

governance and participation in planning— lessons from london



In all the current turmoil of changing governments and uncertainty over the direction of planning reforms (at least in England), it is easy to lose sight of the bigger picture of wider trends in how our places and spaces are shaped and the role of communities and participation in this. I recently had the pleasure of speaking at a book launch event for *London*, a new study of London governance undertaken by Mike Raco and Frances Brill.¹ The points that the book makes highlight wider shifts in governance, planning and participation that extend far beyond the capital. So this edition of this column is a collaboration, drawing on the book and other work and conversations with the authors, and in it we set out some of the implications of these changes for planning in general and participation in planning in particular.

The book focuses on the questions of what is governed in contemporary cities such as London, and who is governing. It argues that what we are experiencing is the continuing and surreptitious growth of what the authors call the *para-state*. This can be defined as: ‘the suite of agencies that govern alongside, on behalf of, or in place of state institutions’. We are all familiar with the rise of these ‘para-state’ agencies, such as quangos, Mayoral Development Corporations, public-private partnerships, and the like. The book not only reminds us about this, but also points to the intensification of these trends and to an increasing array of practices such as procurement and contract management that sit alongside them and which are increasingly becoming the mechanisms through which decision-making about, and implementation of, spatial development is being made.

The key features of this ‘model’ of governance include, first, the fact that one-third of public

spending now goes through procurement²—a new scale of this form of spending, meaning that increasingly ‘public’ spending is governed in very different ways than through, for example, local authority or health authority committees. What happens in a place is profoundly affected by this, and ways into understanding and influencing it are very different, as we shall discuss later.

Secondly, there is the extension of privatisation in various forms, including the provision of public infrastructure; the reliance on financing social infrastructure through growth initiated by market actors (for example Section 106 agreements to deliver affordable housing); growing regulation by private/professional agencies; and new mass markets for private consultancy and planning. In relation to this, it is worth noting that, according to *The Planner* annual survey in 2019,³ nearly half of all ‘planners’ in the English system can now be found in the private sector. The changes in the balance of power between the Royal Town Planning Institute (RTPI) and the Royal Institution of Chartered Surveyors (RICS) in influencing policy are also relevant here.

And finally, there is the growth in contract management as the basis for much planning deliberation and delivery—particularly of large projects. This means that those outside the state are subject to a range of mechanisms to control and co-ordinate their activities, based not on democracy, but on contract law and commercial considerations. Raco and Brill’s book shows how these practices are now being extended to other developments in London, and many readers may well be aware of them operating in their areas as well, suggesting that they are more widespread than the ‘London model’ that the authors outline.

There are four key elements within these changes which raise some critical questions for planning practice and for participation. The first concerns the increasingly fundamental role played by contracts and procurement processes in the governance of public policy. This makes contemporary forms of governance (and accountability) a more indirect process in which planners seek to find



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ways of co-ordinating the activities of contracted-out parties. As a result, for community groups and citizens it becomes increasingly difficult to see where decisions are taken and by whom, compounded by the fragmentation of decision-making across a range of different agencies.

Secondly, there are growing constraints on what information is available, owing to commercial confidentiality (even after lengthy Freedom of Information inquiries) and elaborate contractual relationships and networks that are difficult to disentangle. This is compounded by a greater distance between planners and councillors and the delivery process, and an even greater gap between citizens and delivery.

Thirdly, there is also a change in the relationship between planners and citizens and civil society groups as the planning sector becomes privatised. Private consultants now undertake much community engagement on behalf of developers and planners, creating a greater distance between decision-makers and policy recipients.

And finally, there are unacknowledged but significant costs of co-ordination, with planners responsible for the development and implementation of policy but with fewer levers of power (and resources) to actually undertake the task. If planners have less power, who then should communities seek to put the pressure on when they want something changed in their area?

Planners therefore have to make constant choices over what priorities and ambitions to meet and

which to defer or reject. This has always been the case historically, but all activities and decisions are now conducted in the 'shadow of the market'; i.e. with an eye to how market actors and investors/developers will respond. And increasingly this is being done through marketised processes and in accordance with the practices of the market, rather than through more open and democratic means.

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As part of these changes, the role of the public in planning and the routes and mechanisms of participation are being reconfigured. It is true that the statutory provision for involvement in plan-making

and development management remains. But this is being increasingly depoliticised and bounded, both geographically and in terms of the scope for influence and areas of engagement. An example is neighbourhood planning, where the spaces for community influence are limited by the need to be in conformity with local and national planning policy.⁴ Similarly, there is consultation on policies in Local Plans, but if the means of implementing them are reliant on these opaque and contractual processes then accountability in what is delivered on the ground becomes diminished.

In the case of the example of the Olympic Park, Davis⁴ showed how it became increasingly difficult for communities to influence the shape of the emerging neighbourhoods because of the existence of 'Zones of Possibility' delineated by stringent design codes which could only be negotiated between the delivery body and the developing partner. These design codes became formal tools which planners could use on top of statutory planning powers, which Davis refers to as a 'technocratic governance model, only deliverable by private stakeholders',⁵ resulting in the exclusion from neighbourhood design of communities lacking the necessary technical skill and resources.

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This column has previously raised concerns about the shift to design and design codes as a way of restricting the public's role and excluding it from wider strategic priorities, but if they can subsequently be used as technical tools negotiated between delivery agencies and developers (in areas such as 'investment zones', for example) the knock-on effects for participation become deeper. And there are increasing areas, such as permitted development rights where 'planning' decisions are out of the control of planners and the wider public completely.

The privatisation of community support is also noticeable. The role of AECOM in providing support

for neighbourhood planning is a prime example of a key area of participation being governed presumably by a contract between government and provider. It would be interesting to explore whether this has coincided with a more technocratic approach to providing support than in previous eras of technical aid, etc.

The public has also to learn a whole new range of skills. Engaging with contract law is one, following up on legal processes, digesting financial information, and understanding the increasingly fragmented decision-making environment. This will have knock-on effects on who can get involved and the resources and skills needed to engage. No amount of digitisation of planning consultation can make up for the fact of this increasing erosion of community rights of participation.

Frances Brill outlines some of the new forms of organising and community-based skills and expertise required in a separate account of resident action around the cladding scandal.⁶ She details how residents groups in affected blocks required different forms of networking, new forms of knowledge within the community, including legal advice and construction industry know-how, and new forms of community-building practices.

While not necessarily an example of classic 'planning', these groups were at the forefront of challenging the practices outlined above; in particular the dominance of professionals, the (lack of a) regulatory framework, heavily legalised and financialised environments (residents were facing legal requests for tens of thousands of pounds' worth of upgrading works on their flats), and a very opaque line of accountability, involving distant management companies. They challenged all this through recognising and channelling the emotional aspects of their situation into building effective groups and finding ways to communicate between often disparate members. They also drew on a range of skills among residents, including legal experience and involvement in the building trades, and as a result they were able to change the demands made on residents and also build a sense of community and widen residents' knowledge and skills.

There are lessons here for how it is possible to challenge these forms of governance with new forms of organisation and new skill sets. This was challenging even for residents groups that included those with a range of incomes and professional expertise. On the one hand, having residents who could engage with the technical and legal processes was vital, but this also had the potential to make other members feel excluded. For communities

without these resources to draw on, the situation would be even more challenging.

What then is needed in this new environment? In planning practice, new approaches to planning courses and CPD need to be developed, including:

- more training on contract management and negotiation with actors beyond-the-state (especially private companies), given the new roles and responsibilities that planners are taking on;
- greater awareness of finance and accountancy processes and procedure; and
- more attention on processes of commensuration, i.e. converting public demands into contractual obligations and priorities.

This means that institutions such as planning schools, the TCPA, RTPI and other planning organisations need to think about how best to support planners in order to make the transition to new arrangements.

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There are also critical questions for participation and the role of the public in planning. As well as the new forms of organising outlined above, work is needed with communities in recognising how participation consultation is changing and where the pressure points to exert maximum influence now are. This means thinking about the types of expertise and support which are offered through organisations such as Planning Aid.

If all this appears to suggest that participation and democracy in planning are on a steady downward trajectory, an important point made in the book is that these trends are not inevitable but are a result of political decisions. This means that they can be challenged, and there will be spaces where things can be done differently. A key challenge is to find these spaces. As a quote from Erik Swyngedouw in the book points out 'the ability to articulate alternatives is an important part of democracy'.⁷ We have seen challenges to this emergent model of governance by the cladding groups. The changes made on viability in the NPPF and the RICS guidance show that the marketisation of planning can be limited in favour of the public good.

Many local areas are exploring 'good growth' and community wealth-building and looking to engage with communities in achieving these objectives. The rise of positive procurement such as practices in Preston, which seek to channel local authority spending and policies (including planning) towards more social and equitable outcomes, shows that there are different forms of growth, different roles for the public sector, and therefore different 'models' which can be followed.⁸

Who knows what the future for planning—at least in England—holds? But whatever direction it is taking, it is important that we keep sight of these broader, underlying processes in order to understand and challenge them. The authors of *London* have gone a long way to help us do just that: it's up to us and others on the ground to identify and open up the new spaces of engagement and participation that are emerging.

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Notes

- 1 M Raco and F Brill: *London*. Agenda Publishing, 2022
- 2 Includes procurement spending from one public body to another — see *Country and Regional Public Sector Finances: Financial Year Ending 2019. Public Sector Revenue, Expenditure and Net Fiscal Balance on a Country and Regional Basis*. Office for National Statistics, Dec. 2019. www.ons.gov.uk/economy/governmentpublicsectorandtaxes/publicsectorfinance/articles/countryandregionalpublicsectorfinances/financialyearending2019
- 3 *The Planning Profession In 2019: Technical Report & Tables*. RTPI Research Paper. RTPI, Jun. 2019. www.rtpi.org.uk/media/4864/planningprofession2019tablesandtechnicalreport.pdf
- 4 S Brownill and Q Bradley: *Localism and Neighbourhood Planning: Power to the People?* Policy Press, 2017
- 5 J Davis: 'Materialising the Olympic Legacy: design and development narratives'. *Architectural Research Quarterly*, 2015, Vol. 18 (4), 299-301
- 5 F Brill: 'Cladding and community'. *City*, 2022, Vol. 26 (2-3), 224-42. www.tandfonline.com/doi/full/10.1080/13604813.2022.2055922
- 7 E Swyngedouw: *Promises of the Political: Insurgent Cities in a Post-Political Environment*. MIT Press, 2018
- 8 *Community Wealth Building through Anchor Institutions*. CLES (Centre for Local Economic Strategies), Feb. 2017. https://cles.org.uk/wp-content/uploads/2017/02/Community-Wealth-Building-through-Anchor-Institutions_01_02_17.pdf