

**ACROSS THE COUNTER:  
A 2-TABLE PERSPECTIVE ON BRITISH DEVELOPMENT CONTROL<sup>1</sup>**

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**Abstract:**

Urban planners are often viewed as weak voices of reason in a violent sea of power responsive to speculators, developers and business interests. Planners' influence seems tied to their ability to command information and to foster consensus among interested stakeholders. This is frequently problematic.

Planners bargain at two tables. That is, they must negotiate with adversaries/external organizations while they also negotiate with factions within their own organizations to determine positions. Such two-table circumstances often result in unclear goals for planners, who are also constrained by statutes and other legal impediments to the exercise of public authority. In the UK, development control officers are the central figures facilitating both the intra-organizational table and the inter-organizational table. They lead the processes of developer-government negotiation over land development in a national legal context widely understood to be characterized by broad local government discretion. There is every reason to believe that, if any planners exert strong power in negotiations, it would be British development control officers. Yet, their work is subject to many pressures: many local agencies have a stake in proposals and argue vocally; decisions are often actually made by elected local councils who value constituent opinion; appeals to the Planning Inspectorate are frequent and often successful.

The paper is based on research examining development control processes in Cardiff, Wales, seeking to improve understanding of whether planners enter permitting decisions with the knowledge they need to negotiate effectively, and are influential in steering applicants toward desired objectives. Detailed analysis of 6 case studies of land permit review, ranging from a house extension to a new 900 unit estate. After review of formal applications and file documents, researchers observed public meetings of planning staff and applicants, internal agency staff meetings, and interviewed staff, applicants and interveners.

Findings assess the effectiveness of planners in managing the two tables required to negotiate development permits, point toward the impact of the second table in facilitating or limited the success of planners in achieving city policies, and suggest operational procedures that might help planners to

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better serve city policy.

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Urban planners are often viewed as weak voices of reason in a violent sea of power responsive to speculators, developers and business interests. Planners influence seems tied to their ability to command information and to foster consensus among interested stakeholders. Indeed, theories of planning in the past twenty years have focused on planners adoption of strategies for avoiding political opposition through collaborative behaviors. Collaboration may, however, be viewed as a negotiated process in which success depends on the ability of the planner to predict, understand, and hold stable the priorities of the agencies and firms with which they work. This is frequently problematic. We aim to improve understanding of why, and to suggest professional work patterns that hold promise for enhancing the planners' ability to promote reason in plan making and implementation. Toward this end, five cases of development control in Cardiff, Wales are examined.

The proposition that planners are weak players in local politics has a long pedigree, including early observations by Altshuler (1965) who concluded, "comprehensive planning and evaluation will have little effect on American cities unless their goal premises can be established in sufficiently compelling fashion (both politically and intellectually) to make politicians take notice" (194). More recently, Flyvberg comments:

*...difference in the mode of operation of governments and interest groups results in an unequal relationship between government rationality and private power, and between formal politics and Realpolitik, such that government rationality and formal politics end up in the weaker position (Flyvbjerg 1998: 233).*

Others suggest that planners, while lacking substantial formal power, are in unique positions to structure decisions and influence the opinions of those who do control outcomes. Hillier (2002: 14), for instance, argues, "Connection of theoretical, statistical, legislative and practical wisdoms can imbue planning practitioners with opportunities for leverage in engaging the power of other actors."

It may be that a planner's ability to achieve influence despite the limitations of power she faces, relates to her ability to balance the pressures of her unique position as the fulcrum of negotiations between stakeholders and city. Friend and Hickling (2005: 15) map the complexity planners' face when they deliberate around a large table of stakeholders, but there really are two such tables. Planners must concurrently negotiate with adversaries/external organizations while they also negotiate with factions within their own jurisdictions to determine positions. Such two-table bargaining circumstances (as Walton and McKersie (1965) first termed them) often result in unclear goals for planners, who are also constrained by statutes and other legal impediments to the exercise of public authority. Planners may have difficulty effectively defining whose interests they should be serving. They often have unclear authority, with final adoption of the agreements they negotiate requiring approval of elected or appointed collegial bodies whose views at the time of the ratification decision may be hard to predict. (Kaya and Stiffler 2005; Stiffler 2001)

There are four central challenges. First, goal setting in government is problematic. Public agencies are multi-objective organizations, often unable

or unwilling to systematically prioritize among goals for reasons including lack of understanding of issues among leadership and purposeful obfuscation to minimize political fallout of explicit choices (Lindblom 1959). Authority may be divided among several or many agencies, or within an agency between hierarchical leadership and collegial oversight bodies (such as elected or appointed commissions or boards)(Sullivan 1984, 34). Even when priorities are known to agency leadership, it may not be possible or practical to explain these to planner-negotiators in sufficient clarity to guide negotiations. As a result, planners are often unable to understand clearly the priorities among the many objectives they are told to achieve.

Second, planners representing public agencies often lack the ability to speak with certainty about what their agency will or will not do, having to seek ratification from those with formal authority. Sometimes when priorities are known and are communicated, decision-makers may later reverse priorities in response to changed characteristics of the political environment. Indeed, planners sometimes find that the collegial body that has formal authority may later want to divorce itself from the proposed agreement for emerging political reasons and may do so in ways that chastise the staff members who conducted the negotiations. Changes in administration or future elections may mean that the agency leadership itself may not be around to implement proposed agreements. Representatives of other parties understand that the planner-negotiator cannot ensure ratification of the agreement by commissions or agency leadership or implementation by future administrations with the result that adversaries are reluctant to give up position in exchange for weak promises of *quid pro quo* on the part of the agency. Other parties may even try to bypass the planner-negotiator by seeking direct communication between their own leadership and the agency/jurisdiction leadership, potentially leading to assumption of authority by leadership.

Third, planning agencies may view their 'adversaries' in non-adversarial terms as citizens, taxpayers, and landowners, confusing their objective set even further. If a developer wants a rule bent, are we helping one firm unfairly to the detriment of others, or are we merely assisting a struggling employer who will help the community if we facilitate its survival?

Fourth, governments labor under restrictions designed to protect citizens and firms from unfair action by the state. Many laws and practices exist which are intended to level the playing field between government, which is perceived as powerful, and citizens, who are perceived as weak. Eminent domain condemnation procedures, permitting procedures and other formal processes may contain provisions limiting the time a government agency may have to respond to a petitioner action, awarding court costs to petitioners as a matter of course, or otherwise limiting the discretion of the government agency. Private entities bargaining with government agencies have the luxury of privacy of their strategies, while their public counterparts find their own tactics fully described in the morning newspapers following a meeting which is open to the media by requirements of law or as a result of requests made under freedom of information requirements (Dukes 1996). While appropriate, such provisions weaken the planner-negotiator's ability to obtain the outcomes his or her agency wants.

Beyond the central challenges, there are other complications to planner negotiations. Negotiations may or may not be informal parts of larger processes that can not be controlled by the planner-negotiator, leaving petitioners and intervenors with few assurances that even the process will be predictable. Parties may be unwilling to reveal information unless they have reasonable assurances that this information will be treated confidentially by those they reveal it to. Agency planner-negotiators, working as public

employees and subject to freedom of information laws, open meetings laws and other intentionally democratic practices may have difficulties providing such assurances; indeed they may have explicit statutory prohibitions against such confidentiality. Negotiation requires both procedural and substantive knowledge which may or not be part of the planners' background. Government agencies are often under immense pressures of caseload and often operate under budgets which are insufficient to permit the fullest attention to detail. Planner-negotiators may have interests of their own which diverge from those of their agencies.

Understanding planners' responses to these challenges requires understanding of legal and institutional constraints and powers affecting planner behavior, documentation of the political stakeholder environment within which the planners operate, and assessment of professional work protocols in planning agencies.

### British Development Control

Appropriately labeled, "the child that came in from the cold" (Crow 1996: 399), development control began in Britain as a temporary patch designed to allow development to continue while land plans were in preparation, only later to become a central feature of the planning system, admired and despised because of the unusual discretion afforded development control officers in the kingdom (Crow 1996: 409).

British development control officers are given wide latitude to approve or deny development applications in order to allow them to serve the multifaceted goals of promoting plan compliance, promoting public good and internalizing externalities (Booth 2003; Healey, Purdue and Ennis 1995). Decisions in response to requests for planning permission are to be made based on "accordance with the development plan, *unless material considerations dictate otherwise,*" leaving wide range for discretion (Gilg 2005: 36-37; Harris 2003; Thomas 1997 277; Booth 1996). Planners have opportunity to collectivize what they refer to as planning gain through execution of §106 agreements calling for payments by developers to public agencies. These agreements are willingly entered into by developers seeking authority to build, but when coupled with the discretion of local development control officers, may take on appearance and/or reality of the purchase of planning permission (Campbell, Ellis and Henneberry 2000; Bunnell 1995).

Observers and empirical researchers have a wide range of views concerning the implications of British development control discretion. Discretion is seen as strengthening local government in contrast to central control by the national government, and has been called the "great strength of British development control" (Booth 1996: 117-120). Claydon (1996: 111) finds that discretion has allowed planners to harness the resources of the development industry to advance planning objectives. At the same time, Willis (1995) finds that intuition often drives decisions; Tang et al (2000) argue that technical excellence in proposals is not directly related to approvals; and Walker and Smith (2002) report a widespread view in industry that §106 agreements are often arbitrary, discriminatory, and unpredictable. Campbell, Ellis and Henneberry (2000) find that planning principles take second seat to fiscal considerations and that there are unfair disparities across jurisdictions. Tang (2000: 2465-6) reaches the overarching critique that discretion in development control is the enemy of the certainty which planning is intended to provide to the property market.

Does broad discretion enhance the negotiating strength of British development control officers or diminish it? Absent empirical data, one might imagine

that discretion means authority and that developers would accede to control officers' demands in order to gain approvals. But, the formal discretion belongs to the local authority, not to the development control officer, per se. The development control officer may have pressures to approve from within the government, or from third parties. And, it may be that developers would stand firm because they know control officers are not prevented from approving their proposals by fixed requirements. Ennis (1997: 1938) suggests that often outcomes of planning negotiations are not dictated by circumstance but rather are dependent on the skill and resources of the planner-negotiators. Discretion vested in British development control officers potentially increases the power of these planners. Whether this potential translates into reality is a question we will attempt to answer.

### Development Control in Cardiff, Wales

Cardiff Unitary Local Authority governs a city-region of approximately 350,000 population. It's Development Control Office processes approximately 3000 applications for planning permission each year. About 90 percent of applications are approved, most often with conditions. Of the roughly 10 percent that are refused, perhaps one in ten is appealed to the Planning Inspectorate of Wales, and of these perhaps one third are overturned as a result of the appeal. Applications may be for outline permission, dealing only with broad principles of the development, or for detailed permission, specifying the exact land uses, site design, and infrastructure modifications (Gilg 2005). When an outline application is approved, reserved matters must still be considered in a subsequent application before development can proceed.

The Development Control Office employs 21 professionals, all holding university qualifications in town and country planning. They are divided into three area teams that focus on geographic regions of the Authority, and a small supervisory group. When an application is submitted (following a uniform national web-supported application process) it is assigned to a Case Officer who works under the direction of an Area Team Leader and, in turn, the Development Control Manager. The underlying intent of the review process is that "officers recommend but members decide" (Gilg and Kelly 1997), but in practice, a large fraction of decisions are delegated to development control officers (Harris 1998: 268-269). In Cardiff, this fraction is in the range of 80 percent, with the remainder decided by the local Council's Planning Committee. The Development Control Office follows Council's adopted guidelines for determining which applications are to be delegated to officers. The chairperson of the Planning Committee reviews these determinations weekly, and is authorized to "call in" an application for decision by the Committee. It is also possible for the full Council, and even for the Welsh Assembly, to call in applications to their levels for decision, but these are truly rare events.

Decisions, whether by delegation or Committee, are statutorily required to respect various Planning Policy Guidance documents prepared by Her Majesty's Office of the Deputy Prime Minister and by the Welsh Assembly Government, as well as the Cardiff Unitary Authority Plan and various Strategic Planning Guidelines adopted by the Authority. Many of these documents needed alteration following a major revision of the statutes in 2004 (Planning and Compulsory Purchase Act 2004), with some revisions still not completed, and as a result, officers and Committee alike are often in the position of trying to interpret matters using out of date guidelines.

By national law, applications are supposed to be decided within eight weeks, and may be appealed on the ground of having taken longer than this target. In

practice, however, few beyond the most simple applications are answered in this time frame, with applicants often seeing it as in their own interest that the matter be fully considered before a determination is made, and voluntarily agreeing to an extension of time.

Cardiff routinely solicits views on planning applications from up to 22 departments of the local authority government, and up to 24 other governmental or commercial bodies such as the water and sewer authority, police, and bus company. Such requests, referred to as consultations, are also sent to neighbors and neighborhood associations, where they exist. While the formal requests are made over the signature of the Development Control Manager, the assigned Case Officer receives replies and follows up where necessary, often engaging respondents in several rounds of discussion; occasionally extensive discussion, as the case reports will illustrate.

This researcher was granted access in October 2005 to the files of the Cardiff Unitary Authority, as well as permission to interview staff and observe selected negotiating sessions. I followed five cases in detail from then until December of that year. All five cases involved residential development, ranging from a conversion of one dwelling to two, to redevelopment of 900 dwellings and associated commercial uses on a former industrial site. Three of these cases will be described here.

#### Conversion of Two Dwellings from One

In April 2004, GW applied for permission to convert her single family Victorian terrace home<sup>2</sup> at 23 The Philog to a two family dwelling. The application involved extension of the structure into the back garden and conversion of the front garden into two parking spaces so that no new on street parking demand would result. GW, a pensioner, intended the conversion to allow her a financially viable means of continuing to live at her lifelong location. The application was prepared by PH, an architect in private practice in Cardiff. This application went through four rounds of submittal and decision, as will be described.

In response to the first application, the Case Officer (JM) made consultation solicitations from Authority departments dealing with traffic and waste disposal, and from neighbors in the vicinity of the property. Four neighbors objected, with a detailed objection coming from the immediate neighbor at 21 The Philog, BG. BG feared noise, loss of privacy, loss of sunlight, drainage impacts, parking difficulties, and potential structural damage to her home as a result of construction. The Authority's Department of Traffic and Transportation responded that the proposed off road parking spaces were too short to meet requirements. A Local Member of the Council also submitted a request that the Office fully consider that objections of BG. In June, the **Development Manager (PW) refused permission**, explaining that the required off street parking could not be met in accord with the Unitary Development Plan.

After redesign of the parking spaces involving, GW submits a new application for the project in July. This time consultation requests are sent (by Case officer PK) not only to the neighbors, Traffic and Transportation and Waste Management, but also to two water agencies and the department of Highways and Parks. Traffic and Transportation finds that the parking spaces are long enough, but two neighbors object, including BG, who repeats her prior concerns. In September, the Area Team Leader (IW) writes to the architect

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<sup>2</sup>The Welsh term "terrace home" is used to denote what US readers will recognize as a "row house".

asking that the rear extension be redesigned to move it one meter from the property boundary, and amended plans are submitted in October. In a subsequent consultation round, BG reiterates her objections. **In November, the Development Manager (PW) issues an approval of the application subject to four conditions**, one of which stipulates that the parking spaces must be provided and maintained, and another of which limits side windows in the extension. Despite receiving approval, GW complains to Cardiff's Ombudsmen citing a failure of the Officer to conduct a site visit in response to her request.

In June of 2005, GW files a third application concerning the property. It seems that movement of a utility service box required to build the approved parking space design proved more expensive than anticipated and she now wishes to alter the design so that there is only one off-street parking space. Consultations produce similar objections as before, with the result that the **Office refuses permission** in August, not because of parking, but rather because of concern that the rear extension will harm the amenities of the occupants of the neighboring house.

A fourth and final application is submitted by GW in September 2005, involving further amendments to the rear extension. Similar consultation notices are sent with the result that now only one neighbor, BG, objects, but she now has the support of two Local Members, while another neighbor writes to describe her as unreasonable. This time, the Planning Committee Chair calls the application in for Committee decision, and in response to request by a Local Member, a visit to the site takes place. The Committee discussion about the application takes unexpected turns, with the **Committee deciding in November to approve the application, but with five conditions**, including conditions that NO off street parking be built, no windows be built in either of the side elevations of the extension, and that the boundary wall with No. 21 be reduced in height from what had been proposed.

This one to two unit dwelling conversion application process involved four separate applications and spanned 19 months. Two of the four applications were refused and two were approved, with the result that the design of the project was amended so that the rear extension was pulled back from the property line by one meter and was required to be built without side windows, the boundary wall was reduced in height, and off street parking was eliminated. Two different Case Officers managed the applications, with the final application going before the Planning Committee. Although the concerns of those objecting were consistent, the decisions reached emphasized different concerns at different stages.

#### 59 Sheltered Apartment for the Elderly

In May 2005, McCarthy and Stone Developers Ltd of Bristol applied for permission to construct 59 sheltered apartments for the elderly on the site of a former nursing home on Cardiff Road in the Llandaff Conservation Area. This major application was submitted by The Planning Bureau, a consultancy in Bournemouth and reflected the developers long experience building similar projects in Wales and throughout the UK. An application fee in excess of £12,000 was paid. The process surrounding review of this application lasted seven months and involved substantial activity by four council departments (Affordable Housing, Parks, Highways; Strategic Planning), the Llandaff Conservation Group, an Architectural Trust, and eight neighbors.

Case Officer PK sent initial consultation requests to ten agencies and a list of area neighbors. These resulted in significant concerns expressed by the quasi-governmental Architectural Trust; the Llandaff Conservation Group, a

committee that advises on issues of development in the Llandaff Conservation Area; the Cardiff Highway Department; the Welsh Police; and eight neighbors, including a school headteacher. The concerns related to the height and bulk of the building and its relation to the bulk of other structures in the vicinity; the materials used to face the building; the design of the driveway and its impact on traffic, safety and drainage; the fencing materials to be used; the disposition of a relic boundary wall on the property; and the landscaping to be placed on the borders of the site. In addition, three Authority departments requested §106 agreements totalling in excess of £450,000. In response to these initial consultations and after his own review of the application, PK requested further details from the applicant concerning building materials, elevations as viewed from Cardiff Road, and landscaping, as well as a survey of existing trees on the site.

Over the four months following the initial consultations, the Case Officer participated in a great number of discussions with the interested parties, there are a series of discussions between the Agent and the Case Officer about sufficiency requests, and a series of meetings between the two at which specific negotiations take place. In early July the Agent agrees to meet the largest of the section 106 fee requests: a £407,000 request from the Affordable Housing Department to support construction of affordable housing in the city.

The Agent's biggest concern at this stage is the speed of review, to which PK says that a Committee decision in August is possible if all the sufficiency requests are met by the end of July. But this does not happen. Instead matters drag on until late September, when the Agent and Officer meet at length and work through a long series of issues. At this meeting, Agent indicates that they need to know what the Highway Department's and Park's Department's section 106 payments would pay for and that Applicant is only willing to make such payments if they directly serve the Applicant's development. Officer also asks for changes in the bulk and finishings on the building, room angles, 3 additional parking spaces, several tree protection changes and reuse of stone form the relic wall on the site. He makes specific suggestions about how Applicant could achieve these changes.

As events develop, the Case Officer continues to talk individually with many of the interested parties, some of whom have developed their requests in greater specificity. The pace of communication between Agent and Officer increases as the Agent challenges Parks payments on the basis of low projected open space utilization by elderly residents, challenges the calculation of the affordable housing payment (noting that another similar applicant in Cardiff was asked a much lower fee), and challenges the need for more parking based on evidence from other elderly housing projects build by this Applicant.

By late October, Agent has submitted a revised plan calling for 62 apartments, but the Officer finds the drawings inadequate; they have negotiated a reduction of the Highway Department fee (which will be used to fund bus stop improvements) to £7,650, have agreed to the Parks' Department section 106 payment of £23,935, and have increased the number of parking spaces to 23. Much of the remaining discussion deals with architectural details. A site visit by members of the Planning Committee takes place on 7 November in preparation for the Committee's decision meeting on 16 November. The Officer recommends that the Committee approve the application subject to 14 conditions including plan revisions, landscaping requirements, certain uses of non-opening obscured glazing windows and the section 106 payments already discussed.

The Planning Committee discussion at its 16 November meeting is lengthy.

Various neighbors speak in opposition to the application because of concerns with the bulk and design of the building and the parking limitations. The Area Team Manager recounts the concessions made by Applicant in response to negotiations and argues that the correct approach is to compare this proposal not with what one might like to see but with what is now on the site. The Committee discusses the question of whether the prior use of the property is properly a material consideration for their decision. **They vote to defer the decision until their December meeting** and direct staff to draft reasons why they might refuse the application and also to reopen discussions on design with the Applicant. The Applicant chooses however to appeal the matter to the Planning Inspectorate because a decision was not reached in the required eight weeks. At the same time, **Applicant indicates to staff that they will redesign the project and submit a new application.**

This modest-sized project is complex beyond its scale because of its location in a Conservation Area and the special population it aims to serve. The seven month process shows the Development Officer to be the center of many ongoing bilateral conversations among interested parties. Many of the parties, applicant included, depend on him to filter inputs and provide guidance about how to react to the large number of divergent views expressed, so that the eventual proposal put before the Planning Committee bears significant evidence of the Officer's actions. At the same time, the interested parties are free agents and some of them remain sufficiently concerned to express their reservations to the Planning Committee directly when it is time for a decision.

#### Six Dwellings on Isolated Land Strip

In June 2005 the Barrat South Wales company applied to build six residential units on a strip of land between a highway and a larger residential development they had completed some years before. The application was prepared by the White Young Green planning consultancy of Cardiff and required a fee of £1,440. Initial consultancy requests sent by Case Officer MR to nine agencies, Local Members, and neighbors resulted in concerns expressed by the local authority departments of Pollution Control, and Traffic and Transport; by the local Community Council, the Welsh Water Authority, and by 42 neighbors, as well as a request from the Parks Department for a section 106 fee of £5,605 for open space facilities. Concerns expressed concerned loss of green space in the neighborhood, privacy, noise, pollution impacts from the highway on the new home dwellers, possibility of land contamination, drainage, absence of a footpath to the property, and disturbance to a sewer during construction. The Community Council's objections that this was a gross over-development of the site which would result in loss of a "35 year green space" were the basis of the most vocal opposition and were supported by a petition from the 42 neighbors.

Following receipt of the consultation results, the Case Officer requested the Applicant prepare an amended plan that made room for a footpath and he directed Applicant to conduct a tree survey both of which were soon submitted. A Local Member of Council took an interest in the case claiming that there had been a commitment by the developer six years earlier that this land would remain open space, but no documentation of this commitment could be found. In the next four months the Case Officer worked through various concerns with the Agent and interested parties, leading to a reduction of the number of dwelling units to five and other adjustments. In mid-October the Officer recommended that the application be approved subject to seventeen conditions and a section 106 payment for open space.

At the 16 November Planning Committee meeting, two Local Members of Council spoke against the application while the Area Team Manager explained that this was a newly acquired parcel, that the number of units had been reduced, and that in his view the claims concerning loss of privacy were not substantiated by the facts. The Committee discussed the green space issue at some length, focusing on interpreting the fact that the supplementary planning guideline for open space was still in draft. They also briefly discussed noise and air pollution from the highway, but were persuaded that the Department of Pollution Control's determination allayed concerns in these areas. **The Committee then voted to approve the application subject to the recommended conditions and open space payment.**

The Case Officer in this case was instrumental in differentiating objections that would stand up under British planning precedent from those that would not. He guided the Applicant to make adjustments to the proposal that were supported by arguments he believed would be persuasive to the Planning Committee. When neighbors raised issues outside this set, he worked with the various parties to try to produce clear evidence to facilitate a Committee decision, but he did not push for changes to the plan.

#### Cardiff's Development Control Officers: How They Handle Two Tables

Our examination of cases in Cardiff suggests that development control officers in that local government balance four roles in the context of their work. They are **regulators** who labor to enforce compliance with the policies of the local authority and the national government. They are **advisors** who assist applicants in understanding regulations and processes, and who aid applicants in crafting superior proposals. They are **negotiators** who seek to gain changes in applicant proposals that advance Council policies. Finally, they are **mediators** who work with applicants, diverse government agencies and outside parties to find common ground upon which they can build solutions that have widespread consensus. Review of the four central challenges of two-table negotiation in the public sector will enable us to understand how these development control officers integrate the four roles and handle the pressures they face.

#### *Managing multiple objectives*

Cardiff's planning policies are described in a *Unitary Development Plan* that is not yet completed, an obsolete *Local Development Plan* that is still used for some purposes, and a series of supplementary planning guidelines including several that are in draft form. The local authority is also committed to advancing the Planning Policy Guidelines of the kingdom and the various policies of the Welsh Assembly Government. Specific development proposals will advance aspects of these many policies, while presenting likely retreat in other policy areas. Understanding what the impacts of proposals in the many policy areas will be is itself a complex task that requires input from a several dozen Authority departments and other agencies. Coping with the lack of clarity created by the mix of documents that are adopted and in force, adopted but obsolete, and in draft only, makes the task somewhat subjective.

Experience is the development control officers greatest ally in balancing the Authority's multiple objectives. The officers' history of prior case work gives them good ability to recognize implications pertaining to policies that have been seen as important in the past. In addition, all key steps in the process of application review are vetted by two supervisory levels in the Office, allowing ample opportunity to discuss implications in terms of exacted policies and likely reaction by sister agencies.

### *Speaking for the Local Authority*

Development control officers face numerous obstacles to being seen as the voice of the local authority. The Planning Committee has formal decision responsibility in about one fifth of the cases, and there is the possibility that the Committee will call in any case. The agency hierarchy retains formal responsibility for most matters the officers work with, reviewing most major steps, signing all key correspondence, and representing matters before the Planning Committee.

Yet the officers' representations are most often accepted by applicants and other interested parties. This appears to be a function of three factors: process control, information control, and competition for executive's time. The development control officer is the single most influential individual in determining when and how specifics of proposals are discussed, and when discussions take place, the officer is most often the person who moderates the discussion. The development control officer is also the central agent through which almost all information pertaining to the case is routed. As a result, he is often the person most likely to have the fullest sense of where the issues stand. This high level of process control and information control often results in other parties having confidence in the judgements of the development control officer. Even when this confidence isn't there, others recognize that they must be reserved in the extent to which they challenge the claims of the development control officer. For the vast majority of applicants, the attention of Office superiors and political leaders is hard to command; they have to reserve such appeals for relatively infrequent matters.

### *Confusion over how to view Petitioners*

Applicants in the cases studied included current residents/voters in Cardiff, businesses based in Cardiff, developers who regularly carry out projects in Cardiff, and a quasi-autonomous non-governmental organization set up by the Welsh Assembly. In all cases it is clear that development control officers felt a responsibility to embrace the needs of the applicants as important. Whether this results from a general customer service orientation, or some more specific pressure related to the nature of government is unknown.

At the same time, we found no evidence that development control officers made decisions contrary to Authority policies in order to help applicants. To the contrary, we witnessed Authority staff strategizing with regard to how they could best move applicants to comply with policies and to agree to more substantial section 106 payments.

### *Statutory Advantages for Petitioners*

There are three significant statutory advantages enjoyed by applicants for planning permission in the UK. First, the eight-week target for processing applications puts pressure on development control officers to move cases to decision. In practice, the Office regularly fails to meet this target with impunity, but the time clock is a factor in specific cases, as illustrated by the Sheltered Apartments case.

Second, the existence of a ready appeals process that can be used to challenge decisions of the local authority is a considerable advantage for petitioners. Cases are heard by planning inspectors who are highly knowledgeable about the terms of the Planning Policy Guidelines and prior case law. Successful

appellants will have their legal fees paid by the local authority.

Third, the existence of a Council ombudsmen available to investigate claims of procedural irregularities in the affairs of the Cardiff Unitary Authority creates a tool that applicants can use to challenge the actions of development control officers.

#### *Other Matters*

On average, Cardiff's development control officers are responsible to process about 150 applications for planning permission per year. Adequately managing this substantial number of cases is made possible by the fact that the largest number of cases are small matters requiring routine approval and/or little time.

Our review of case files suggests few errors in processing, thorough work by support staff, and a generally high level of professionalism.

#### Conclusions

Two-table theory suggests that land permit agency staff are in the midst of a complex combination of interactions among external and internal actors that make it difficult for the staff to know exactly what objectives they are supposed to be working toward, what priority to assign to each of these objectives, how far they can and should go in imposing their objectives on petitioners, and how to cope with challenges that arise not only from petitioners and intervenors, but also from sister staff and from elected and appointed officials within their jurisdiction. Our case studies of development control in Cardiff find the formal policy environment is of limited use in guiding the work of development control officers, with the plan often effectively silent on issues of salience to development regulation. At the same time, there is an informal mechanism for passing working priorities to development control staff which help to fill the gap in some circumstances.

Two-table theory suggests that land permit agency staff will be perceived as having limited authority by petitioners as a result of unpredictable ratification processes. The Cardiff case studies find that while development control officers lack formal authority in most matters, they enjoy a high level of process control and information control. These advantages coupled with the limited access applicants have to agency executives and elected officials give development control officers a very high level of influence over the outcome of the majority of cases.

We suggested that government land permit review officers might well be confused as to whether they were supposed to help applicants or enforce regulations. We found that Cardiff development control officers do indeed try to assist applicants in achieving their objectives, but there was no evidence to suggest that they compromised government policies in order to do this.

Finally, we suggested that statutory limitations on government action intended to protect citizens and firms might well make development control work more difficult. In Cardiff this appears to be true, with development control officers having to be mindful of statutory limitations on the length of time in which their decisions are to be made, of the potential for appeal to knowledgeable inspectors, and of the potential that applicants will enlist the assistance of the local authority's ombudsman.

We began this study with the intent of helping to understand the power position of urban planners. Five case studies in one regulatory environment can only say so much, of course, but these cases describe planners who have very limited levels of formal power, yet who exert enormous influence on the outcome of the matters they work with. Cardiff development control officers effectively use a combination of knowledge, access and control of process to influence the outcome of applications for planning permission in their jurisdiction.

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