Improving urban regeneration in the UK: Lessons from the developing world

Raphael J. Heffron and Paul Haynes

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Keywords:

Urban renewal and regeneration, framework, current planning practice, UK

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Abstract

In assessing lessons to be learnt from best practice in policy making and legislation, the trajectory is generally concerned with the way the developing world can "catch up" with the practices or frameworks implemented within advanced developed economies. This paper will consider the lessons that the UK can learn from urban renewal and regeneration projects undertaken in the "majority world" countries of the Global South. The paper will assess the state of urban regeneration policy and legislation in the UK and present a number of lessons that have emerged from different case studies of urban regeneration in a range of developing countries, which could be applied to this UK urban renewal context to enable the achievement of beneficial outcomes.

1: Introduction

"The most obvious laws are those that are fewest, simplest, and most general; and I even think that it would be better to be without them altogether than to have them in such numbers as we have at present".

Michel Eyquem de Montaigne, 1533-1592[1]

The last century has seen a continual growth in the development of planning and property law in the United Kingdom, in contrast to the views of the French legal philosopher Michel Eyquem de Montaigne, who considered simplicity (and parsimony) the ideal consideration in legislating. There is currently a movement to restore simplicity to the legislative framework in planning and urban renewal. Notwithstanding the ambition for simplicity, the reality remain that planners, be they practitioners, academics or students, cannot but help feel overwhelmed by the extent and ever increasing complexity and restrictiveness of planning and development legislation in the United Kingdom[2].

This paper concerns urban renewal and regeneration, both of which describe the general class of urban development involving considerable modification to a cluster of housing units and related infrastructure. Such developments are by their nature complex in terms of the number of processes that need to be planned in detail and the number of regulations they need to meet related to property, development and planning law. In relation to such projects, there exist two types of planning: restriction and intervention[3]. Restriction takes its form in planning control, whereas intervention is associated in general with positive planning which can take many forms, for

example towns' programmes, regional economic strategies, redevelopment schemes, and partnership agreements[4]. Urban regeneration is a redevelopment scheme that involves positive, i.e. interventionist, planning. The process involves clearing a site which has been classed as in need of repair and then, generally, rebuilding units on the site with modifications to the built environment.

In this paper the UK planning process will briefly be examined, from its emergence to current practice. Key aspects of the urban renewal process will be introduced, which will be contrasted with features that have emerged within three international case studies of good practice. Finally the lessons that can be learnt from such case studies will be presented before exploring whether such a framework would be feasible in the UK environment.

2.1: Overview of the Planning Process in the UK

Planning in the UK has a long heritage. Queen Elizabeth I introduced the first state-mandated development control measures, requiring new buildings to be built on the foundations of old buildings[5]. It was not, however, until the early 20th century that the first legislation (The Town Planning Act 1909) was passed giving local authorities powers and responsibilities to regulate land use.

Nearly half a century later, a more systematic approach to planning was identified by the post war labour government as a way to address three key problems: (1) concern about overcrowding, poor working conditions for many city dwellers and associated pollution and health problems; (2) a perceived need to influence the location of

industry; (3) a concern to protect agricultural land[6]. The resulting Town and Country Planning Act 1947 led to the creation of local planning authorities, the regulation of new development though the nationalisation of development rights, and the creation of new development plans. The development of the English planning system since the 1940s is characterised by reform to the 1947 Act: an increase in democratic participation in the 1960s; attempts to introduce a tax on the uplift in the value of land due to planning permission; and increased focus on sustainable development as the goal of planning[7]. More recently, the Planning and Compulsory Purchase Act 2004 has changed the structure of plan-making to meet new objectives, such as reflect regional development goals more effectively, increase public participation and speed up, simplify and increase the flexibility of the plan-making process. Despite the introduction of such new legislation, the policy making itself has not changed significantly[8].

2.2: Current Planning Practice in the UK

2.2.1: National Planning Strategies:

At present the Department for Communities and Local Government is responsible for national policies on planning. Such policies are set out in new-style Planning Policy Statements (PPS)[9], which are gradually replacing Planning Policy Guidance Notes (PPG). Planning Policy Statements are developed by government once a public consultation has occurred in order to explain planning policy and guide local authorities and partner organisations on the planning system and related policies relevant to the development of the built environment. A PPS is used for guidance by

local authorities in developing a master plan and in considering a planning application.

2.2.2: Regional and Local

In September 2004, the PPS 11: Regional Spatial Strategies (RSS)[10] was introduced in order to establish a 'spatial' vision and strategy specific to the region - for example, identifying in general terms areas for development or regeneration for a period of about 20 years ahead; sustainable development; outline housing figures for district authorities to take forward in their Local Development Frameworks (LDFs); environmental protection and enhancement; regional Transport Strategy; outline key priorities for investment; identify how the region's waste should be dealt with; be consistent with and supportive of other regional frameworks and strategies; and will be subject to a Strategic Environmental Assessment[11]. In May 2010 the UK government announced the abolition of Regional Spatial Strategies, with local councils – Local Planning Authorities – taking over responsibility for decision making on housing and planning, under the terms of the Local Democracy Economic Development and Construction Act 2009. Also in 2010 the Localism Bill was introduced to Parliament. The Bill, which is likely to become an Act of Parliament at the end of 2011, proposes a number of changes to both housing and planning practices in the UK. The Bill seeks to abolish the Tenant Services Authority and provides for a transfer of functions to the Homes and Communities Agency; formally abolish Regional Spatial Strategies; abolish the Infrastructure Planning Commission, devolving power to the Secretary of State; amend the Community Infrastructure Levy, which allows councils to charge developers to pay for infrastructure; grant Greater London Authority new housing and regeneration powers. Other features of the bill

include the removal of a range of existing social housing rights; the provision for neighbourhood development orders, to allow communities to approve development without requiring normal planning consent, and also provide for neighbourhood plans to be developed by residents and implemented with majority consent. While such changes will have an impact on the responsibility for housing and planning in the UK and will introduce new planning conventions, the planning process is likely to remain bureaucratic and centralised. Indeed, the notable shift away from the regional level, including the abolition of the Regional Development Agencies, to the more local level, as illustrated by the UK government's announcement in spring 2011 of its plan to introduce 21 new enterprise zones and 24 Local Enterprise Partnerships, and the launch of the Big Society agenda in 2010, and its re-launch in 2011, suggest a shift in decision making to local communities, but there has also been a shift from regional organisations to central government and business, a shift in authority which might outweigh the powers devolved to local people. This is especially likely if these new powers do not have the financial backing and expertise to support the communities in using them, an issue that will be considered in the conclusion of this paper.

3: Importance of the Urban Regeneration Processes

The planning literature on the urban poor has undergone a transformation (see, for example, Winston and Eastway 2008). In developed countries, people no longer live in slums but live in "distressed areas" with "limited access to amenities" while in the developing world the poor still remain in slums, shanty towns or townships. This can

be attributed to the change in classification of such areas in the developed world when the term "urban renewal" was first used in 1954[12] and replacing or upgrading poor quality housing framed as a "regeneration" of a neighbourhood. The United Nations discusses the urbanisation of poverty[13] and the need for prompt action for urban dwellers. It has become recognised that urban planning and development is an effective means of taking people out of poverty[14].

In the global South, the Millennium Development Goals (MDGs) depend on the management of urban areas that will achieve international targets for poverty reduction[15]. It is long established that economic performance of cities defines national economic performance[16]. Gross disparities in living conditions, poor housing, lack of access to essential services and jobs, social segregation and social exclusion sustain poverty, undermine security and erode the fabric that make cities work economically – their capacity to agglomerate and concentrate large number of diverse people in an efficient manner[17]. There are, of course, additional negative effects from badly conceived urban planning and housing projects that contribute to social problems within a city, for example environmental pollution, health issues, lack of urban space, urban decay and crime.

3.1: Governance in Planning for Urban Regeneration

Governments alone seem incapable of either meeting urban challenges or effectively exploiting the potential that are pent up in towns and cities; potential often suppressed by poverty and a lack of voice[18]. If the potential that resides within communities is to

surface, urban development and planning must engage a wide range of actors – public, private and civil society – at different levels of decision making – national, regional, and local in order to tailor a plan to the specificities of the individual community. This requires a new level of subsidiarity, recognising the most effective levels of authority[19]. It also demands new approaches to participatory governance and deliberative decision making. To be effective, decisions should resonate with the values and perspectives of the citizens affected by the decisions and to do so should be taken locally[20]. This is the concept of subsidiarity – getting the level of decision making right. However there is a universal resistance to devolving authority: many see it as a loss of power and do not recognise the associated benefits of divesting responsibility[21]. In many states the presumption has been that national government is the level where power is best concentrated[22]. However, regional and local governments are important decision makers in matters of urban development, and many actions can only be effective if they are decided upon at a neighbourhood level because of the nuances of local communities. However the vast majority of governments do not have the resources or political will to emulate such policies[23]. Despite the rhetoric that surrounds housing rights, shelter and dwelling are typically conceptualised as consumer goods that is the responsibility of the household.

More enlightened urban administrations in developing countries of the global South have recognised the limits of public resources – both technical and financial – and have embraced the basic principles of the 'enabling approach' to low income housing. This sometimes entails the government provision of land with secure title and basic infrastructure on which householders construct dwellings. This paper will consider some examples in section 4.

3.2: Appearance of "slums" in legislative history

As stated earlier (in section 2.1) concern over the problem with poop urban dwellings in the UK was one of the three key reasons for the beginning and continued development of planning law and practice. The early policy was to eradicate slum dwellings. At first so called "slum clearance" was initiated by a resolution by the housing authority declaring an area to be a slum clearance area. This was an administrative procedure, and they were under no obligation to inform the residents (Housing Act 1957, s.42). They had to be satisfied that the houses or apartments were unfit for human habitation or they were defined as places "by reason of their bad arrangement, or narrowness or bad arrangement of the streets, dangerous or injurious to the health of the inhabitants, and that the other buildings, if any, in the area are for a like reason dangerous or injurious to the health of the said inhabitants" (Housing Act 1957, s.42.1.a). Despite declaring an area apt for slum clearance, the authority were not obliged to act, as this would depend upon considerations such as were the necessary funds being made available, would a redevelopment fit into area plans or whether suitable accommodation was available. Importantly, the case for preserving an existing community does not have to be considered as part of the process – this has been established in case law (*Savoury v Secretary of State for Wales 1974 31 P&CR*) – and the law in the area confers such broad powers that the authority only have to act reasonably and properly (which is very hard to rebutt).

3.3: Current Statutory Basis

There is now a national agency that is responsible for redevelopment in the UK. The term "slum clearance" is no longer used, even if many of the problems are the same; such areas having been reclassified as urban regeneration or renewal projects[24]. Until recently, the agency responsible for this was English Partnerships: The National Regeneration Agency. It was created in May 1999 with the merger of the Commission for the New Towns (CNT) and the Urban Regeneration Agency. The two organisations carry out their activities under the name English Partnerships.

The purposes for which the CNT[25] existed were to take over and, with a view to its eventual disposal, manage and turn to account the property of the New Town and Urban Development Corporations and Housing Action Trust transferred to the Commission and as soon as it considers it expedient to do so, to dispose of the property so transferred and any other property held by it. The Commission, in relation to any new town, urban development or housing action trust area, was required to have due regard to: the convenience and welfare of persons residing, working or carrying on business in the area and until disposal, the maintenance and enhancement of the value of the land and the return obtained from it[26].

The overall aim of the Urban Regeneration Agency[27] was to secure the regeneration of areas of need through the reclamation, development or redevelopment of land and buildings[28]. Whilst concentrating on the regeneration of land it was to, wherever possible, operate within a broader regeneration network working with local and regional partners, aiming to tackle the problems of an area in the round. Its programme addressed the need for land for a variety of purposes, including housing, industrial and commercial premises, the attraction of inward investment,

infrastructure, leisure, recreation and environmental impacts, focussing on three core areas of work to deliver our business objectives: (1) unlocking and increasing the supply of land to meet housing and other growth needs; (2) creating and sustaining well-served mixed communities where people enjoy living and working; and (3) improving quality of life and enhancing the environment through innovation and raising standards[29]. In the 2008 Housing and Regeneration Act, these powers were passed to a new agency: the Homes and Communities Agency. As of 2011, the future of the agency and its role in the regeneration process is uncertain.

4: Case study Analysis Exemplifying the UK Planning Approach

The research examined a number of urban regeneration projects underway in the UK between 2005 and 2011 and identified a number of procedures that characterised the UK approach to urban renewal. Typically, the projects were an attempt to regenerate an urban development completed in the 1970s but had fallen into decline, which had seen a deterioration in housing, with problems such as damp, crumbling walls and other structural problems, coupled with perceived planning failures from this period and a tenet profile indicative of social problems, such as high unemployment, poor health, low income and social exclusion. The regeneration process reflects a multi agency approach, involving collaboration with often five or six different agency partners. Through this partnership a master plan of the development is produced, covering planning, housing and some sustainability issues. The plan will generally include lower density housing and a mixture of social, affordable and private housing, which will be followed by a limited public consultation process, often with very low levels of participation. After the consultation process the plan will be modified, but will involve negotiation with additional stakeholders, depending upon the financial arrangements and the regulations appropriate for the development (see Raco 2003).

While some of the stated key objectives of such planning initiatives are to enable sustainability, community engagement, access to affordable housing and integrating communities, the reality is often very different. Existing residents are generally invited to become involved in the planning once key decisions have been made and in passive ways (questionnaires, town hall meetings, launch event etc.) with key certain decisions, such as the mix of private housing, not part of the consultation agenda. In this way, UK renewal and redevelopment programmes tend to be heavily regulated, share a top-down approach, are typically driven by necessity due to the urgency to replace existing low quality housing, and the need to generate revenue through the private sale of some of the new housing, and involve low levels of community participation, with little support for other community needs besides improvement in the built environment (see Lichfield 2009; Winston 2010).

4.1: Case studies from Developing Countries

In contrast to examples within the UK, the research also assessed a range of urban regeneration projects in a variety of countries in developing countries. While such countries often have a rich heritage in producing innovative planning, for example the renowned Curitiba Master Plan of 1968, there are also many contemporarty projects that include innovative practices that could benefit UK urban renewal projects, if applied appropriately and with a more flexible regulatory framework. The following table includes three case studies that exemplify the range of projects and identify a number of good practices applicable to UK urban renwal:

Initiative	Characteristics	Lessons
Community Led Finance	A donor aided scheme aimed at providing direct support to	The risks of the project are shared among all investors.

Facility, (CLIFF) India	representative organisations of the urban poor to help them carry out community driven initiatives in infrastructure, housing, and urban services. Organisations of the urban poor develop the capacity to manage housing upgrading, resettlement, and infrastructure initiatives.	Revenue can be obtained for residents from sales of some residences, commercial space or plots. Provides a framework for financial institutions to develop partnerships with the urban poor.
Favela Bairro Project, Brazil	A city scale urban renewal programme launched in 1994 by Brazil's housing agency and development bank to address Rio's unplanned urban sprawl and severe housing problems. The objective is to initiate a longer term process of "normalisation" and integration on a city scale by integrating areas of the city which have experienced exclusion in terms of physical infrastructure, services and ownership.	The regeneration process involving identifying the grass roots community groups before the process began, clearing the most deprived urban areas in consultation with the community, and handing the area to the residents, including ownership rights. Monitoring and evaluation are integrated into the development process. The development integrates infrastructure investments, improvement in the coverage and quality of social services, regulatory changes, and incentives and assistance to legalise all parts of existing built environment.
Baan Mankong Programme, Thailand	Large scale development, launched in 2003 in which government funds are channelled in the form of infrastructure subsidies to support community based management of housing development for the urban poor. Hundreds of developments were made possible through the funding programme and new partnerships between poor communities, NGOs and local agencies, to decentralise planning. Once the area is redeveloped, the ownership of properties is passed on to the residents as part of a land sharing package.	Most households received long-term land security – for instance through cooperative ownership or long-term leases to the community or to individual households; The programme allows for different aspects of city management to be decentralised to communities to strengthen collective social processes which improve security and address other social problems associated with poverty in a comprehensive approach to the needs of a specific community.

4.3: Proposed new approach for urban renewal in the UK

In assessing the merits of the three case studies outlined above, supported by additional case studies from the Building and Social Housing Foundation (BSHF), in particular their World Habitat Awards (see Habitat 2009) a number of lessons for the UK have emerged. Firstly, it is important to distinguish the reality of the urban renewal process and the way it is framed: concepts such as sustainability, community engagement, deliberative decision making, innovation and affordability become meaningless if there are no coherent measures of success and failure. As Imrie and Raco note in relation to devolving powers and responsibilities to communities, new local governance policies in the UK are really a false dawn and the system still operates largely as it did in the past[30]. While there has been some progress devolving power in terms of planning over the last century, planning authorities still retain control of the key decisions in renewal programmes. Indeed additional layers of regulations and greater standardisation means that UK renewal projects have become more generic over this period. As Dutch architect and built environment theorist Rem Koolhaas[31] observed:

> the generic city, the general urban condition, is happening everywhere, and just the fact that it occurs in such enormous quantities must mean that it's habitable. Architecture can't do anything that the culture doesn't. We all complain that we are confronted by urban environments that are completely similar. We say we want to create beauty, identity, quality, singularity. And yet, maybe in truth these cities that we have are desired. Maybe their very characterlessness provides the best context for living (Koolhaas 1996)

Addressing the lack of character found in 1960s or 1970s schemes is often one of the objectives of the new regeneration programmes, so it would therefore seem short sighted to apply a one size fits all regeneration plan in such circumstances. In order to address the multiple problems that planners face and for which urban regeneration is the solution, new principles can be applied, which encourage experimentation rather than standardisation; investment based on the explicit assumption of the economic importance of cities for national economic growth; assessing good practice on the basis of innovation irrespective of where the programme emerged; prioritising the aims of supporting the social fabric and inclusiveness of a city through empowering the poor and giving communities voice; and avoiding a one solution fits all approach to planning and urban renewal, instead developing community led programmes to find local solutions and foster more effective engagement and collaborative models of decision making. In this regard, a new approach to urban renewal in the UK can learn valuable lessons from developing countries, as indicated in the section above, albeit one that is consistent with the intricacies of the UK's current planning legislation.

5: Additional Considerations from the Case Studies

Further analysis of the case studies introduced in this article shows that where access to finance, long term land security and the devolution of ownership rights and community led decision making are combined, the policies become mutually supporting (see also Keiner, Zegras, Schmid, and Salmeron 2004). This coupling approach is economically viable because as residents are given financial security as well as ownership and responsibility for their site, social problems are reduced with

lower associated costs to the community as a whole (see, for example Lyman 2000). This can be contrasted with more traditional approaches to urban renewal, which do not address the symptoms of urban decay and the problems soon return (see Raco 2003). The case studies in Thailand and Brazil illustrate that even within difficult circumstances of social exclusion, it becomes possible to integrate new neighbourhoods and once excluded communities into the city, using planning and design to ensure that existing barriers to integration were removed to prevent crime and social stigma and provide structures to increase ownership and responsibility so as to devolve power to local communities. In the example of CLIFF in India, with its community led approach to developing strategies for planning and regeneration, a range of incentives emerged from the new financial arrangements that have enabled the community to build capacity, promoted learning and facilitating the replication of such initiatives to other communities. This process should be easier in developed countries, with fewer barriers to education, employment and welfare, but the reality is that social exclusion is encountered in exactly the areas that have been redeveloped because even though regeneration master plans aim to address social problems and encourage tenant involvement, they are never embedded within the decision making process, which prioritises costs, completion and compliance rather than community-building. However, if economic principles (such as Pareto efficiency[32]) are applied in community building aspects of urban regeneration, particularly those from urban and welfare economics, a reasoned argument can be made for a more holistic approach, as represented by the three case studies. In fact the long-term view of regeneration in such a method would have positive contributions. There is indeed evidence from the sociological planning literature that the best way to bring the poor out of poverty in terms of planning is to enable and empower them[33]. In the UK this could mean that

residents choose the partner organisations they wish to support the regeneration process, tenants are given the responsibility of commissioning the plan for the regeneration, determine their priorities within a given budget and, working with appropriate partners, choose ownership arrangements appropriate to their needs (cooperative; public private partnership, privatisation etc.), recycle loan financing, and identify other financial opportunities, for a long term and sustainable vision of the regeneration.   Building a support tool for UK communities in need of urban regeneration support, based on the wide range of innovative practices emerging in a variety of countries (for additional examples see Du Plessis, C. et. al. 2002) would seem to the most obvious lesson from the observation that innovations in urban regeneration practices are not the preserve of the developing world, but best practice often emerge where need is the greatest, such as South America, Africa and Asia.

5: Conclusion

In this paper the planning process in the UK has been examined, from its emergence to the current practice to ascertain the importance of urban renewal and regeneration in planning legislative and processual context.   In contrast to some of the recent projects in other counties, there is, perhaps, a greater need for vision, action and variety if the next generation of urban regeneration projects are to take the opportunity of addressing multiple community needs.

Urban regeneration should not be seen merely as replacing crumbling housing infrastructure or replacing poorly conceptualised urban developments with lower density and partly privatised upgraded versions, but an opportunity to address

multiple problems, as befitting a resource that contributes to the success of an economic region. Such an urban renewal framework can learn from the objectives of a number of urban regeneration programmes in the economic South, such as to empower the poorest people in the city, but ensuring that they are central to the planning process rather than an afterthought and that their local knowledge is used in developing a more integrated approach to community building through devolving responsibility to residents, removing barriers to local ownership, developing new financing models for long term sustainability, such as addressing local resource degradation, carbon emissions or exploring energy and transport self-sufficiency options. Such a proposal is not attractive if the objective of a renewal is to reduce the costs of regeneration to a minimum and quickly upgrade poor housing, but as has been shown by recent failing renewal projects (see Hall and Purchase 2006), this is a false economy both financially and in terms of time (see also Adair, Berry and McGreal 1995); regeneration must be considered a long-term investment, ultimately addressing multiple social problems in a way that has long term savings, such as improved health, removing employment barriers and enabling affordable housing to benefit new and existing residents, rather than the trend in producing units that are bought for renting (often to the unemployed) or empty unsalable units.

Finally, while the case studies illustrate the opportunities urban renewal projects represent in addressing social exclusion, in addition to these benefits such an approach to renewal also indicates the need for relaxing regulations and simplifying the planning process in the UK. Recent UK government policy reviews suggest that there is the intention of some simplification, although this needs to be coupled with improved incentives for innovative solutions to complex problems and freeing the

financial resources to operationalise such a framework, if new approaches to urban regeneration in the UK are to emerge. Montaigne might be right in identifying the importance of legislative simplicity but without sufficient resources or appropriate frameworks, an urban regeneration becomes degenerated very quickly.

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[10] Regional Spatial Strategies (RSS) provide a regional level planning framework for the regions of England, outside London where spatial planning is the responsibility of the Mayor. RSS emerged from the PCPA 2004 which abolished Structure Plans, and replaced Regional Planning Guidance (RPG) with RSS which is now the strategic level plan charged with informing Local Development

Frameworks (LDFs). These must be in 'general conformity' with an RSS, which is a statutory, legal document.

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[27] The overall aim of the Urban Regeneration Agency was established under Part III of the Leasehold Reform, Housing and Urban Development Act 1993. It came into existence and took over City Grant on 10 November 1993, following Parliamentary approval of the Leasehold Reform, Housing and Urban Development Act 1993 (Commencement and Transitional Provisions No. 3) Order 1993. The Agency became fully operational on 1 April 1994 when it took over Derelict Land Grant and English Estates under the provisions of the Leasehold Reform, Housing and Urban Development Act 1993 (Commencement No.4) Order1994.

[28] See 26: Booth, P. (2005)

[29] See 26: Booth, P. (2005)

[30] See 8: Imrie, R. & Raco, M. (1999). How New Is the New Local Governance? Lessons from the United Kingdom.

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