

CHAPTER 2

A THEORETICAL CONTEXT OF PLANNING POLICY

There is a great deal of literature concerning the role, rationale and operation of the town and country planning process in Britain (see, for example, Tewdwr-Jones, 1996a; Cullingworth and Nadin, 2002). Rare within this literature, however, is the lack of specific reference to the form and function of statutory instruments within a wider conceptual discussion of the purpose, justification and form of a planning system (two notable exceptions are Allmendinger (2001a) and Allmendinger and Tewdwr-Jones (2002)). Some commentators have suggested that this academic gap in the literature reflects the gap between the academic and practical sides of the planning process (e.g. Alexander, 1997; Allmendinger and Tewdwr-Jones, 1997a), and the lack of a co-ordinating, all-embracing theory to describe the activities, role and rationale of planning intervention and operation (e.g. Breheny, 1983). What might be equally true to those who identify the gulf between the two elements of planning is the problem of the plethora of theories that have been advanced to explain planning, a point reflected in the work of Taylor (1998) and Allmendinger (2002).

INTRODUCTION

While the multifarious theories provide a helpful framework for the study of the planning process they can all too often provide no assistance in assessing the relationships between the different definitions of planning, different types of planning and the variety of action and operational situations planners (again defined differently) work within and for. While it is possible to accept the viewpoints of Davidoff and Reiner (1962), who suggest that the world is too diverse for a precise theory of how planning operates, it is useful to assess which theories bear some relation to the study area. Therefore, attempting to discuss statutory planning in Britain post-1990 from a theoretical perspective can yield problems, and this is how the subject is now discussed. Initially, however, this section adopts the approaches of Yiftachel (1989) and Poulton (1991a) who distinguish a planning theory between analytical, procedural and urban form frameworks. Yiftachel (1989) suggests that analytical theories are useful in explaining how different political priorities may inhibit the implementation of statutory plans by setting plans and policies within the context of land use planning as a form of state intervention. Procedural theories, on the other hand, are more concerned with the organisational, political and professional limitations

that may limit the ability of the state to achieve particular desired ends in the planning system, although they are rarely concerned with outcome itself. Urban form theories are generally concerned with the most desirable urban patterns and structures, but are often devoid of political (statutory) and organisational discussion. Poulton (1991a: 230), too, identifies three similar branches of theory but distinguishes positive theories from theories of planning's aims:

- 1 Theories of aims, advocating what planning should try to achieve, why, how, and for whose benefit it should do this ('analytical theory').
- 2 Theories of procedure, covering how the planning process works and propositions about how it should work to be more efficient ('procedural theory').
- 3 Theories of social criticism, calling to account the function of planning in society ('urban form theory').
- 4 Positive theories, explaining why planning is the way it is and hence, by implication, how it may or may not be used, or what the outcomes of planning activity are likely to be.

In relation to the nature of the research study, its focus on statutory planning policy in government agencies, and the two theoretical elements illustrated in Table 2.1, the following theoretical discussion is restricted to considering which analytical and procedural planning theories might be of value. These are considered alongside non-planning specific theories in the realm of political science (on the subject of intergovernmental relations and discretion and autonomy between agencies) and recent geographical theorising concerning scales of governance. None of these three sets of theories will provide definitive Holy Grail answers to the big questions

Table 2.1 The micro-political and macro-political theoretical contexts discussed within the book

<i>Type</i>	<i>Manifestation</i>
Micro-political	Debates devoted to the operation of the planning polity; the use of procedural theories to explain how the policy process operates; the degree of certainty, flexibility and discretion available to local government in adopting local policies and the impact caused by higher tiers of government
Macro-political	Debates devoted to the state's ideological context for the planning polity; the use of libertarian theory to explain the government's approach to policy generally; differences, similarities and continuities between governments of different political persuasion towards the state and planning

Source: author

of what planning is, what it is supposed to achieve, for whom, and why. My critics will, no doubt, suggest alternative theories that may have been useful, and no doubt they probably are. But I do believe that the theories discussed below do offer us some assistance in conceptualising the problems of and within the matters discussed as the theme of this book, and that, for me, is sufficient justification.

ANALYTICAL AND PROCEDURAL THEORIES

Analytical theories assist in setting out the prevailing social, economic and environmental contexts within which the state operates planning, and are therefore of use in explaining the juxtaposition of market-led and plan-led regimes characteristic of 1980s and 1990s land use planning in Britain. They can also assist in suggesting how changing political priorities may inhibit the use and/or operation of plans and policies in practice, the difference between means and ends as a political configuration. Analytical theories have been categorised as 'assenting' and 'dissenting' by Low (1991); that is, whether theorists believe states are accommodating or hostile towards capitalism as an underlying form of society. Assenting theory derives principally from the work of Weber and is variously described as 'pluralist' (the state and bureaucracy operating among many interests to achieve policy outcomes) and 'corporatist' (where policies are the product of a limited number of interest groups through negotiations and where the state and bureaucracy are termed 'urban managerialist'). But pluralist and corporatist theories provide little assistance in explaining the nature and operation of plans.

Procedural planning theories have historically provided a better insight into the practical operation of land use plans and policies, although each attempt at procedural planning theorising has often emerged as a response to the increasing complexity of processes that form, shape and determine how the built and natural environment is controlled by the state. Six principal procedural planning theories are relevant to this discussion:

- 1 'Blueprint' planning, developed between the 1940s and 1960s, viewed the plan as a fixed end-state product, the vision of design and engineered approach, but inevitably failed to address the rapidity of changing socio-economic conditions and could not adequately take account of resource implications.
- 2 'Rational-comprehensive' planning, primarily associated with the work of Faludi (e.g. Faludi, 1973) and the use of systems analysis (McLoughlin, 1969), was influential during the 1960s and 1970s, and focused on means rather than ends, to ensure a planner 'would present one's choice in a form which could have resulted from a rational planning process, even if this has not actually

- been the case' (Faludi, 1973: 38). The theory became increasingly susceptible to attack from urban form theorists ('substantivists' as opposed to 'proceduralists') for suggesting that planning decision-making could be rational and for ignoring the complexity of the processes of physical change.
- 3 'Incremental' or 'mixed-scanning' planning, reflected in the work of Lindblom (1959) and Etzioni (1968), emphasised that decision-making in operation is the consequence of continual adjustment, where plans are subject to increased flexibility to accommodate changing circumstances and the influence of other considerations.
 - 4 'Decision-centred' and 'bounded rationality' planning, a modified form of rational-comprehensive planning promoted by Faludi (1987), suggested that the role of plans is to facilitate a rational process of decision-making and to enable decisions to be made; plans are to operate as a guide rather than a blueprint that have to be followed.
 - 5 'Communicative' and 'transactive' planning, initiated from the work in the 1970s and 1980s of Friedmann (1973, 1987) but more recently developed transatlantically by Forester (1989), Fischer and Forester (1993) and Healey (1992, 1993, 1997) where plans are viewed as the basis for continual debate and argumentation between relevant interest groups rather than solely the product of planning professionals and bureaucrats.
 - 6 'Libertarian' planning is associated with New Right ideology and promotes the interests of the market in plan content and emphasises the limited nature of statutory documents in meeting real world dilemmas (Sorenson and Day, 1981). Plans, where they do exist, are rather to set the broad rules and framework only.

AGENCY AND INDIVIDUAL CHOICE THEORIES

Strategic choice theorists identify four complementary modes to decision-making: the shaping mode, how to structure the set of decision problems; the designing mode, the course of action available within the structure shape; the comparing mode, comparing the implications of pursuing different courses of action via social, economic and other criteria; and the choosing mode, commitment to actions over time and reviewing the management of those future actions. Decision-makers are offered the possibility of switching freely between each of these modes and can randomly work back to modes previously considered in the light of new insights and perceptions. The IOR School's later work, *Public Planning: The Inter-Corporate Dimension* (Friend *et al.*, 1974), develops the uncertainty of related decision fields in their research on Droitwich in the West Midlands. It recognises the degree

to which decision networks and intergovernmental relations may affect the decisions being formulated by individuals in one authority. In this case, it was in relation to how Droitwich planners could expand the town to cater for overspill from Birmingham while being faced with pressure from the county council:

Opportunities for connective planning arise when people acting in policy systems which operate in particular action spaces are stimulated by their perceptions of decision problems to alleviate and shape networks of decision-makers in order to explore alternatives and from among them select commitments to action.

(Friend *et al.*, 1974: 56)

Thus the links between different agencies, and the ability of actors and decision-makers within the agencies to communicate their viewpoints, become a focus for attention in how decisions are formulated. While this theoretical framework is particularly useful to analyse the operation of the planning polity in Britain, within the context of planning policy relationships between central and local government, it has not been subjected to much praise by planning theorists. Faludi (1987) suggests that the reason for this is the 'planning environment' (to use his 1973 terminology) within which land use planning operates in the UK. Planning theorising by British public policy researchers is rare and is often related to the procedures and practice of planning (i.e. putting plans and policies into place), whereas in the United States, one of the principal donors of planning theories, academics are less attracted to practical case studies to test out their theoretical hypotheses. As Faludi (1987: 96) remarks, 'It is its positive yet at the same time realistic attitude to planning which characterises the "IOR School" and which is difficult to transplant into a different context.'

For the most part, British policy researchers have failed to recognise or have failed to accord sufficient weight to the influence of the school of thought on British planning practice, their anthologies of methods and theories of planning being notable for the absence of references to strategic choice (see, for example, Batey and Breheny, 1982; Healey *et al.*, 1982; McDougall, 1983). This lack of attention might be the result of the theory sitting too closely with the criticised rational planning model, although the main proponents of strategic choice have been at pains to state that it is 'rationality-seeking' rather than rational (Friend, 1983). Cooke (1983), identifying a proceduralist-dominant theory, also believes the IOR School does not provide a 'detailed analysis of power relations, conflict generation and resolution, and the nature of dominant coalitions', since it fails to be concerned with the substantivist outcome of planning decisions. Similar arguments have prompted Healey (1979) to suggest that the work leads to academics becoming over-preoccupied with matters other than the improvement of planning

and for viewing inter-corporatism or 'intergovernmentalism' as the panacea of planning decision dilemmas. It has also been criticised, perhaps wrongly, with its identification for a quest for certainty in decision situations, although, as Faludi (1987) has remarked, even if certain knowledge exists it hardly mitigates the usefulness of strategic choice to assist our appreciation of the problems of planning practitioners or of a concern for the improvement of day-to-day decision-making.

Faludi (1987) has suggested that the IOR School could have done much more to respond to its critics and in attempting to ally strategic choice with other emerging planning theory literature. One particular school of theory that bears some similarities is the work of 'social learning', 'transactive' or 'humanistic' theorists (e.g. see Friedmann, 1973; Argyris and Schon, 1978; Schon, 1982, 1983; Rein and Schon, 1993). But this has never been achieved. Partly to bridge the gap between the IOR school, the inter-corporatist model and academics' lack of concern with its relationship to British planning practice, Faludi himself sought to utilise the work of the IOR School to develop his 'decision-centred' theory of environmental planning (Faludi, 1986, 1987).

Faludi developed his 'decision-centred' view of planning following an examination of local planning in the Netherlands and in Oxford in the UK (Thomas *et al.*, 1983). During this study, of which Faludi was one of the inceptors, it was found that in many cases plans were not performing as intended when the policies within the plan had been drawn up. There was an immediate tendency to blame these 'failures' on implementation, but it became apparent that some of the departures were the consequence of interpretation of the plan and on its flexibility for meeting changing circumstances (Friend and Jessop, 1969). In other words, the success of the plan in being implemented was not due to the implementers and the circumstances that impinged on the implementation task, but rather on the procedures through which the plan was used and the courses of action needed by decision-makers in assisting them in evaluating choices.

A plan containing policies commits an agency to a given task – for example, in setting out what is permissible and what is not. While this provides a degree of certainty in agency expression it does not necessarily mean that these commitments ('operational decisions', to use Faludi's terminology (1987: 117)) will be implemented. The implementation task will depend on the commitment and power possessed by the agency in each case. For example, a central government department might possess a specific programme of reforms or of policies, but would not expect to implement the programme itself; it could delegate the implementation task of the programme to local government, or other agencies. This concept underlies Faludi's planning doctrine.

Faludi believes that to ameliorate decision dilemmas, analysts should undertake a 'decision analysis'. The decision must be made within its context or planning

environment and, reflecting the arguments of substantive theorists (e.g. Scott and Roweis, 1977; Needham, 1982), it has to occur within an assessment of its impact upon social, economic and environmental concerns. This relates to Reade's (1987) arguments, advanced simultaneously to Faludi's, where he suggested that professional planners are uninterested in evaluating the outcome of their decisions or in monitoring the likely effects of their policies. It also resembles Healey *et al.*'s (1988) concern over how policies and decisions vary spatially and locally according to the different circumstances within which planning operates.

Furthermore, Faludi suggests that flexibility is an essential prerequisite of formulating a plan since it can then respond to changing circumstances and take account of any uncertainty surrounding planning decisions. However, Faludi does not mention the scope of flexibility to encompass discretion; that is, as a decision-making tool in itself. He merely advocates theorists recognising changing social, economic and environmental circumstances and how decision-makers must respond, although he identifies the 'superior wisdom' (1987: 126) this places in the statutory plan tools. While plans can provide an indication of a decision, they should be flexible enough to be side-stepped, ignored or changed to respond to new situations; that is, they should never attempt to become blueprints. Faludi uses the analogy here of a personal diary to illustrate the 'nonsense' planners advocate when they argue that plans should be followed at all costs:

The 'man in the street' would agree that a plan that is not being followed has failed. He would never dream of applying the same criterion to the one plan that he is probably using himself: his personal diary. A calendar has all the attributes of a plan. It helps in taking decisions concerning appointments, birthdays, annual holidays, and the like, chiefly by pointing out overlaps. But nobody says that it is ineffective when appointments are cancelled. Rather, in informing us about our commitments, a calendar helps to define decision situations, and that is all we should expect of plans.

(Faludi, 1987: 127)

The agency and individual choice theories discussed in this section do provide some useful ideological frameworks from procedural planning theory (even if today they are somewhat unpopular) to assist in an analysis of post-Thatcherite planning policy formulation in Britain. Of particular attention is Friend *et al.*'s (1974) inter-corporatist dimension, which takes into account the effects of one agency's decisions on the development of choices in another agency, and correlates with the relationship within the statutory planning process between central government as an initiator of legislation and policy guidance, and local government as the implementers of central government law and statutory plan implementation. Similarly, Faludi's (1987) decision-centred dimension, that emerged from the same

school of thought as Friend *et al.*, advocates greater flexibility in statutory planning and for the impact of plans and decisions to be comprehensively monitored. He is particularly concerned with the operational decisions planning agencies develop, although he fails to recognise how flexibility can be defined according to the different perspectives of each agency. Therefore, while operational decisions might relate to a mandatory task, or the expectation that a decision will be made in a particular way, they can equally mean something that should be seen to be taken account of, not necessarily followed.

INTERGOVERNMENTAL RELATIONS

Rather than focus on planning and decision-making forms, how useful might it be to consider other theories relating to the independence and interdependence of agencies to explain relationships and conflicts within the planning polity, and how much discretion is available to one agency when that agency has to carry out functions on behalf of another? Any discussion of agency discretion in the context of the planning policy process leads to consideration of the legal, policy and discretionary relationship between central government and local government. Rhodes (1980) has suggested that the relationship between these two levels of government is essentially ambiguous and confused, and poses considerable problems for academic assessment. Although local government does possess a clearly separate political role from central government, it is perhaps too strong to suggest that the tiers operate in partnership or even equally. Both tiers are autonomous (both are elected separately by the electorate and both are able to raise taxes), but local government is only autonomous in the constraints or regulations laid down by the central state through legislation. Rhodes suggests that if one accepts the argument of autonomous tiers, it is far too simplistic to suggest that local government autonomy has been depleted by successive stages of direct administrative and budgetary pruning and through the reorientation of local government as agents or enablers of central government. To discuss 'central government' and 'local government' is therefore difficult since both are multidimensional and involve a plethora of government departments, agencies, quangos and institutions, termed by Rhodes as the 'national community of local government' (Rhodes, 1980).

Rhodes also argues that local government has never been fully autonomous since, aside from financial liaisons, both tiers regularly enter into negotiations on a wide variety of substantive policy areas and local authorities are in some instances implementation agencies on behalf of the central state; statutory planning, as state regulation, is an obvious example of this. To focus in on which tier has control, independence or political monopoly therefore both masks the real interrelationships

existing and does not assist in any analysis. As Rhodes (1980: 276) states: 'In short, there is a tension between interdependence and the exercise of executive authority and analysis must focus on the interaction between the two. Neither bargaining nor control is the appropriate focus even when the relationship is asymmetric.'

The role of local government to implement national policy is a key reason for its autonomy, and this relationship – described as a 'dual-polity' by Bulpitt (1983) between high politics (national agenda setting) and low politics (policy implementation) – was prevalent in central–local government relations until 1979. Sharpe (1979) also describes the relationship being the two tiers as 'executant': central government is non-executant as a policy-making agency and local government is executant as the policy-implementation agency. The Conservative governments of the 1980s and 1990s, despite their reduction of local authority powers, recognised the functions local authorities perform and, even during a period of local government reorganisation from 1993–95, did not attempt to realign them as mere sub-agencies of the central state. However, central government has changed the role of local government across the years, leading commentators to suggest that local authorities have been 'bypassed' (Pickvance, 1991) or 'circumscribed' (Booth, 1996) by the transference of some of their powers to quangos and central government ministries and by a greater limiting role on their discretionary powers.

In relation to discretion, the existence of part-autonomy means that elements of discretion will exist, thus further enhancing their interdependence and allowing scope for manoeuvring. The real question is how and to what extent is the remaining discretion used? This will vary between government tiers and between different circumstances, but it will be for local authorities to recognise the extent and availability of discretion to ensure that this can be utilised to maximum advantage. Rhodes (1981) points out that variations in the degree of discretion is a product of the goals and relative power of the interaction and the process of exchange between central and local government. Quantifying or assessing the discretionary element of local government autonomy is therefore difficult to achieve, since interaction and exchanges between the two tiers varies politically, spatially and over time. However, discretion might best be considered through a legal perspective of the autonomy of local government in relation to the central state; that is, through 'administrative law'.

The existence of administrative law in Britain has long held a deep interest in academic and legal circles. The nineteenth-century theorist Dicey argued that administrative law did not exist in England (cited in Booth, 1996: 114), stating that individuals and agencies are solely responsible to the law courts for the use of statutory powers. Harlow and Rawlings (1984) view Dicey and others (who consider that the power of the state should be controlled through legal restraints) as 'red light theorists', denying that public administration possesses any discretionary element and

insisting that public administrators should rely on the procedural rights associated with rule of law. Adler and Asquith (1981) also discuss the discretion/legal argument by suggesting that the calls for increased legality to mitigate discretion is, in point of fact, a reflection of the crisis with which the legal profession deals with discretionary judgement. Lawyers trained in the tradition of *Gesellschaft* find it difficult to cope with discretion as part of the power wielded by modern governments.

Harlow and Rawlings (1984) also identify 'green light theorists' in administrative law, however, who not only recognise the existence of discretion but who view its existence as a positive feature of modern administration. Davis (1971) believed that the administrative process had to be legalised through administrative rules, rather than a reliance on courts of law, while Jowell (1973) examined the legal means through which discretion might be controlled: 'legalisation', based on the existence of explicit rules for decisions, and 'judicialisation', the subjecting of decisions to courts of law for scrutiny. Both are considered to be legitimate ways through which the legal process could formally integrate discretionary judgement in administration by providing more clarity and accountability. However, both methods are rigid and can become over-legalistic in their application. It is also doubtful whether such a complex process as land use planning could ever be completely determined by rules and regulations since it would be extremely difficult to identify every possible outcome or solution to as yet undistinguished problems. Legalisation of statutory planning discretion would therefore be impractical, since it would fail to provide adequate solutions to the complexity of planning problems.

Another reason why statutory planning discretion should not be subject to complete rule of law was the alienation of successive central government administrations to become directly involved with land use implementation. The planning process has always relied on discretion as part of the central state's overriding duty in land use processes, mainly through agency delegation to local authorities and by introducing a policy (as opposed to legal) presumption in favour of development. This permits local authorities to act flexibly to achieve that policy requirement. The only ways in which local planning authorities' discretion has been limited by central government over the last 50 years, according to Booth (1996), has been through the judgements of the courts, central government call-in applications, the appeals process, and through the issuing of national planning policy. For Booth, the degree to which central government can limit local authorities' discretion is therefore exceptionally limited, and this has caused a great deal of resentment at times on the part of central government towards local government. As Rhodes (1988: 180) remarks, 'The degree of discretion (and capacity for resistance) of the only directly elected territorial institution in the UK has frequently provided a major obstacle for a centre determined on local compliance with central objectives.'

DISCRETION AND AUTONOMY

Booth (1996) argues that discretion is not an opposite term for regulation. Discretion does not in itself lead to unbound flexibility. Certainly it reduces the rigidity of rules and regulations, but it is necessary to have rules to ensure that discretion is not operated in an *ad hoc* or unrestricted manner. Therefore, discretion is an inherent and independent part of regulation; it is the area of judgement left over by a surrounding area of regulation (Dworkin, 1977). Jowell (1973: 187) views discretion in government as the 'room for decisional manoeuvre possessed by the decision-maker', while Ham and Hill (1985: 4) suggest that, 'A public officer has discretion whenever the limits of his power make him free to make a choice among the public courses of action or inaction.' Discretion, therefore, occurs within defined limits, and these defined limits in government activities form the laws and policies. But discretion can have different interpretations.

Bull (1980), cited in Ham and Hill (1984: 149), differentiates between discretion that is the simple interpretation of rules by an organisation, and discretion as the responsibility rested in public officials to make decisions as they think fit. The latter is far more flexible than the former, although to use Bull's case study of social service supplementary benefits in Britain the distinction can usually be attributed between an agency or organisation (possessing discretionary powers conferred by statute) and an individual public officer (possessing duties conferred by the agency and subject to professional or local control). A similar distinction is provided by Page (1985) who classifies 'street-level discretion' (the interpretation of rules and guidelines formulated at a higher level) and 'institutional discretion' (the determination of whether a service should be provided, to whom, how and at what level).

Bull (1980) also identifies between discretion to interpret rules and discretion to depart from rules in particular circumstances. As he remarks:

My concern is that the failure to distinguish between these different levels and types of activities can contribute to a confusion of issues: the extent to which Parliament should leave scope for agencies and/or officials to exercise discretion in exceptional circumstances; and whether and how checks can be imposed on the inevitable power of officials at the point of delivery to make a judgement about claims by their fellow human beings for that service.

(Bull 1980: 68)

This distinction is important, especially from a local government perspective and in relation to this research, since it can assist us in explaining how the planning polity has operated in Britain since the early 1990s. Three questions come to mind:

- 1 Did the legislation and policy operating prior to 1991 permit either (a) the local authority discretion in the interpretation of planning laws and policies

- conferred by the state, or (b) the individual officer discretion to decide each case on its merits based on professional judgement?
- 2 Does the plan-led planning system as introduced in 1991, by introducing greater certainty in the process, limit in any way the discretionary powers of the local planning authority, of the individual planning officer, or both?
 - 3 Does the plan-led system, by introducing greater certainty in the process, limit discretionary powers of the authority or officer to either interpret the laws and policies or to depart from the laws and policies to a greater extent than was previously the case?

This raises a further issue: the distinction between professional and administrative discretion. Adler and Asquith (1981: 13) consider professional officers to be the very embodiment of discretionary actors, since they justify their actions and decisions by reference to professional knowledge but are, in themselves, subject to fairly weak forms of accountability and control. The professional's use of discretion is often labelled 'professional judgement' and, particularly in the planning process, has been accorded a high status throughout the planning polity's history. Administrative discretion does not possess any form of enhanced or superior status since it is usually characterised by rigid rules and guidelines and can be more easily controlled. Essentially, administrative discretion is more dependent on 'institutional as against individual freedom of action' (Booth, 1996: 111).

Some of the commentators mentioned above argue that discretion and regulation exist not as autonomous from one another, nor are they necessarily at opposite ends of a scale. However, a related discussion has been advanced by Reade (1987), who claims that the distinction is rather between 'corporatism' (discretionary) and 'pluralism' (regulatory). Corporatism is considered by Reade to be anti-bureaucratic, pragmatic and discretionary, thus permitting the operation of a bargaining or flexible mode essential to the practice of planning polity and moves away from discussion of a rule of law. Winkler (1977), too, promotes a corporatist view of public administration and suggests that pluralist planning is undesirable: 'The most absurd thing any directive State can do is to make a plan and then follow it . . . Flexibility is essential to all planning . . . all rules are restraints; they bind the State as well as the subject' (Winkler 1977: 50).

A related concept has been advanced by Reade (1987, discussing Bailey (1980)) as 'functional theory', the carrying out of key functions in society, and 'trait theory', individuals' possession of unique knowledge and qualities. However, rather than relate these theories to discretionary and regulatory arguments, Reade argues negatively that trait theory describes the practices of professional planners in Britain who, by virtue of their discretionary and professional powers, have never sought any justification for their actions; they merely rely on 'professional judge-

ment', promote technocracy, and can operate politically, possibly against central and regional planning policies (1987: 157).

The commentators discussing the existence of discretion and regulation in public administration can therefore be distinguished between those who view the two as inherent parts of one another and essential for the operation of state activity, and those who recognise the existence of both but who claim that discretion equates to professionalism and, as such, has been deliberately used by professional groups to promote a self-perpetuating role, a role where experts make and take decisions in glorious isolation. Both of these perspectives will prove useful for discussions later in the book.

SCALES OF GOVERNANCE

Another form of theory that has been popular in the last few years relates to scales of governance. Over the last two decades, there has been a renewed interest in theorising and understanding the sub-national territorial level within an increasingly global economy and questions over the future of the nation-state. Initial interest was centred on reinvigorating the theory of agglomeration (Scott, 1983, 1986) and the local outcomes of global processes of restructuring through the localities literature (e.g. Cooke, 1989). Lately, attention has turned towards the 'new regionalism' (Keating, 1997; Lovering, 1997; Amin, 1999) and the rescaling of political processes (Jones and MacLeod, 1999; MacLeod and Goodwin, 1999) in an attempt to establish the autonomous institutional capacities of regions to organise for economic development (Amin and Thrift, 1992, 1995; Scott, 1998; Storper, 1997; Phelps and Tewdwr-Jones, 2000).

The emergence of the sub-national level has occurred partly by changes outside the UK, including the 'hollowing out' of the nation-state (Ohmae, 1996), globalisation (Brenner, 1999), and changes in governance (Stoker, 1990), and to developments within the European Union. Policies towards creating a 'Europe of the Regions' (Jonas and Ward, 1999), together with proposals on spatial planning and the EU Structural Funds (Batchler and Turok, 1997) and inter-territorial co-operation at the regional level through the INTERREG IIC initiative and the European Spatial Development Perspective (European Commission, 1991, 1994, 1999), have all indirectly promoted the regional level. Within the UK, the push for regional governance had emanated from a variety of financial, political, institutional, spatial and governmental factors (see Baker (1998) and Tewdwr-Jones and McNeill (2000) for overviews).

The growing literature on the restructuring of global economies and their impact on the local level points to the importance of institutions and networks and

an emphasis on social and institutional factors in regional growth and success (Amin and Thrift, 1995; Cooke and Morgan, 1998; Di Maggio, 1993; MacLeod, 1997). Such networks of institutions can be characterised by high levels of contact, co-operation, information exchange and sharply defined structures of coalition and collective representation (Powell and Di Maggio, 1991) to produce institutional 'thickness' or 'capacity'. The success of a particular region, therefore, is not only dependent on the existence of advantageous physical assets or resources but 'also through the emergence of socially and institutionally mediated forms of selective co-operation between actors' (Raco, 1999: 991). However, as Amin and Thrift point out, 'It should be remembered that institutional thickness is not always a boon. It can produce resistance to change as well as an innovative outlook' (1995: 103).

This outlook obviously depends on the individual characteristics of the region. Di Maggio (1993) classifies networks as either structural (spatially concentrated and resistant to change), strategic (less spatially concentrated and more open to change) or cognitive-aesthetic (not spatially concentrated and fluid). Regions, as understood here, are likely to fall into the first two of these categories as there is undoubtedly an element of spatial concentration by definition, although this does not exclude other forms of institutional networks simultaneously existing. Consequently, it cannot be guaranteed that existing networks will automatically embrace new forms of regional packages despite their general welcome. Of critical importance in the success of new regional planning and governance mechanisms in integrating with existing regional institutions and networks will be the attitude and dispositions of those currently involved in regional planning, economic development and governance.

The future scale of governance and the spatial policy dimension of the state on the one hand (Jones and MacLeod, 1999; MacLeod and Goodwin, 1999), and institutional compatibility and co-ordination on the other (Baker *et al.*, 1999; Roberts and Lloyd, 1999; Murdoch and Tewdwr-Jones, 1999), remain potential problems for theorists. Against the backdrop of fragmented local public and private bodies are issues such as the centralisation of power, the confusion caused by 'institutional congestion' of *ad hoc* bottom-up arrangements currently in place, and the lack of direct accountability. Such caution may be wise, since the evolving forms of governance have released 'a real tide of imagination and optimism ... to plan the development path of this small nation' (Hague, 1990: 296).

Although the new shift in institutional relations and policy processes has therefore been welcomed by a range of regional actors, there is nevertheless a possibility that the new arrangements for economic and land use regional planning specifically and regional governance generally are embraced as a relative rather than absolute advance. Furthermore, there remains heated debate as to whether the creation of new regional institutions alone are able to generate successful eco-

conomic strategies for the English regions similar to the regional 'success stories' in other parts of the European Union (cf. Cooke and Morgan, 1993; Hudson *et al.*, 1997; Lovering, 1999) without a deeper consideration of and sensitivity to 'path-dependent regional economic and political geographies' (Jones and MacLeod, 1999). More fundamentally, questions emerge on the scale of this new regional level of governance and its relationship to the existing national and local levels of governance, including whether the regional level is the most appropriate spatial scale to 'solve' wider policy concerns in the country (Jones, 1999).

The ongoing changes to regional planning and governance, meanwhile, have been examined from a number of different perspectives. Of critical importance to the success of evolving forms of land use and economic planning and governance is the attitude and co-operation of existing institutional agencies networks and policy partnerships that evolved during the 1980s and 1990s. As institutional and network theories demonstrate, there are important and powerful existing interests who have the ability to facilitate or thwart the new regional policy initiatives.

CONCLUSIONS

The relation between the above discussion, derived almost entirely from analysis of planning theories, theories of political science, administrative law and social welfare, and political geography, can all be applied equally and differently to an analysis of the British planning policy process. Central government's statutory laws conferred on local authorities require the statutory planning process to be operated in a particular way. While many of these duties are regulatory, there are a number of duties where local authorities possess the discretionary ability to interpret statute.

This is especially true for policy and regulatory functions foisted upon local government by new legislative and policy expectations, and these two elements are the principal two aspects of statutory planning that comprise the bulk of local authorities' planning work. The absence of regulatory frameworks in certain local areas was permitted because parliament had made the preparation of policies a discretionary function of local government. The situation since 1991 has been amended as a consequence of New Right policies and a determination for local government to become more answerable to central government. Local authorities have been required to develop policies to meet the agendas of higher tiers of government; some of this has been dictated by law and central policies, other functions have developed through independent discretion. In the period over the last ten years, how has central government utilised its national policy consistency and co-ordination remit over new legislative and policy mechanisms of other levels of government? This is the theme of Chapters 3 and 4.