Moral obligations, planning, and the public interest: a commentary on current British practice

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Abstract. Planning, as a form of state intervention administered at the local level, is inevitably subject to the pressures and vagaries of governmental and societal change. The recent past has been a particularly turbulent period for local governance and this has inevitably impacted on the role of planning practitioners and the expectations placed upon them. As a consequence, fundamental value questions have arisen concerning the role and purpose of planning and, in addition, the hegemonic status of a unifying ethic of professional responsibility has been called into question. Our aim in this paper is to explore the different obligations which at various times influence the individual planner's behaviour or actions, with the further purpose of exploring the changing nature of planning and the consequent implications for contemporary conceptions of the public interest. The main body of the paper consists of an analysis of the competing tensions of contemporary practice as viewed from the perspective of the obligations owed to individual values, professionalism, employing organisations, politicians, and the public. In the course of this exploration we examine the ways in which these tensions have been influenced and heightened by the reconfiguration of the relationships between the state, society, and the individual which occurred during the 1980s and 1990s as part of the neoliberal agenda of successive Conservative governments in Britain. We conclude by considering the extent to which the notion of the public interest still has value as a legitimising frame of reference for public planning.

Introduction

"We have received more letters from members of the public about planning during our work on local government than on any other subject. Planning is clearly a subject that excites strong passions and for good reason. The planning system frequently creates winners and losers; it involves the rights of others over one's property; the financial consequences of a decision may be enormous."

<div align="right">CSPL (1997, page 69)</div>

The opening comments in the chapter on planning in the Nolan Committee Report into *Standards of Conduct in Local Government in England, Scotland and Wales* [1] indicate the current widespread concern about the conduct of the planning process in Britain. Planners have long taken comfort in the assumption that their actions are justified through their association with furthering the public interest. Despite its ambiguity this legitimising claim for intervention in land and property markets has proved long lasting. It is, however, a claim which in the recent past has been highly contested (for example, see Reade, 1987; 1997; Taylor, 1994; Thomas and Healey, 1991). Within the arena of theoretical discourse postmodernist critiques have challenged the acceptability of instrumental rationality as a guiding doctrine for decisionmaking and also rendered universalising concepts such as the public interest problematic in a world of difference (Sandercock, 1998). At the level of practice, there would appear to be, at least in Britain, growing

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[1] The Committee on Standards in Public Life was appointed by the then Prime Minister, John Major, in October 1994 under the chairmanship of Lord Nolan to consider standards of conduct in various areas of life. Its Third Report on Local Government gave particular attention to the operation of the planning system.

public disaffection with the planning system (CSPL, 1997) which has been reinforced by a number of allegations of impropriety, misconduct, and out-and-out corruption in the operation of the planning machine at the local level. The current context of planning clearly raises fundamental value questions concerning its role and purpose.

Normative theorising is very much the domain of planning theorists. However, planning theory has tended to treat planners as though they operated in a vacuum, with little account taken of the sociopolitical and economic contexts in which such activities are embedded. Planning, as a form of state intervention administered at the local level, is inevitably subject to the pressures and vagaries of governmental and societal change. The recent past has been a particularly turbulent period for local governance and this has inevitably impacted upon the role of planning practitioners and the expectations placed upon them. One consequence of this has been to call into question the hegemonic status of a unifying ethic of professional responsibility (Bickenbach and Hendler, 1994; Evans, 1993; 1995; Evans and Rydin, 1997; Reade, 1987; Thomas, 1991).

Our aim in this paper is to explore some of the different obligations which at various times influence an individual planner's behaviour or actions with the purpose of exploring the changing nature of planning and consequent implications for contemporary conceptions of the public good. Obligations imply 'something owed' either to a person, group or organisation or to moral values embodied in ideas concerning duties or principles. A striking feature of planning, in contrast to the traditional professions of law and medicine, is the range of sources of obligation planners must take into account in their daily activities. Bolan (1983, page 25) identified eleven 'moral communities of obligation': self; family; friends; employer; clients; colleagues; the profession; local community; the nation-state; past generations; and future generations. Bolan's purpose was to set out the framework of influences which might shape the ethical foundations of an individual's actions in planning practice. Our purpose is different in that we wish to explore recent changes in planning practice and its context and how these have impacted upon allegiances expected of practitioners and the ethical dilemmas which have arisen as a consequence. Our categorisation of obligations is therefore rather different from Bolan's although they map out much the same territory. Bolan's 'family', 'friends', and 'colleagues', although important in moulding individual values and to whom obligations may be strongly felt in personal terms, are unimportant for our purposes. We have, however, included in our categorisation 'individual values', which subsumes Bolan's 'self'. Obligations to politicians (elected members) are not in Bolan's list but are included in ours because tensions between political objectives and professional judgments have in Britain become more prominent in the recent past and are giving rise to significant ethical dilemmas. Finally, we have subsumed Bolan's separate categories of 'clients', 'local community', 'nation-state', 'past generations', and 'future generations' into a single category, 'the public'. We do so because the plurality of 'publics' or 'clients' served by planning and the ambiguity which surrounds the practitioner–client–public relationship (Kitchen, 1991) gives planning a distinctiveness compared with many other professions and which it is our purpose to explore during the course of the paper. In summary, therefore, the five categories of obligations which we identify are: individual values; the profession; the employing organisation; elected members; and the public. There is inevitably overlap and tension between these groupings.

We use 'obligations' therefore as an analytical device to examine the tensions which planners experience in their work. There is a wider purpose however. We seek to explore the ways in which these tensions have been influenced by the effects stemming from the reconfiguration of the relationships between the state, society, and the individual which

occurred in Britain during the 1980s and 1990s under the prevailing neoliberalist agenda. Important themes in this respect which underpin and cut across the discussion which follows are:

(a) the consequences of the deconstruction of planning within a reconfigured institutional environment, especially for the profession and professionalism;

(b) the emphasis on markets, consumerism, and individual freedom and the consequent erosion of any concept of the public interest which is inclusionary and reformist; and

(c) the effects of the 'new managerialism' (Imrie, 1999) on local government which privileges corporate goals over professional ones and administrative proceduralism over quality of outcomes.

In the remainder of the paper we explore, using the categorisation introduced above, the obligations which may influence or guide the behaviour and actions of planners and their implications for the current operational context of the planning system. This leads into the final section of the paper in which we consider the implications of the preceding discussion for debate concerning the conceptualisation of the public interest in planning.

Moral obligations
Individual values

Values are inculcated through a variety of influences including family, religion, education, community, class, and so on. In Howe's (1994) study of American planners the influence of 'upbringing' was the first thing that the majority of respondents in the survey thought of when asked what had shaped the way they thought about ethics.

Although, of course, there will be variability in basic values insofar as the significance of the influences shaping them will differ from one individual to another, one might suppose that a profession such as town planning will attract people with similar value orientations; and, to the extent that similarities exist, they will be reinforced both by the professional education and training which planners receive and by the experience of the job itself. Howe's survey lends support to this view in identifying three different groups of influences which, in her sample, moulded ethical values. These were, first, the basic influences stemming from childhood, second, the influences which came at the stage her planners were choosing a career (the influence of university, the experience of the military, and participation in social movements) and, third, the influence exerted by the professional experience (Howe, 1994).

The relative homogeneity of the planning profession in class and ethnic terms as well as the gender bias, especially at higher levels of professional responsibility, has, of course, long been a matter of concern both within and outside the profession. The failure of planning to reflect the plurality of interest groups in society was a source of criticism of planners and their plans both in America and in Britain in the late 1960s. Gans (1969), for example, attacked not only the physical bias in the plans of US planners but, insofar as city planning concerned itself with social needs, he argued that it was planning for certain people only. These were "... the planner himself, his professional supporters and the upper middle class citizen in general. Insofar as the planner was seeking to create the kind of city he himself liked, he was planning for himself and his political peers" (Gans, 1969, page 36). Gans's own stance was unequivocally consequentialist; he argued that planning ought to be compensatory, rewarding through public policy those who got least through market resource-allocation processes. Despite this, however, Gans felt that a separation of ends and means could be made. It was the role of the electorate and its representatives to determine ends leaving the professional planner with the value-neutral task of finding appropriate and efficient

means to fit the chosen ends. His view of the planning process was still founded in rationalism and positivism.

The profession has continued to be strikingly homogeneous in its composition. A survey of the membership of the Royal Town Planning Institute (RTPI) in 1988 revealed that the profession was overwhelmingly young, white, and male (Nadin and Jones, 1990). Commenting upon the findings Robin Thompson, the then President of the Institute wrote: "... [t]he Institute itself will have to take a lead in responding to the distressingly clear evidence that women, the disabled and ethnic minorities are under-represented in the profession—the last of these to a quite deplorable extent. I believe the studies confirm the need for the Institute to continue to widen its base in terms of the skills as well as the characteristics of its members" (Nadin and Jones, 1990, page 13).

One way therefore by which the professional community might seek to redress value bias is by seeking to broaden its membership—to make it more representative of the plurality of interests in the population as a whole, and there is evidence of some, albeit limited, change in this direction in the period since the RTPI conducted its 1988 membership survey (Hague, 1996). Another way is through education and training in order to alert those entering the profession of the value-laden nature of the activity in which they will be engaged so that they will be able to deal more effectively with prejudicial decision arenas. A third way is to seek actively to involve those affected by plans, policies, and decisions in the process. More will be said on the topic of participatory planning in a later section of this paper.

For the individual planner, of course, ethical considerations will arise when there is conflict between his or her own concept of right or wrong and/or good or bad and those of his or her senior officers, political masters or the organisational culture as a whole. Often such conflicts of conscience are dealt with simply and painlessly. Acting upon principles depends upon an assessment of the circumstances of the particular situation and not simply applying a set of hard-and-fast prescriptive rules. Ethical behaviour is mostly situational and not deterministic. A practitioner may be satisfied if he or she has argued a case as forcibly as possible conceding that in the end others (whether senior officers or elected members) carry ultimate responsibility for the decisions taken. Conflicts of conscience sometimes, however, require more drastic action. A change of job is probably a common (and possibly not always recognised) way of finding a better fit between personal values and organisational culture (Campbell and Marshall, 1998; Thomas and Healey, 1991).

The profession

Being a member of a profession exacts responsibilities and obligations. It also confers benefits. To act professionally implies meeting certain standards of behaviour in work transactions and behaviour. Indeed, most professions establish a code of ethics to guide their members. Chartered town planners in Britain are expected to conform to principles established by the RTPI in a code of professional conduct (RTPI, 1997). This contractual definition of professional obligations is, however, less significant than the broader influences which professionalism has on shaping commitments to shared values and bestowing a legitimising frame of reference for the activity.

The professions lay claim to their status on the basis of specialised knowledge which, in its application, requires a set of distinguishing skills and particular expertise. Traditionally, the professions were defined by other characteristics including omnicompetence, independence and authority in transactions with clients, responsibility for the advancement of knowledge, and the training of new recruits (Elliott, 1972). The special status of the professions and their exclusivity have been subject to considerable debate.

It is contended, for example, that they have cultivated a mystique that functions to enhance their expert image and exclusivity and to reinforce the importance of the roles played (Amy, 1987).

These general criticisms apart, town planning has engendered a particular debate about its professional status. The activity has always exhibited characteristics which have set it apart from the older or traditional professions. First, it is an activity embedded in the state bureaucracy and the overwhelming majority of practitioners have been employed by the state. Second, there is no clearly identifiable client except in a general collective sense. Third, planners as paid employees have obligations to their employers giving rise to the possibility of a conflict of interests between the exercise of their independent and autonomous professional judgment and the corporate wishes of their employing authority.

There are some [notably Reade (1987) but also Evans (1995)] who have questioned more fundamentally the basis upon which the claim to professional status is made by 'planning'. The first is that there is no clearly recognisable set of competencies which distinguish planners from other occupational groups. The RTPI describes the planner's task as managing change in the built and natural environments. This obviously goes beyond the scope of any one kind of specialised expertise. The ambiguity of the claim to exclusive cognitive competencies is evidenced by the value which planning academics place upon the training which their institutions provide. They are Janus-faced, claiming, on the one hand, that planning education is training students for a particular profession with a particularised set of requirements in terms of both knowledge and skills but arguing, on the other hand (and especially when the output from planning schools exceeds the demand of the practice community for trained personnel), that planning education provides a broad generalist education establishing an excellent foundation for entry to a diverse range of careers in both the public and the private sectors. The second proposition rests upon epistemological arguments and, in essence, asserts that the decisions involved in planning are inherently political rather than technical. There is no objective or best solution to the problems which planners commonly encounter. Instead there are a series of competing claims and interests which are balanced and judged politically rather than technically. Of course, a crudely positivistic stance, in the sense of an unquestioning commitment to planning as rational method, is no longer espoused by the planning profession. However, there is some evidence (see Campbell and Marshall, 1998) that the idea of professional autonomy is still strongly upheld by practitioners. Moreover, it underlies many of the recommendations made by Zetter et al (1997) to the RTPI on the role of elected members in the planning process.

The commitment to the notion of a unifying professional ethic is maintained despite significant changes which have occurred in the recent past both in the nature of the work which planners do and in the places in which they are employed (Hague, 1996). Of particular importance in this respect has been the expansion of the number of planners employed in the private sector. Although, as mentioned earlier, planning in Britain is embedded in the state bureaucracy there has, nevertheless, been increasing privatisation of planning work with the result that in 1996 18% of all corporate members of the RTPI resident in the United Kingdom were employed as planning consultants (Hague, 1996). The growth of the private sector raises questions concerning the extent to which the existence of different obligations facing planners in the two sectors gives rise to very different concepts of professional purpose and of the public interest. Clearly, there are significant differences in working practice given the profit maximisation imperative which guides private consultancies, the more focused and targeted nature of the work in which they are engaged, and the need to meet the explicit needs of their clients in cost-effective ways (Fordham, 1989; Preston, 1997).

The extent to which professional judgment is adjusted in order to deliver what the client wishes to hear has long been a contested issue in debates concerning the role of consultants (Fordham, 1989; Goddard, 1997; Preston, 1997). It must be noted in this respect that consultants are often explicitly hired to be advocates for particular interests and that local planning authorities themselves are increasingly using consultants in advocacy roles in local public inquiries even if that role is not overt. The value of a consultant's report, for example, lies not only in the substantive information it contains but in its apparent independent status which makes it more authoritative and persuasive than an internal officer's 'expert' opinion. Given the adversarial nature of major planning disputes, we should not be surprised that the 'rhetoric of address' (Leith and Myerson, 1989) is just as important as the technical evidence being advanced. What is surprising, however, is that the ethic of neutrality (Thompson, 1985) is still deeply ingrained in conceptions of the planner's professional role.

The employing organisation
The pervasive attachment to notions of professional autonomy in planning makes it easy to overlook the obligations exacted by the organisations in which planners are employed. It is within organisations that wider trends in society and the state confront individual values and particular professional cultures. However, organisations are not merely value-neutral arenas in which competing obligations do battle; they are unique social systems in which individual members are socialised in a particular set of norms, beliefs, rituals, and values (Schien, 1980). There will of course be disputes over goals and priorities but attitudes towards such nonconformist behaviour is a reflection of much more deep-rooted characteristics, often referred to as the organisational culture (Argyris and Schon, 1978; Deal and Kennedy, 1982; Handy, 1993; Morgan, 1989; Wright, 1994). Consequently, alongside the more tangible characteristics of organisations such as the staff structure or budgetary arrangements exists an often unconscious set of shared beliefs which guides the conduct of individuals within that environment (Frissen, 1989; Schien, 1985). There is a tendency for individuals to be attracted to organisations with which they appear to share similar values and as importantly to be selected by those environments. As a result, tensions are likely to arise when circumstances require modifications to be made to one or other of these value systems.

The previous section highlighted the extent to which planners can now be found in a variety of organisational settings. Although there has been growth in private-sector planning agencies the majority of planners are still employed in the public sector, and ideas about the nature of planning are still principally shaped by the local authority planning service. The organisational culture of the traditional local authority in Britain was based upon long-established assumptions concerning appropriate ways of working which over time had solidified into an orthodoxy which seemed largely impregnable despite repeated attempts by central government to effect changes (Leach et al, 1994). Important elements of this orthodoxy were structures built around the delivery of particular services with departmentalism, the committee system and professionalism all buttressing compartmentalism and a degree of competition for resources and status between the separate bureaucracies. Officer loyalties under such circumstances were not focused on the authority *qua* authority but on the department and on shared professional norms, attitudes, and ways of working (Leach et al, 1994). The culture generated through departmentalism was in such circumstances self-perpetuating.

Although the organisational assumptions upon which local government was based were so entrenched and enduring that they appeared impervious to fundamental change, they were increasingly challenged in the 1980s and 1990s as a consequence of structural changes in British society and, more significantly, by government legislation

driven by the ideology of the New Right. The effects of legislative change included increased control over local authority spending, changes in the ways in which local services are funded, organisational reforms, a decisive shift towards market provision as opposed to public provision, and emphasis on individual choice and independence as opposed to collective choice and public service (Butcher et al, 1990).

The impact has been profound. Managerialism has increasingly displaced professionalism as the organisational norm and this has been accompanied by what Healey (1997) calls a 'criteria driven approach' dominated by managerial control through performance indicators. Departmentalism has given way to a corporatist approach both to structures and to organisational goals and with an emphasis on process rather than substance (Imrie, 1999). Local authorities have, moreover, realigned themselves with local business and development interests built around the notion of 'partnership' but perhaps more accurately reflected in the concept of 'entrepreneurial consensus' (Healey, 1997). As local government has been weakened there has been a paralleled growth in executive agencies, voluntary organisations, and other nonaccountable bodies which exercise some of the responsibilities which were once seen to be crucially the domain of the public sector.

In practice there have been a variety of different responses to the altered climate, with some local authorities seeking to adapt to the changes whereas others have attempted to minimise their impacts. However, it is evident that the long history of tension between professional autonomy and managerial control in local government has become more sharply focused. Not only is it commonplace to find the planning service located in a grouping of several different professional disciplines and headed by a chief officer who is not a planner but in some authorities different parts of the planning service are split between separate departments. This has produced inevitable tensions as some planners have discovered that the notions of professional judgment which sufficed to justify actions in the past no longer provide a bastion against competing obligations emanating from the corporatist aims of the organisation. These aims, it might be added, have been strongly influenced by external effects and political pressures rather than from an articulated view of community needs.

Our own work with planning practitioners (Campbell and Marshall, 1998) produced a number of instances where the altered circumstances were giving rise to concern over the ways in which planning decisions were being driven by requirements other than those which reflected planning considerations. An important conflict of interest arises, for example, where financial targets are set for the sale of council-owned land and where the needs of the council to maximise revenue come up against the council's requirements as local planning authority. Another contentious issue surrounds planning gain. This has long been a matter of controversy but the problematic nature of gain in relation to acceptable standards in public affairs has heightened in recent years (CSPL, 1997). Planning gain is now increasingly perceived by developers as a normal element in development costs (Campbell et al, 1999; Crow, 1998). More problematic still, if less universal, are the issues raised by partnership arrangements between the public and private sectors in the form of a company in which both parties have a financial stake. There are considerable risks in these circumstances that profit maximisation will subvert planning considerations.

These increasing tensions between corporate interests and planning concerns have been fuelled by external pressures and especially by the budgetary constraints which have been placed on local authorities in the 1980s and 1990s. They have, however, been reinforced by the audit and contract culture which has come to dominate local government and other public-sector agencies. The tyranny of league tables is seen in the tension between efficiency and/or speed and quality of outcome with respect to the processing

of planning applications. The obligation of the planning officer in such circumstances is to the maximisation of the number of applications determined within the normal eight-week period rather than to securing the best result. Undoubtedly, performance criteria encourage different work practices including a disinclination to negotiate with applicants over poor quality applications and a readiness to refuse applications rather than to seek modifications to proposals (Campbell and Marshall, 1998).

Organisations have always extracted obligations from their employees, and at times individuals, for whatever reason, have found these difficult to accept. However, until the changes of the 1980s there seemed to be broad accord between the planning profession and the context in which it was most often associated, namely local government. The expertise associated with professionalism was accepted to be in the public interest and was structurally defined within single-profession departments. In many ways an obligation towards a Rawlsian conception of procedural justice and fairness lay at the heart of both the professional ethic and the practices and values of a form of democracy administered through local bureaucracies. The reorientation of emphasis within local authorities away from collective welfare through procedural justice towards corporatism and economic efficiency appears to have disrupted this essentially harmonious balance.

Elected members

The appropriate relationship between officers and elected members has long been a matter of contention. One might suppose that elected members should be responsible for policy, and officers for advice and the execution of policy. In practice, the relationship has always been messy and ambiguous and became a matter of some importance for the Maud and Bains inquiries into local government in the late 1960s and early 1970s (CMLG, 1967; DoE, 1972). Despite increasing signs of strain, with hindsight, the officer – member relationship remained generally unproblematic until the mid-1970s. There was widespread consensus, both between national and local politicians and between the latter and their professional advisors, as to the merits of the welfare state and mixed economy in serving the public interest (Gyford, 1985). As a result, the general goals of policy were not a matter of heated debate or conflict and much was left to the discretion of officers. In an atmosphere of general consensus, a formal relationship between professional staff and elected members, whereby the former advise the latter as to the appropriate course of action tended not to be a source of tension. The combination of the respect for professional expertise and accord over the values and practices to be fostered led politicians to acquiesce to the advice of officials and to give individual planners considerable scope within which to act. Furthermore, broad-based agreement over goals enabled planning professionals to represent the process of governance as a matter of technical and legal expertise and by implication to depict politics as a rather unsavoury activity which could be placed at arms length from the real art and science of planning.

Since the mid-1970s, a period which Gyford (1985) refers to as the period of 'reappraisal' in local politics, the inherent tensions which had remained dormant in an atmosphere of consensus began to show signs of strain and the obligations exacted from planners a matter of greater conflict. Many authorities, particularly those with labour administrations in the large metropolitan centres, witnessed increased assertiveness on the part of senior local politicians. Accompanying these broad influences were changes which placed increasing strains on officer – councillor relations. These included an increase in the number of one-party committees until they were made illegal in 1989; increasing involvement of councillors in the appointment of officers and even moves in some authorities in the 1970s and 1980s towards the politicisation of

appointments (Leach et al, 1994); greater stress on ideology as a determinant of policy (CCLAB, 1986); greater assertiveness of councillors over officers in day-to-day decision-making; and challenges by councillors to the supremacy of professional over political objectives.

The emergence of a more ideological form of party politics challenged the assumptions of the existing norm of 'administrative politics' (Leach et al, 1994; Stoker, 1991). Friction between officers and councillors became more commonplace as a result (CCLAB, 1986). Relations between officers and councillors are likely to be more problematic in the case of planning than in many other areas of local authority work (Essex, 1996). This is an arena where councillors' loyalties to the council as a whole can conflict with their loyalties to their constituency or even to a particular group or locality within it. Moreover, whereas officers will filter issues through national policy guidance as determined through Planning Policy Guidance Notes and other advice, councillors are more likely to uphold the importance of local policy determination (Essex, 1996; Zetter et al, 1997).

The politicisation of local government prompted the appointment of the Widdecombe Committee which published its report in 1986 (Committee of Inquiry into the Conduct of Local Authority Business) with many of its recommendations being enacted in the 1989 Local Government and Housing Act. Although it did give some consideration to alternative models of decisionmaking in local government, it concluded that the existing model, in which decisions are taken on behalf of the corporate body (the whole council) without a separate executive authority and in which officers serve the council as a whole, should be retained. The report urged a clear separation of responsibilities with councillors leaving day-to-day implementation of policy to officers, and the latter demonstrating greater sensitivity to the political objectives underpinning those policies.

This "simple split of policy (councillors) and implementation (officers)" the Nolan Committee found was "neither always accurate nor illuminating" (CSPL, 1997, page 38). We would argue further that even with a clear separation of executive authority from backbench or representative roles which is part of the present Labour government's modernisation programme for local government (DETR, 1998) it will still be difficult to achieve a clear separation of policy and implementation responsibilities in the case of the planning function. The regulatory framework of implementation through development control gives wide discretionary powers (even within the so-called plan-led system of the 1990s) in the determination process. Planning applications sometimes raise major policy issues and it is when they do that political and professional objectives can visibly and, occasionally, spectacularly collide and when councillors will go against the recommendations of officers.

The tension aroused by councillor rejection of officer advice uncovers something of a paradox in attitudes espoused by the planning profession. Although, in theory, the inherently political or value-laden nature of the planning activity has gained wide acceptance, in practice the profession is still reluctant to accept the legitimacy of the assertion of political objectives over professional ones (Zetter et al, 1997). In its evidence to the Nolan Committee, the RTPI proposed a reduction in the scope of councillor involvement in the planning process, a course of action which the Committee felt unable to endorse. Indeed, the Nolan Report asserts that an officer's loyalty to his or her political masters is prior to obligations to professional autonomy, rejecting firmly the notion that a planning officer should have the right to decide not to act on behalf of the local authority in a situation where there is an appeal against a decision which was taken contrary to officer advice (CSPL, 1997).

The public

The rhetoric of serving the interests of *the public* is central to the folklore of planning and is enshrined in chartered object of the RTPI in the United Kingdom (RTPI, 1997). For individual planners this overriding obligation is very much a taken-for-granted part of what it means to be a professional, especially for those working in the public sector. Of course, it has long since been conceded that what constitutes the public and its needs, wants or interests is problematic. Society is not monolithic but pluralistic. But the diversity of interests serves only to reinforce what has often been seen as a defining characteristic of the planner's claim to a distinctive professional expertise and this is the ability to be synoptic in an effort to arrive at wise and just policies and decisions taking all views and relevant information into account.

The difficulty with this conception of the planner's role is that, of course, not *all* relevant information is necessarily to hand and, in particular, poor or other disadvantaged groups will not be in a position to state their claims and make their voices heard. It was this critique of traditional forms of practice which prompted calls for planners to adopt a more equity-oriented or compensatory stance (for example, see Davidoff, 1965; Forester, 1989; Krumholz and Forester, 1990). Davidoff's (1965) concept of advocacy planning, whereby pluralism within society was to be represented in the production of a plurality of plans, was a compelling call for planners to become committed practitioners and proffered a possibility that the cause of social justice would be enhanced directly by its adoption. In practice, advocacy planning remains very much a procedural device for trying to ensure that all groups have a voice. It leaves open the task of achieving a resolution of the competing claims or plans which requires adjudication or arbitration either by 'establishment' planners or through the political process. Moreover such arbitration takes place in an environment where "better endowed groups were already busy with advocates of their own contending for a share of the available resources" (Friedmann, 1987, page 300), a trend which in Britain is underlined by the significant growth of private-sector consultancies over the last decade. Members of the public more readily engage consultants to represent their views and to make formal objections at local planning inquiries. Advocacy in this sense has not therefore enhanced the ability of disadvantaged groups to advance their claims.

Similar sentiments to Davidoff, although in a modified form, are echoed in the work of Forester. Forester (1989) is unequivocal that planners should not necessarily treat all groups alike, focusing in particular on the use of information and misinformation to foster what he terms progressive planning. Despite its radicalism Forester's approach is still set very much within a Rawlsian tradition, in that it is not so much concerned with substantive ends but with how planners can intervene to counteract imbalances in power and so create a fairer planning process. For planners working in local authority practice in Britain, deliberative use of information as a way of furthering the interests of some groups as against others would sit uncomfortably within the traditions of nonpartisan mediation and the independence of professional judgment.

The concept of the public as consisting either of an aggregation of interests or of competing groups of interests has been rendered problematic by postmodern critiques. In a world of difference, the views of each individual are regarded as of equal merit based as they are on the sum of life's experiences and interactions. Moreover, given the specific and highly personal nature of the process through which these experiences are internalised, external assessment as to their ethical merit must be viewed as misguided. In many respects the concept of collaborative planning attempts to reconcile the activity of planning to the highly fragmented world postmodern discussions portray

(Healey, 1997). Such an approach implies that planners are obliged to ensure that the views of all individuals are heard and treated with respect and dignity. It is envisaged that through a process of making sense together and mutual understanding, courses of action will be agreed where no one set of interests predominate. In such circumstances it is not for the planners, or for that matter politicians, to arrive at determinative decisions but for the public themselves. The difficulty with this is that if all preferences and opinions are equally valid and therefore unquestionable, planners have no basis for legitimate action if the outcome appears unjust. The danger is that the popular will may not take account of the needs of marginal groups (Fainstein and Fainstein, 1996). Consequently, there is a tendency for postmodern critiques to result in conclusions which have much in common with liberalism, in that individual rights and freedoms become paramount (Sayer and Storper, 1997).

Collaborative planning resonates with other concepts which have gained currency, both in the literature and in the practical world of local government, in the late 1990s including communitarianism, citizenship, and participatory democracy. Paradoxically, whereas community involvement in policymaking and decisionmaking has seemingly advanced in many arenas of local government activity in Britain in the last decade, this is not true of the statutory planning process. As Cullingworth and Nadin (1997, page 292) stress, there has in the last twenty years been a shift in emphasis away from early participation in the plan-making process to formal objections to plan policies in the postdeposit stages. Of course, local authorities do not need to confine themselves to the minimum requirements and some indeed have established a reputation for seeking out the views of groups who are not commonly represented in consultation exercises. However, what evidence there is suggests that most authorities do not exceed the minimum statutory requirements and, despite a commitment to involving all sectors of the local community in Local Agenda 21, the experience gained here has hardly influenced at all participatory practice within the formal planning process (Hales, 1999). There is it seems within the planning profession widespread support for the involvement by the public in principle but little commitment to it in specific terms (DoE, 1994). Indeed one suspects that, when members of the public express views which are contrary to those of the local authority officers, the expression of views is frequently no longer regarded as 'public involvement' but is dumbed-down through recourse to a more pejorative description, 'nimbyism' being, perhaps, the one that has widest currency in the 1990s.

Involving the public in the planning process, especially the most disadvantaged groups, requires resources and time and the latter runs counter to the imperative to speed up the process. This is especially true of the development plan preparation process but it also applies to development control insofar as planning officers are less likely to negotiate with developers over matters raised by members of the local community in circumstances where amendments to plans might accommodate objectors' needs. The citizen charter, for example, upholds individuals' rights as consumers and gives emphasis to customer choice and satisfaction with due process for complaints if service standards are not met. But there is not a single identifiable customer for a regulatory activity such as planning which should seek to meet the needs of different client groups (Kitchen, 1991) and where an important aim is to provide 'goods' which are collectively consumed (such as amenity or a pollution-free environment) (Lowndes, 1995). An audit culture with its emphasis on performance monitoring and league table comparisons will privilege the person making a planning application over other 'client' groups and the displacement of public interest by customer satisfaction.

Conclusion: planning and the public interest

Using the concept of moral obligations as the focus, in the preceding discussion we highlight the extent to which tensions over the interests to be served by the planning activity have been exacerbated over the last two decades, as a result of the changing relationships between the state, society, and the market. The planning community appears to have avoided confronting these tensions and challenges, preferring instead to adapt to the bureaucratic proceduralism of the managerialist conception of local government (Tewdwr-Jones, 1999) and to take comfort from the assumption that as a profession the activities of its members are necessarily in the public interest. In the remainder of the paper we therefore conclude by exploring whether, given the current context of planning, the concept of the public interest has any enduring relevance.

The legitimisation of planning has, in the period since World War 2, rested on the proposition that state intervention in land and property development is necessary to safeguard the public interest against private and sectional interests. As noted earlier, what constitutes the public interest has always been contentious but its value as a legitimising concept has been increasingly called into question in the recent past. It is a term which has often been used to mystify rather than clarify. For example, it is frequently used as a device to cast an aura of legitimacy over the final resolution of policy questions where there are still significant areas of disagreement. It is therefore merely an expression of approval or preference for a particular policy and consequently cannot be used as a standard either by those who make policy or by those who evaluate it.

Although we recognise the problematic and contested nature of the concept, we nevertheless contend that the discourse generated by the idea of the public interest remains crucial to discussions concerning the purpose and role of planning. As Flathman (1966, page 13) has said:

> "Determining justifiable government policy in the face of conflict is central to the political order ... . The much discussed difficulties with the concept [of the public interest] are difficulties with morals and politics. We are free to abandon the *concept* but if we do so we simply have to wrestle with the *problems* under some other heading."

'Public interest' functions to justify action in situations where there is disagreement. It relates to the problem of the 'one and the many' (Pennock, 1962) or individual interests and preferences as against collective needs and responsibilities. In this relationship, two contrasted conceptualisations of what constitutes the public interest can be discerned. The first is rooted in liberalism and Benthamite utilitarianism. In this case individual interests are paramount and the public interest is either the summation of all individual interests in a community or the 'greatest good of the greatest number'. Utilitarianism makes no moral judgments about individual preferences. The role of government is to maximise opportunities for individual choice. Market freedom is the means by which this is pursued and, in the public sphere, the provision of local government services should approximate as closely as possible to market conditions. It is this conceptualisation of the public interest which has dominated British society over the last two decades and was most vigorously pursued during the Thatcher years when the ideas of individual freedom and consumer sovereignty were extolled while the notions of solidarity and the collective good were dismissed as chimeras.

The second way of conceptualising the public interest recognises the idea of shared values which transcend a mere summation of individual preferences and carries with it the conviction that there are circumstances in which market processes are not the best means of determining some social choice questions. In this 'trans-subjective' interpretation of the public interest, individual interests are still important but in this case

emphasis is given to an 'outsider' perspective in making an evaluation of public policy (Flathman, 1966). The necessity for this is based on two important considerations. First, it is argued that there are some circumstances in which individuals may be mistaken in defining what is in their interests. Second, and more significantly, there exist inequalities of various kinds (status, resources or other personal attributes) which require someone (authority or government) to compensate for the differences. Moreover, as Keating (1995) points out, individual preferences are structured by needs and these vary significantly between different groups which can be identified in class, ethnic, generational, and gender terms. To quote directly from Keating (1995, page 126):

"The key question in policy is not ... the tastes of individuals but the distribution of resources and services among groups. These questions can be resolved in broad political forums, and outcomes legitimised through a concept of solidarity and community interest; or they can be fought out in a pluralist setting. In both cases, outcomes will reflect differences in power and access but at least in the former case it is possible to bring some overall judgement and conceptions of social justice to bear."

There is, arguably, a third way in which the public interest might be defined. In this case, however, it is not the descriptive evaluation of the 'good' which is invoked or indeed the consequences of decisions or actions at all, but the rightness or fairness of the procedures used in arriving at a public policy or decision. In relation to the planning process, procedural public interest may be defined with reference to rights (seeking to ensure, for example, that everyone is treated equally in the planning process) or with reference to openness and participation (disseminating information, giving 'voice' to less powerful groups, and overcoming distortion in communication). Normative planning theories from the 1960s onwards have largely been concerned with procedural questions and this is the case with what has been called the communicative turn in planning theory including the work by Forester (1989; 1993) in the United States, and Healey (1992; 1996; 1997) in Britain.

To resolve some of the ethical dilemmas of current practice and to overcome public mistrust of the planning system, procedural justice is clearly vital. However, we contend that what is urgently needed is an engagement by the planning community with the idea of a common good or collective responsibilities in relation to the ways society shapes local environments. Rehabilitation of the public interest in the second sense in which we have defined it is therefore required. It is in relation to outcomes and especially the social consequences of planning policies and decisions that the ultimate effectiveness of planning will be judged, but where the defence of the activity based upon the proposition that it moderates private actions in the interests of the collective good is most problematic.

The turbulence which characterised the 1980s has left planning uncertain as to its role and purpose. As Campbell and Fainstein (1996, page 10) note: "Postmodernists provided planning with a needed break from its preoccupation with a monolithic 'public' ... yet rejection of Enlightenment rationality, shared values, and standards leaves the planner without adequate guidance to serve this fragmented population". Recent work in planning theory which has built upon Habermasian ideas of communicative rationality is seeking to redescribe planning in ways which render it a feasible project in a post-Enlightenment world. Although we welcome the debate which this rekindling of interest in planning theory has engendered, we see resolution of the ethical dilemmas which confront the activity not just in procedural change, important though this is, but in redefining the public interest in terms of the purposes and values which the planning system is seeking to fulfill and promote. Forester (1999) has recently argued forcibly against the moral relativism of much of the planning theory literature and for the planning academy to engage more readily with issues of power

and in value-critical argumentation. There are some promising signs of such a debate emerging (for example, see Allmendinger and Chapman, 1999; Blowers and Evans, 1997; Fainstein, 1999). Planning must return to its social reform roots and confront difficult and highly contestable issues concerning the 'good'. Normative thinking, as Sayer and Storper (1997) point out, need not be utopian but can address the feasibility of desirable alternatives. The task is, we would suggest, a priority for social scientific thinking within the academic planning community.

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