

Public accountability in planning for new housing areas

1 Vitnarae Kang MSc

PhD Candidate, OTB – Research for the Built Environment, Faculty of Architecture and the Built Environment, TU Delft, Delft, The Netherlands

2 Willem K. Korthals Altes PhD

Professor, OTB – Research for the Built Environment, Faculty of Architecture and the Built Environment, TU Delft, Delft, The Netherlands



Planning new housing areas involves balancing many interests and local authorities must make decisions in a way that is accountable. Formal accountability is organised differently in plan-led and development-led planning systems. In plan-led systems, accountability relates to the question of whether development takes place in accordance with the plan, whereas in development-led systems, it relates to whether development is guided by a set of principles. In practice, however, planning systems mix plan-led and development-led ways of working. This paper compares accountability arrangements in a housing development project in a development-led system (Clay Farm and Glebe Farm in the Cambridge Southern Fringe in the UK) with one in a plan-led system (Keijzershof located between Rotterdam and The Hague in the Netherlands). These arrangements are analysed for both the link between strategic planning and development project planning and the link between development project planning and the development on the ground.

1. Introduction

Public accountability is an important issue in local planning practice, and the legal system can play a significant role in how accountability for planning is safeguarded. Many authors (Booth, 2007; Booth *et al.*, 2007; Buitelaar *et al.*, 2011; Faludi, 1987; Janin Rivolin, 2008; Janssen-Jansen and Woltjer, 2010) have looked at the differences between the British discretionary system and the systems in place in continental Europe, which are based on legal certainty. Other authors have included other countries in this debate, such as the USA (Hirt, 2013) and Australia (Steele and Ruming, 2012). The basic difference is that in ‘conforming planning systems’ such as those found in mainland Europe (Janin Rivolin, 2008), development is allowed or prohibited by the local land-use plan or zoning ordinance. In other words, the planning or zoning system provides legal certainty to the players who can proceed ‘as-of-right’ (Been and Infranca, 2012) with their development. There is certainty about the rules of the game and consequently full flexibility to act within these rules. Changing land-use plans and zoning ordinances may result in the obligation to compensate landowners (Alterman, 2011). The counterpart of this system is the English ‘performing planning system’ (Janin Rivolin, 2008) under which ‘other material considerations’ play

a role alongside the development plan when decisions are made to grant or deny planning permission (Harris, 2010). As such, local authorities can make use of up-to-date knowledge when deciding whether a development will be permitted and they are not bound by a plan that may be out of date. These discretionary powers are not limitless (Cheshire and Sheppard, 2005); however, they may involve a regulatory risk to market players who anticipate obtaining planning permission (Cheshire, 2005), a process that takes time (Ball, 2011).

This paper reviews the differences between these two systems from a public accountability perspective and questions what impact the type of planning system, that is, whether it is a conforming against a performing planning system, has on accountability.

A central idea behind conforming planning systems is that legal certainty is the key to accountable planning. In ‘the struggle against arbitrary decisions by authorities’ (Faludi, 1987: p. 187), the rule of law, based on pre-set binding guidelines, should have the first priority. In performing planning systems, the emphasis is on authorities using their discretionary powers to take accountable decisions in which ‘...the “rule

of law” is not conceived as a body of rules but as a set of principles that have been derived from the search for remedies to particular disputes’ (Booth, 2007: p. 136). In a conforming planning system, however, the role of the authorities in relation to development projects is restricted to ‘conformance control, with little or no possibility of improving projects apart from their formal coherence with the plan’ (Janin Rivolin, 2008: p. 174). Development control is often considered an ‘administrative burden’ (Janin Rivolin, 2008: p. 174), which is why a conforming planning system may not necessarily promote public accountability. Assigning land-use classes in a land-use plan may not result in actual change. On the contrary, Janin Rivolin (2008) attributes greater public accountability to performing planning systems, since projects are not evaluated solely by their conformity to a binding land-use plan and other material considerations also play a role.

Critics of the British planning system may be surprised that their performing planning system may score highly when it comes to accountability. Indeed, the British planning system, especially development control, has been regarded by British planning scholars and practitioners as having major flaws in relation to accountability and legitimacy (Ball, 2011; Cheshire, 2005; Cheshire and Sheppard, 2005). Much effort has been made to make the system more responsive to the demands of stakeholders in the planning system (Ball, 2011; Greenwood and Newman, 2010). ‘The problem is that inconsistency, unfairness and a lack of transparency are inevitable features of administrative discretion’ (Corkindale, 2007: p. 48). Moreover, accountability to third parties has been limited, especially in the sense that third parties have no formal right of appeal (Clinch, 2006; Harris, 2010).

The question of the merits of both the planning systems when it comes to accountability is still the subject of some debate. Here, a distinction can be drawn between the ideal constructions of the ‘modalities of delivering spatial development rights’ (Janin Rivolin, 2008) and the way planning systems operate in practice. The traditional dichotomy between performing and conforming systems is less clear in planning practice (Buitelaar *et al.*, 2011; Janssen-Jansen and Woltjer, 2010). For example, although the Dutch planning system is a conforming system, many of the plans made are development-led (Buitelaar *et al.*, 2011); furthermore, alongside planning systems that produce land-use plans, there are municipal land development agencies that are directly involved in realising land-use plans by producing serviced plots (Buitelaar, 2010; Needham, 1992; Van Rij and Korthals Altes, 2010) or which also commission development agencies to facilitate the realisation of developments (Van Rij and Korthals Altes, 2010).

This paper studies these differences in accountability in the practice of land development, based on the analysis of case

studies in a performing system (Cambridge in England) and a conforming system (Pijnacker-Nootdorp close to The Hague in the Netherlands). Section 2 will explore the issue of public accountability in relation to planning systems more generally. Section 3 provides an introduction to the case studies and findings of the authors. Section 4 consists of a discussion and conclusions drawn from the study.

2. Research approach: public accountability, land development and planning systems

Accountability can be conceptualised as a relationship. An authority is accountable to someone for something. Such a relational view implies responsiveness and a ‘need for discretion and discernment’ (Painter-Morland, 2006: p. 94). This need for discretion may indicate that performing planning systems, with discretionary scope for situated decision making, may be in a better position with respect to ensuring accountability than conforming planning systems.

In a relationship involving accountability, a decision maker justifies decisions that it has made. Local authorities are accountable to a range of stakeholders. In this study, the authors are focusing on the accountability of the local authority’s executive to both the council and other actors in the local area. Its accountability towards the council is based on the council’s role as the people’s representatives, based on ‘territorial representation’ (Faludi, 2013). The council, as the people’s representatives, has a formal role in setting a framework for the action of the executive, including establishing the budget, and in reviewing the actual actions of the executive. Moreover, council meetings and the documents on the agenda are usually public, which means that the documents also have a role in justifying the executive’s decisions to a broader community. The authors also include accountability to citizens and other stakeholders in their research since it is common knowledge in the planning community that accountable policies involve more than a justification of policies in a council setting, but they also involve accountability towards the local community (Andrew, 2012; Ng *et al.*, 2014). These relationships are interconnected. Council members may have relationships with people in the area and may use these relationships to review municipal policies. Council meetings may offer the opportunity for citizens to express their opinions. The information provided to the council may also be used by other parties to hold the authority accountable. However, it is often not clear ‘whether inclusive processes necessarily produce just outcomes’ (Campbell and Fainstein, 2012). Indeed, there is much evidence to indicate that inclusive decision making has not led to better processes or outcomes (Brown and Chin, 2013; Irvin and Stansbury, 2004).

There are two major stages in the authors analysis of accountability: first, the justification of project planning in

the context of strategic planning and, second, the development on the ground in the context of project planning (Table 1).

The idea of considering justifications in the light of strategic planning corresponds to the idea that strategic planning matters. Strategic planning focuses selectively on what ‘really makes a difference to the fortunes of an area over time’ (Healey, 2004: p. 46). In the planning systems in which the authors case studies are positioned, the relationship between strategic planning and development planning is of a performance-based nature. This is not the case in all planning systems. For example, in Turkey ‘...top-level land-use plan and metropolitan area master plan decisions are legally binding on local-level plans and all parties are obliged to obey these decisions’ (Turk and Korthals Altes, 2010: p. 185). Such a relationship may also exist in the Italian context (APBS/PABAA, 1997, section 9, paragraph 2; Cotella and Janin Rivolin, 2011; Healey, 2004). Accordingly, this may be constructed as a Mediterranean approach in which the responsiveness of local planners towards local needs and demands is constrained by binding higher-level plans and in which non-conforming development may become prevalent to meet these needs and demands outside the planning system. The difference between performing and conforming planning systems is thus more complex than it may appear at first glance. Below, the concepts of performance against conformity have been framed to analyse the relationship between strategic plans and more operational plans when it comes to the development of a new housing area (Banai, 2013; Faludi, 2000) (Table 2).

3. Case studies and findings

The cases (Table 3) selected are Clay Farm and Glebe Farm, which are part of the Cambridge Southern Fringe Growth Area, and Keijzershof in Pijnacker-Nootdorp, which is in The Hague region and also close (11 km or 14 min by metro) to Rotterdam.

Both cases are greenfield developments and both are located in growth regions under significant development pressure. A national policy drive to increase the housing supply, combined with local aspirations to meet housing need, was essential to justify developing these greenfield locations. The way in which on-site and off-site infrastructure – such as public transport, community centres and other services – has been delivered conforms with each country’s traditional way of securing public interest in development projects: by means of municipal active land policy in the Netherlands and by S106 agreements in England. Both developments are extensive in scale, meaning that strategic-planning issues are at stake.

The case studies are based on an analysis of documents available in public archives, including a range of plans, policy statements and minutes from council meetings. This document analysis was supplemented by semi-structured interviews with the planning officials in charge of supervising and managing the selected development projects. Other publications (Lau, 2014; Morrison and Burgess, 2014; Schönau *et al.*, 2014) that refer to planning in these communities have been used to triangulate the findings.

	Accountability to council	Accountability to local players
Relationship between strategic planning and project planning	Accountability to the council for project planning	Accountability to local players for project planning
Relationship between project planning and development on the ground	Accountability to the council for development on the ground	Accountability to local players for development on the ground

Table 1. Relationships investigated in this paper

	Relationship between project planning and development on the ground	
	Conformity	Performance
Relationship between strategic planning and project planning	Conformity Performance	Mediterranean approach Netherlands England

Table 2. Performance against conformity

	Clay Farm and Glebe Farm	Keijzershof
The project is a part of	Cambridge Southern Fringe Development consisting of around 4000 new homes	Pijnacker-Zuid Development consisting of around 4000 new homes
Responsible local planning authority	Cambridge City Council and South Cambridgeshire District Council	Municipality of Pijnacker-Nootdorp
Relevant national policy	The London–Stansted–Cambridge growth corridor in Sustainable Communities Plan (ODPM, 2003)	Guidelines for locations of possible large-scale housing development areas in Vinex (Fourth Memorandum Spatial Planning Extra)
Project size	c. 39.1 ha in total (29.31 ha for Clay Farm and 9.79 ha for Glebe Farm) 2586 new homes (Clay: 2300, Glebe: 287), of which 40% are affordable housing	Around 61 ha (43 ha for residential area and 18 ha for green space and pavements) Around 2300 new homes, of which 30% are social housing
Development period	Since the adoption of the Cambridge Southern Fringe Area Development Framework 2006 until 2020 (anticipated completion date)	Since the adoption of the Keijzershof Masterplan 2005 until 2020 (anticipated completion date)
Public infrastructure	Off-site, in relation to public access to the site: Cambridgeshire Guided Busway, access to M11 motorway, cycleway On-site: secondary school, primary school, community, sports and recreation facilities, library, public open space, footpaths and cycle paths, and so on	Off-site, in relation to public access to site: metro station 'Pijnacker-Zuid', Tuindersweg (link between Tuindershof and Keijzershof), cycle routes to The Hague, Rotterdam, Delft and Zoetermeer On-site: sports park, two elementary schools, children's centre, kindergarden, playgrounds, public open spaces, footpaths and cycle paths, and so on
Guiding plans	Southern Fringe Area Development Framework (2006) Cambridge Local Plan (2006) Approved planning statements (2010) Approved applications for reserved matters: youth and play strategy, green corridor strategy and so on (2010) and design code, strategic phasing plan, water strategy and so on (2011)	Master plan Keijzershof (2005) Building design guidelines (<i>Beeldregieplan</i>) Keijzershof (2006) Basic plan open space (<i>basisplan buiten ruimte</i>) Keijzershof (2006) Outline land-use plan, Keijzershof (2008) Detailed land-use plans (2009 underway)
Developer	Main applicant for outline permission: Countryside properties public limited company (PLC) Other applicants for permission of reserved matters: Skanska, Bovis Homes	Heijmans (around 1350 homes) Rondom Wonen (housing corporation, around 750 homes) Bouwfonds (around 100 homes)

Table 3. Facts and figures of the cases

3.1 From strategic to project planning

In both cases, the actual realisation of national policies for housing growth in key areas was actively mediated by local policy settings. For Keijzershof, local authorities lobbied to include Pijnacker-Zuid in the regional implementation covenant of Vinex (a Dutch acronym for 'Fourth Report on Spatial Planning Extra'). In the case of Clay Farm and Glebe Farm, the University of Cambridge, the development industry and local politicians lobbied to make green belt sites available for residential development (Lau, 2014; Morrison, 2013). The difference is that in Cambridge, this process was more politicised in relation to the Southern Cambridgeshire

council which has more than once declared its opposition to new settlements.

In both cases, local authorities were actively involved in the process (see Tables 4 and 5) from national policies by way of strategic planning to project planning. For Clay Farm and Glebe Farm, the Cambridgeshire and Peterborough Structure Plan of 2003 defined the key indicators for progress towards sustainable development strategy objectives, such as 40% affordable housing, which would later be referred to for S106 agreements. For Keijzershof, it was the 1995 Vinex regional implementation covenant which proposed a set of development

Year	Event
1990	National policy announced
1995	Regional agreement on development sites Private developers start acquiring land
2003	Housing area included in the provincial land-use plan
2003–2005	Pre-consultation and coordination between the municipality and main stakeholders
2003	Ecology covenant for Pijnacker-Zuid Municipality commissions master plan for the project area
2005	Definitive development agreement between the municipality and private developers Master plan approved by municipality
2006	Legal land transfer from private developers to the municipality Land development by the municipality
2008	Article 19 procedures (procedures for building permissions in anticipation of a new plan) Outline land-use plan prepared, consulted on, amended and approved Offer of serviced building plots by the municipality to a predetermined developer Arrival of first residents
2009–ongoing	Acceptance of the land offer by the developer Detailed land-use plan approved; block-by-block development
2014	Development fully underway, houses being sold

Table 4. Timeline for Keijzershof development

Year	Event
2000	Acute need for local housing + growing consensus on housing growth Indication of housing growth in Regional Planning Guidance 6
2003	Supportive national policy; Sustainable Communities Plan Cambridgeshire and Peterborough Structure Plan includes the release of land from Green Belt and explicit planning guidelines
2005	Cambridgeshire Horizons (local delivery company) set-up
2006	Cambridge Southern Fringe Area Development Framework Cambridge Local Plan, including Southern Fringe development policies
2007	Joint Development Control Committee for Cambridge Fringes Clay Farm planning application submitted
2008	Glebe Farm planning application submitted Glebe Farm approved, subject to S106 negotiation Clay Farm approved, subject to S106 negotiation
2009	An appeal lodged on S106 planning obligations
2010	Appeal dismissed Outline planning permission for Clay Farm and Glebe Farm granted, under the condition of 40% affordable housing provision Permission for some reserved matters granted
2012	Arrival of first residents; block-by-block development
2014	Development fully underway, houses being sold

Table 5. Timeline for the Clay Farm and Glebe Farm development

conditions, such as a mix of 30% affordable, 45% middle-priced and 25% high-end houses, the integration in the regional public transport network, the number of houses to be built and the distribution of the national government's subsidy for land development. The 2003 Cambridgeshire and

Peterborough Structure plan and the 1995 Vinex regional implementation covenant have both remained influential on subsequent project planning. The difference lies in the driving force behind these processes. In the case of Clay Farm and Glebe Farm, there was also substantial political pressure

(Cambridgeshire County Council, 2003: pp. 140–147). ‘The people of Cambridge have been persuaded to have the green belt built over. So it has to be done really well to kind of honour that trust’ (Head of planning of Cambridge City Council, 27/11/2012). For Keijzershof, the conditions attached to the subsidy, which was negotiated and agreed on between the national government, the provincial government and nine participating municipalities in the regional governance body for The Hague region, determined the structure of municipal policies.

The range of those involved in the process of project planning was, however, structured differently. For the Cambridge Southern Fringe Area Development, which includes Clay Farm and Glebe Farm, six local authorities in Cambridgeshire established Cambridgeshire Horizons as a Local Delivery Company in 2004. Until 2011, the board – which comprises 20 public and private stakeholders including the Homes and Communities Agency and the University of Cambridge – had been in charge of managing the Housing Growth Fund (£12.5 million) and Rolling Fund (£8 million) provided by the central government to invest in developments. It also produced numerous policy documents, such as the Green Infrastructure Strategy (2006) and the Quality Charter for Growth (2008), in parallel with other formal plans, such as the Cambridgeshire Southern Fringe Area Development Framework (2006) and the Cambridge Local Plan (2006), in order to elaborate their development principles in supplementary forms. Since 2011, the role of Cambridgeshire Horizons has been reduced to supervising the use of funding and its return as planned. The role of the Joint Development Control Committee (JDCC) for Cambridge Fringes, which was established in 2007 by the Cambridge City Council and South Cambridgeshire District Council, thereby became significant in processing planning applications.

For the Keijzershof development, an arena for negotiation between the municipality and private actors, both developers and non-governmental organisations, was created on an ad hoc basis, when the municipality perceived a need for this. One example is an agreement reached in 2003 with the ‘Pijnacker Association for Nature and Environmental Protection’ (Vereniging voor Natuur- en Milieubescherming Pijnacker); the municipality promised to compensate for the loss of natural habitat caused by the development, while the association would assist the environmental impact assessment. The association secured this position through the previous use of its third-party appeal rights. It appealed against two previous development plans near Keijzershof. The court case had brought the development to a standstill, and it was eventually resumed after the municipality won the case and changed the plan. The association was unable to stop the development completely, but it did cause a delay and extra expense for the

municipality. In the case of Keijzershof, both parties were persuaded to reach an agreement outside the formal domain of land-use planning, rather than intensifying an adversarial relationship. Another example involved deals between the municipality and land-owning developers. On the basis of the outcome of the Vinex implementation covenant, developers acquired land in Keijzershof. The first developer to acquire a major part of the area established a preliminary agreement with the municipality on an approximate volume of development and land transfer arrangements. This involves private parties selling their land to the authority in exchange for an option to buy building plots later in the process. The exchange of land for building rights is a common development model in the Netherlands (Groetelaers and Korthals Altes, 2004; Van Der Krabben and Jacobs, 2013). These preliminary agreements are not in the public domain.

3.2 From project planning to development on the ground

In the Keijzershof development, the ‘polder model’, a combination of corporatism and consensus, can be discerned in decision making relating to the development on the ground. The decisions often follow an informal or non-statutory trajectory, taking the form of negotiation and coordination between powerful stakeholders. Those decisions may not always be accessible to the public and may not be well documented. Nevertheless, the municipal council is informed of these decisions and its endorsement is required. Consensus is a means by which the municipal council operates through coalitions to form a majority (nine different political parties were represented in the body of 29 councillors) and through the search for a broader agreement among the parties rather than by the majority party acting alone. The municipal council leaves many of the details to the executives and its experts at the project level, putting a great deal of trust in administrative or technical deliberations. For example, the principle of 30% social housing in new residential areas was compromised during the process due to considerations of financial feasibility, a decision that the council never subjected to critical scrutiny.

In Clay Farm and Glebe Farm, developments on the ground are managed through separate handling of an outline planning permission and associated permissions encompassing reserved matters such as phasing, design code, materials, youth facilities, children’s playgrounds, a green corridor, plantations, the management of landscaping, tree preservation, renewable energy strategies and the sustainability of buildings. The reserved matters base their justifications on previous policy documents, such as the Cambridge Local Plan 2006. Certain reserved matters may not be permitted unless those previously approved have been implemented properly and in the agreed way. In addition, the first approval of reserved matters should

be requested within 3 years once the outline permission has been granted and the last approval should be granted before the expiration date of the outline permission. In this case, the outline permission granted is valid for 10 years, rather than the conventional term of 3 years, as the scale of development requires an incremental approach. This type of arrangement, including a schedule of financial or in-kind contributions incentivises planning applicants to advance their plans in a timely manner and in the sequence desired by the planning authority, once the outline permission has been granted. Although this works well in a buoyant market, there are some issues in the case of a downturn: developers may stall the development or attempt to renegotiate the conditions set (see also Morrison and Burgess, 2014). At Keijzerhof, no fixed deadline was established at the outset because of the municipality, which was responsible for servicing the land, was able to phase it flexibly, considering its own financial interests. This phasing was affected by the economic downturn, which also had negative consequences for municipal finance. The municipality discusses the development with the developers on a monthly basis.

In both cases, citizens are able to attend the design workshops or information meetings held on an ad hoc basis during the process. An independent design review panel was also established. For the Keijzershof development, panel members were appointed on the basis of an agreement between the municipality and developers, while Cambridgeshire Horizons and later the JDCC appointed panel members for Clay Farm and Glebe Farm. In the Dutch case, local residents are kept informed of the progress of development, both formally by way of public participation processes enshrined in statutory planning procedures and informally by way of periodic municipal newsletters on the agendas of council meetings. In the English case, residents are kept informed of approved reserved matters by way of online access to public documents and through newspaper notices. To exercise an influence on decisions relating to reserved matters, citizens can, either as individuals or through the intermediary of a civil organisation, take the opportunity to present their opinion before these matters are formally dealt with in the JDCC meetings, provided the speaker registers his or her intention in advance. However, the influence of any speaker on definitive decisions is limited because the advice and recommendations of the municipal executive and planning officials are greatly respected and the participation of citizens is meant to enhance more inclusive deliberation on matters but not to give citizens a remit to decide.

4. Conclusions

The conforming planning system used in Pijnacker did not result in less accountability, suggesting that Janin Rivolin's (2008) critique of conforming planning systems does not hold

in all contexts. The context in which a planning system operates is very important in understanding the actual practice of accountability for planning decisions relating to housing development projects, in order to make a sound assessment of the planning system. In both cases, the municipal executive was held accountable for the link between strategic planning and project planning, not only by the municipal council, but also by the regional level of governance. The political importance of project decisions, which was underlined by infrastructure subsidy streams from higher levels of government and the strategic guidelines attached to them, motivated the council to take an active role in supervising the extent to which project planning conformed with the key principles of strategic planning agreed on by the regional level of governance. However, given the learning effects observed over the course of the planning process, it is doubtful whether the nature of the relationship between strategic planning and project planning was sufficiently performance based, in the sense that it facilitates learning. The pre-defined framework of development set by either the regional structure plan or by the implementation covenant of The Hague region was generally respected and followed.

With respect to accountability to outside players in the process from strategic planning to project planning, the model of Cambridgeshire Horizons is more explicit than Keijzershof's corporatist model. In Cambridge, an arena was created and maintained for dialogue between the various stakeholders in the initial stage of defining the more detailed development framework and a number of criteria to assess planning applications. Creating and maintaining an inclusive channel for dialogue with various stakeholders helps to prevent delay in the development and to increase the quality of decisions during the implementation phase.

To smooth out the process from project planning to development on the ground, both local authorities use a range of formal and informal mechanisms. For example, reserved matters need to be approved by the council, not only matters of outline permission. The council is kept informed of the situation when issues arise regarding residents' safety or financial consequences of public investment. The council is also regularly updated about wider progress on the project at least every 6 months. The council also has great confidence in the executive's capacity to manage the project and keep it on track. In the process from project planning to development on the ground, the first residents of the area subsequently have a channel through which to consult with the municipality and encourage it to complete the development in a coordinated way. In both cases, key infrastructure, community facilities and amenities were prioritised and thus delivered earlier, to benefit new residents and to facilitate the sale of subsequently delivered housing units.

These considerations lead us to conclude that accountability is not something that stems naturally from the system of planning law, in terms of whether it can be categorised as a conforming or performing system. Rather, it must be established on the ground through various steps in the municipal planning process.

REFERENCES

- Alterman R (2011) Guest editorial: comparative research at the frontier of planning law: the case of compensation rights for land use regulations. *International Journal of Law in the Built Environment* **3(2)**: 100–112.
- Andrew RM (2012) ‘With’ and not ‘to’ – the key to unlocking communities. *Proceedings of the Institution of Civil Engineers – Municipal Engineer* **165(3)**: 149–156, <http://dx.doi.org/10.1680/muen.11.00019>.
- APBS/PABAA (Autonome Provinz Bozen Südtirol/Provincia Autonoma di Bolzano Alto Adige) (1997) *Landesraumordnungsgesetz/Legge Urbanistica Provinciale*. APBS/PABAA, Bozen/Bolzano, Italy.
- Ball M (2011) Planning delay and the responsiveness of English housing supply. *Urban Studies* **48(2)**: 349–362.
- Banai R (2013) Plan vs project dilemma revisited: a progress review of urban and regional studies literature. *Urban Studies* **50(4)**: 807–824.
- Been V and Infranca J (2012) Transferable development rights programs: ‘Post’ zoning? *Brooklyn Law Review* **78(2)**: 1–19.
- Booth P (2007) The control of discretion: planning and the common-law tradition. *Planning Theory* **6(2)**: 127–145.
- Booth P, Nelson S and Paris D (2007) Actors and instruments in the planning systems. In *Spatial Planning Systems of Britain and France: A Comparative Analysis* (Booth P, Breuillard M, Fraser C and Paris D (eds)). Routledge, Oxon, UK, pp. 67–82.
- Brown G and Chin SYW (2013) Assessing the effectiveness of public participation in neighbourhood planning. *Planning Practice & Research* **28(5)**: 563–588.
- Buitelaar E (2010) Cracks in the myth: challenges to land policy in the Netherlands. *Tijdschrift voor Economische en Sociale Geografie* **101(3)**: 349–356.
- Buitelaar E, Galle M and Sorel N (2011) Plan-led planning systems in development-led practices: an empirical analysis into the (lack of) institutionalisation of planning law. *Environment and Planning A* **43(4)**: 928–941.
- Campbell H and Fainstein S (2012) Justice, urban politics and policy. In *The Oxford Handbook of Urban Politics* (John P, Mossberger K and Clarke SU (eds)). Oxford University Press, New York, USA, pp. 545–566.
- Cheshire P (2005) Unpriced regulatory risk and the competition of rules: unconsidered implications of land use planning. *Journal of Property Research* **22(2–3)**: 225–244.
- Cheshire P and Sheppard S (2005) The introduction of price signals into land use planning decision-making: a proposal. *Urban Studies* **42(4)**: 647–663.
- Clinch JP (2006) Third party rights of appeal: enhancing democracy or hindering progress? *Planning Theory & Practice* **7(3)**: 327–350.
- Corkindale J (2007) Planning gain or missed opportunity? The barker review of land use planning. *Economic Affairs* **27(3)**: 46–51.
- Cotella G and Janin Rivolin U (2011) Europeanization of spatial planning through discourse and practice in Italy. *disP – The Planning Review* **47(186)**: 42–53.
- Faludi A (1987) *A Decision-Centred View of Environmental Planning*. Pergamon Press, Oxford, UK.
- Faludi A (2000) The performance of spatial planning. *Planning Practice and Research* **15(4)**: 299–318.
- Faludi A (2013) Territorial cohesion and subsidiarity under the European Union Treaties: a critique of the ‘Territorialism’ underlying. *Regional Studies* **47(9)**: 1594–1606.
- Greenwood D and Newman P (2010) Markets, large projects and sustainable development: traditional and new planning in the Thames Gateway. *Urban Studies* **47(1)**: 105–119.
- Groetelaers DA and Korthals Altes WK (2004) Policy instruments in the changing context of Dutch land development. In *Methodologies, Models and Instruments for Rural and Urban Land Management* (Deakin D, Dixon-Gough RW and Mansberger R (eds)). Ashgate, Aldershot, UK, pp. 75–87.
- Harris N (2010) Discretion and expediency in the enforcement of planning controls. *Town Planning Review* **81(6)**: 675–700.
- Healey P (2004) The treatment of space and place in the new strategic spatial planning in Europe. *International Journal of Urban and Regional Research* **28(1)**: 45–67.
- Hirt S (2013) Form follows function? How America zones. *Planning Practice & Research* **28(2)**: 204–230.
- Irvin RA and Stansbury J (2004) Citizen participation in decision making: is it worth the effort? *Public Administration Review* **64(1)**: 55–65.
- Janin Rivolin U (2008) Conforming and performing planning systems in Europe: an unbearable cohabitation. *Planning, Practice & Research* **23(2)**: 167–186.
- Janssen-Jansen LB and Woltjer J (2010) British discretion in Dutch planning: establishing a comparative perspective for regional planning and local development in the Netherlands and the United Kingdom. *Land Use Policy* **27(3)**: 906–916.
- Lau M (2014) Flexibility with a purpose: constructing the legitimacy of spatial governance partnerships. *Urban Studies* **51(9)**: 1943–1959.
- Morrison N (2013) Reinterpreting the key worker problem within a university town: the case of Cambridge, England. *Town Planning Review* **84(6)**: 721–742.

- Morrison N and Burgess G (2014) Inclusionary housing policy in England: the impact of the downturn on the delivery of affordable housing through section 106. *Journal of Housing and the Built Environment* **29(3)**: 423–438.
- Needham B (1992) A theory of land prices when land is supplied publicly: the case of the Netherlands. *Urban Studies* **29(5)**: 669–686.
- Ng ST, Skitmore M, Tam KY and Li THY (2014) Public engagement in major projects: the Hong Kong experience. *Proceedings of the Institution of Civil Engineers – Municipal Engineer* **167(1)**: 22–31, <http://dx.doi.org/10.1680/muen.13.00009>.
- ODPM (2003) *Sustainable Communities Plan*. Office of the Deputy Prime Minister, London. See http://webarchive.nationalarchives.gov.uk/20060502043818/http://odpm.gov.uk/embedded_object.asp?id=1139872 (accessed 20/04/2015)
- Painter-Morland M (2006) Redefining accountability as relational responsiveness. *Journal of Business Ethics* **66(1)**: 89–98.
- Schönau WF, Voets J and Van Lente HLM (2014) *Vervolgonderzoek Grip op Grote Bouwprojecten: Rekenkamercommissie Pijnacker-Nootdorp*. Twynstra Gudde, Amersfoort, the Netherlands.
- Steele W and Ruming KJ (2012) Flexibility versus certainty: unsettling the land-use planning shibboleth in Australia. *Planning Practice and Research* **27(2)**: 155–176.
- Turk SS and Korthals Altes WK (2010) Institutional capacities in the land development for housing on greenfield sites in Istanbul. *Habitat International* **34(2)**: 183–195.
- Van Der Krabben E and Jacobs HM (2013) Public land development as a strategic tool for redevelopment: reflections on the Dutch experience. *Land Use Policy* **30(1)**: 774–783.
- Van Rij E and Korthals Altes WK (2010) Looking for the optimum relationship between spatial planning and land development. *Town Planning Review* **81(3)**: 283–306.

WHAT DO YOU THINK?

To discuss this paper, please email up to 500 words to the editor at journals@ice.org.uk. Your contribution will be forwarded to the author(s) for a reply and, if considered appropriate by the editorial panel, will be published as discussion in a future issue of the journal.

Proceedings journals rely entirely on contributions sent in by civil engineering professionals, academics and students. Papers should be 2000–5000 words long (briefing papers should be 1000–2000 words long), with adequate illustrations and references. You can submit your paper online via www.icevirtuallibrary.com/content/journals, where you will also find detailed author guidelines.