**PB:** Well, I guess I don't know how to answer that as it's not one thing, but I do think there are things that need to be improved, such as the parking standards. I think as well the tax structure and how that influences planning. So in New York there's a property tax, a bit like council tax, but it's so much more and it comes as a lump sum. It falls on land owners as well, so if you're renting you don't pay it. So it's calculated by the value of your property and can be like \$10,000 annually and the way they assess the value of your property is someone walks down the street and decides what they think it's worth, so it's a disincentive to maintain the front of your property because you might get a massive tax hike. There's some quite perverse things, like giving tax breaks to companies to relocate to your area and often in really unsustainable places, so when I worked there, I worked in an office park in the middle of nowhere with no sidewalks so if you wanted to go for lunch or anything, you had to drive. So yeah there's things that really influence how the cities function. But things like that, they're not necessarily planning problems to solve but they massively influence what planning can achieve and influences how places are structured and prevents a lot of sustainable development that could be happening.

**AB:** Hmm. So from some of my reading, it says the system can sometimes struggling to involve the other players, you know like Natural England and Historic England?

**PB:** Yeah, those agencies. I mean I don't know but I can see that, I don't remember that we actually involved any organisations like that and how or if they're required to be involved.

**AB:** So do you think amendments and deviations from the codes are common?

**PB:** Yeah, I mean I don't know. I would think perhaps not that common, beyond a site by site basis.

**AB:** So, do you think regulatory approaches can create a scarcity of land, resulting in increased land values? So for example, in my reading it's suggesting that like having a zone that only allows single family homes creates like a manufactured scarcity of land for that development and can hike up the price of land?

**PB:** So single family homes and zoning has a very dark history. I think yeah, driving up land values was the objective of single family zoning. I know that some places have development boundaries, but I know that another person I went to uni with was from Boulder, Colorado and they had a development boundary, which was quite literally a line and was making land very scarce and pushing up land values. But yeah, I guess that is a consequence of a regulatory approach, but certain english approach can also have the same effect. So I don't know if it's necessarily a matter of it being a regulatory problem, but it can be found in one.

**AB:** Okay that's great. So you've almost answered the next one, do you think regulatory approaches can create socio-economic segregation?

**PB:** I would go further and say it was used exactly for that purpose. If you haven't read this, it's a great book and it's fairly recent, it's the Color of Law by Richard Rothstein.

**AB:** I'll write that down.

**PB:** So you don't need to read all of it but he explains how the government has basically used legal methods to segregate to united states throughout the early part of the 20th century and then well, you know the damage was done, it was sort of legally undone around the 60s, but zoning was a way to segregate without saying what you were doing. So in places where white people would want to keep black people away from their neighbourhoods, you know there were attempts to do that explicitly that were struck down by the courts so they looked for other ways to do that and found, well zoning was a very effective way to do that. So yeah, minimum plot sizes where you have just single family homes is the most obvious example of where that has happened in practice and the government also managed to segregate a lot of urban American after the depression with the new deals. So they would make maps of cities and the red areas were where they recommended not offering loans for mortgages, and was called red lining and they were basically black neighbourhoods and then blue, i think was first grade and were predominantly white areas where people would get government backed loans. But yeah it's a really sad read but please do include it within your dissertation be-

cause it's a really important thing to note about zoning. Like when I did my masters I did not realise this level of stuff was going down with segregation and zoning.

**AB:** That's really interesting, I will definitely look into the book. So do you think that regulatory approaches can also impact on housing affordability?

**PB:** Gosh, yeah I guess they can. I mean zoning definitely does impact housing affordability where there's not enough mix or multifamily or affordable housing. But then the English system is also pretty terrible at delivering affordable housing as well. I don't know whether it's a function of the regulatory approach necessarily or just the implementation of it.

**AB:** Do you feel like the American system is clear and easy for a non-professional to engage with and navigate?

**PB:** Well it depends where you go really I think. I mean if you look at planning websites in the U.S they're still pretty impenetrable. But I do think American planners in general are really good at advocacy, you get some really high quality consultation events with really high quality visuals. In the states they have different skills you're expected to have sort of across the board, so they're quite skilled at interrogating policy and understanding how policy works and communicating clearly. In general they're better advocates for sustainability.

**AB:** Do you think it can require a sort of different set of skills to navigate that system, because that's something that came up in response to the White Paper that we would need to have a shift in the skills and resources our planners have.

**PB:** Erm yeah, I think when you're studying you're exposed to a wider variety of skills that you're not going to use them all. But planners in the UK, it's very much a written profession rather than a visual profession and I think planners could do better to be better advocates and like I was talking about the Green Belt, I think it's for us to make the case against these kind of policies but we just sort of accept them and go along with them because planning is so centralised by government here. In America, because it's so fragmented, planners have a lot more scope within their place to affect change but it's different here because central government sets so much policy that needs to be applied at a local level, there's not really much you can do about it.

**AB:** No I agree, it would be real positive if planners could take on more of an advocating role. It's a shame because I do think a lot of people who come to uni to do planning do it because they really believe in helping issues such as sustainability and equality but in reality we don't have that kind of influence.

**PB:** Exactly.

**AB:** So yeah that's definitely an interesting point because I think it's something that a lot of planners would want to have more of.

**PB:** Absolutely no one comes into planning wanting to make things worse. Like I've worked in the private sector my whole career so far, and I do really believe in the public good, but when you're working with private clients, you have to understand commercial imperatives and you know you can really try but I often get frustrated that policy just isn't strong enough to achieve what it needs to.

**AB:** I agree, I'm in the private sector as well and you can only advise and suggest but at the end of the day we aren't paying for the application or the development. So last one, if you had to pick would you rather a discretionary, regulatory or hybrid approach?

**PB:** Oh well, I'll go middle ground and go hybrid.

**AB:** That's great thank you, you've been a great help. Anyway, I'll let you get off, I've kept you for far too long but thank you.

**PB:** My pleasure, thank you for contacting me and i hope this was helpful. Let me know if you have any questions and I'll be happy to assist.

**AB:** I will do thank you.

**PB:** It was lovely to meet you Abigayle.

**AB:** You too, goodbye.

## **APPENDIX 6: U.S.A VIDEO INTERVIEW QUESTIONS**

ENVS491 DISSERTATION - UNIVERSITY OF LIVERPOOL

VIDEO INTERVIEW QUESTIONS - U.S.A

ABIGAYLE BOARDMAN

COULD A REGULATORY APPROACH TO PLANNING BE EFFECTIVE WITHIN ENGLAND?

1. What do you consider to be the essential characteristics of an effective planning system?
- 2a. Are you aware of the Planning for the Future White Paper and its proposed changes to the planning system?
- 2b. If so, do you consider the changes proposed are regulatory in nature or suggest a shift towards a more regulatory approach within England?
3. Do you think that regulatory approaches can struggle to respond to unforeseen circumstances?
4. How did the American planning system respond to COVID-19?
5. Are you able to provide an indication as to how long it generally takes to determine a zoning amendment/exception request?
6. Are you able to provide an indication as to how long it generally takes to prepare a zoning map and associated technical details?
7. Do you think the English planning system is in need of reform?
8. Do you think the American planning system is in need for reform?
- 9a. Are zoning amendments/deviations from the defined rules and zones common?
- 9b. If yes, are developments constructed through this route more common than those constructed in accordance with the plan?

**10a.** Do you think regulatory approaches to planning can create a scarcity of land resulting in increased land values?

**10b.** Do you think regulatory approaches to planning can create socio-economic segregation? For example, through only allowing single-family dwellings to be built in certain areas.

**10c.** Do you think regulatory approaches can impact on housing affordability?

**11.** Do you consider the American system to be clear and easy for a non-professional to navigate and engage with?

**12.** In your opinion, is a discretionary, regulatory or hybrid approach most effective?

## **APPENDIX 7: AUSTRALIA VIDEO INTERVIEW QUESTIONS**

ENVS491 DISSERTATION - UNIVERSITY OF LIVERPOOL

VIDEO INTERVIEW QUESTIONS - AUSTRALIA

ABIGAYLE BOARDMAN

COULD A REGULATORY APPROACH TO PLANNING BE EFFECTIVE WITHIN ENGLAND?

1. What do you consider to be the essential characteristics of an effective planning system?

2a. Are you aware of the Planning for the Future White Paper and its proposed changes to the planning system?

2b. If so, do you consider the changes proposed are regulatory in nature or suggest a shift towards a more regulatory approach within England?

3a. Would you consider Australia to have a hybrid planning system?

3b. Do you consider some states are more regulatory in their approach while others are more discretionary?

4. How did the Australian planning system respond to COVID-19?

5. Are you able to provide an indication as to how long it generally takes to determine a planning application?

6. Are you able to provide an indication as to how long it generally takes to prepare a Planning Policy Framework and how often are the documents updated?

7. Do you think the English planning system is in need of reform?

8. Do you think the Australian planning system is in need of reform?

9. Do you think regulatory approaches to planning can create a scarcity of land resulting in increased land values?

**10.** Do you think regulatory approaches to planning can create socio-economic segregation? For example, through only allowing single-family dwellings to be built in certain areas.

**11.** Do you consider the Australian system to be clear and easy for a non-professional to navigate and engage with?

**12.** In your opinion, is a discretionary, regulatory or hybrid approach most effective?

## **APPENDIX 8: ONLINE SURVEY QUESTIONS**

ENVS491 DISSERTATION - UNIVERSITY OF LIVERPOOL

ONLINE SURVEY QUESTIONS

ABIGAYLE BOARDMAN

COULD A REGULATORY APPROACH TO PLANNING BE EFFECTIVE WITHIN ENGLAND?

**Q1) Do you consider the changes proposed within the Planning for the Future White Paper constitute a shift towards a regulatory planning system?**

Yes      Somewhat      Neutral/Unsure      No

**Q2) The White Paper proposes the automatic granting of some Outline or Permission in Principle consents through the Local Plan. Do you agree with this approach?**

Yes      Unsure      No      Other (please specify)

**Q3) What do you consider to be the essential characteristics of an effective planning system? (select all that apply)**

Speedy determination of applications

Speedy preparation of Local Development Plan documents

Advocacy from planners

Effective visual communication

Public engagement and participation

Flexibility

Ability to adapt to unforeseen circumstances

Predictability/Certainty

Discretion in decision-making

Clear rules and regulations

Other (please specify)

**Q4) Do you understand the difference between regulatory and discretionary approaches to planning?**

Yes      Somewhat      No

**Q5) Do you think regulatory approaches to planning can cause a scarcity of land and increased land values?**

Yes      Unsure      No

**Q6) Do you think regulatory approaches to planning can create socio-economic segregation?**

Yes      Unsure      No

**Q7) Which of the following do you consider would assist with improving the current British planning system (select all that apply)**

Increased use of technology

Greater emphasis on the visual (i.e. maps)

More conscience Local Plans

Greater engagement with and from the public

Standardisation of processes and resources across Local Planning Authorities

Other (please specify)

**Q8) Do you think planners in the UK have difficulty advocating for important issues such as environmental matters?**

Yes      Unsure      No

**Q9) Do you think the UKs Planning System is in need for major reform?**

Yes

Improvements (as opposed to total reform)

Unsure

No

**Q10) In your opinion, which of the approach would be most effective:**

Discretionary

Regulatory

Hybrid

## **APPENDIX 9: ONLINE SURVEY RESULTS**

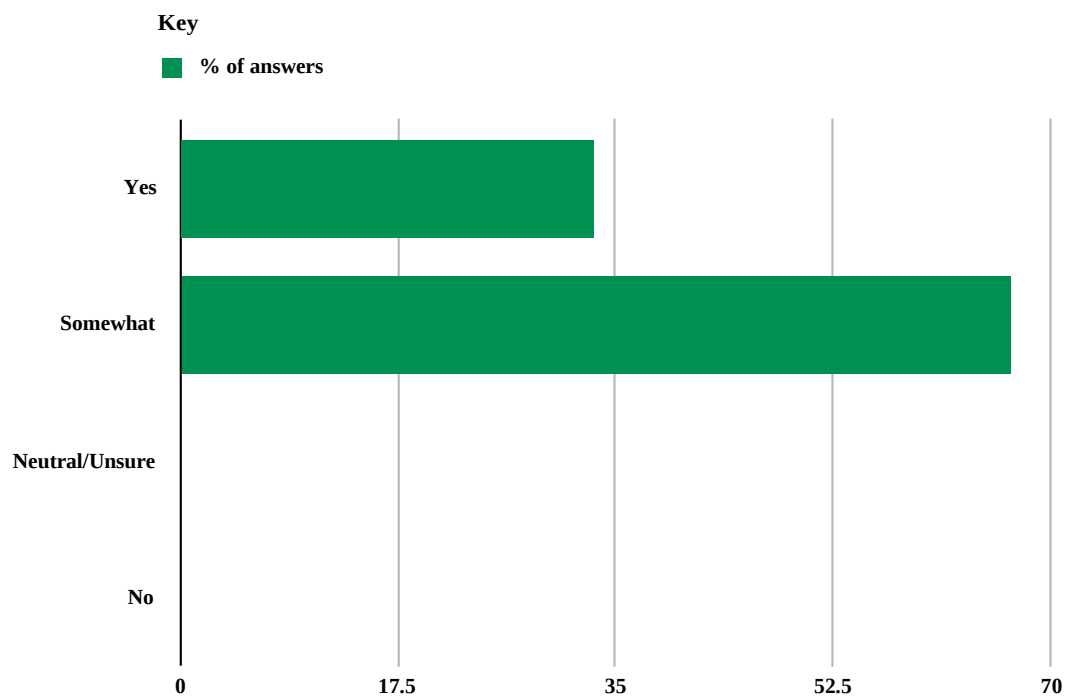
ENVS491 DISSERTATION - UNIVERSITY OF LIVERPOOL

ONLINE SURVEY RESULTS

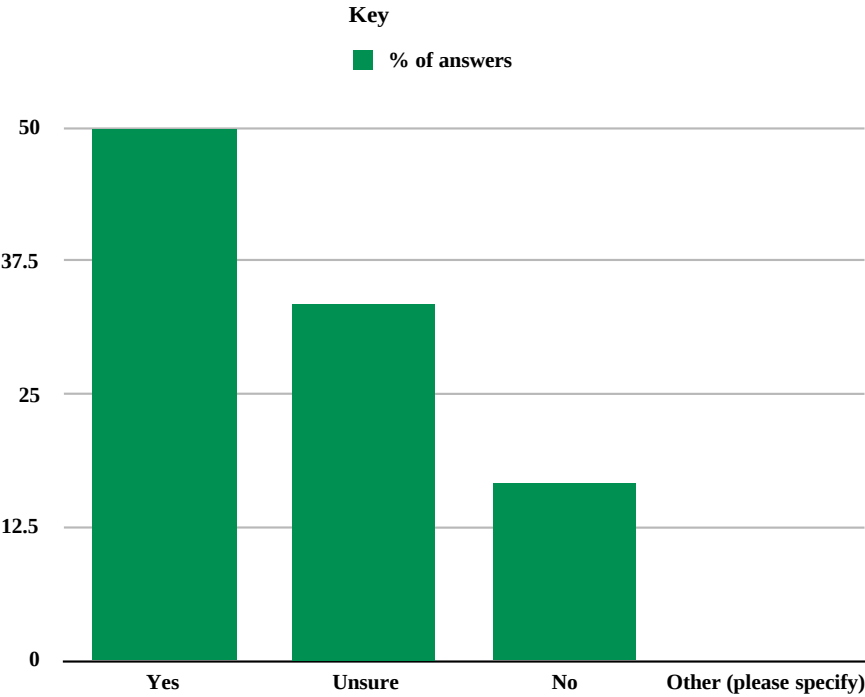
ABIGAYLE BOARDMAN

COULD A REGULATORY APPROACH TO PLANNING BE EFFECTIVE WITHIN ENGLAND?

**Q1) Do you consider the changes proposed within the Planning for the Future White Paper constitute a shift towards a regulatory planning system?**



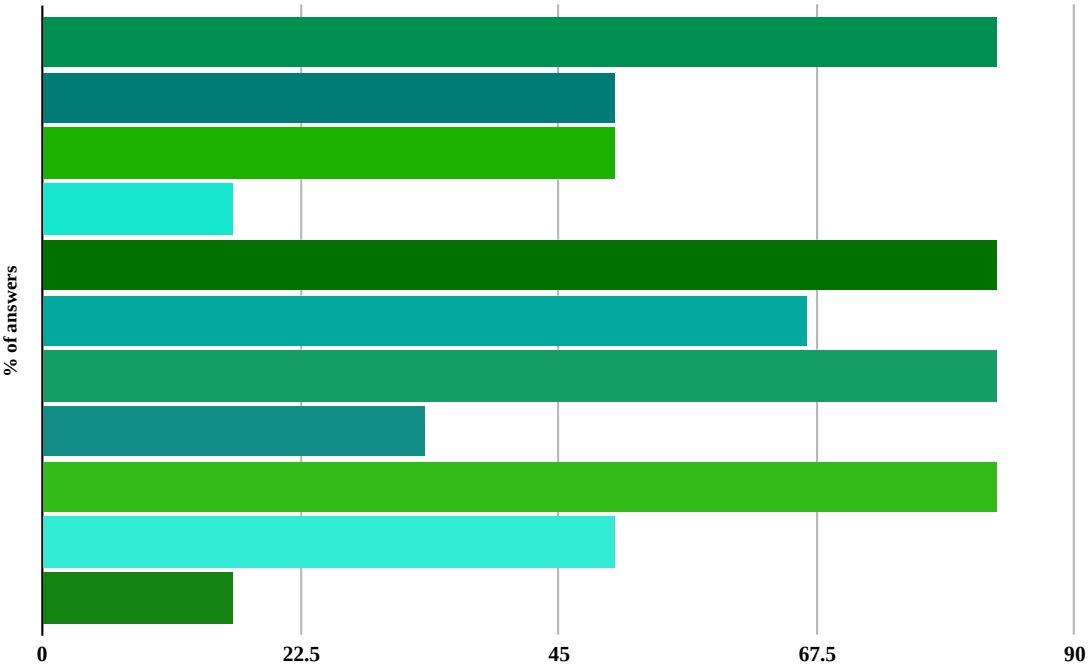
**Q2) The White Paper proposes the automatic granting of some Outline or Permission in Principle consents through the Local Plan. Do you agree with this approach?**



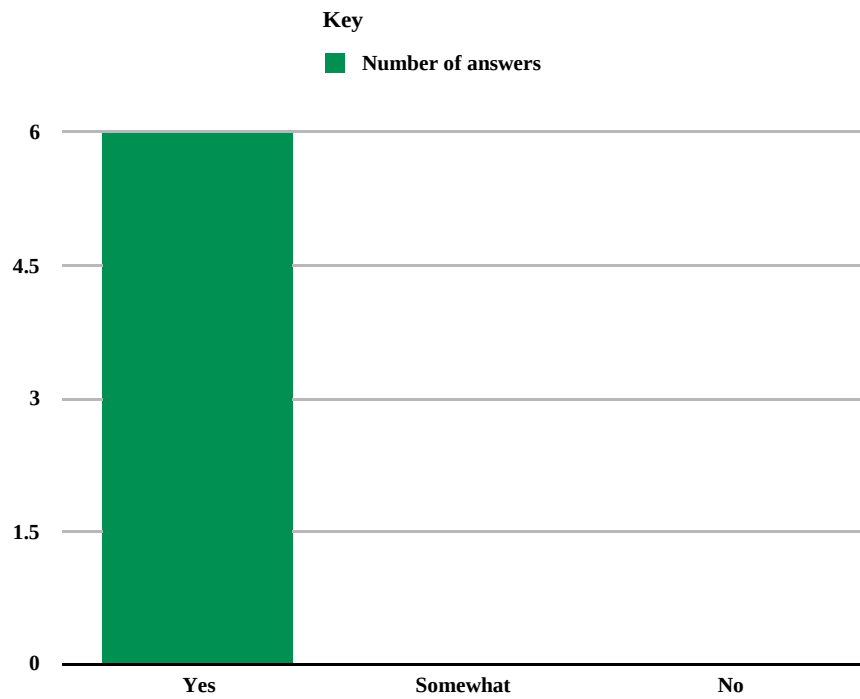
Q3) What do you consider to be the essential characteristics of an effective planning system? (select all that apply)

Key

- Speedy determination of applications
- Speedy preparation of Local Development Plans
- Advocacy from planners
- Effective visual communication
- Public engagement and participation
- Flexibility
- Ability to adapt to unforeseen circumstances
- Predictability/Certainty
- Discretion in decision-making
- Clear rules and regulations
- Other (please specify) - Cutting the red tape



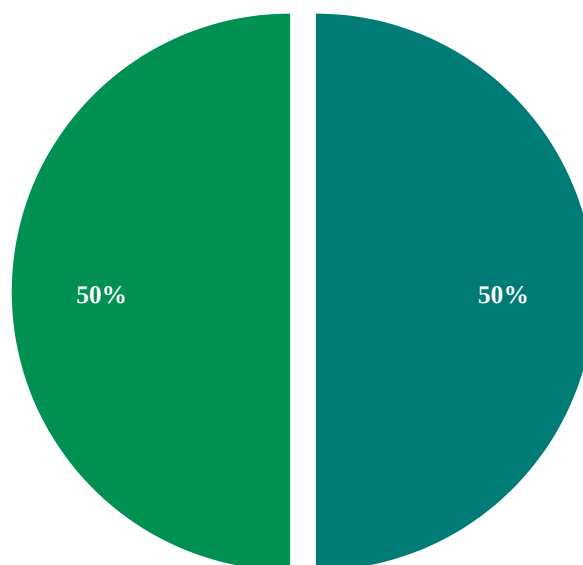
**Q4) Do you understand the difference between regulatory and discretionary approaches to planning?**



**Q5) Do you think regulatory approaches to planning can cause a scarcity of land and increased land values?**

**Key**

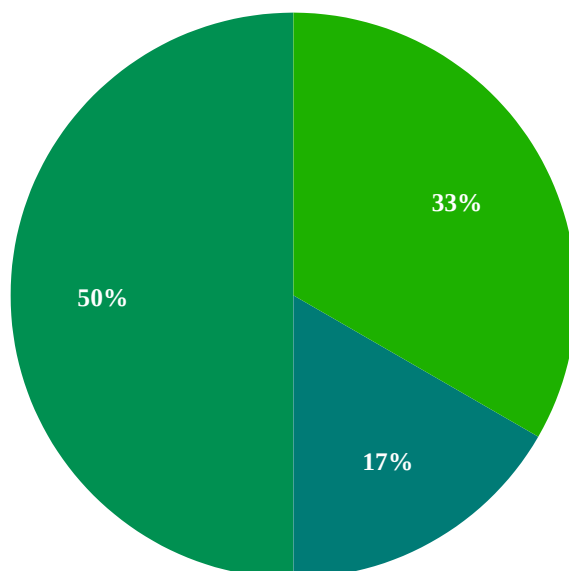
- Unsure
- Yes
- No



**Q6) Do you think regulatory approaches to planning can create socio-economic segregation?**

**Key**

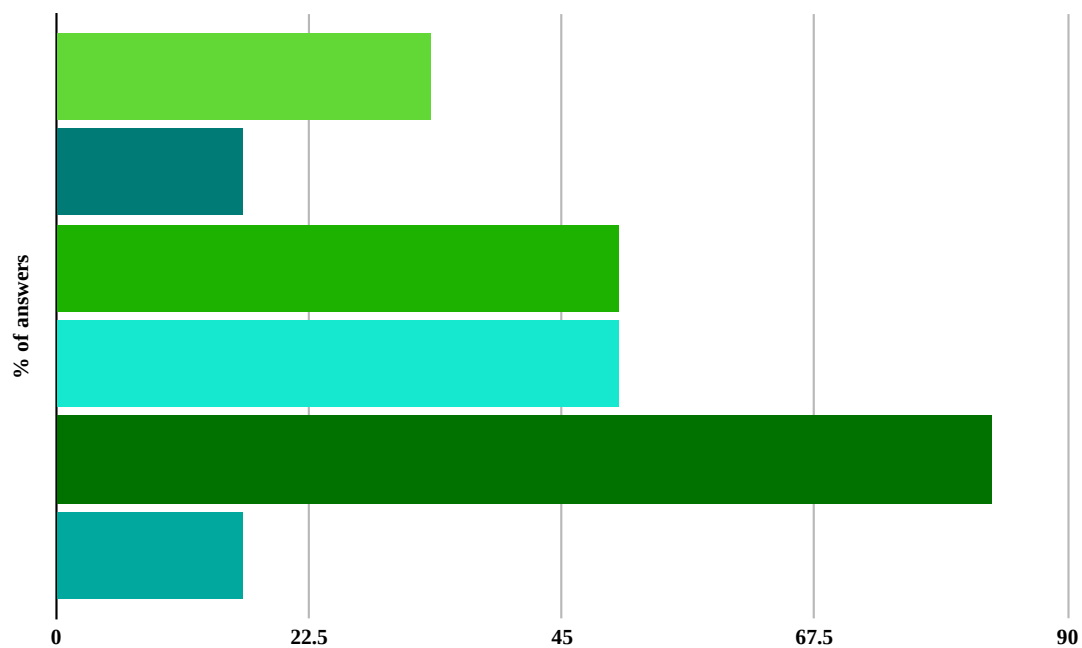
- Yes
- Unsure
- No



Q7) Which of the following do you consider would assist with improving the current British planning system (select all that apply)

**Key**

- Increased use of technology
- Greater emphasis on the visual (i.e. maps)
- More concise Local Plans
- Greater engagement with and from the public
- Standardisation of processes and resources across Local Planning Authorities
- Other (please specify)\*

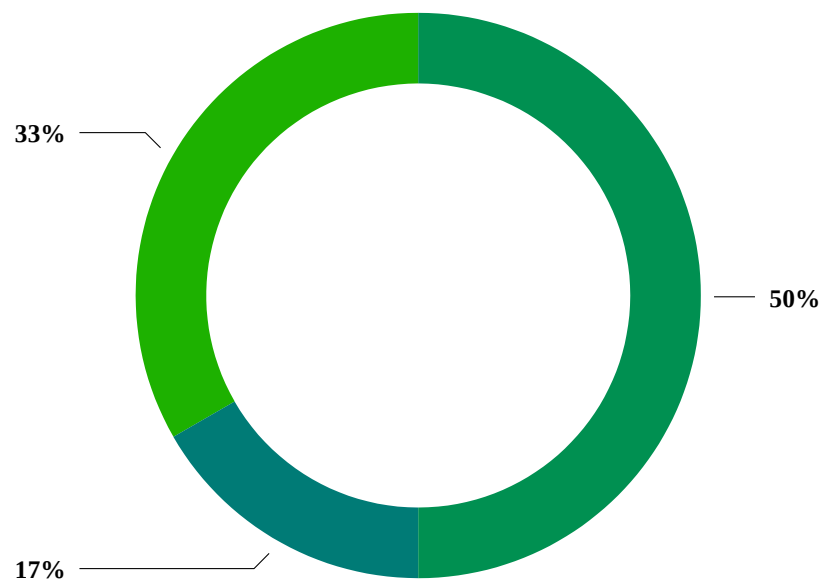


**\*Other (please specify)** - *“An awareness from all sides that although there may be an aspiration for development/use, there also needs to be a demand and sufficient confidence in a return on any investment for any aspiration to become reality - the return does not have to be fiscal, it can be a public, social, environmental etc but there will always need to be a driving force behind any change and it’s understanding that driver and all parties working together to achieve the widest benefit possible that will enable us all to achieve change”*

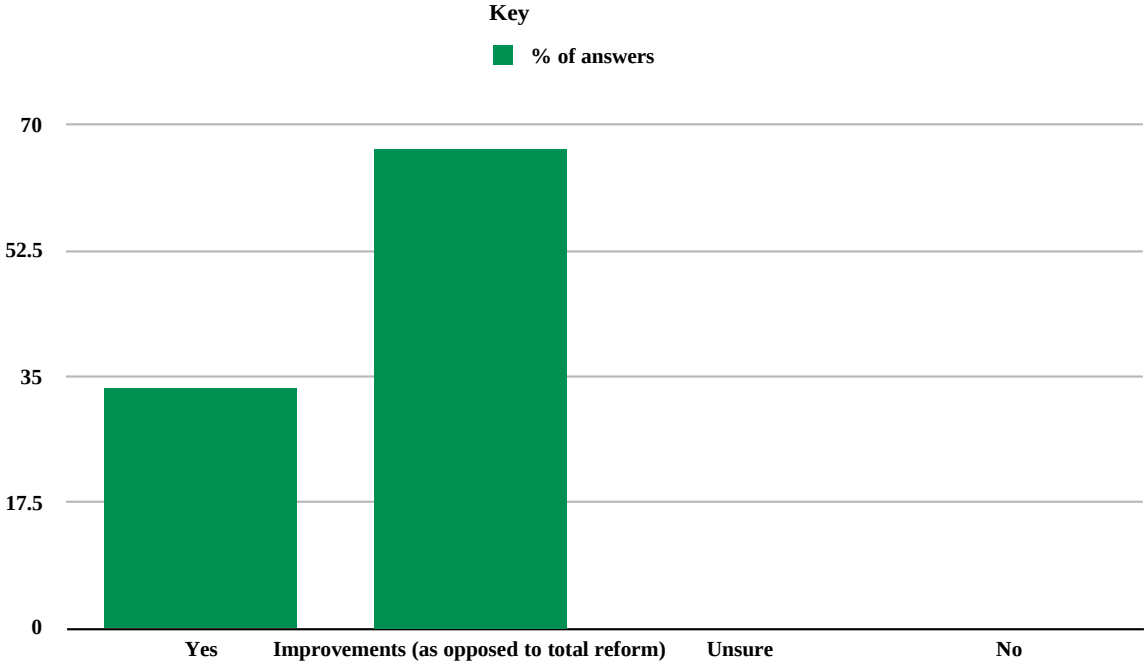
**Q8) Do you think planners in the UK have difficulty advocating for important issues such as environmental matters?**

**Key**

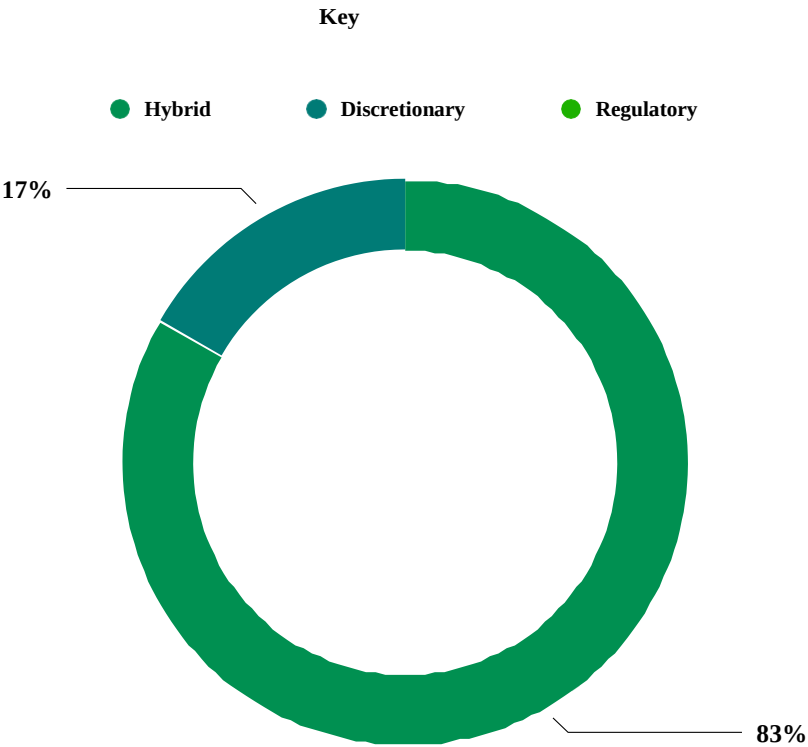
- Yes
- Unsure
- No



Q9) Do you think the UKs Planning System is in need for major reform?



Q10) In your opinion, which of the approach would be most effective:



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