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Notes on Contributors
The articles collected in this special issue have all been drawn from the contributions of those who participated in a conference 12–13 June 2009 at the King’s College Conference Centre, University of Aberdeen. Under the auspices of the Irish Scottish Forum the title of the conference was ‘Spaces of the Nation: the Planning of Space in Ireland and Scotland’. This brought together the interests of the Research Institute of Irish and Scottish Studies and the Centre of Planning and Environmental Management at the University of Aberdeen. Participants bridged the academic/practice divide with leading representatives from all spatial planning professional institutes in the three territories alongside key practitioners and members of the academic planning community, especially at Queen’s University Belfast, Ulster University and NUI Maynooth. Focus was on the recently revised National Planning Framework for Scotland (NPF 2), the soon to be revised Regional Development Strategy for Northern Ireland and the outlook for the National Spatial Strategy for the Republic of Ireland under changed economic conditions.

These strategic planning documents, while they may not always recognise it explicitly, are related to the vexed issue of identity and belonging and creating a future in these more peripheral geographical extremities on the edge of the European continent. Strategic spatial planning is more than making space. It is also, whatever the concentration on making a living, and in common with planning at other spatial scales, about making meaning. This is the common thread which binds the articles here. While the spatiality of identity and its relationship to place takes many forms from the poetry of Burns, Heaney and Yeats to the appropriation of space through parading practices, national anthems, language and flags, the spaces of the nation are no less articulated and created in the more mundane world of spatial planning. What spaces of the nation is strategic spatial planning creating and to what degree are they contested?

Before providing an overview of the contributions of the authors some mention of the changed economic context for strategic planning cannot be avoided. While planning at all levels works in the manner of spatial regulation
it is at the more macro scale that the dominant role of the market in the making and unmaking of place has lately been laid bare as the beast which planning tries to charm. Sometimes, in its very nature, the beast bites back. In 2007, Alex Salmond as Scottish First Minister looked to the Celtic Tiger economy of the Republic of Ireland as a learning model for the equally small nation of Scotland with aspirations to be a Celtic Lion.\textsuperscript{1} The idea that Ireland has a template to ‘show what is possible’ is now less credible. While the flagship Royal Bank of Scotland, in many ways a commercial symbol of Scottish financial acumen and identity, foundered on a lust for growth and lack of probity in assessing the value of foreign assets, the Irish banking sector has foundered on feeding a domestic speculative property bubble and development industry. Here, as Grist suggests in her contribution to this publication, the spatial planning system and its mediators failed to charm the Celtic Tiger, whose new spaces of the nation were for a while linked to a new sense of identity and confidence. The result has been a patchwork of overdevelopment and property bust that extends to Northern Ireland. Ghost Estates have been abandoned by developers and bankers all over the island, with one in five new houses in Ireland uninhabited.\textsuperscript{2} Estimates of toxic property assets held by Republic of Ireland financial institutions in Northern Ireland are placed somewhere upwards of 5 billion Euros, reflecting the fact that former Celtic Tiger developers took advantage of easy credit and spiralling property prices.\textsuperscript{3} The assets have been taken over by the Republic of Ireland’s so called ‘bad bank’, the National Asset Management Agency, which holds upwards of 60 billion Euros in bad loans made by Irish banks to the property sector. In this context a review of the added value of strategic spatial planning is timely.

The articles present Scotland, Northern Ireland and the Republic of Ireland in turn. In the context of a post-devolution Scottish government led by the Scottish Nationalist Party, where the Scottish Executive has been rebranded as the Scottish Government (the former term communicates a weaker claim over place), Lloyd describes how the emergence of new city-regional identities and collaborations hold central place in the revised National Planning Framework. These city-regional structures are identified as the key components of an economic growth agenda which also endorses the ethic of sustainability. This

\begin{flushleft}
\textsuperscript{3} Symon Ross, ‘Republic’s Bad Bank takes on Province’s loans’, Belfast Telegraph, May 15 2010.
\end{flushleft}
is backed up by the legislative endorsement of key infrastructure projects which will be the backbone of a national vision, albeit within the confines of a challenged but still hegemonic neo-liberal economic regime. Strategic planning is a driver of economic development and the bolstering of national virility and esteem. The following article by Slater, evoking the environmental respect central to the approach of Scotland’s formative planning theorist and practitioner, Patrick Geddes, asks whether the modernising planning regime in Scotland, including the NPF2, in its evocation of ‘sustainability’, is true to the vision of Geddes. The answer is ambivalent, or two cheers at best. Sustainable development as a legally nebulous concept can be fraught in application with different definitions used in government policy and with actual codification of sustainable development very limited. While the Scottish Government through the NPF and in development policy generally, promotes sustainable economic development as an objective, the case study outlined by Ford presents in a dramatic way how these values can clash with dramatic material change to the spaces of the Nation. The controversial planning decision, ultimately by the Scottish government, to give permission to the American businessman Donald Trump to build a links golfing leisure resort on a site of Special Scientific Interest just north of Aberdeen perhaps stretches the meaning of sustainable economic development into an oxymoron. Whether this brand will ultimately trump other identity associations in the Granite City remains to be seen. The article by Morris reminds us that the branding of place through development on the large scale is nothing new to Scotland, or to Aberdeen in particular. The building of Union Street in Aberdeen in the nineteenth century was a remaking of space and an urban re-branding on the grandest of scales. It was the deliberate application of abstract, modernist, geometrical and measured space to older organic urban spatiality. The manipulation of place by the NPF, both in the imagination and on the ground, Morris reminds us, has historical antecedents of long standing.

If the basic space of the Scottish nation is at least agreed, with debate and contest centring on the merits or otherwise of a more fully developed statehood, strategic spatial planning in Northern Ireland takes place in the sensitive context where both the space of the nation and its political articulation through governance arrangements remain contested. Despite a devolved Assembly under the Good Friday/Belfast Agreement of 1998, a cultural war of attrition nevertheless continues by largely non-violent means between two
ethnic protagonists, resulting in a still volatile polity. In this context strategic planning in Northern Ireland has avoided any mention of ‘the national’. The first iteration of strategic spatial planning under the influence of the maturing ‘peace process’ (*Shaping Our Future: Regional Development Strategy for Northern Ireland*) was criticised at the outset for a tortuous generality, and an elusive vagueness in its efforts to articulate a mercurial common ‘Our’, choosing to paper over the cultural fault line on which Northern Ireland is constructed. The inclusive language of the document in a cultural earthquake zone was also praised by other planning commentators for providing new metaphors (hubs, gateways, family of settlements…) for re-imagining a contested place. Not surprisingly, such support for the approach adopted was received with favour by those tasked with trying to plan across cultural difference. The contribution in this volume by Warnock, a senior Northern Ireland planner, charged with the present updating of the RDS continues to show the difficulties involved in speaking a planning language where an idiom is required that does not startle the horses. The intent of moving the NI RDS closer to the concrete infrastructure priorities of the Scottish National Spatial Framework will be a challenge. The article by Graham makes the telling point that official spatial planning in Northern Ireland, all too often—and perhaps for understandable reasons in trying to conjure consensus from division—tends to treat space as a passive container for social activity: territorial identification, on the other hand, and the construction of cultural identity, is also an intensely socio-spatial process fraught with conflict, especially where the appropriation and construction of places for competing memory projects is concerned. This can be seen as one aspect of a cultural war of attrition and an important spatial practice with which the language and practice of spatial planning is uncomfortable. The article by Murray develops this theme by taking an historical approach to the decoding of metaphors, images and official terminology over the years in relation to urban and rural strategic planning in Northern Ireland. He reveals how the former uncritical importation of British abstract planning principles such as New Towns, growth poles and the rural aesthetic has given way to a more regionally sensitive spatial consciousness even if this has still to

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further mature to face the reality of planning in a divided society. Certainly the common metaphors and spatial concepts in Northern Ireland’s Regional Development Strategy and the Republic of Ireland’s National Spatial Plan give a common language for mutual engagement.

The contribution from Ireland’s principal planner responsible for the NSP takes a bullish view of the success achieved. Cussen describes how, since the adoption in 2002 of the National Development Plan and the National Spatial Plan, their premises have begun to influence infrastructure decisions, even though these may have been compromised on the one hand by the backdrop of what some have called a Los Angeles on the Liffey, and on the other by a level of decentralisation in government investment far beyond the more balanced organising concepts in the NSS. In the present, post-Celtic Tiger era where the gloss has worn off of Ireland’s economic ‘miracle’, the ultimately political regulation of planning and development itself cannot hide behind lofty strategies to avoid complicity alongside a banking sector with billions of bad loans to speculative property capital. A major economic study of the first phase of the Celtic Tiger phenomenon, despite recognition of ‘environmental gombeenism’, nevertheless pointed to ‘the need to reject the fear and suspicion of market forces’. A more recent study is, in contrast, uncompromising in outlining what has been involved in terms of a culture where local, cronyist and clientelist politics still thrive and where bankers, operating with minimal oversight, collude to hide ‘political donations’ made to politicians by developers and builders. This shameless culture of corruption is identified by Grist as a serious impediment to the adoption of a more strategic approach to spatial planning in Ireland. Grist refers to the disregard of local politicians for technical advice and expertise in planning matters and puts the matter bluntly:

Light regulation has destroyed national and international banking systems. Likewise, a light supervisory mechanism of plan making at local level has allowed the growth of a culture of overzoning in the Republic of Ireland and the development of links between this and corrupt practices.

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7 John O’Farrell, Review of Fintan O’Toole, ‘How Stupidity and Corruption Sank the Celtic Tiger’, New Statesman, 7 January 2010,
8 Peter Clinch, Frank Convery, Brendan Walsh, After the Celtic Tiger: Challenges Ahead, (Dublin, 2002), 135, 183.
9 Fintan O’Toole, ‘How Stupidity and Corruption Sank the Celtic Tiger’. 
This remains a nettle to be fully grasped.

A concluding article by Morphet, looking on from English planning practice and reflecting on the alterity in Irish and Scottish Spatial Planning, poses the question of whether this is fragmentation or fugue. Individual national and regional spatial planning approaches can be seen as gently orchestrated through the common guiding hand of a European identity building project. Strategic spatial planning within the larger picture is one part in developing European spaces. The conclusion is reached from the perspective of UK devolution that:

The resulting approaches to spatial planning, ten years after devolution, have demonstrated that there has been spatial differentiation but that this has not been divergent, leading to fragmentation. Rather it represents a policy fugue where similar themes and approaches to spatial planning are developed and delivered in culturally determined ways within each nation.

It is clear that spatial planning on this archipelago of European islands will continue to struggle with the tensions produced by the ongoing reproduction of older identities and the conflicts produced by the creation of new ones.

William J.V. Neill

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National Spatial Planning and Scotland’s cities

Greg Lloyd

Introduction

In the past decade a number of powerful narratives have emerged, competed and combined in variegated ways to forge a new understanding of, and social construction of, the spirit and purpose of statutory land use planning in a modern society and economy. In the abstract, each of these intellectual influences may appear innocuous enough. Yet, in practice they have encouraged a considerable re-crafting of the structures and processes of the statutory land use planning system. In turn these have led to a revised relationship of land use planning to specific policy areas such as urban growth, metropolitan management and community regeneration. Moreover, the narratives have served also to encourage and sustain a new momentum for change in the institutional design of planning and governance arrangements. In effect, these influences, individually, in combination, in tandem, or collectively, have served to re-cast contemporary political agendas around the understandings and regulation of land use planning in different spaces and places.

Importantly, these influences and their associated outcomes have served to re-position the role of cities and city regions in contemporary spatial planning, land use planning and wider public policy domains. In effect, the role of cities and their associated hinterlands or city-regions have assumed a new imperative with respect to promoting national and regional economic competitiveness, devising new political identities, ensuring the effective delivery of local and regional services, and in addressing wider community and environmental agendas for change. This article traces the influences leading to the modernisation of statutory land use planning in Scotland and examines the emergent role of cities and city-regions in the new strategic institutional arrangements being articulated and implemented.
Emerging influences on land use planning agendas

The principal influences on the re-construction of conventional land use planning arrangements and processes reflect wider political economy considerations, changing state-market-civil relations and the emergence of a new scalar and a territorial awareness in the design and implementation of public policy domains. There is an interest at large in securing more integrated or joined-up thinking and working particularly in the realms of public service delivery. The various influences are not separate or isolated strands of thinking, however, nor, indeed, are they necessarily mutually exclusive. The relations between them are complex, and there are tensions evident both between them and within each of their constituent logics. For the purposes of this article, the following principal narratives may be identified.

First, there is the enduring dominance of neo-liberal economics which has continued to evolve over time but which persists in advocating general business led outcomes for government activity, public policy design and implementation. This iterative liberal market economic paradigm has served to create a very specific set of economic conditions and values within which the public sector in general, and the specific statutory land use planning system operates. Thus, there is an enduring emphasis on the primacy of private property rights, the erosion of an understanding of the public interest, its substitution with values and constructs around individualism and the assertion of private interests, and the promotion of market influenced policy options. All these, in different ways, serve to limit the operational context within which effective forward planning and the regulation of land use and development takes place.

Second, and as a consequence of the influence of neo-liberalism, there has been a realignment of state-market-civil relations as shown in the emphasis in devising and promoting institutional innovations. This in itself is a contested area for discussion as there have been competing economic and political imperatives involved in the re-design of institutional forms. Here, attention may be drawn to the devolution of government, the promotion of governance and joint working, regionalism and an emphasis on localism together with the attendant modernisation of the public sector. Devolution, for example, has provided an important impetus for addressing arrangements for territorial governance in general across the UK. In different ways it has drawn attention to the need for enabling the appropriate technocratic and

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democratic management of space in Scotland, Wales and Northern Ireland. It is argued that devolution has to balance economic equity and territorial justice between nations and regions whilst being alert to the changing processes and institutional contexts of specific regions. This institutional focus has sought to create a greater sensitivity to functional territorial forms, strategic geographical locations, and the complex nature of spatial inter-relationships and inter-dependencies.

In practice, devolution has not been uniform in design, implementation and effect and has involved or been associated with tandem processes of regionalism being constructed in governance arrangements as in England. In addition, the active promotion of localism in public administration has taken place with respect to the civil engagement in public policy and decision making. The process of devolution is associated with the ‘new regionalist’ thinking which argues for the elaboration of more coherent institutional frameworks at the appropriate level of competency. Modernisation of the public sector has also involved questions relating to its scale, its composition and its geography with an interest in its decentralisation from concentrated pockets in the major cities. In operational terms then the arrangements put in place for local and regional governance rest on revised central-local relations, a reliance on networks and partnerships, a sustained commitment to delivery and a continuing drive to modernise the structures and processes of government. These institutional changes have had a marked effect on the design of land use planning arrangements across the UK.

Thirdly, spatial planning has proven to be a potent force for change in re-crafting thinking and practices in land use planning. As an idea, spatial

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planning is principally associated with the European Spatial Development Perspective which emphasises greater co-operation and the co-ordination of policies and decision making in practice. It promotes the ideals of regional competitiveness, territorial cohesion, and sustainability. Clearly, these reflect the very complex political ambitions of modern states and embrace a spectrum of technocratic and democratic responsibilities. Importantly, spatial planning is held to go beyond the traditional focus of the statutory land use planning system by focussing on the wider public policy domain, the spatial connectivity and implications of individual public policies, and the spatial awareness of integrated working. The spatial planning project has highlighted the importance of considering scale in addressing specific social, economic and environmental conditions and, importantly, in devising appropriate interventions in circumstances of change and uncertainty. In practice, spatial planning has had a differentiated influence across the devolved UK with distinctive planning and policy arrangements bring devised to address prevailing and anticipated conditions. Such divergences with respect to planning policy priorities and the extent to which there is a spatial planning dimension suggests that there is a deliberate attempt to devise planning arrangements that are appropriate to circumstances. Taken together, these strands of thinking have had evident individual and combined effects on the land use planning system. The emphasis on reform and modernisation of the public sector at large and with respect to land use planning in particular is an immediate outcome of these influences.

The modernisation zeitgeist in Scotland

Devolution took effect in 1999 following the Scotland Act 1998. Scotland was initially governed by a coalition of the Scottish Labour Party and the Scottish Liberal Democrats. The first Partnership Agreement, for example, asserted a vision of a Scotland ‘where enterprise can flourish, where opportunity does exist for all and our people and our country have confidence to face the challenges

of a global society.\textsuperscript{13} It made an explicit commitment to improving the land use planning system in order to strengthen the involvement of communities, to speed up decisions, to better reflect local views, and to allow for quicker and public sector investment decisions. As a consequence, an active process of modernisation of the land use planning system was put in place to address its perceived weaknesses. These included: the absence of a strategic perspective to guide local land use planning decision making; delays in plan preparation and approval; out-of-date plans that were not considered suitable to promote and regulate development; cumbersome development control procedures which resulted in increased delays and costs to applicants; an inadequate provision for longer term thinking; an evident lack of clarity and certainty about planning and development policies; and a tenuous and ineffective relationship between the development plans and their implementation. In addressing this catalogue of issues the process of modernisation involved the preparation of a number of Consultation Papers that addressed specific aspects of planning and development, dialogues with stakeholder groups across Scotland, and the publication of a White Paper detailing the thinking taking place.\textsuperscript{14} The Planning etc (Scotland) Act 2006 represents the culmination of this programme of modernisation with respect to land use planning in Scotland.

The legislation brought into effect a new development hierarchy which stresses a proportionate decision-making approach so as to better allocate the land use planning resource. The intention here was to promote greater efficiencies and effectiveness in the execution of the land use planning system. The planning hierarchy rests on the differentiation of different scales of development which are categorised as of national, major, local, or minor significance.\textsuperscript{15} Each level of planning engagement involves different arrangements relating to the decision-maker, decision route, the nature of engagement with stakeholders, and the arrangements for appeals. Here there is a deliberate attempt to provide opportunities for greater engagement by all parties in the planning process. Under the legislation, development plans are recast in terms of their territorial coverage and this serves to reinforce the importance of the city-region territory in Scotland. In terms of planning regulations, supplementary efficiency measures were put into place to enable

\begin{itemize}
  \item\textsuperscript{13} Scottish Executive, \textit{A Partnership for a Better Scotland: Partnership Agreement} (Edinburgh, 2003).
  \item\textsuperscript{15} See D. Peel and M.G. Lloyd, ‘Neo-traditional Planning. Towards a New Ethos for Land Use Planning?’, \textit{Land Use Policy} 24:2 (2007), 396–403.
\end{itemize}
e-planning; the clarification of planning agreements, standard planning application forms, and the strengthening of enforcement provisions. Particular emphasis was placed on the early engagement of the public both in the formulation of development plans, but also in discussions about specific development proposals. Taken together, the reform of land use planning in Scotland reflects the different influences for change and particularly that of spatial planning, strategic thinking and scalar awareness.

**National Planning Framework – towards spatial planning in practice**

Integral to the modernisation of the land use planning system in Scotland was the concept of the National Planning Framework. This new planning instrument played an important role in the overall modernisation process in a number of ways. First, it was a specific response to the perceived strategic deficit in Scotland’s land use planning system which was the initial prompt point for starting the modernisation process itself. Thinking was dedicated to providing a national strategic perspective on the panoply of planning, development and infrastructure questions which prevailed across Scotland as a whole. It was a means of providing strategic guidance for the myriad of local land use planning and land and property development decisions and negotiations taking place across Scotland’s space. Second, the National Planning Framework captured, reflected and built on the ideas about spatial planning by presenting different strategic spatial development perspectives across Scotland’s variegated territory. In other words, it was a means by which the broad territorial sub-regions, such as the Borders, Highlands and Islands, Central Belt could be addressed in terms of their specific requirements, issues and infrastructure capacities. Thirdly, it served to demonstrate the reality of the wider process of land use planning reform taking place and which resulted in the legislation in 2006. In effect, it served as an earlier totem of the changes taking place. It was a means by which modernisation could be asserted. Finally, the National Planning Framework later formed the pinnacle of the new planning hierarchy and served to set the strategic pan Scotland context to local land use planning decision making.

In 2004, the first National Planning Framework was published. In its original and non-statutory form the *National Planning Framework* was described

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as a framework to guide the spatial development of Scotland to 2025.\textsuperscript{17} Essentially, it set out a ‘vision’ of Scotland in which other public policy plans and programmes would share and work towards. It was intended to generate a greater awareness around the extrinsic spatiality of public policies at large and to inform their improved connectivity. Achieving this mutual reciprocity is important to the concept of national spatial strategic planning in Scotland. In this respect the National Planning Framework presented a national strategic perspective—reflecting the influence of European spatial planning in promoting connectivity and sensitivity to scalar differences—and was intended to guide public policy at large and to inform land use planning practices by local authorities.

Whilst it was not designed to be a ‘prescriptive blue-print’ it was intended to serve a very important operational role in land use planning by serving as a material consideration in local decision making, in framing local development plan policy, and in informing local planning applications and appeals. It was intended to serve an important strategic purpose for guiding, informing and facilitating traditional land use planning practices and related land development activities. The National Planning Framework of 2004 was principally concerned with Scotland in its wider spatial and strategic context and did not seek to directly address local issues. It was essentially an early statement of the strategic issues facing Scotland’s spatial economy. Its key spatial planning elements were:

- to provide support for the development of Scotland’s main cities as the main focal points of the economy;
- to seek to distribute the benefits of economic activity by promoting greater environmental quality and connectivity;
- to enable the most disadvantaged communities to benefit from economic growth and opportunity;
- to strengthen Scotland’s external links;
- to promote greater economic diversification and environmental stewardship;
- to highlight Scotland’s long-term transport options and to promote more sustainable patterns of transport and land use;
- to invest in water and drainage infrastructure to support development across Scotland;
- to realise the potential of Scotland’s renewable energy resources;
- to provide the facilities to meet waste recycling targets; and,

\textsuperscript{17} Scottish Executive, \textit{National Planning Framework for Scotland} (Edinburgh, 2004).
to extend broadband coverage in every area of Scotland. In practical terms, the National Planning Framework sought to promote the development of knowledge economy clusters; the scope for spreading the benefits of economic activity by addressing issues of quality and connectivity; and the perceived need to link area regeneration and economic development.  

There was a strong economic flavour to the planning framework but this was inclusive of wider social, community and environmental considerations. Significantly, in the course of its Parliamentary scrutiny, the National Planning Framework was recognised as being of more central utility to wider economic policy agendas in Scotland, and its potential as a delivery mechanism for a broader array of public policy initiatives were recognised. As a consequence, in the enabling 2006 legislation, the National Planning Framework was afforded statutory status. This transformed the standing of strategic spatial planning in Scotland.

The intention was to then revise the National Planning Framework so as to reflect changing political priorities, economic ambitions, infrastructure requirements and emerging conditions. Significantly, it was to assert a national strategic perspective, identify the spatial relations prevailing in Scotland and offer practical priorities for planning practice. Its strategic planning framework was to reflect the long-term development of Scotland over the next 20–25 years. To this end, a revised National Planning Framework was published in 2008. This developed the thinking that had been explored in the first National Planning Framework and the associated Monitoring Report. It also reflected the thinking that had emerged around the new economic strategy for Scotland. This asserted the ambition of securing sustainable economic growth and demonstrated a vote of confidence in the role of the National Planning Framework. In parallel, a Council of Economic Advisers advocated a more proactive approach to planning, including a ‘culture change’ in land use planning where it should become a facilitator and not restrict itself to regulation. The preparation of the National Planning Framework also involved an extensive programme of participation with stakeholders across Scotland.

The National Planning Framework identifies priorities for the improvement of strategic infrastructure to support the Scottish Government’s central

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purpose of securing sustainable economic growth. It articulates the spatial consequences of established policies for transport, energy, climate change, waste management, water and drainage, and flooding. It was accompanied by a Statement of Participation which laid the democratic foundations to this new planning intervention in Scotland. The proposed National Planning Framework 2 was laid before the Scottish Parliament on 12 December 2008 for a period of 60 days consideration. It is important to point out that in the interim there had been a very evident change in the politics of the National Planning Framework. The elections in 2007 had returned the Scottish National Party to power and it had re-positioned the land use planning system and the National Planning Framework firmly within the economic policy firmament of political engagement.21 This may be taken as recognition of the perceived enabling function of land use planning in practice.

Importantly, the National Planning Framework 2 identifies 14 key infrastructure investments for Scotland’s national public interest. These national developments are intended to serve a strategic purpose. Any subsequent examination in public will focus on issues such as design and the mitigation of environmental impacts, and not matters of principle. By being scrutinised and adopted by the Scottish Parliament the national developments will reflect political debate, decision and priority. Parliamentary scrutiny has taken the form of by inquiries by 3 appropriate committees (Transport, Infrastructure and Climate Change Committee; Local Government and Communities Committee; Economy, Energy and Tourism Committee). This was followed by a debate in the Scottish Parliament itself. In general terms the scrutiny processes tended to emphasise matters of process and accessibility to the National Planning Framework. It focussed on the consultations associated with the preparation of the National Planning Framework and stressed the need to be able fuller participation by local communities across Scotland. The emphasis on consultation was extended to the advocacy of an engagement strategy to allow for adaptation to changing and emerging circumstances.22 The two versions of the National Planning Framework in Scotland asserted the relative position of cities and city regions as the key focal points in the development of the Scottish spatial economy.

Scotland: towards an urban agenda

The acknowledged role of cities and city regions in Scotland is not new. There has been a strong and long established metropolitan dimension to policy and practice in Scotland, particularly in the West Central Belt industrial zones. This has involved considerations of facilitating industrial expansion and urban growth and the different approaches to address decline and promote urban regeneration. More recently, the thinking around the preparation of the National Planning Framework approach was informed by the deliberations and recommendations of *The Cities Review*. This had set out a compelling case for a more explicit reliance on Scotland’s cities as the principal economic engines of growth and development. It referenced the ambitions of achieving greater economic competitiveness, a regional balance in economic activity, the attainment of social and community justice, and the promotion of environmental sustainability. Indeed, the Scottish Executive’s Partnership Agreement proposed that the individual cities would prepare ‘growth strategies’ that would maximise their particular unique characteristics and opportunities. Importantly, this early post devolution coalition government political statement asserted:

> city policies are not simply about redistributing resources from successful to less successful places, rather, city, or place, policy is also essential in dealing with market and policy failures that limit productivity growth. City policies have to be creative as well as redistributive and they have national as well as local benefits. They support local change, creativity and adjustment which are all essential to wider national progress.

There was a clear emphasis on this assertion of city led economic growth. The political ambition resulted in the preparation of ten-year ‘city visions’ for each of the major cities. These were generated through partnerships between councils, community planning partnerships, agency partners, and other city stakeholders. The city visions were able to build on and take forward the existing collaborative processes for regeneration and community planning,

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25 Ibid., 273.
and these new processes attracted national financial support through a newly established Growth Fund. The perceived primacy of the major cities within the development of Scotland’s economy was reflected in the overall economic policy framework. In seeking to reconcile the economic policy ambitions for securing sustainable growth the cities were positioned as forming deliberate territorial clusters:

Cities are our major points of economic activity and social interaction. They often do not have sharp edges, other than municipal boundaries, and are linked to their hinterlands by myriad interactions. Around the City of Glasgow, for example, there are those who commute to the city on a daily basis from towns, villages and countryside as far as 40 or 50 miles away. The shopping status of Glasgow attracts weekly and monthly trips from similar and wider ranges. These interactions are moderated by the presence of towns lying between city and country. Even quite small towns, whilst exporting daily commuters to larger cities, may attract their own daily ebb and flow of workers and shoppers from the surrounding countryside. To make the best strategic decisions for Scotland’s future, as well as ensuring the effective delivery of policies and services, we require a full understanding of the geographies of how we live. To achieve our overall aims it is important to understand how Scotland functions as a set of connected places.

The emphasis on Scotland’s cities as the drivers of economic growth may be viewed as a traditional articulation of national economic policy. Scotland’s four cities are very different in scale, form and function yet represent important concentrations of economic and political power.

Scotland: towards a city regional agenda

In parallel, there was an emerging interest in promoting an economic policy based on the city regions. In part, the turn to city-regionalism in Scotland is a consequence of the policy and political assertion of the importance of cities. The rationale for city-regions goes further than simply resting on city driven growth and asserts a stronger functional realignment of economic growth, investment, housing and population patterns, and agglomeration

efficiencies in local service provision. In planning and governance terms, the argument for city-regions involves a layered spatial intervention so as to secure intended institutional efficiencies and sustainable development. In practice, the city-region idea is based on the perceived advantages of strong functional economic linkages in land, labour and capital factor markets. The city region involves a relatively more formalised planning and governance framework in order to secure efficiency gains in service provision, create new spheres of influence for housing, employment and investment and more sustainable outcomes through integrated working.

Where city regions differ from cities as the focus for a national economic development policy is with respect to the political relations involved between different local authority jurisdictions and communities. Effectively, new city-regional identities have to be defined and articulated as part of this new economic governance. In Scotland, this construction of new planning identities has been achieved through a relatively informal way. This has been secured through the modernisation of statutory land use planning. Here the re-crafting of development plans is important. Section 4 of the Planning etc. (Scotland) Act 2006 provides for the removal of existing structure plans and the creation of four strategic development plans for Aberdeen, Dundee, Edinburgh and Glasgow. The Act gives Scottish Ministers powers to designate Strategic Development Planning Authorities, essentially defining those local planning authorities which are required to work together to prepare the new strategic city-region development plans. The strategic development plans will be supported by a second tier of more detailed and operational local action plans. The remit of the proposed Strategic Development Planning Authorities will transcend the jurisdictional delimitations of established local authority boundaries. These provisions were held to better reflect the specific functional circumstances in the four city regions with respect to, for example, the nature of housing markets and travel to work areas, transport and accessibility, and the use of supporting private and public sector services. These broad strategic patterns are then intended to inform the preparation of the constituent local development plans within the city-region itself. It was anticipated that the

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new strategic authorities would follow due diligence and adopt a transparent approach to determining the most appropriate boundaries involved. This was expected to involve a meaningful engagement with the relevant communities of interests, places and identities within the informal city region jurisdictions.

This is clearly a highly sensitive process. Even as an informal approach political factionalism may militate achieving cross-jurisdictional agreements and the construction of new city regional identities. Significantly, where consensus cannot be achieved between the appropriate stakeholders and alternative planning boundaries are proposed, then Scottish Ministers are empowered to confirm the final delineations. The underlying policy rationale is that the boundaries for strategic development planning purposes would be drawn so as to be more efficient than those that are currently defined around the individual administrative jurisdictions of the cities and their separate hinterlands. This clearly suggests a functional perspective on the concept of city-regions which are intended to secure direct economic and institutional benefits.

Strategic Development Plans will set out a clear vision and spatial strategy for their city region area. The plans will likely focus on the key land use and development issues that cross the stakeholder planning authority boundaries. It is intended that, following the logic of the overall land use planning reform programme, that the Strategic Development Plans will be shorter, more strategic and easier to use than the previous structure plans. Their important purpose is to provide a strategic planning framework for the city region and provide clear direction for the Local Development Plans. While the context of each plan will differ, the key issues for most Strategic Development Plans will be the supply of land for housing, major business and shopping uses, protection of environmental assets, the provision of strategic infrastructure such as transport, waste, water and energy, and the promotion of green belts and networks.31

Under the enabling legislation, the strategic development plans for the four city-regions in Scotland are required to provide a vision statement setting out a strategic perspective for the territory. This would consider how the development of the city region could occur and the issues that might be expected to affect that development. This would include the physical, economic, social and physical characteristics, principal land uses, the size, composition and distribution of the population of the area, and the infrastructure capacity. The strategic vision is to be supplemented by a spatial strategy that will set

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out a strategic statement of proposals as to the development and use of land in the city region. This again reflects the strategic arrangements for the city region. Importantly, an analysis of the relationships with development and land use proposals in neighbouring areas that are likely to affect the Strategic Development Plan area are to be deliberately incorporated in these arrangements. The management of the strategic development plans for the city regions are set out in a Development Plan Scheme that sets out the proposed timetable for the preparation of the plan. The progress to city regional plans is differentiated as it will rest on the status of the existing structure plans. A participation statement will set out the details of the consultation undertaken on the city region and the authority’s proposals for public involvement in the plan preparation process.

Concluding observations

New ideas and narratives have served also to encourage and sustain change in the institutional design of planning and governance arrangements in the UK. In Scotland, for example, devolution, economic factors, and new ideas relating to spatial planning and development have served to re-cast the role of cities and city-regions in the management of Scotland’s space. Cities and their strategic functional hinterlands have assumed a new imperative with respect to promoting national and regional economic competitiveness, devising new political identities, ensuring the effective delivery of local and regional services, and in addressing wider community and environmental agendas for change. This is being articulated through the reform of land use planning and the arrangements for development planning. Yet, the approach taken remains a relatively instrumental one and not one necessarily geared to reflect the sensitivities around city and hinterland political relations, functional labour and housing market parameters, the dynamics of change and accessibility, and the creation of new identities. It is these more qualitative dimensions of national spatial planning and territorial management that might form the next challenge to devolved planning in Scotland.

University of Ulster
Scotland’s Planning System: 
A Return to the Vision of Patrick Geddes?

Anne-Michelle Slater and Aylwin Pillai

Introduction

Modernising the Planning System, the 2005 Scottish Executive, White Paper on planning reform, stated that the new planning system should be fairer and more balanced. It claimed that this could be achieved by embracing the philosophy of a Scottish planning theorist and practitioner from a previous era:

We want our planning system to return to the vision of Patrick Geddes…who saw the need for a system that balanced the needs of ‘folk, work and place’ but with a fourth objective fairness. Patrick Geddes saw how the way we live affects everything around us, we know that is still the case and we need a modern planning system that helps us to plan for the way we live now.2

This article will consider whether Sir Patrick Geddes’s vision for planning has in fact been incorporated into the new planning system. It is in three parts:

- An examination of the concept of sustainable development: its origins and development as a policy and legal principle in Scotland, together with an examination of its links to the philosophy and practice of Patrick Geddes;
- A consideration of the recent planning reforms instituted by the Planning etc (Scotland) Act 2006 and
- An evaluation as to whether either sustainable development or the philosophy of Patrick Geddes is reflected in the new reformed planning system in Scotland.

1 The authors acknowledge the research assistance of Lauren Grant in the preparation of this paper.
2 Scottish Executive, Development Department, Modernising the Planning System (Edinburgh, 2005), 5.
Sustainable Development

Sustainable development has become a significant guiding principle in international law and politics. The most widely accepted Brundtland definition states that, ‘sustainable development is development that meets the needs of the present, without compromising the ability of future generations to meet their own needs’. Despite the general acceptance of the principle at a collective international level and by individual national governments, the concept remains contested and the broad definition set out in Brundtland has resulted in many different definitional variations, representing a wide spectrum of viewpoints. Bell and McGillivray have usefully elaborated the Brundtland definition thus: the primary objective of the principle is to meet current and future human needs and aspirations with the environment considered as an integral part of human well-being. There is also an underlying objective of fairness in the manner of development, which applies as between different sectors of the current generation, as well as future generations. Thus, future generations have the same rights to develop as the present one, and preventing such development would be unfair. Finally, there is an inherent assumption that the impact of current activity in terms of resource depletion and the ability of the environment to absorb pollution can be identified by scientific and other techniques.

Sustainable development’s focus on fairness and justice has public participation at its heart. This has been a feature of the planning system in the United Kingdom since the 1960s, and its promotion through legislation and policy has been extended to all areas of environmental law in recent years. Nevertheless, its operation and effectiveness is regularly questioned and arguments for greater public participation in environmental matters are relatively uncontested.

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6 Ibid., 295.
9 M. Lee and C. Abbot, ‘The Usual Suspects? Public Participation under the Arhus
The UK Government has been proactive in incorporating sustainable development, in general terms into policy and law, but its approach is not without criticism. It has been suggested that there is in fact no clear, accepted definition of sustainable development in the UK and the principle evolves with every new strategy.

Sustainable development in Scotland

The situation in Scotland changed after devolution. Scotland has had a Parliament since 1999, and the Scotland Act 1998 enables most aspects of law and policy relating to land and the environment to be devolved. The new Scottish Executive made slow progress on sustainable development, as there was no legislative duty to produce a strategy. By 2003, following their re-election, the Labour and Liberal Democrat Coalition government had done little more than confirmed its commitment to sustainable development.

The first Scottish sustainable development strategy, Choosing Our Future, was published late in 2005, following the new UK Strategy, Securing the Future, and the overarching policy framework for the devolved nations, One Future—Different Paths. Although one of the guiding principles of the

10 For example, V. Jenkins, ‘Placing Sustainable Development at the Heart of Government in the UK’ Legal Studies, 22 (2002), 578.
13 Thus the Act (by way of Sections 28–30 and Schedule 5) sets out which areas are not devolved, rather than itemising the specific areas of competence of the Scottish Parliament. Foreign affairs, defence and taxation are all examples of matters reserved to the UK Parliament.
15 Scottish Executive, Choosing Our Future: Scotland’s Sustainable Development Strategy (Edinburgh, 2005).
The framework document was to ensure a just society, the sustainable development agenda in Scotland began to move away from social and environmental justice to strengthen its focus on the economy. Like the UK strategy, *Securing the Future*, the Scottish strategy had the central objective of achieving a higher quality of life for communities and a sustainable economy: ‘Economic growth is our top priority—but not at any cost. We must recognise that economic growth and the protection of our world for the future go hand in hand. The challenge is to make economic growth sustainable, breaking the link with environmental damage’. The strategy tried to address Scotland’s needs by identifying key areas of concern and fitting broad responses to these issues within the framework of sustainable development.

The Parliament is now in its third session and following elections in 2007, a minority administration was formed by the Scottish National Party (SNP). Its central and overarching purpose is to focus the government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. Its economic strategy replaces the previous administrations’ sustainable development strategy, with a new overarching, single purpose: ‘to focus the Government and public services on creating a more successful country, with opportunities for all of Scotland to flourish through increasing sustainable economic growth’. *Choosing Our Future* is no longer a live strategy. The economic strategy is supported by the national performance framework which provides the proxy framework for sustainable development. The economic strategy emphasises five strategic priorities, each with a broad scope.

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18 Ibid., 8.  
20 Throughout this paper reference is made to both the Scottish Executive and the Scottish Government. Reference to the Executive refers to the administration in office prior to May 2007 and reference to the Government refers to the administration in office subsequent to that date.  
22 Ibid., vii.  
23 Sustainable Development Commission, 12.  
24 Scottish Government,, *Scottish Government Economic Strategy* (Edinburgh, 2007), paragraph 3.3.2.  
25 (1) learning; (2) skills and well-being; (3) infrastructure development and place; (4) effective government; and (5) equity. Scottish Government, *Scottish Government Economic Strategy*, viii–ix.
environment does not feature prominently in these priorities, yet forms part of the equity priority.\textsuperscript{26} Sustainable economic growth is defined by the Scottish Government as the creation of a ‘dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life’.\textsuperscript{27}

The second review of the Sustainable Development Commission Scotland (SDC) assessed the extent to which the new purpose delivers sustainable development.\textsuperscript{28} It found that whilst the current framework can potentially support work on sustainable development, whether it does will depend on how the government takes forward its commitment.\textsuperscript{29} The SDC believes the purpose of government should be the creation of a socially and environmentally sustainable society, with the economy being one mechanism to achieve this, rather than an end in itself. However, sustainable economic growth as defined by the Government in Scotland is broadly in alignment with sustainable development principles. The challenge is to ensure that the aspiration embodied in the purpose, translates into policy across government that is consistent with sustainable development.\textsuperscript{30}

This article has now explained the incorporation and development of a sustainable development policy in Scotland, but noted the changes to the definition and focus of successive Scottish Ministers. It now proceeds to relate the work and philosophy of Patrick Geddes, some 100 years before, to the policy of sustainable development.

A Brief Overview of Patrick Geddes’s Philosophy and Practice of Town Planning

Patrick Geddes was one of the most vociferous early advocates for planning.\textsuperscript{31} His concept of physical, social and economic integration was at variance with the conventional neo-Baroque methods of planning based on the idea of the

\begin{itemize}
  \item \textsuperscript{26} Ibid., ix.
  \item \textsuperscript{27} Ibid., vii.
  \item \textsuperscript{28} SDC Scotland, Second Assessment (Edinburgh, 2009).
  \item \textsuperscript{29} Ibid., paragraph 6.2.1.
  \item \textsuperscript{30} Ibid.
  \item \textsuperscript{31} 1854–1932.
\end{itemize}
In his work in Ireland, Scotland and worldwide he insisted that planning be firmly rooted in local geography:

Before proceeding to a Town Planning Scheme, it is desirable to institute a Preliminary Local Survey – to include the collection and public exhibition of maps, plans, models, drawings, documents, statistics, etc, illustrative of Situation, Historic Development, Communications, Industry and Commerce, Population, Town Conditions and Requirements, etc.

Geddes’ philosophy has been described as being rooted in place, not just bricks and mortar, ‘it’s about places in a wider and deeper sense’. He also recognised that planning should be regional in scope with ‘the need of relating the given town not only to its immediate environs, but to the larger surrounding regions … for town and country interests are often treated separately with injury to both’. His visionary idea was for the systematic planning of entire regions and for regarding each city’s unique regional environment as the basis for a total reconstruction of social and political life. It is the wider application of the use of a planning system to achieve a solution that goes beyond the confines of a statutory land use system that made Patrick Geddes a pioneer of the idea of sustainable development. Indeed, one of the mantras of the sustainable development movement is ‘Think Global, Act Local’, yet it was first used by Geddes in 1915 in his publication, *Cities in Evolution*.

This article has already explained that a key component of sustainable development is public participation. Patrick Geddes was a genuine believer in self-help and participation. He encouraged groups to survey, to plan and to manage whenever possible. In 1884, for example, he set up the

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36 Ibid., 360–66.

37 W. Stephen, ‘Patrick Geddes—The Life’ in Stephen (ed.), *Think Global, Act Local: The
Scotland’s planning system: a return to the vision of Patrick Geddes?

Environment Society, to improve and renew the Old Town of Edinburgh where he lived, which began with the distribution of white wash and flowerboxes to the slum residents. Dozens of pieces of unused space in the congested Old Town were identified and plans were drawn up, the locals drawn in, seeds and plants obtained and all set together to create little green islands amid the solid but darkly depressing masonry. The Environment Society later changed its name to the Edinburgh Social Union and Stephen indicates that this was an affirmation of concern for the social status quo, as well as a statement of intent to change it. Geddes, therefore, recognised the environment in its widest sense as a starting point for action. This rapidly, however, developed into a social justice movement. He was not just concerned with appearances and shared with the Scottish bard, Robert Burns, the wish to remake society—for example, his use of a quotation from To A Mouse, ‘I’m truly sorry Man’s dominion Has broken Nature’s social union’. Patrick Geddes, therefore, clearly saw the link between what we now call sustainable development and town planning. His solution was planning based on a comprehensive survey, which went beyond the confines of the statutory planning process both, as originally envisaged in 1909, and today. His method of regional approach was based on the completion of a complex city survey of local and regional conditions, including physical, social, cultural and historical aspects. He also argued strongly for a civic exhibition of the survey results, in order that local people could participate democratically in major planning decisions. The inadequacies of the modern statutory planning system have resulted in calls to incorporate sustainable development into the planning process, as well as claims that the vision of Patrick Geddes can address these

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38 Ibid.
41 Ibid., 28.
43 ‘To A Mouse: On turning Her Up In Her Nest With The Plough’, Robert Burns, 1785.
44 Geddes, “City Survey for Town Planning Purposes” from “Cities in Evolution (1915)” in LeGates and Stout (eds), The City Reader, 362.
45 Ibid., 360.
problems. With this in mind the next section considers the context for the planning reform process in Scotland.

Planning Reform

Planning reform in Scotland has taken a long time. In 2000, it was accepted that continuation of the status quo was not an option and that the ‘wicked issues’ on strategic planning had to be tackled. It became increasingly apparent that the planning system as a whole was not fit for purpose: it was slow and unpredictable; it was not inclusive; there was a lack of national and regional strategic guidance; it did not deliver sustainable development and perpetuated environmental injustices.

The context for reform of the system is a Scotland with a fairly small population (5,168,500 in June 2008), 19% of which, including 21% of children, live in poverty. Life expectancy remains low, compared with most Western European countries and in deprived areas it is considerably lower than in the country overall. There is a strong historical social division within Scotland, and it has the most concentrated pattern of land ownership in Europe. Social and economic inequalities, as well as the effects of post-

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46 Scottish Executive, Development Department, Modernising the Planning System, 2005. p.5.
49 Scottish Executive, Modernising the Planning System, Para 4.1.
51 These figures represent the percentage of individuals living in relative poverty, i.e. 60% below the median income in the same year: The Scottish Government, Scottish Households Below Average Income 2006/7, 10 June 2008, 1. Available at www.scotland.gov.uk/Resource/Doc/226557/0061262.pdf.
industrialism, have been identified as major contributors to environmental injustices in Scotland. Dunion and Scandrett have argued that: ‘Scotland enjoys a democratic and relatively open planning system which nevertheless regularly delivers the worst environments to the poorest communities.’ Reform of the planning system was considered to be one way in which economic, social and environmental conditions could be addressed in Scotland. The concept of sustainable development was recognised as a mechanism which could be drawn upon to address these problems.

This next section of the paper now considers key stages towards the reform process in Scotland, as well as certain aspects of the new system, now in place. These are: the Partnership Agreement 2003, the White Paper 2005, the Planning Bill 2005–06, The Planning etc (Scotland) Act 2006, Scottish Planning Policy consultations, 2009. This enables a consideration of whether the vision of Patrick Geddes as articulated in sustainable development policies has, in fact, been incorporated into the new planning system.

The Partnership Agreement 2003

This article has already acknowledged that the Partnership Agreement of 2003 confirmed its commitment to sustainable development. A specific commitment was made to improve the planning system; to strengthen involvement of communities; speed up decisions; reflect local views better and allow quicker investment decisions. Planning reform was considered in the context of social justice together with wider environmental justice issues. The concept of sustainability and sustainable development was regarded as integral to the Scottish Executive agenda, with sustainable development as a key thread running through the document, implicitly suggesting a sector-wide approach. Despite that, however, there were only two specific references to

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55 K Dunion and E Scandrett categorised environmental injustices in Scotland as arising from: (1) poverty; (2) economic exploitation of resources (by rest of the UK); and (3) excessive resource use in the context of global responsibility: K. Dunion and E. Scandrett, ‘The Campaign for Environmental Justice in Scotland as a Response to Poverty in a Northern Nation’ in J. Agyeman, R. Bullard and B. Evans (eds), Just Sustainabilities: Development in an Unequal World (Cambridge, Massachusetts, 2003), 313.
56 Dunion and Scandrett, p.319.
57 Scottish Executive, Development Department, Modernising the Planning System, June 2005 4.0.
58 Ibid., p 38.
59 Local Government Scotland Act 2003 introduced the Duty of Best Value and also requires that local authorities discharge their functions in a way that contributes to sustainable development.
'sustainable development' in its own right and there was therefore no explicit connection made between planning and sustainable development.

**The White Paper, Modernising the Planning System (2005)**

The White Paper, Modernising the Planning System set out the aims and objectives for a reformed planning system in Scotland. It was this document that referred to the need to return to the vision of Patrick Geddes. It also considered that sustainable development should be at the heart of the planning system: ‘We want development to contribute to economic growth that is sustainable. Planning in the twenty-first century will be an agent for delivering sustainable development and environmental justice.’ The link between sustainable development and planning was made many times, for example, ‘our commitments to sustainable development remain at the centre of everything we do’ and ‘The planning system must also play its part in ensuring that development is sustainable.’ The White Paper also included a chapter on sustainable development, which generally reiterated the need for sustainability and economic growth to be delivered through the planning system.

Another significant change heralded by the White Paper was the introduction of Strategic Development Plans for the major Scottish urban centres of Edinburgh, Glasgow, Aberdeen and Dundee. This meant abolition of a strategic tier of planning for the country as a whole, but a focus on the main cities, as a vehicle for regional planning. The new plans would therefore deal with key land and infrastructure issues which cross planning authority boundaries.

**The Bill**

The Planning White Paper established sustainable development as a strong policy theme. Whether this translated into the Bill is now examined. The Planning etc (Scotland) Bill was introduced to the Scottish Parliament, December 2005. It set out a wide ranging framework for reform of the planning system. This article, however, will only consider the reforms that can

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60 Scottish Executive, Development Department, *Modernising the Planning System* (2005).
61 Scottish Executive, Development Department, *Modernising the Planning System* (2005), p.5
62 Ibid., 4.3.
63 Ibid., 2.3.
64 Ibid., 6.0.
65 Ibid., 5.2.1.
be related to the philosophy of Patrick Geddes and sustainable development.66

The Bill placed a duty on the planning authority to exercise its functions, in relation to development plans, with the objective of contributing to sustainable development. It was clear that Scottish Ministers considered that the link between development planning and sustainable development was so important that a statutory relationship should be established.67 The Policy Memorandum to the Bill, considering the concept of sustainable development, suggested that the links between policy and sustainable development were insufficient. The concept needed to be placed on a statutory footing. In particular, there was a need to determine with legal certainty whether individual proposals were sustainable.68

At the Stage One debate, the Communities Committee welcomed the introduction of a statutory duty to act with the objective of contributing to sustainable development, as it would make an important contribution to the delivery of the UK Government’s Sustainable Development Strategy. It called on the Executive, however, to consider the views given in evidence to develop a clear working definition of sustainable development in relation to development plans. The Committee considered that the guidance should be updated over time, to reflect developments in the definition of sustainable development. The Executive was also urged to consider reviewing how planning authorities discharge the duty to ensure that they are making a genuine contribution to promoting sustainable development in Scotland.

The sustainable development duty was also universally welcomed by those who gave evidence to the Committee.69 Questions were raised, however, about how a working definition of sustainable development would be developed.70 Opinions were evident amongst witnesses as to whether the duty should be extended to the development management process.71 The Convener of

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67 Explanatory notes to the Planning etc (Scotland) Bill.
68 Policy memorandum to the Planning etc (Scotland) Bill para 27 and 28.
69 For example, the Scottish Environment Protection Agency (SEPA) stated that planning had a crucial role to play in delivery of sustainable development and implementation of the sustainable development strategy. It was considered vital that it had a statutory duty to meet these obligations.
70 The Scottish Parliament, Stage One Debate, Planning etc (Scotland) Bill May / June 2006 Para284.
71 Development Management is the new title for the process of determination of planning applications by planning authorities formerly known as development control. Scottish Natural Heritage for example, considered that an extension of
the Communities Committee responded, however, that if the duty were to be applied to every proposed development, then there was considerable potential challenge. Her rational was that as there were about 50,000 planning applications in Scotland every year, extending the sustainable development duty would affect the efficiency of the system, thus, not contribute to sustainable development, because it would undermine and counteract everything the new system was designed to achieve.

At the marshalling of amendments to the bill, amendments to the wording of the sustainable development duty were called for and some MSPs wanted it to apply to Scottish Ministers in relation to the National Planning Framework (NPF). Others considered the wording should be changed, thereby requiring a more proactive role on the part of planning authorities. An important change was introduced at Stage 2 of the Planning Bill, in October 2006. Scottish Ministers were to be required to carry out their functions on the NPF with the objective of contributing to sustainable development. The duty on planning authorities was retained, as a duty to exercise their function in relation to development plans, with the objective of contributing to sustainable development. No changes were made to either duty at Stage 3. The duty was not extended to development management functions. The Planning etc (Scotland) Bill received Royal Assent on 20 December 2006.

The Planning etc (Scotland) Act 2006

The Planning etc (Scotland) Act 2006 was considered a landmark piece of legislation, from the second term of the Scottish Parliament. Following the May 2007 election and the formation of the current administration, there was a period of reflection and consideration about any amendments to the Act, in light of changed political priorities. Perhaps, a sign of the changed political priorities was the call in of the Trump application by Scottish Ministers in December 2007 and the subsequent decision, delivered in November

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72 The National Planning Framework is a Strategic Plan for Scotland. The first one was published April 2004. NPF2 was published June 2009 and sets out a spatial strategy for Scotland to 2030.

73 Planning etc (Scotland) Bill Clause 3CA.


75 Outline Planning Permission for Golf Course and Resort Development at Land at Menie House, Balmedie, Aberdeen, by Trump International Golf Links, Scotland.
2008. Over this period planning in Scotland was discussed extensively in the Scottish Parliament, in the media and elsewhere. Nevertheless, the SNP, whilst in opposition, had voted in favour of the Bill and were committed to implementing the 2006 Act. Although further consultation was required before the necessary regulations and circulars were issued, the majority of the enabling legislation is now in place.

Policy Reform

A policy statement Delivering Planning Reform, October 2008, heralded the start of the implementation programme of planning reform in Scotland. It stated that, the planning system is critical to increasing the rate of sustainable economic growth. ‘It should be one of the main creative driving forces behind the delivery of better places in Scotland-helping the public sector, development industry and communities work together to make good development happen in the right place.’ Whilst planning reform was perceived as essential to increasing sustainable economic growth in Scotland, the policy document recognised that legislation alone would not deliver reform. It explained sustainable economic growth as, ‘building a dynamic and growing economy but at the same time, safeguarding our environment for future generations and ensuring our communities can enjoy a better quality of life.’

At the same time as Delivering Planning Reform was published, a new approach to planning policy was instigated by the Scottish Government. A new Scottish Planning Policy (Part 1) was produced which replaced SPP1.
It was a step change in policy delivery, in that it sought to place planning in the wider context of the Scottish Government aims and policies and clarify the expectations of the system and the service.\textsuperscript{85} It included a discussion of the purpose of planning, stating that the Scottish Government believe that a properly functioning planning system is essential to achieving its central purpose of increasing sustainable economic growth. The way in which the planning system is structured and operated should be directed towards that purpose and to supporting the Scottish Government’s five strategic objectives: The shift in tone away from sustainable development is quite marked. The policy focus is clear: it is sustainable economic growth.

This article has already described the reforms to the planning system which required planning authorities, under the Planning etc. (Scotland) Act 2006 to exercise their development planning functions with the objective of contributing to sustainable development. The legislation also allows Scottish Ministers to issue guidance on this responsibility. In March 2007, draft statutory guidance on planning and sustainable development was published.\textsuperscript{86} Two years later, on 1\textsuperscript{st} April 2009, Part 2 of Scottish Planning Policy was published for consultation.\textsuperscript{87} It repeated the legislative commitment to issue guidance on sustainable development and explained that it will now form part of general policy guidance, to be known as Scottish Planning Policy (SPP). This statutory guidance was incorporated into the draft consolidated SPP and, in effect, reduced to one sentence: ‘planning authorities should ensure that the development plan facilitates the sustainable development of an area, supporting increasing sustainable economic growth.’ The link between sustainable economic growth and sustainable development is clarified, thus: ‘The Scottish Government’s commitment to sustainable development is reflected in its purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. This means building a dynamic and growing economy that will provide prosperity and opportunities for all. This accords with the principles of sustainable development as sustainable economic growth is achieved by delivering fair social outcomes and respecting environmental factors.’\textsuperscript{88}

\textsuperscript{85} Scottish Government, Directorate for the Built Environment Scottish Planning Policy, Part 1 October 2008, para.5.


\textsuperscript{87} This is a consolidation of all previous relevant planning policy guidance into one document. The Consultation period expired 24\textsuperscript{th} June 2009.

\textsuperscript{88} Scottish Government, Directorate for the Built Environment, \textit{Scottish Planning Policy},
In September 2009, *Scottish Planning Policy: Proposed Policy Changes,* explained that the section on sustainable development in the draft consolidated SPP focused the Government’s expectations in terms of sustainable development and the relationship with sustainable economic growth. It acknowledged, however, that a significant proportion of the responses to the original consultation requested a more detailed explanation of the Government’s policy relating to the statutory requirement for development plans to contribute to sustainable development. The reworked section on sustainable development therefore proposes to cover the following:

The Scottish Government’s commitment to sustainable development is reflected in its purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through sustainable economic growth.

Sustainable economic growth means building a dynamic and growing economy that will provide prosperity and opportunities for all, while respecting the limits of our environment in order to ensure that future generations can enjoy a better quality of life too.

The Scottish Government supports the five guiding principles of sustainable development set out in the UK shared framework for sustainable development—living within environmental limits, ensuring a strong, healthy and just society, achieving a sustainable economy, promoting good governance, and using established science responsibly.

The fundamental principle of sustainable development is that it integrates economic, social and environmental objectives. Development plans should address sustainable development at the local level through focusing on the National Outcomes, whilst reflecting national and international goals. Planning decisions must favour the most sustainable option, promoting development that supports the move towards a more economically, socially and environmentally sustainable society.

The planning system has an essential role in supporting the achievement of sustainable development through its influence on the location, layout and design of new development.

At the time of writing, *Scottish Planning Policy: Proposed Policy Changes* is still within the consultation period. It is anticipated, however, that the final version

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90 Ibid., para 10.
of the SPP, including the sustainable development guidance, will be published in 2010.

Return to Geddes?

Both the principle of sustainable development and the methods of Patrick Geddes were influential amongst the calls to reform the planning system in Scotland. Sustainable development was identified as a concept that could be utilized in modernising the planning system, to improve both the process and the outcomes of planning in Scotland. To that end, sustainable development has been specifically included in the new legislation. There are clear links between sustainable development as a policy and the teachings and philosophy of Geddes. Patrick Geddes recognised that planning must have social and environmental components and that integration of these components through public participation was necessary to successful town planning. He was an advocate of a regional survey, which ‘embraced more than just the local, it was equally national and global in outlook, educating everyone ‘to be at once a local, national and world citizen.’

The regional aspect of planning has been incorporated into the new Scottish legislation. Strategic Development Plans are to be prepared based on the four cities of Aberdeen, Edinburgh, Dundee and Glasgow. Work on these plans has only just started, but perhaps it is in the formulation and implementation of these plans that the planning system might really be Thinking Global and Acting Local.

That the planning Act embodies a legislative commitment to sustainable development is commendable, however, the nature of that commitment is problematic. The duty to contribute to the objective of sustainable development has been extended, from being a requirement for planning authorities in relation to the development plan process, to being a requirement for Scottish Ministers in preparation of the National Planning Framework. The difficulty is that issues relating to the definition of sustainable development and how the implementation of the duty can be measured, have not been addressed. Theses issues were unresolved by the 2005 White Paper, which only hints at a definition by providing some rather vague examples. In the actual formulation of the Bill, it was clear that the Scottish Ministers considered that the link between development planning and sustainable development was so important.

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that a clear statutory relationship should be established. The formulation of the duty, however, presupposes a passive approach—if planning authorities exercise functions in a way that does not have a negative effect on sustainable development, then those functions have been properly exercised.

The Planning etc (Scotland) Act 2006, therefore, contains only two provisions on sustainable development, relating to the National Planning Framework, in the case of Scottish Ministers and development plans in the case of planning authorities. The duty in relation to planning authorities was not extended to development management; therefore, theoretically, there is a risk that anything done in the functions of development plans is undone on determination of individual applications. ‘The Planning Law Sub-Committee of the Law Society of Scotland stated that such a nebulous concept (as sustainable development) may present a difficulty if it is, in law, an essential requirement of a planning document. Several different definitions had been used in government policy, so that it would be a highly debatable phrase and may not be susceptible to judicial interpretation.’

It appears, therefore, that the progress of sustainable development from a strategic and political aspiration to a legislative outcome in the Act has been fraught with good intentions. The actual codification of sustainable development is very limited.

Furthermore, the guidance to be considered in the exercise of those sustainable development functions, although increased from the originally proposed two paragraphs, still represents a ‘minimalist approach’. Finally, no precise definition of sustainable development has been provided. General examples are given that relate sustainable development to the process of statutory planning. The accompanying policy guidance sets sustainable development within a context of both the UK Sustainable Development Strategy and the Scottish Government’s Economic Strategy. This is notwithstanding the fact that the relationship between sustainable development and the economic strategy is itself unclear, as has been pointed out by the Sustainable Development Commission for Scotland. The result is that both Scottish Ministers and planning authorities have a duty to fulfill, but no clear definition to refer to for help on how to do that. In consequence, the undertones of sustainable development appear to have been heavily diluted in the process of modernising the planning system.

Conclusion

The call for a modernised planning system for Scotland to return to the vision of Patrick Geddes was an interesting, almost inspirational approach. Perhaps it was aimed at reminding practitioners of their planning education days and the history of town planning. This examination of the reform process has shown, however, that it was not clear exactly how Geddes’s philosophy was to be translated into legislative reform. Nevertheless, a consideration of Patrick Geddes’s theory and practice clearly demonstrated the origins of the sustainable development principle. The article then traced how the duty to exercise some planning functions with the objective of contributing to sustainable development was included in the Scottish statutory planning process. It does not extend to all aspects and has not been defined in the legislation. The article has shown how in general, sustainable development, is a term of almost universal approval, but of considerable vagueness of meaning. This difficulty has manifested itself in relation to the Scottish planning legislation and policy guidance. Disappointingly, neither is robust and most importantly, the Scottish government’s clear focus is on sustainable economic development.

Has Scotland’s planning system returned to the vision of Patrick Geddes? It must be concluded that an inclusion of a duty to exercise some planning functions with the objective of contributing to sustainable development is not enough. It alone does not provide a system that balances the needs of ‘folk, work and place.’ The White Paper explained that, Patrick Geddes, saw how the way we live affects everything around us. We know that is still the case and we need a modern planning system that helps us to plan for the way we live now. Other aspects of the reform process may, given time, more readily achieve Geddes’s philosophy. In particular, the introduction of Strategic Development Plans for Edinburgh, Glasgow, Aberdeen and Dundee, might have pleased the early prophet of regionalism.

University of Aberdeen

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93 Scottish Executive, Development Department, Modernising the Planning System, 2005, p5.
Deciding the Fate of a Magical, Wild Place

Cllr Martin A. Ford

Introduction

It was just a planning application – but the reaction to it was quite extraordinary. I am referring, of course, to the application from New York billionaire businessman Donald J. Trump, chairman and president of The Trump Organization, for planning permission to build housing and a golf resort on the east coast of Scotland at Menie, near Balmedie, in Aberdeenshire.

The purpose of this paper is to discuss the application and, in particular, the values and attitudes displayed in response to it. I have kept the description of process to the minimum required for understanding by readers not familiar with the sequence of events. Facts about the site, reporting in the news media, the actions of Aberdeenshire Council and the Scottish Executive/Government\(^1\) and various other matters are included insofar as they are relevant to the purpose of the paper. Included here too is some information I gained only because of my own involvement in the decision-making process and the wider political debate. That involvement has both made it possible for me to write this paper and made it very difficult. It has given me information and insights I would not otherwise have had but it will also have affected what I have inferred from the known facts. Mindful of this, I have been careful to set out in some detail the evidence for my conclusions so that others, more detached than I, can properly judge their validity.

The application

The Menie estate lies between the A90 trunk road and the sea about 10 km north of Aberdeen. The application for planning permission to build housing and a golf resort on the Menie estate was lodged with Aberdeenshire

\(^1\) The Scottish Executive was rebranded as the Scottish Government on 3 September 2007.
Cllr Martin A. Ford

Council on 27 November 2006. It was for outline planning permission for two eighteen-hole golf courses, a clubhouse and other golfing facilities, thirty-six golf villas, a 450-unit five-star hotel, 950 timeshare flats in four blocks, a four-hundred unit staff-accommodation hostel and five hundred houses for sale on the open market. One of the golf courses was specifically promoted as ‘a world class championship links golf course’. Although the application has generally been described as being ‘Donald Trump’s’, the actual applicant was his company Trump International Golf Club Scotland Limited trading as Trump International Golf Links, Scotland (TIGLS).²

A lay-out for the proposed development was shown in an ‘indicative masterplan’ included with the planning application. The land beside the sea was earmarked for the golf courses and ground adjacent to the championship golf course for the hotel and blocks of timeshare flats. Inland, on the west side of the application site, two sizeable areas were set aside for housing.

The application site

The application site covered 452 ha all in the applicant’s ownership.³ The site boundary excluded a number of residential properties located within the Menie estate but not owned by the applicant. Also excluded from the application was the land belonging to Mr Michael Forbes, a smallholding of some 9 ha lying right in the middle of the estate. On Mr Forbes’ land was his own house, Mill of Menie, and a temporary unit occupied by his mother, Molly.

On its eastern side, the application site stretched along the coast for about 4 km. At its widest, the application site extended about 2 km inland reaching to the A90.

Much of the inland part of the application site was arable farmland. Towards the centre of the site was Menie House, a category ‘B’ listed building.

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² Aberdeenshire Council application reference APP/2006/4605, outline planning permission for golf course and resort development at land at Menie House, Balmedie, Aberdeen. For brevity, I have designated this application ‘the TIGLS planning application’. In this paper, ‘the TIGLS planning application’ always means this application and not any of the other, relatively minor, planning applications made by TIGLS in connection with the proposal to build a golf resort at Menie.

³ There is some doubt about when Mr Trump completed the purchase of the Menie estate. According to the application form, the entire application site was owned by the applicant twenty-one days before the TIGLS planning application was lodged with Aberdeenshire Council.
set in a designed landscape. The eastern part of the application site, along the coast, next to the beach, comprised a continuous belt of sand dunes running parallel with the shore. Between the dunes proper and the arable land were areas of heath, grassland and wetland. Within the northern half of the application site, a prominent escarpment separated the dunes from the farmland above. The indicative masterplan showed the hotel here, on the land at the top of the slope, and near by, ranged along ‘Trump Boulevard’, the blocks of timeshare flats.

In the years before 2006, in addition to agriculture, the Menie estate had been used for shooting.

Small numbers of people had always used the dunes at Menie for walking and other informal recreation. With its steep-sided dunes interspersed with low-lying dune slacks, the wild part of Menie was a place of remarkable beauty at any time of year. In the most northerly part of the estate, more striking even than the towering dunes was the sand sheet (also referred to as the sand dome), an area of over 10 ha of bare sand inland of the tall dunes behind the beach. Sand was moved from the south of the sand sheet to the north by the wind, causing the sand sheet’s position to shift northwards by a few metres per year. As the sand sheet migrated and buried dunes in the north, low-lying erosion-resistant surfaces were uncovered to the south. Over time, vegetation developed on these surfaces and, with northward migration of the sand sheet maintaining the supply of new surfaces, the result was that at Menie there was a very complete sequence of dune-slack vegetation of different ages.4

The Menie sand sheet had been very little affected by human interference. It and the adjacent dune area were of great scientific interest because of the natural dynamic processes and the resulting range of landforms and vegetation. Reflecting this interest and the rarity of migrating sand sheets in Britain, this part of the Menie estate, together with the land along the coast north of Menie, had been designated a Site of Special Scientific Interest (SSSI).5 As part of the Foveran Links SSSI, the Menie sand sheet and adjacent dune area had, by law, a high level of protection. Aberdeenshire Council policy was not to allow development that would have a significant adverse

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effect on an SSSI unless the damage to the SSSI was ‘clearly outweighed by social and economic benefits of national importance’ and there was ‘no alternative site for the development’.6

The development proposed for the wild part of the Menie estate was at the heart of the controversy surrounding the TIGLS planning application. The indicative masterplan showed the principal golf course entirely within the area contoured by wind-blown sand and with nine holes positioned partly or wholly on the SSSI. Building the principal golf course in the proposed location would necessarily involve preventing the further movement of the Menie sand sheet. Over 75 per cent of the 14 ha of bare mobile sand in the Menie part of the SSSI would have to be stabilised, by establishing vegetation. Far from acknowledging the natural movement of sand as a defining characteristic of the SSSI, essential and the basis of its scientific importance, Mr Trump argued that by preventing sand movement he would be ‘preserving the dunes’. Opponents in the scientific community maintained that stabilisation would destroy the geomorphological interest of the affected part of the SSSI and would have a severe impact on biological interest too. Bare, damp ground exposed by the movement of sand masses is the starting point for the development of dune-slack vegetation. Unless new surfaces become available for colonisation, young-dune-slack vegetation will quickly disappear and only the later stages of the vegetation succession will be represented. Young-dune-slack vegetation is a rare plant community nationally and survey work in connection with the TIGLS planning application showed there was probably more young-dune-slack vegetation at Menie than anywhere else in Scotland.

Consultations and representations

While the TIGLS planning application was received and validated by Aberdeenshire Council’s planning service on 27 November 2006, much of the supporting information required from the applicant was missing. The consideration of the application by the planning service was delayed pending receipt of an environmental impact assessment, transport impact assessment, drainage impact assessment and financial appraisal—all of which were eventually received on 30 March 2007.

6 Policy Env\2, Aberdeenshire Local Plan, June 2006.
Statutory and other consultees were then asked for their views on the application. A number of consultees, including Scottish Natural Heritage (SNH), replied that considerable further information was needed from the applicant relating to the environmental impact of the proposed development. Consultants working for TIGLS then produced another document—"Response to Aberdeenshire Council & Statutory Consultations"—which was submitted to the Council in July. The Council’s planning service again sought the views of consultees—and consultees wrote back in August. Responses objecting to the proposed location of the principal golf course were received from SNH, the Scottish Wildlife Trust and the Royal Society for the Protection of Birds. So it was not until 18 September 2007, at a meeting of the Formartine Area Committee, that the planning service’s report on the TIGLS application was first put before councillors.7

By this time the application had attracted approximately 450 letters of representation. The Council continued to accept further letters expressing opinions about the TIGLS planning application until immediately before the application was considered by its Infrastructure Services Committee on 29 November. In the planners’ report to that committee, the number of representations was given as 2,999, 1,048 objections and 1,951 letters of support, plus a 766-name petition objecting to the proposal.8 A large proportion of the letters, on both sides, were identical and clearly the result of organised campaigns. Only a very few letters expressed a middle view, definitely in favour of a Trump golf resort at Menie—but on a smaller scale, or with fewer houses, or with the main golf course re-positioned.

The objection submitted most often was a letter produced and disseminated by a new group, Sustainable Aberdeenshire, formed to oppose the TIGLS planning application. This group also organised the petition against the application submitted to the Council’s planning service in November 2007. Sustainable Aberdeenshire’s petition and objection letter focused on environmental impact and non-compliance with planning policy as reasons for objecting to the TIGLS planning application. The letter also mentioned other concerns, including ‘exaggerated’ claims being made about jobs.

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7 Outline planning permission for golf course and resort development at land at Menie House, Balmedie, Aberdeen, report to the Formartine Area Committee of Aberdeenshire Council, 18 September 2007.
8 Outline planning permission for golf course and resort development at land at Menie House, Aberdeen, report to the Infrastructure Services Committee of Aberdeenshire Council, 29 November 2007.
Amongst the letters of support was one from Aberdeen and Grampian Chamber of Commerce. The Chamber’s letter advanced economic arguments in favour of the proposed development; job creation, the boost to the Aberdeenshire economy and the belief that ‘a world class sports and leisure facility’ would in turn attract visitors and other investors to the area.

The Chamber of Commerce certainly also encouraged businesses to send their own letter of representation. According to rumours at the time, Mr Trump’s public relations team had themselves organised a campaign to get letters of support for the TIGLS planning application sent to Aberdeenshire Council. There clearly was a campaign of some sort, a very effective one, but I do not know who was involved in running it. Through September, October and November 2007, hundreds of identically worded letters of support were e-mailed to the Council’s planning service by private individuals, mostly local residents. These letters must have been generated by a website. The letters asserted that the proposed development would bring ‘monumental’ economic benefits and create ‘thousands’ of jobs, while the Trump brand would put the north east of Scotland ‘on the global golfing map’. Nor was there any need to worry about damage to the environment—‘a golf resort and the environment can co-exist happily’. The Trump Organization, the letters said, would work ‘with the environmentalists’.

Press and publicity

Speculation that Donald J. Trump had chosen the Menie estate to expand his leisure business into Europe by developing a luxury golf resort first surfaced in the press early in 2006. The announcement that confirmed these reports was made at the end of March. It was accompanied by a threat from Mr Trump to ‘pull out entirely’ if planning permission was delayed or if Aberdeen Renewable Energy Group’s proposal for an offshore windfarm nearby went ahead. A high-profile visit to Scotland followed in April. During this Mr Trump made clear his intention was to create the ‘greatest golf course anywhere in the world’ at Menie.

From the start, an aggressive public relations campaign was used to enlist wide popular and political support for the proposed resort. Much emphasis

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10 *The Scotsman*, 1 April 2006.
was placed on the golf (rather than the housing) element of the development proposals, on the size of the investment (at first put at £300 million, later exaggerated to £1 billion) and on Mr Trump’s Scottish ancestry (‘my mother was born here’). Above all, though, the case for the development was made on the basis of economic benefit—the prestige it would bring to the area, the boost to tourism and the jobs it would generate. Initially, it was said that up to four hundred jobs would be created if the development went ahead; in 2007 figures were produced suggesting construction activity would create more than six thousand jobs, with twelve hundred long-term jobs coming from on-going operations at the completed resort.

Business and political figures were quick to welcome the possibility of a Trump development in Aberdeenshire and their support was extensively reported in the press. Other news coverage was less favourable to Mr Trump. Amidst all the praise and approval, doubts and concerns about the proposed development—and about Mr Trump—were regularly reported too. Very early on, SNH drew attention to the SSSI and the threat to the fragile dunes. By mid-April 2006, Mr Trump’s proposed golf resort was already being described as ‘controversial’.

One focus of reporting was the implications for the existing residents on the Menie estate. Shortly before Mr Trump revealed his aspirations for Menie in March 2006, several home owners on the estate complained of mysterious anonymous calls during which the caller claimed to have seen the house when ‘passing by’ and offered to buy it.\(^\text{12}\) During his visit in April 2006, Mr Trump stated publicly that he had no need to buy any further land. Mr Forbes, the owner of Mill of Menie, equally publicly made it clear he did not want to sell.\(^\text{13}\) Eighteen months later, the two men were exchanging insults over Mr Forbes’ rejection of offers for his land from Mr Trump.

Mr Trump’s propensity to increase the size of his land holdings by buying neighbouring properties was just one characteristic highlighted by journalists. His disregard of planning regulations in the US was pointed out too. Articles were published that mocked Mr Trump’s wealth, opinions and attitudes—and the adulation of Aberdonian business leaders and politicians. When Mr Trump enthused about the unspoilt nature of the Menie dunes, journalists reported his remarks together with the observation that, if Mr Trump got his way, the dunes would not be unspoilt for much longer. Mr Trump’s later claim that construction of his golf course would improve the


\(^\text{13}\) *Scotland on Sunday*, 30 April 2006.
environment was very widely reported—and if there was no accompanying comment this was presumably because the journalist considered none was required.

Some newspapers extended their scrutiny with the help of the Freedom of Information Act. The minutes of meetings, e-mails and other documents were obtained from Aberdeenshire Council and Scottish Enterprise which revealed how much support Mr Trump had received from officials long before the public announcement about Menie in spring 2006. Also exposed was the personal involvement of the first minister, Jack McConnell MSP, who discussed Menie with Mr Trump in October 2005, soon after Mr Trump decided he wanted to build there. The revelations about what the first minister had done led to a row over whether he had breached the Scottish Ministerial Code, an accusation Mr McConnell denied.¹⁴

A private discussion in January 2006 between senior Aberdeenshire Council and Scottish Executive planning officials and representatives of Mr Trump became public after the minutes of the meeting were obtained by The Scotsman newspaper seven months later. The paper’s article based on these minutes concentrated on Mr Trump’s intention to go against planning policies by including houses for private sale in his planning application for Menie, the problems this could cause and how those at the meeting thought the planning policy obstacle could be overcome.¹⁵ The minutes themselves show that a range of practical and political issues had been discussed; while the wording used suggests it was assumed planning permission would be granted, it was noted that ‘Due process must, however, be followed … including a transparent and rigorous consideration of the issues.’¹⁶

The same desire to do everything properly was evident among Aberdeenshire councillors in October 2006, only weeks before the TIGLS planning application was finally submitted to their council. Scotland on Sunday reported that councillors were determined, notwithstanding the influential support it had received, that the application would get no special treatment. The point was emphasised by Cllr John Loveday, the chairman of the Formartine Area Committee, one of the two Aberdeenshire Council committees which would have to give approval before the Council could grant outline planning permission. Cllr Loveday

¹⁴ Scotland on Sunday, 14 May 2006.
¹⁵ The Scotsman, 23 August 2006.
was reported as saying, ‘A decision on the plan will be made on its merits and nothing else.’

During the months the TIGLS planning application was being considered by Aberdeenshire Council’s planning service, responses provided to the Council by consultees, especially SNH, and by TIGLS, received considerable press coverage. At the end of May 2007, *The Press and Journal* reported SNH’s advice to the Council that ‘the nationally important SSSI’ would be seriously damaged if development went ahead as proposed. The paper also reported that SNH was not opposed to a development in principle, and was suggesting a compromise solution—a single golf course, not on the SSSI. In July, *The Press and Journal* covered the TIGLS response; use of the SSSI was non-negotiable. ‘Without the ability to form the course in this location, there would be no basis for the resort, and it would not proceed.’ There was strong support for Mr Trump from Alex Johnstone MSP. Mr Johnstone said SNH had ‘a growing record of interfering unnecessarily in plans…of economic importance’. He accused SNH of getting involved in political, rather than environmental, issues.

The arguments put forward by SNH and TIGLS, and others for and against Mr Trump’s proposed development, were also rehearsed in letters published in *The Press and Journal* and other newspapers. Clearly, by mid 2007, there was a high level of interest amongst the public generally in the TIGLS planning application. That, the scale of the application and the combination of on-going press coverage, strong objections and an intransigent applicant with vocal supporters, all put pressure on Aberdeenshire Council. In October 2007, Mr Trump put more pressure on councillors by insisting that the housing included in his planning application had to be approved, or he would abandon the project. Yet more articles then appeared in *The Press and Journal* praising Mr Trump and his proposed resort. Objectors called on the Council not to allow development on the SSSI and organised a demonstration which brought some two hundred protestors on to the beach at Menie. So by the time councillors came to decide on the TIGLS application in November 2007, they knew that whatever they did some people would be very angry with them.

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17 *Scotland on Sunday*, 8 October 2006.
Aberdeen Council’s decision

In accordance with Aberdeen Council’s procedures for determining planning applications, the TIGLS application went first to the Formartine Area Committee. A comprehensive report was provided for that committee’s meeting on 18 September 2007 by the Council’s planning service. At that meeting, it was agreed to defer consideration of the TIGLS application so that councillors could visit the application site, and so a public hearing could take place.\(^\text{24}\)

The planners’ report on the TIGLS application accepted that the application was ‘contrary to many of the Council’s environmental policies’ but agreed that ‘the proposal would bring significant economic benefits to the area’. The report conceded that the proposed housing was also ‘clearly contrary to policy’ and expressed regret that the principal golf course had not been ‘moved to accommodate the important concerns of most of the environmental consultees’. Those concerns had to be ‘set aside in this instance’, however, because this was ‘an opportunity to diversify the economic base’ through ‘wider economic and tourism investment … on … a grand scale’. The recommendation to councillors was ‘firmly one of approval’ subject to conditions. Councillors were asked to agree that the reason for departing from the development plan with regard to the environmental and housing policies was ‘extenuating economic circumstances to assist in diversifying the economy and supporting the development of tourism’.

The councillors’ site visit and the public hearing both took place on 27 September, the site visit in the afternoon, the hearing in the evening. The hearing, at Balmedie School, was very well attended and lasted over five hours. Councillors listened to twenty-eight presentations, some from individuals, some on behalf of organisations, some in support of the TIGLS application, some objecting to it.

The Formartine Area Committee held a special meeting on 20 November to consider the TIGLS application, with it as the only item on the agenda. A supplementary report on the application was produced by the Council’s planning service for this meeting.\(^\text{25}\) Again the venue was Balmedie School and again there was a large audience of well over a hundred people. Once the Committee started to debate the application, sharp differences of opinion


\(^{25}\) Outline planning permission for golf course and resort development at land at Menie House, Balmedie, Aberdeen, report to the Formartine Area Committee of Aberdeenshire Council, 20 November 2007.
were soon apparent. The chairman, Cllr John Loveday, opened the debate and quickly made clear his hostility to both Mr Trump and the TIGLS application. Cllr Loveday said, ‘This is the north-east of Scotland, and the UK, which is very different from the US—and I wish that the applicant had taken a bit more note of that’. Citing Mr Trump’s position on Aberdeen Renewable Energy Group’s proposed offshore windfarm, Cllr Loveday accused Mr Trump of arrogance ‘from the start’. One member of the Area Committee who expressed strong support for the TIGLS application was Cllr Anne Robertson, the leader of the Council. Cllr Robertson accepted there were environmental concerns, but said, ‘This is an exceptional application for a development which I believe can only add to the attractiveness of Aberdeen and the region. I believe this is a once-in-a-lifetime opportunity … Can you imagine where we would be now if our predecessors had said “No” to the oil and gas industry thirty-seven years ago?’

The Formartine Area Committee’s debate on the TIGLS application lasted for more than two hours. Most members of the Committee expressed either concern about or outright opposition to development being allowed on the SSSI. At the end of the debate, after a vote between two amendments, the Area Committee voted seven to four to support the application and referred it to the Infrastructure Services Committee. At least one councillor was either confused or changed his mind about the application between the first vote and the second vote.

The authority to take the Council’s final decision on the TIGLS planning application lay with the Infrastructure Services Committee. It considered the application at its meeting on 29 November 2007. I was at that time the Committee’s chairman.

The TIGLS application was debated at the Infrastructure Services Committee for around two and a half hours. Twelve of the fourteen councillors in the Committee spoke at least once. I cannot think of an important, relevant issue that was not raised during the debate. No councillor spoke against the concept of a golf resort on the Menie estate but most of the Committee said they had reservations about or were opposed to elements of the application they had in front of them for determination.

In its discussion of the TIGLS application, the Infrastructure Services Committee, rightly, placed great emphasis on the policies and principles set

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out in the development plan. However, the Committee also examined very
carefully whether there were other material considerations, in particular
economic benefits, that made it right to grant the application despite the
many breaches of planning policies that would involve. Appropriately, given
the huge scale of the TIGLS proposal, the debate went further and included
discussion of whether the application was compatible with overarching
national and Aberdeenshire Council policy commitments, in particular to
sustainable development.

At a tactical level, consideration was given to whether refusal or deferral
was more likely to result in productive negotiations with the applicant, leading
to changes that would alter or remove the most damaging elements included
in the TIGLS proposal. The members of the Committee were, obviously, well
aware of the applicant’s unusual all-or-nothing approach to seeking planning
permission.

As was proper, the debate at the Infrastructure Services Committee was
largely about how the TIGLS application measured up when tested against
agreed policies. Some of these policies dealt with essentially practical issues,
such as transport, but some, particularly the nature conservation policies,
were an expression of values—values that for many people form part of
individual or national identity. The nature conservation policies in effect
ensured that values such as respect for the natural environment had a formal
role, and carried significant weight, within the decision-making process. This
was underlined during the Infrastructure Services Committee’s debate by
the citing of comments made earlier that autumn by Scottish Government
environment minister Michael Russell MSP when he opened the UK
Biodiversity Partnership conference in Aviemore. Some of what Mr Russell
said on that occasion was read out on the basis that his remarks constituted
a very up-to-date statement that highlighted the newly elected Scottish
Government’s strong commitment to nature conservation. In particular, Mr
Russell was quoted as saying ‘We should be deeply proud of our fantastic
natural environment. It is part of our national identity…It is vital that we
look after it properly.’ Mr Russell’s words were advanced as an argument
for refusing the TIGLS application because it was so completely contrary
to national and Aberdeenshire Council policies on nature conservation, and
granting the application would set such a dangerous precedent for other
protected sites.

29 ‘Health check for Scotland’s environment’, Scottish Government news release, 9
October 2007.
Two issues emerged during the Infrastructure Services Committee’s debate as the chief reasons why members of the Committee were unhappy, not with the principle of a golf resort at Menie, but with the application they were considering. First, there was the severe impact on the SSSI, specifically the stabilisation of the rare and beautiful mobile sand sheet. It was recognised this would be a serious loss to science, to north-east Scotland and to future generations. Second, Committee members were concerned about the inclusion of housing for sale on the open market on land not allocated by the development plan for this purpose, and in an inappropriate location. The argument put forward, that the housing was a funding mechanism for other elements of the development, was not supported by the development plan, so there was concern too about setting a dangerous precedent.

Of course, other members of the Committee made the case for granting planning permission on economic grounds, advocating support of the recommendation put forward by the Council’s planning service. A Trump golf resort, it was argued, would transform the area’s tourist industry, if not the whole economy. The TIGLS proposal fitted well with economic and tourism policies. It would compensate for declining activity and employment in the North Sea oil industry. In short, this was a strategic opportunity which would secure long-term economic prosperity.

Some councillors were more cautious and questioned the economic claims and the predicted numbers of jobs. Doubts were also expressed about how well paid most of the jobs would be. Given the inclusion in the application of an accommodation block for four hundred staff, clearly a significant proportion of the jobs were not expected to be taken up by local people. So while all the councillors in the Infrastructure Services Committee agreed that a golf resort would generate economic activity, there were differing views about how much—and about who would benefit besides Mr Trump.

Then there were questions about the longer term, about how successful a vast luxury golf resort was really likely to be in north-east Scotland, and whether it would continue to be successful when energy prices and travel costs rose as action was taken on climate change. The reliance on long-distance tourism was one of several reasons why the TIGLS proposal was not—by any measure—sustainable development. During the debate, the Committee was reminded that long-term economic well-being could not be secured by damaging the environment, but only by safeguarding it.

It was pointed out that if Mr Trump had been prepared to compromise over the location of the championship golf course, the Committee would
not have been faced with such a stark choice; a golf resort or the sand sheet and wild dunes at Menie. North-east Scotland could have both if Mr Trump agreed to move his golf course. The Committee’s vice-chairman, Cllr Marcus Humphrey, was one of those opposed to allowing the golf course to be built on the SSSI. He said, ‘we act as guardians of this spectacular heritage for future generations… just because a particularly beautiful piece of coastline has attracted a developer is no reason why it should be developed’. Mr Trump’s refusal to negotiate—particularly his insistence he would not move the championship golf course—came in for some sharp criticism from several councillors. Late in the debate, and referring specifically to Mr Trump making using the SSSI a condition for proceeding with the TIGLS development, I said, ‘We are having a pistol held to our heads… You can only have it if you sell your soul. And I don’t think we should sell our souls.’

At the other end of the scale, Cllr Albert Howie described the dunes as ‘wasteland’. He thought a golf course would look nicer. It would be ‘an improvement’.

Ultimately, the judgement councillors had to make was whether the benefits that could reasonably be expected in Aberdeenshire and Scotland outweighed the environmental damage that would be caused if the resort was built, and if changes were needed to make the proposed development acceptable, how best to secure these. The decision partly rested on a choice between the wild Menie dunes and economic gain. So it was partly a measure of the relative importance of very different things to fourteen councillors acting as representatives of the wider public.

When the Infrastructure Services Committee came to vote on the TIGLS application, three formal proposals had been made. The first option to be eliminated, because it gained the support of only five members of the Committee, was to give authority for the application to be granted subject to conditions. The decision then lay between deferral and refusal. The proposal, from Cllr Paul Johnston, to defer determining the application was, very specifically, to allow negotiation with the applicant ‘in order to prevent development from taking place on the SSSI’. The proposal to refuse the application was put forward by Cllr Alastair Ross who argued the Council needed to play ‘hard ball’ with The Trump Organization in order to secure an acceptable development. Neither proposal was expected, or intended, to put an end to the possibility of a golf resort at Menie. The Committee’s second decision, whether to defer or refuse the application, was, in effect, a choice
between ‘soft’ and ‘hard’ negotiating positions for the Council. This time the
vote was a seven-seven tie.

I had voted for Cllr Ross’s motion, to refuse planning permission. Now I
was going to have to vote again.

It is generally accepted that a chairman’s casting-vote should be used in
favour of the status quo. In accordance with that convention, I used my casting-
vote to carry Cllr Ross’s motion.

The Council had decided to refuse the TIGLS application—and by the
narrowest of margins.

**The extraordinary reaction**

Unlike later events, the immediate response to the vote to refuse planning
permission was mostly predictable. Objectors who had come to watch the
Infrastructure Services Committee determine the TIGLS application were
obviously delighted. As far as they were concerned, Aberdeenshire Council
had stood up to pressure and stayed true to its environmental policies. The
supporters of the application sitting in the audience, including Cllr Anne
Robertson, the leader of the Council, clearly felt very differently about the
final vote. Asked for her reaction by a journalist, Cllr Robertson said, ‘The
democratic process was followed but I can’t hide my disappointment.’ George
Sorial, managing director for international development at The Trump
Organization, gave the waiting media his view of the decision. He said, ‘I
think it sends out a devastating message that if you want to do big business,
don’t do it in the north-east of Scotland. … It is our position that the Council
has failed to adequately represent the voice and opinion of the people of
Aberdeen and the shire who are ultimately the losers here.’

Later in the afternoon, once the Infrastructure Services Committee meeting
was over, I was able to respond to interview requests from journalists who
had not been in the audience while the TIGLS application was determined.
I stressed the environmental reasons for the decision. I explained that the
Committee had not rejected the idea of a golf resort at Menie but had
refused the planning application it had to determine for very good reasons, in
particular that the application did not comply with many of the housing and
environmental policies in the development plan. I spoke of the expectation
amongst Committee members that the applicant would either appeal the
Council’s decision, or make alterations and reapply, or do both; in this regard,
this applicant had exactly the same rights as anyone else. I emphasised that although the TIGLS proposal ‘as it stood’ was not acceptable, what the Committee had said was ‘Make changes’, not ‘Go away’. I reiterated that TIGLS could make a new application that took account of the Committee’s concerns.

That evening, Aberdeenshire Council’s decision to refuse the TIGLS planning application was widely reported—and not just in the UK. I even received an e-mail from New Zealand commenting favourably on the decision and quoting comments I had made that afternoon in an interview with Reuters news agency.

When contentious planning applications are determined, it is normal for people who disagree with the decision taken to express anger or disappointment. While that is expected, amongst the reactions to the decision to refuse the TIGLS planning application, almost straight away there were some that went beyond the ordinary. Very quickly there were calls for the Council to reconsider the decision, which if not unique, was certainly very unusual. Cllr Stuart Pratt, one of the five councillors in the Infrastructure Services Committee who voted in favour of granting the TIGLS application, may have been the first to argue for a reconsideration. Speaking soon after the vote to refuse the TIGLS application, Cllr Pratt said, ‘This is not democracy. The Formartine Area Committee backed it with a majority, then today it was tied until the casting-vote. That means seven out of sixty-eight possible councillors turned this down. I want this referred to the full council.’

In fact, Aberdeenshire Council could not reconsider the decision. It had been properly taken and the Council’s procedures for determining planning applications precluded a determination by the full council. The impossibility of reconsideration was later confirmed by a legal opinion obtained by the Council. Clarification of whether the Council had definitely concluded its consideration of the TIGLS application was soon sought by Scottish Government officials in telephone calls with Council officers. The first of these conversations took place within hours of the Infrastructure Services Committee taking the decision to refuse the application. A number of local MPs and MSPs also contacted Aberdeenshire Council’s chief executive, Alan Campbell, to inquire about the position in regard to the TIGLS application.

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The next day, Friday 30 November 2007, the Council’s decision was a major news story throughout the UK and was extensively reported abroad. The coverage of the Infrastructure Services Committee meeting in the Scottish papers was generally balanced and accurate. In particular, the arguments for and against the TIGLS proposal used in the debate were mostly well reported. Less well dealt with was the voting—especially making it clear that the final vote was not a choice between giving permission and refusing it. Inevitably, there was a focus on my use of the casting-vote. In *The Press and Journal*, the Council’s decision to refuse the application was reported very much as Martin Ford’s decision to refuse the application.

Reaction to the Council’s decision formed a large part of the news coverage and whole newspaper articles were based on comments provided to the media by politicians and others the previous evening. So, in the morning papers on 30 November, the decision to refuse the TIGLS application was praised by conservationists—and strongly condemned by business leaders and politicians. *The Press and Journal* reported a range of views: ‘a mad, mad decision’ (Aberdeen North MSP Brian Adam); ‘It defies belief that this opportunity should be thrown away.’ (Aberdeen Central MSP Lewis Macdonald); ‘The Council had a chance to shoot a ball into an empty net and they have missed.’ (North-east Scotland MSP Alex Johnstone); ‘I do hope it will still be possible to progress this proposal.’ (Gordon MP Malcolm Bruce); and ‘The people of Aberdeenshire have sent Donald Trump homewards to think again.’ (Shiona Baird, vice-convenor of the Scottish Green Party). Most of those giving their opinion in *The Press and Journal* strongly disagreed with the Council’s decision. Mr Trump himself appears to have been uncharacteristically restrained in what he said to the press on 29 November. *The Press and Journal* reported him as saying, ‘We are surprised by the decision—it would have been a great development. We are considering an appeal and also considering doing something very special in another location—sadly it will not be in Scotland.’

In its editorial, headlined ‘North-east badly let down by councillors’, *The Press and Journal* piled on the criticism:

With the words “We will be fine. It is the people of Aberdeenshire that were really let down by their council today,” Donald Trump’s representative, George Sorial, summed up perfectly the decision by the council’s infrastructure services committee to throw out plans for a £1billion golf resort at Balmedie.

Make no mistake, the seven councillors who voted against—and
particularly the committee chairman, Martin Ford—have failed the north-east of Scotland by putting their own precious, narrow-minded principles before the greater good of the region.

…

When the Formartine area committee voted to support the plan earlier this month, one member warned that Aberdeenshire would be considered “a right backwater” if it rejected the Trump proposal. What a shame that some of his fellow councillors lacked that foresight.

A glorious opportunity to build future prosperity has been lost, thanks largely to one man who should never have been entrusted with the job of creating it. Welcome to La-la Land.

The various comments in *The Press and Journal* that Friday morning were effectively the starting point for a public debate on Aberdeenshire Council’s decision which then raged in Aberdeen and across Aberdeenshire for a fortnight—and which had still not fully subsided a year later. The same debate took place, at a lower intensity, across the rest of Scotland where it was less influenced, or not influenced, by the very pro-Trump stance of *The Press and Journal* and its sister paper, the *Evening Express*.

Shortly after eight o’clock that morning, Cllr Debra Storr, one of the councillors who had voted to refuse the TIGLS planning application, was assaulted at her home by a woman shouting obscenities who was very angry at the Council’s decision on the application. The assault was not serious and there was no prosecution.

I spent much of the morning being interviewed by journalists gathering material for use in radio and television news bulletins later in the day. Meanwhile angry complaints were coming into the Council and being e-mailed to individual councillors. Behind the scenes, pressure was being put on the Council by business leaders. The decision to refuse the TIGLS application was the topic of conversation; in Aberdeen and across Aberdeenshire, it seemed as though no-one was talking about anything else.

Then the *Evening Express* was published. The seven councillors who had voted to refuse the TIGLS application at the Infrastructure Services Committee were pictured on the front page under the headline ‘You traitors’. Pages two to seven were entirely devoted to the TIGLS story and in the Readers’ Letters section, all of the letters selected for publication were highly critical of the Council’s decision. The paper’s editorial, ‘Betrayed by stupidity of seven’, described the councillors who voted to refuse the TIGLS application at the
Infrastructure Services Committee as ‘misfits’, ‘small-minded numpties’, ‘buffoons in woolly jumpers’, ‘no-hopers’ and ‘traitors to the North-east’. The editorial called on all seven councillors to resign from the Council. Pictures of these councillors showed each councillor’s head as a turnip and the information given about them included their Council e-mail addresses.

For the rest of the day, the e-mails came in at a phenomenal rate. Furious, disbelieving, angry—full of underlinings, words in block capitals and exclamation marks. By midnight, in the order of six hundred e-mails had been sent to my Council e-mail address. A large majority expressed strong disagreement with the decision on the TIGLS application. A very few were threatening or racist (I was born and brought up in England). About 130 of the e-mails I received on 30 November were supportive of the decision to refuse or thanked me for voting as I did. Perhaps two or three e-mails expressed a neutral view.

Through the day, as the magnitude of the crisis that was overwhelming Aberdeenshire Council became more apparent, councillors panicked. There was a growing mood amongst them in favour of seeking to overturn the decision on the TIGLS application taken at the Infrastructure Services Committee. Something had to be done. At some point during the day a decision was taken and a Council news release issued. The news release contained an announcement by Council leader Anne Robertson that a special meeting of the full council would be held on 12 December. The reason given for calling the meeting was ‘the overwhelming and unprecedented public response and dismay expressed over the decision of the authority’s Infrastructure Services Committee…to refuse outline planning permission for a golf course and resort at Menie House, Balmedie’. Cllr Robertson was quoted in the news release as saying, ‘This development has the potential to be an extremely important diversification of our economy and I personally will do all I can to keep the application alive.’

Despite extreme pressure on 30 November and subsequently, all of the councillors who had voted to refuse the TIGLS application at the Infrastructure Services Committee stood by their position. As far as I know, all of them still do.

Telephone calls to me from UK and US journalists looking for comment on the day’s events continued late into the evening. Asked about the announcement that there would be a special meeting of the full council on 12 December, I said, ‘It is perfectly true that a meeting can be called but I am confident there is no way anyone can un-take a decision made following
the correct procedures.’ Across the Atlantic, Mr Trump claimed there had been ‘rioting’ in Aberdeenshire, so great was the general disappointment at the Council’s decision. What Mr Trump said was not true. Nothing that had happened was in any sense a riot; some of it though did look very like the behaviour of a mob.

The weekend, 1–2 December 2007, offered little in the way of respite. The police advised my wife and me to stay at home and keep the doors to our house locked. The first letters of thanks arrived through the post. E-mails, most of them hostile, continued to arrive in large numbers. There was a brief pause in the media frenzy. Amongst the general public, debate and discussion about Aberdeenshire Council’s decision, and about what ought to happen next, continued unabated.

In Saturday’s papers, speculation centred on whether Aberdeenshire Council would be able to overturn its own decision to refuse the TIGLS planning application. Supporters of the TIGLS proposal were reported welcoming the decision to call a special meeting of the full council—an opportunity, they hoped, for the Council to reconsider the verdict on the planning application reached at the Infrastructure Services Committee. Mr Trump himself was quoted as saying, ‘I hope they have their meeting and vote this in. I still think we can start work in January next year.’31 Opponents of Mr Trump’s plans—so jubilant just twenty-four hours earlier—were worried and deeply suspicious. They saw the calling of the special meeting as very ominous. *The Press and Journal* reported a spokesman for Sustainable Aberdeenshire as saying, ‘This is a completely outrageous decision. There is a process of appeals … Do we just rip up the rule book?’

A large article in *The Times* contrasted my obscurity and ‘green’ life-style with Mr Trump’s high profile and ostentatious wealth.32 The contrast between us was so stark—I owned a bicycle, he had a Boeing 727—it was bound to be exploited by journalists needing to find new angles on the TIGLS story. After all, not everybody wants to read about the intricacies of planning procedure. In fact, I had consciously tried to stop my position being portrayed as primarily a personal one—in interviews, reiterating only the position the Infrastructure Services Committee had taken on the TIGLS application, and not referring to Mr Trump by name, but as ‘the applicant’ (i.e. his role in relation to mine at the Infrastructure Services Committee). I was therefore not pleased with the way *The Times* reported the TIGLS story, putting the emphasis on Martin Ford

32 *The Times*, 1 December 2007.
versus Donald Trump. The article in *The Times*, though, by presenting the story as a clash between two very different men, made a very good point, and made it very clearly; a significant factor in the dispute over the TIGLS planning application was that it involved a clash between different life-styles (actual and aspirational) and value sets.

That Sunday, George Sorial, managing director for international development at The Trump Organization, confirmed that lawyers acting for the applicant were putting pressure on Aberdeenshire Council to reconsider its decision on the TIGLS application. Mr Sorial also said an appeal against the Council’s decision was still an option under consideration.33

Monday came. Some supporters of the TIGLS proposal were now expressing concern over the actions of the *Evening Express* and the mob-like behaviour of some of the public. Maitland Mackie, a highly respected figure in the business community, was reported in *The Press and Journal* as saying, ‘I am deeply disturbed, appalled even, at the level of public and private personalised vilification being cast at the seven individuals responsible for the negative votes. One needs to respect that, despite knowing the furore it would cause, each had the courage to abide by their own strongly held, legitimate, environment-first convictions.’

The turmoil in Aberdeenshire Council continued. The Trump Organization, business leaders, politicians from the four main political parties, some Aberdeenshire councillors and many members of the public were all demanding that the Council do something it could not; reverse a final decision on a planning application taken following the correct procedures. Privately, the leader of the Council was telling colleagues it was clear the Council would not be able to reconsider its decision on the TIGLS planning application at the special meeting of the full council on 12 December. Of course, the calling of that meeting, and the reasons given for doing so, had been widely seen as confirming that reconsideration was a possibility. Far from taking pressure off the Council, the calling of the special full-council meeting had given those who wanted the decision on the TIGLS application changed, including The Trump Organization, every reason to put even more pressure on the Council. If they pushed harder, they might get what they wanted yet. Nor was it just supporters of the TIGLS proposal who responded to the calling of the special full-council meeting by pressuring the Council. Objectors equally, fearing that the Council’s decision to refuse the TIGLS planning application might now

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be overturned, mobilised and joined the fray. E-mails expressing outrage at Aberdeenshire Council’s actions were increasingly being sent to councillors by *opponents* of the TIGLS proposal, not just by those angered by the decision to refuse it planning permission.

This situation was hellish for councillors and it was not going to end while it was generally believed that there was some possibility the Council might overturn its decision to refuse the TIGLS planning application on 12 December.

Councillors on both sides of the divide over the TIGLS proposal urged Cllr Robertson to say publicly what she was saying privately about the Council being unable to reconsider the planning application. It was not just right to tell the public the true position, some councillors said, there would be concrete benefits too. A definitive statement, from its leader, that Aberdeenshire Council could not reconsider its decision to refuse planning permission would surely ease the pressure on the Council by quietening the furious, pointless clamour for and against reconsideration. As a minimum, what Cllr Robertson had said about striving ‘to keep the application alive’ the previous Friday should now be removed from the Council’s website. This Cllr Robertson did agree to—but the words concerned were not removed and the complete news release from 30 November remained *in situ*, on the home page, until what happened in the afternoon of Tuesday 4 December caused the Council to issue another news release.

While Aberdeenshire Council was not going to be able to overturn its decision on the TIGLS planning application, during that Monday it became clear that one decision at least certainly was going to be taken at the special meeting of the full council on 12 December. It became generally known amongst councillors that Cllr John Cox had decided to submit an emergency notice of motion calling on the Council to remove me from the position of chairman of the Infrastructure Services Committee. My continuation in this role beyond 12 December was going to depend on the loyalty and judgement of my Liberal Democrat colleagues and the attitude of the Conservatives—the other party in the Council’s partnership administration.

On Monday 3 December, and through until 12 December, whether I should continue to chair the Infrastructure Services Committee became an increasingly contentious issue among the twenty-four Liberal Democrat councillors on Aberdeenshire Council. The meetings of the Aberdeenshire Liberal Democrat councillors held to try to find a position which the whole group could support quickly deteriorated into rancorous argument and abuse.
Getting agreement was impossible. Some Liberal Democrat councillors, including, bizarrely, Cllr John Loveday, insisted that I must resign, while others saw no reason why I should. Cllr Sam Coull threatened to leave the Liberal Democrat group if I was forced out. I was unequivocal; I would not resign, nor would I be complicit in my own removal. I argued that, as a general principle, it would be very dangerous to remove the chair of any planning committee for voting against a planning application, or in response to pressure from an applicant for planning permission, or to appease the supporters of an applicant for planning permission. No-one was suggesting I had acted in any way improperly or that I had erred procedurally when chairing the Infrastructure Services Committee; indeed, one cause of resentment was the lack of procedural errors—because of the difficulty this presented to those who wanted to nullify the decision to refuse the TIGLS planning application. As far as I was concerned, if I was to be removed from the position of chairman of the Infrastructure Services Committee, this would be done in public, openly, where everyone could see how it was done and who did it.

There were other meetings, specifically about the TIGLS planning application, on Monday 3 December. In the morning, while councillors sat arguing in Aberdeenshire Council’s headquarters in Aberdeen, George Sorial was meeting with senior Council officers, including the Council’s chief executive, Alan Campbell.

Mr Sorial was not impressed. He later described Aberdeenshire Council as having become ‘a chaotic environment’—which, in fairness, by that Monday, it certainly was. Mr Sorial and his colleague from TIGLS, Neil Hobday, were unable to get definite answers from Council officers about whether there would be a fresh decision on the TIGLS planning application at the special meeting of the full council on 12 December. Nor could Council officers tell Mr Sorial whether a decision in favour of the TIGLS planning application by the full council would have any force in law.34

Even the most senior Council officers now appeared to be out of their depth and not to have any clear idea about what to do next.

It was after Mr Sorial and Mr Hobday met with Council officers in the morning of Monday 3 December that The Trump Organization ‘lost faith in what was going on at the Council level’. At around noon, Mr Sorial gave an interview to the BBC and made public what he had already told Alan Campbell; there would be no appeal to the Scottish ministers against Aberdeenshire Council’s decision.

34 Official report of meeting, 6 February 2008, Scottish Parliament Local Government and Communities Committee.
on the TIGLS planning application. The Trump Organization’s new position, spelt out by Mr Sorial in press interviews, hugely increased the pressure on the Council. As far as The Trump Organization was concerned, it was now up to Aberdeenshire Council to reverse its decision on the TIGLS planning application—and it would have to do so quickly or The Trump Organization would seek to build a golf resort in Northern Ireland instead.

_The Scotsman_ newspaper reported Mr Sorial as saying, ‘There are several reasons behind our decision not to pursue the appeals process—the length of time it would take, the uncertainty of the outcome and also other business deals that we are actively pursuing.’ Mr Sorial said The Trump Organization had to decide within thirty days whether to exercise an option on ‘a great piece of land in Northern Ireland’. Both _The Scotsman_ and _The Press and Journal_ reported that The Trump Organization had given Aberdeenshire Council a ‘thirty-day ultimatum’; as Mr Sorial put it himself, ‘What I told Mr Campbell and the rest of the Council was: The clock is ticking… There have been two different surveys in which the support of the population [for the proposed golf resort at Menie] has been put at 93 and 89 per cent… we know the pressure exists at the populace level and we know there are many councillors who also agree with our position. So you have to give us another hearing and you have to do it quickly because we are not going to compound one disaster with another. We are simply not going to lose another business opportunity by taking a gamble on what’s going on in Scotland.’

The Trump Organization’s new stance was dismissed by Sustainable Aberdeenshire. The group’s spokesman said he was not surprised by Mr Trump’s latest move because ‘He’s been giving the Council ultimatums all along. It’s consistent with his other tactics like “no houses, no deal”. It’s what we have come to expect.’

I again told _The Press and Journal_ that Aberdeenshire Council did not have the option of reconsidering its decision on the TIGLS planning application. I said, ‘As I understand it, and I have been saying this for some days, it’s quite clear there’s no mechanism for going back and reconsidering the decision that’s been taken. It’s irrelevant who the applicant is. Mr Trump has exactly the same rights as anyone else… He can appeal or reapply.’

I have no way of knowing whether The Trump Organization had any real intention of seeking to build a golf resort in Northern Ireland instead of at Menie. The Trump Organization’s apparent consideration of an alternative

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35 _The Scotsman_, 4 December 2007.
site may have been no more than a negotiating tactic aimed at securing a quick planning approval in Scotland. Certainly, plenty of people were convinced Mr Trump was on the verge of abandoning Aberdeenshire and Scotland as the intended location for his first European golf venture. *The Scotsman* reported it was clear only a rapid decision by Aberdeenshire Council in favour of the TIGLS development proposal would prevent The Trump Organization ‘pursuing the Northern Ireland alternative’.

The belief Mr Trump was close to losing interest in building a golf resort at Menie did not just increase the pressure on Aberdeenshire Council, it put pressure on the Scottish Government too. Within the Scottish Government, urgent discussion about the TIGLS planning application took place on Monday 3 December. John Swinney MSP, the cabinet secretary for finance and sustainable growth and as such the cabinet minister with responsibility for planning, was in New York that Monday. In the early afternoon (UK time) he telephoned the Scottish Government’s chief planner, Jim Mackinnon, for an update on the position with regard to the TIGLS planning application. Mr Swinney and Mr Mackinnon discussed options for Government action but did not come to any firm view about how to proceed.37

Also during the afternoon of Monday 3 December, Alan Campbell was telephoned by Alex Salmond, the MSP for Gordon and thus the local MSP for the Menie estate. Mr Salmond asked what the latest thinking was in Aberdeenshire Council on whether the Council could reconsider its decision on the TIGLS planning application at the forthcoming special full-council meeting.38

Mr Salmond had been appointed first minister of Scotland in May 2007. As first minister, Mr Salmond was subject to the Scottish Ministerial Code including its provisions relating to planning applications. The Code said, ‘One of the basic tenets of the planning system is that, in the interests of natural justice, decisions are based on an open and fair consideration of all relevant planning matters with the same information being available to all interested parties. Accordingly, Ministers, and in particular the Planning Minister, must do nothing which might be seen as prejudicial to that process, particularly in advance of the decision being taken.’ One action ‘that might be viewed as being prejudicial’ instance in the Ministerial Code was ‘taking a decision, or being part of the decision-

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making process, in respect of an application which falls within the Minister’s constituency’. Hence the first minister, because he was the constituency MSP, had to debar himself from involvement in any ministerial decision on the TIGLS planning application. However, as the MSP for Gordon, Mr Salmond could make representations on behalf of constituents about the application, provided he made it clear he was acting in that capacity and not as the first minister.39

Mr Salmond was in Aberdeenshire on Scottish-Government business on Monday 3 December. Some time after 5.00 p.m. he was driven to the Mardilffe Hotel on the outskirts of Aberdeen. There he had a private meeting with Mr Sorial and Mr Hobday.40

The meeting with Mr Salmond had been requested by The Trump Organization. It lasted around 45 minutes. Mr Sorial said later that the reason for requesting the meeting was to get an explanation of appeal procedures from Mr Salmond and, in respect of what was happening in Aberdeenshire Council, The Trump Organization wanted more information about the forthcoming special meeting of the full council. At the end of the meeting with Mr Sorial and Mr Hobday, Mr Salmond telephoned the Scottish Government’s chief planner, Jim Mackinnon. Mr Salmond spoke briefly to Mr Mackinnon before handing the telephone to Mr Sorial. Mr Sorial requested a meeting with Mr Mackinnon and a meeting was arranged for the afternoon of the following day, Tuesday 4 December, in Edinburgh.

On Tuesday 4 December, prior to meeting Mr Mackinnon, Mr Sorial and Mr Hobday met with Ann Faulds, head of planning at commercial law firm Dundas & Wilson—the lawyers acting for TIGLS. On behalf of TIGLS, Ann Faulds had written to Alan Campbell on 30 November and twice on 3 December asking that Aberdeenshire Council reconsider its decision on her client’s planning application, and hinting at legal action if the Council did not do so.41 Now Ms Faulds raised with Mr Sorial and Mr Hobday a different way of getting the TIGLS planning application reconsidered—call-in.

Section 46 of the Town and Country Planning (Scotland) Act 1997 allows Scottish ministers to direct that any planning application be referred to them for their decision. Ministers can choose to ‘call in’ an application for their

41 Sunday Herald, 4 October 2009.
own determination at any time while the application is ‘live’, before the local authority has taken its decision, or afterwards. Normally applications are only called in after a decision has been made if the local authority has decided in favour of granting planning permission. It is, of course, not possible to call in a planning application after it ceases to exist because planning permission has been granted or refused.

The accepted position – derived from section 37 of the Town and Country Planning (Scotland) Act 1997 – is that the date on which planning permission is granted or refused is the date on which the decision notice is sent to the applicant. It usually takes some days to prepare and issue a decision notice. Thus, on 4 December, Aberdeenshire Council still had the application from TIGLS for outline planning permission to build a golf resort at Menie. The Council had decided to refuse planning permission but, as no decision notice had been issued, planning permission had not been refused. There was, therefore, still a live planning application from TIGLS that could be called in.

Mr Sorial and Mr Hobday’s meeting with Mr Mackinnon started at 2.20 p.m. and lasted not much more than 45 minutes. Also present from the Scottish Government was the head of planning decisions, David Ferguson. Mr Sorial asked about the call-in process and Mr Mackinnon explained it. Then the appeal process was explained.42 During the meeting, Mr Mackinnon spoke to Ann Faulds on the telephone to get her understanding of why The Trump Organization was unwilling to appeal. Mr Mackinnon also telephoned Alan Campbell for an update on what was happening in Aberdeenshire Council and Mr Campbell told him it seemed clear that the Council could not reconsider its decision on the TIGLS planning application.

Mr Mackinnon had become increasingly convinced that calling in the TIGLS application was the best way forward. He had raised the possibility of calling in the application during his telephone conversation with the cabinet secretary for finance and sustainable growth, John Swinney, on Monday 3 December. So, once the meeting with Mr Sorial and Mr Hobday was over and Mr Sorial and Mr Hobday had left, Mr Mackinnon and Mr Ferguson went on to discuss whether to recommend calling in the TIGLS planning application. Mr Mackinnon and Mr Ferguson quickly agreed to recommend the immediate calling in of the application.43

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At around 3.45 p.m., Mr Mackinnon telephoned Mr Swinney and, after a short discussion, Mr Swinney agreed that the TIGLS application should be called in. The direction calling in the application was faxed to Aberdeenshire Council at about 5.00 p.m.. The reason given for the call-in was ‘the proposal raising issues of importance requiring scrutiny at a national level’.

On receipt of the call-in direction, Aberdeenshire Council ceased to be the planning authority for the TIGLS application. The fate of the Menie dunes—and whether the TIGLS proposal got planning permission—would now be decided by Mr Swinney.

The decision to call in the TIGLS application was immediately welcomed by Cllr Anne Robertson.

Mr Sorial told The Press and Journal the call-in ‘was obviously a response to the overwhelming public outcry’. Mr Trump himself said he was ‘very honoured’. There was also strong support from business leaders for the call-in decision and praise from many MSPs.

Above all though, there was general astonishment at the call-in decision. Most people had no idea it was even possible to call in a planning application that the local authority had already decided to refuse—but the calling in of the TIGLS application also surprised planning professionals. Very experienced planners could recall no previous instance of an application being called in after the local authority had decided to refuse planning permission, using the legal window of opportunity before the decision notice was issued. Putting that into plain language, no other planning application had been ‘rescued’ by ministerial intervention in the way Mr Trump’s was. Effectively, Scottish ministers had lodged an appeal with themselves.

The calling in of an application to prevent it being refused can only suggest that ministers regard refusal as undesirable, which is bound to raise doubts about their impartiality in respect of determining the application. Opponents of the TIGLS proposal were quick to express their concerns about the Scottish Government being biased in favour of Mr Trump; what was the likelihood now of his application being refused? Mr Trump had

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already been treated differently from all other applicants for planning permission.

For Aberdeenshire Council, the calling in of the TIGLS planning application extricated the Council from an awful position. The Council’s problems were clearly far from over but at least there was some prospect now of beginning the journey back to normality.

Papers for Aberdeenshire Council meetings are usually issued a week in advance. Wednesday 5 December was therefore the day the agenda for the following Wednesday’s special full-council meeting became public. This was the first the media knew of Cllr John Cox’s emergency notice of motion proposing that I be removed from the position of chairman of the Infrastructure Services Committee.

I responded to press inquiries by issuing a formal statement. In it, I said:

Councillors do have to be able to determine planning applications without fear or favour. Their duty is to form an independent judgement based on all the relevant facts and land-use planning considerations. We cannot have a situation where, regardless of serious problems and breaches of agreed policies, councillors are deciding how to vote because of what may happen to them if they do not vote for the application to be granted. That would compromise the integrity of the whole process.

Aberdeenshire Council dealt with the Menie application in a perfectly normal manner. It had elements that were welcomed, it had elements that were against sound planning policies which the majority of the Committee concluded meant it should not be granted as it stood. Refusal was an entirely reasonable decision in the circumstances ... taken in the full expectation that the applicant would adopt one of the courses that is generally followed in these situations—either an appeal or a new application with changes to address those aspects identified as problems by the Committee.

Following the refusal decision, the applicant has not dealt with the Council in anything like a normal manner. Instead of resubmission or appeal, the Council was given what was widely described as an ‘ultimatum’ to grant the application as it stood. Immense pressure was put on the Council—and seven councillors in particular—through the press, pressure that has caused real difficulties within the Council. Today, we have further evidence of this in the motion of no confidence in me as chair of the Infrastructure Services Committee.
The Council must not allow itself to be bullied. It would send a terrible signal if a bullying applicant, refused planning permission for good land-use planning reasons, is then able to secure the removal of the chair of the planning committee. It would call into question the freedom of every councillor to exercise his or her own judgement. It would undermine the credibility of the planning system in Aberdeenshire—and in Scotland—in the eyes of many. Accordingly, I shall not be resigning. We cannot allow a situation to develop where there are some applications and some applicants that we are effectively not allowed to refuse.

There was extensive coverage of Cllr Cox’s move against me in local radio and television news bulletins in the evening of 5 December, and in the press on 6 and 7 December.

By this time, I was receiving supportive letters through the post on a daily basis. I was still receiving e-mails in large numbers from both opponents and supporters of the TIGLS planning application, including many commenting on events connected with the application as they happened. The TIGLS planning application was still being vigorously debated amongst the general public. By now, in the on-line polls being run by the *Evening Express* and *The Press and Journal*, about 55–60 per cent of the votes were in support of the decision to refuse planning permission.

On Thursday 6 December, *The Press and Journal* reported Mr Trump praising the decision to call in his planning application. He was quoted as saying, ‘I have great respect for the ministers. I am very pleased. We have received some tremendous support for the application. I am not surprised by that. We conducted a poll and 93 per cent of people were in favour of it. Very rarely do you get something that is so universally loved and supported. … I just hope that they can make a decision quickly.’

That afternoon, I was pictured (again) on the front page of the *Evening Express*. This time the headline was ‘We want “Trump traitor” sacked’. An article inside the paper said:

> Business leaders want controversial councillor Martin Ford axed from his post after the Donald Trump ‘fiasco’.

They have written to Aberdeenshire Council’s chief executive calling for him to be ditched.

The region’s top earners and company bosses want Cllr Ford removed
from chairing Aberdeenshire’s Infrastructure Services Committee and co-chairing the Aberdeen City and Shire strategic development plan joint committee.

The *Evening Express* has learned letters have been sent to chief executive Alan Campbell calling for Cllr Ford—whose casting vote booted out Trump’s golf development plan—to be removed.

Yesterday the powerful Aberdeen City and Shire Economic Forum (ACSEF) met to discuss where to go now after the Scottish Government ‘called in’ the Trump planning application.

The group is angry Cllr Ford, a non-driver who is against airport expansion and the bypass, oversees planning matters.

One Forum member said: ‘Some fairly strong things were said about Cllr Ford.

‘Certainly a lot of business leaders have written to the Chief Executive of Aberdeenshire Council Alan Campbell asking for Cllr Ford to be removed.’

ACSEF said it sees the Trump application as central to the future of tourism in the North-east, and are planning to write to Finance Minister John Swinney, now overseeing the application.

On Friday 7 December, an article in *The Scotsman* highlighted the criticism that had been directed at me for giving priority to protecting the environment. The article included an explanation from Cllr Cox of why he thought I should not be the chairman of Aberdeenshire Council’s Infrastructure Services Committee. Cllr Cox was reported as saying, ‘The line that he has taken has been totally environmental. Cllr Ford, sitting there as chair with a single-track view, could compromise the future and the well-being of Aberdeenshire and Aberdeen… I want to ensure that Aberdeenshire Council is seen as being open for business’.

My accusation that Mr Trump had bullied Aberdeenshire Council was also reported in *The Scotsman* on Friday 7 December—and this brought an immediate response from Mr Trump. In a lengthy telephone call to the newspaper’s Stonehaven office that afternoon (UK time), Mr Trump angrily denied being a bully and stressed his own commitment to caring for the environment. In *The Scotsman* on Saturday 8 December, Mr Trump was reported as saying ‘We haven’t done anything other than demand a fair hearing. We are happy and honoured by the fact that the ministers called in the application. I think it’s a very brave move. We didn’t have anything
to do with that. What’s going on in Scotland now has nothing to do with The Trump Organization bullying or demanding or strong-arming. What’s happening now is that there’s massive public outcry. People are not satisfied with their politicians—politicians like Martin Ford.’ *The Scotsman* also reported Mr Trump had ‘hinted strongly’ that, rather than investing elsewhere, he was prepared to wait for Scottish ministers to rule on whether he could build a golf resort at Menie.

On—or possibly before—8 December, the BBC learned of Mr Salmond’s meeting with Mr Sorial and Mr Hobday at the Marcliffe Hotel on 3 December. This was hot news. Linking this meeting with the decision to call in the TIGLS planning application, on Sunday 9 December the BBC reported that ‘First Minister Alex Salmond met Donald Trump’s representatives the day before ministers decided to have the final say on his golf resort plans.’

Political opponents and opponents of the TIGLS proposal were quick to express their concerns about what Mr Salmond had done. Mike Rumbles MSP said he ‘would be astounded if Alex Salmond was holding a constituency advice surgery at the Marcliffe Hotel’; his meeting with Mr Sorial and Mr Hobday therefore raised ‘a huge number of questions’. It was Conservative MSP David McLetchie’s opinion that people would ‘smell a rat’. Mr McLetchie was widely reported to have said, ‘There are already lots of concerns about the decision to call in the application. This will confirm many people’s fears that this application is now a shoe-in and it’s going to be rubber-stamped by the Scottish ministers, irrespective of what was decided locally.’ Some MSPs questioned whether Mr Salmond had breached the Scottish Ministerial Code. The leader of the Scottish Liberal Democrats, Nicol Stephen MSP, said, ‘The first minister has a clear conflict of interest and should have played no role in the planning process. His actions have been at best unwise and are potentially seriously prejudicial.’

Mr Salmond insisted that he had done nothing wrong. He had not intervened as first minister. As the constituency MSP, he had a duty to meet constituents and to represent their interests.

The meeting at the Marcliffe Hotel and whether Mr Salmond had breached the Ministerial Code was a major news story on Monday 10 December. The whole decision-making process that led to the TIGLS planning application being called in was now under suspicion. Journalists and opposition politicians

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asked their questions—resulting in more revelations about who did what immediately prior to the call-in. In the ensuing political row, accusations multiplied and the Scottish Government was forced to defend itself against charges of bias and ministerial impropriety.\(^5\)

By 9.00 a.m. on Wednesday 12 December, protestors, journalists and television crews had gathered outside Aberdeenshire Council’s headquarters in Aberdeen to speak to councillors arriving for the special meeting of the full council due to start at 10.15.

In its editorial on 12 December, \textit{The Press and Journal} warned Aberdeenshire councillors that they must vote in accordance with public opinion—which the paper said was ‘overwhelmingly in favour of the Trump development’. As for me, \textit{The Press and Journal} said, ‘much as committee chairman Martin Ford voted with his conscience and in line with his beliefs about what is best for Aberdeenshire, it is entirely inconsistent that a man one step removed from eco-warrior status is in charge of the committee mapping out the county’s future. He must resign or be removed.’

In fact, the Conservative and Liberal Democrat councillors in Aberdeenshire Council’s partnership administration had still not been able to agree a common position on what to do about the chairmanship of the Infrastructure Services Committee. Last-minute attempts to reach agreement, in private meetings immediately before the start of the full-council meeting, degenerated into fraught argument, shouting and chaos. I had to resign, some of my colleagues insisted. My refusal to do so was putting them in a very difficult position; they could not support me but they did not want to vote against me either. The most important thing was to ensure the survival of the partnership administration and I was putting that at risk by not agreeing to go. Surely I could see that my behaviour was both selfish and unreasonable.

Other colleagues asserted that it was impossible for me to continue as chairman of the Infrastructure Services Committee now anyway. The chairman of the Infrastructure Services Committee had to work closely with the business community—and some in the business community had made it clear they would not work with me. The Council had to listen to business leaders who were demanding that I be replaced. One way or another, the Infrastructure Services Committee would be getting a new chairman. I should accept that and step down.

Some among the Liberal Democrat councillors continued to express support for me, but they were in a minority. I knew what my fate was going to be before the full-council meeting started.

It was obvious too that some councillors were not coping with the intense pressure and were very upset by the angry and aggressive behaviour of some of their Liberal Democrat colleagues. A number of councillors were visibly distressed. At least two were in tears.

Sixty-five (out of sixty-eight) councillors were present for the special full-council meeting.

The first decision taken at the meeting was to begin the process of altering Aberdeenshire Council’s procedures for determining planning applications so that in future ‘major planning applications of regional or national significance’ would be considered by the full council.

Next, on the Council’s decision to refuse the TIGLS planning application, the Council’s head of law and administration, Gordon Davidson, confirmed that the decision had been properly taken, in accordance with due process. While that decision could not be reconsidered, the application had since been called in; Aberdeenshire Council was no longer the planning authority for the TIGLS application but had the status of a consultee. As a consultee, Mr Davidson said, the Council could now express a ‘general view’ on the TIGLS planning application. Protests that this breached the Council’s rules on not reconsidering its decisions were overruled. On a motion from the leader of the Council, the Council ‘agreed that the view of the Council to be communicated to Scottish Ministers was that the Council supported the grant of planning permission for Golf Course and Resort Development at Land at Menie House, Balmedie, Aberdeen, subject to the various delegated matters, conditions and agreements proposed by the Formartine Area Committee’.

The debate on Cllr Cox’s motion lasted about half an hour. The motion was: ‘Following recent public comments made by Councillor M. Ford, I believe his position as chair of Infrastructure Services Committee is no longer tenable. I move that Councillor Ford is replaced as chair of Infrastructure Services Committee to ensure that Aberdeenshire Council debates and makes decisions which benefit residents and visitors to the North East of Scotland and are not constrained or influenced by Councillor Ford’s stance towards developments which do not meet his personal objectives.’

Minutes of meeting, 12 December 2007, Aberdeenshire Council.
During the debate, the main charge laid against me was that I had damaged the Council’s relationship with its partners in the business community. It was stressed repeatedly that I had done nothing wrong. Most of the councillors who spoke expressed regret—but said I had to go.\footnote{The Press and Journal, 13 December 2007.}

I spoke at the end of the debate. I began by explaining, again, why I believed it would be wrong to remove me—or the chair of any planning committee—for voting against a planning application. I pointed out that the TIGLS proposal contravened many of the Council’s planning and other policies. \textit{That} was why the Infrastructure Services Committee had voted to refuse planning permission—not because of me or my personal beliefs. Then I responded to the arguments that I was not a suitable person to be the chairman of the Infrastructure Services Committee—that I could not head the Committee because I used a bicycle and did not drive, because I had trained as an ecologist, because I did not have a background in business, because I advocated protecting the environment. I said:

Of course, I do have personal beliefs—no problem there. Everyone here has personal beliefs. We are, or are supposed to be, a pluralist, tolerant, liberal society. It is a ridiculous suggestion to say because I worked as an environmental scientist, I can’t chair the Infrastructure Services Committee. Teachers have an interest in education—so do we not allow ex-teachers on the education committee? We all do something—and it is the diversity of what we do that allows this council, as a body, to be effective.

Our democracy is based on a universal franchise in which everyone, regardless of their background and economic status, has one equal vote. There is no double jeopardy. You do not have to have the further approval of any section of society or the press to then hold office. We answer to the voters, not interest groups.

The behaviour of the \textit{Evening Express} has, I believe, been widely seen as disgraceful. Which of us is next? And how will we find people prepared to take tough decisions in the future if this is what they can expect? The Council needs to show it will support its own members in such a situation, not demonstrate that its reaction is to kick a man when he is down.

This is not a pleasant experience for any of us and I regret that John
Cllr Martin A. Ford

[Cox] felt he had to table this motion and that he has not reconsidered that decision. But at the end of the day, this is now about the Council’s values. Its integrity. Its resilience under unreasonable pressure. Whether it will do the right thing.

The public are going to see what their politicians are made of this day—because you all have a vote.

Please vote against the motion.

The vote was called.

Twenty-six councillors voted for Cllr Cox’s motion.
Ten councillors voted against.
Twenty-nine abstained.

I was no longer the chairman of the Infrastructure Services Committee.

An explanation

‘A perfectly routine, normal thing happened and then, bang, something that was not routine or normal at all.’ That was how I described the decision to refuse the TIGLS planning application and its aftermath exactly a week after the decision was taken.\(^{53}\) So why did a decision to refuse a development proposal planning permission evoke such division and strong emotions?

Clearly, the TIGLS application was no ordinary planning application. It was unusual—or unique—in many respects, including: the sheer size of the proposed development; the amount of money involved; a significant part of the application site was also a significant part of an SSSI; the reputation and behaviour of the applicant; the almost non-stop hyperbolic publicity; the enormous benefits—including status, wealth and employment—it was claimed the proposed development would bring if it went ahead; the local authority’s decision to refuse planning permission was made on a casting-vote; and the application was called in after the local authority had decided to refuse planning permission.

By autumn 2007, nearly everybody in north-east Scotland was aware of the TIGLS planning application and knew a certain amount about it. Evidently, very many people were more than just aware of the application’s existence; very many people felt very strongly, one way or the other, about whether

\(^{53}\) \textit{The Scotsman}, 7 December 2007.
planning permission should be granted. Well before the TIGLS application was considered by the Infrastructure Services Committee it was clear—from letters published in newspapers, from the public hearing at Balmedie School, from the letters of representation—that there was great strength of feeling on both sides. It was also clear there was a range of views on both sides; people taking the same position on whether planning permission should be granted had different reasons for their stance. Certainly, some of the support for/opposition to the TIGLS planning application arose from considerations unconnected with land-use planning—for example, Mr Trump’s Scottish ancestry/US origin, Mr Trump’s celebrity status, personal wealth, life-style, behaviour, attitudes and reputation. Mostly though, on both sides, the issues raised were relevant planning issues. In particular, economic considerations and concerns about environmental impact, the SSSI and the proposed housing were all central to the public debate on the TIGLS planning application.

Fundamental to the case made for the TIGLS proposal was the need to diversify the economy of north-east Scotland to offset declining activity and employment in the North Sea oil industry. The economic counter argument rested, ultimately, on the need to reduce the use of natural resources to sustainable levels—and on the need to reshape the economy of north-east Scotland to meet that imperative. The debate about the TIGLS planning application was thus, in part, a debate about far more than whether to grant planning permission; it was, in part, a debate about what the future was going to look like and how best to prepare for it.

Some opponents of the TIGLS proposal argued it would be wrong—immoral even—to allow the destruction of irreplaceable natural habitat for private profit. To these people, economic considerations were a side issue—the main argument was about respect for nature/God’s creation. There was a huge gulf between this view and the attitude displayed by some of the proponents of the TIGLS proposal—for example George Sorial, who said after the vote to refuse the TIGLS planning application on 29 November, “The members of the Council’s Infrastructure Committee [sic] have chosen to protect a pile of sand.”

In fact, the public debate about the TIGLS planning application afforded an opportunity for people to express their views on a wide range of issues more or less relevant to the decision whether to grant planning permission. It was thus apparent that which side a person was on was very often determined

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by deep-seated beliefs—for example about nature conservation, consumerism or the importance of material wealth.

Over and above the strong views on the merits of the TIGLS proposal, perceived unfairness in the decision-making process also fuelled the furor that erupted following the vote to refuse the TIGLS planning application on 29 November. Objectors watched Aberdeenshire Council consider and then take the decision to refuse the TIGLS application, because it was contrary to many of the Council’s policies, all in accordance with due process. The objectors then saw supporters of the application, the applicant, Aberdeenshire Council and, finally, Scottish ministers do everything they could to get the decision retaken so they could get the outcome they wanted. Supporters of the TIGLS application saw it win approval at the Formartine Area Committee and were reassured. Then, just nine days later, the Council decides to refuse planning permission after only seven—out of sixty-eight—councillors vote for refusal, and the vote in the second committee was a tie—so the decision was actually taken by one councillor who was allowed to vote twice. Unsurprisingly, at different times, both sides felt cheated. The TIGLS planning application had not been, or was not being, treated fairly—and that in itself made people angry.

Some of the controversy connected with the TIGLS planning application arose from the application being used as ammunition in on-going debates/conflict over the purpose of the planning system, its efficiency and the balance of power and rights between applicants and objectors. Hence, the business community in north-east Scotland, supported by allies in the local press, used the TIGLS application to assert a right of veto over who could chair Aberdeenshire Council’s planning committees—a right the Council effectively acknowledged by agreeing to remove me in response to threats to withdraw from co-operation with the Council unless I was replaced. There was thus public debate, arising from the TIGLS application, about democracy, the distribution of power in society and the distribution of power in the planning system.

Clearly, the TIGLS proposal looked very different to different people. To some, the TIGLS proposal was a status symbol, an economic opportunity, a promise of new jobs, an exclusive golf course replacing a piece of worthless wasteland which produced nothing of value, a new up-market venue for the successful in the business community to meet socially. To others, the TIGLS proposal was a billionaire’s vanity project, a symptom of materialism and greed, consumerism at its worst. It was a threat to a legally protected
Deciding the Fate of a Magical, Wild Place

conservation site, a beautiful, unique, wild place of great interest to science, an area of land valued specifically because it had not been altered to suit man’s purpose, a dune system everyone had a right to walk in free. Nearly always, those supporting the TIGLS proposal had little or no interest in the site as it was—and, nearly always, those opposed to the TIGLS proposal had absolutely no interest in what was proposed. Ambivalence was very rare. This was a clash of opposites.

Perhaps it is not so surprising there was quite such a battle over the TIGLS planning application. The issues the application threw up were important to different sections of society and to people with fundamentally different beliefs/ideologies. The application was seen as a test-case for some fundamental choices. The debate over the application was also a debate about values, the economy, the using up of natural resources—the way we live now. The TIGLS application was not, as I said right at the start of this paper, ‘just a planning application’.

Later events

January–February 2008

The Scottish Parliament Local Government and Communities Committee carried out an investigation into how and why the decision to call in the TIGLS planning application had been taken.

28 February 2008

The cabinet secretary for finance and sustainable growth, John Swinney, announced there would be a public local inquiry into the TIGLS planning application.

14 March 2008

Alex Salmond and John Swinney were strongly criticised by the Scottish Parliament Local Government and Communities Committee in the Committee’s report on the Scottish Government’s handling of the TIGLS planning application.

10 June–4 July 2008

The public local inquiry into the TIGLS planning application was held at the Aberdeen Exhibition and Conference Centre.
**15 October 2008**

The report of the public local inquiry into the TIGLS planning application was received by the cabinet secretary for finance and sustainable growth, John Swinney.

**3 November 2008**

John Swinney announced that, subject to the satisfactory conclusion of a legal agreement between the applicant and Aberdeenshire Council, outline planning permission would be granted for everything included in the TIGLS planning application.

**16 December 2008**

Outline planning permission was granted for housing and a golf resort on the Menie estate, as per the TIGLS planning application.

**4 March 2009**

Ann Faulds of law firm Dundas & Wilson, acting for TIGLS, wrote to Aberdeenshire Council requesting the Council agree to use its powers of compulsory purchase under section 189 of the Town and Country Planning (Scotland) Act 1997 for the purpose of acquiring on behalf of TIGLS eight plots of land at Menie, including Michael Forbes’ smallholding and three other residential properties.

**27 May 2009**

Aberdeenshire Council received five applications from TIGLS for outline planning permission for ‘golf course and resort development to form part of golf course and resort development granted outline planning permission by the Scottish ministers on 16 December 2008’ all relating to land at Menie not owned by Mr Trump and including Michael Forbes’ smallholding and three other residential properties.

**Summer 2009**

A new group, Tripping Up Trump, launched a campaign against the use of compulsory purchase to force families from their homes at Menie.

**1 September 2009**

Aberdeenshire Council’s Formartine Area Committee voted to grant planning permission in principle for ‘golf course and resort development’ on
the additional land at Menie Mr Trump now said was needed for his proposed golf resort.

1 October 2009

At an Aberdeenshire Council full-council meeting, my motion ‘Aberdeenshire Council will not use compulsory purchase powers to force Aberdeenshire residents from their own homes on or adjacent to the Menie estate’ was supported by six councillors, fifty-five councillors voted to take no decision and four councillors abstained from voting.

Autumn 2009

Work started on stabilising the Menie sand sheet.

26 May 2010

As Mr Trump was flying to Aberdeen for a visit, Tripping Up Trump announced that part of Michael Forbes’ smallholding had secretly been sold and this area of land—to be known as ‘The Bunker’—now had over sixty ‘local and celebrity owners’ all determined to fight any attempt at compulsory purchase. On arrival in Aberdeen, Mr Trump accused Mr Forbes of living in ‘a slum’, ‘a pigsty’. Mr Trump announced that he was renaming the Menie dunes ‘The Great Dunes of Scotland’.

July 2010

Construction of the ‘world’s greatest golf course’ got underway at Menie.

31 January 2011

In a statement issued by TIGLS, it was announced that the TIGLS development would be built around the properties belonging to the Menie residents who had refused to sell their homes to Mr Trump. The TIGLS statement ruled out requesting the use of compulsory purchase orders to acquire these houses. Mr Trump was quoted as saying, ‘In the end everyone will be happy—we are creating what will soon become the greatest golf course in the world.’

Aberdeenshire Council
Introduction

In a recent examination of the changing conceptions of and relationships to space in nineteenth century Scotland, I outlined three stages of development.¹ A prescriptive, anthropological view of space was still powerful in the early years of the century, one in which identities and actions were given and affirmed by place and boundaries. The place of the border with England in law and literature, and the customs and privileges of the Royal Burghs were characteristic of such attitudes to space. This was increasingly challenged by modern practices in which space was measured, specified and ordered, and was subjected to the rationality of the market and to regulation by representative forms of government and by the professional and scientific skills of public servants. The rationality of modern space was in turn modified by a trend to the deliberate historicising of many spaces which were identified as ways of telling stories and generating identities. This article examines a number of key texts, showing the manner in which the ‘stages’ previously outlined tended to overlay each other, as well as the elements of conflict and the unease which resulted from the creation of modern space.

The Making of Modern Space

The Royal Burgh of Aberdeen began the nineteenth century with an assertive move into modern space.² An Act for opening and making Two new Streets in the City of Aberdeen, George III, c.11, was passed on 4 April 1800 and provided the legal and organisational structure for the creation of Union Street and King Street.

Fig. 1. Alexander Milne, A Plan of the City of Aberdeen with all the inclosures surrounding the town to the adjacent country, from a survey taken 1789 (Edinburgh, 1902; National Library of Scotland Map Library).

Fig. 2. John Wood and John Smith, Plan of the Cities of Aberdeen (Edinburgh, 1828; National Library of Scotland Map Library).
Together these two streets provided a means of overcoming the awkward topography and essentially medieval layout of Aberdeen. Alexander Milne’s map of 1789 showed the rapidly growing city constricted by topography, especially the deep ravine of the Den Burn to the west, and by the narrow streets and wynds inherited from the past (Fig. 1). In the words of the Act,

Whereas the principal Avenues to the centrical Parts of the City of Aberdeen, from the South and North, by the Bridges of Dee and Don, are narrow, indirect and incommodious: and the Increase of the Inhabitants of the said City, and Demand for Houses and other Buildings, render it expedient to open certain new Street and Passages.

The Act provided the Trustees with the means of raising finance on the credit of the Municipal Corporation, powers of land assembly, with compulsory purchase at market valuation if necessary, as well as the powers to direct the necessary work and sell on the plots of ground thus created. The resulting streets came to represent ‘Aberdeen’ and for the next century were always contrasted favourably with the older narrow streets. Visitors and apologists alike called the new streets ‘noble’, ‘spacious’ and ‘airy’. They were modern space in several senses. There was a primary emphasis on movement. They were planned to give easy access to the central area of Castle Street. The straight lines on John Wood’s map published in 1828, showed how these streets opened the landscape to market forces, creating an almost endless vision of property development sites (Fig. 2). In this sense they differed from the Edinburgh New Town with which they are often compared. The Edinburgh development had a coherent, discreet and basically inward looking structure. Union Street and King Street were closer in form to the open structure of the western developments of Glasgow enabling development to respond to the cyclical irregularities and changing fashions of the property market over the next century. The landscape was opened through the application of engineering skill and precise measurement. In this respect it had more in common with South Bridge in Edinburgh, where engineering

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had been used to eliminate the problems of topography, and vaulting used to create marketable spaces.\textsuperscript{6} The new landscape was one of straight lines and level surfaces which eliminated the difficulties of the original slopes. The first plans for bridging the Den Burn were abandoned. They were based upon the prize-winning plans of David Hamilton,\textsuperscript{7} and developed by Charles Abercrombie, a Glasgow-based surveyor who worked with the County Road Trustees and later the Commissioners for Roads and Bridges in the Highlands.\textsuperscript{8} Hamilton made the most basic of modern errors and failed to measure properly. Some already constructed piers for the bridge were pulled down. Thomas Fletcher, architect for the trustees, drew up new plans in consultation with Thomas Telford, thus employing that mixture of professional knowledge and reputation that was one basis of modern authority.\textsuperscript{9} Despite the difficulties, knowledge and science were used to overcome landscape. The outcome was two streets and, above all, that bridge which came to represent what Aberdeen, the prosperous expanding city, was all about.

The new streets of the New Streets Act gave Aberdeen sustained access to modern space, space which was straight, measured, level and responsive to market forces, but the transition was by no means a smooth one. The errors of calculation around the Den Bridge were a temporary problem. Modern processes simply require that errors of calculation were subjected to recalculation and improved professional judgement. The major conflict arose from the failure to impose modern processes of governance and cost control. The elements of conflict were already embedded in the 1800 Act. The Trustees were established and required to hold meetings, keep records and make these available in a public sphere, but the Trustees were all selected from the existing closed, unrepresentative agencies of Aberdeen governance – the Municipal Council, MPs for the town and county, the Principal of Marischal College, the Convenor of the Incorporate Trades and the President of the Society of Shipmasters. There was no mention of

\textsuperscript{6} Andrew G. Fraser, \textit{The Building of Old College: Adam, Playfair and the University of Edinburgh} (Edinburgh, 1989), 51–88.
\textsuperscript{7} Aonghus MacKechnie, \textit{David Hamilton Architect, 1768–1843: Father of the Profession} (Glasgow, 1993).
\textsuperscript{9} Evidence of William Carnegie, Principal Town Clerk to Aberdeen Corporation, 1819 (571), \textit{Report from the select committee to whom the several petitions from the royal burghs of Scotland were referred}, 312; Ranald MacInnes, ‘Union Street and the “Great Street” in Scottish Town Planning’, in Terry Brotherstone and Donald J. Witherington (eds), \textit{The City and its Worlds: Aspects of Aberdeen’s History since 1794} (Glasgow, 1996), 25–39.
the newly established Police Commission which was elected and responsive to its ratepayer electors. There was no means of enforcing procedure. As far as finance was concerned the Trustees were tied to the credit of the Corporation, but only one clause of the Act regulated finance. The Trustees were ‘not to enter upon the Execution of the Act’ until they had raised £15,000 for Union Street and £5,000 for King Street. Thus a lower limit was placed on finance but not an upper limit. By 1811, the Trustees had stopped meeting and any records they may have kept were subsequently lost. In 1817, the City Treasurer announced that the Corporation could no longer meet interest payments on the City debt. The funds and property of the town council as well as those of the New Street Trustees were made over to trustees for the debt holders. The subsequent enquiry by a Parliamentary Committee showed the inadequacy of old structures of governance for managing the creation of major modern spaces. Abercrombie had given a public meeting, held in 1799, total estimates of £37,000, of which £30,000 was for Union Street. When the committee questioned the City Officials they found that costs had been:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost (£)</th>
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<tr>
<td>Purchasing property in both streets</td>
<td>73,163</td>
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<tr>
<td>Work making Union Street</td>
<td>29,084</td>
</tr>
<tr>
<td>Work making King Street</td>
<td>5,332</td>
</tr>
<tr>
<td>Management including plans and surveys</td>
<td>6,410</td>
</tr>
<tr>
<td>Sums borrowed to pay interest</td>
<td>57,295</td>
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</tbody>
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Most significant was the reply of James Hardie, Chamberlain to the City of Aberdeen, when he was asked about annual costs and revenues of the New Streets project: ‘The accounts being mixed with other accounts of the trustees for the creditors of the town since 1816, I cannot state that’. The chaos had been compounded by the Harbour Act of 1810 which authorised raising further funds for work which had been only partially been carried out. The total loss of financial control which lay behind Union Street had several causes. Those involved had little experience of projects of this magnitude. The expertise demanded for the creation of modern spaces simply was not there. The need to demolish the partially constructed bridge piers as a result of the measurement failure added to costs but then they had been caught by two forms of cost inflation. The first was the general inflation of the Napoleonic War period. The second would have been local cost inflation
caused by the increased demand for labour and materials entailed by the project itself. All this was managed by a system of Corporate accounting suited to the seventeenth rather than the nineteenth century. When the Municipal Corporation Enquiry of the 1830s visited Aberdeen they found seven different accounts for which the Corporation was responsible and little attempt to consolidate them. Indeed, the Corporation had managed to keep going in the bankruptcy of 1817 by using the Guild Wine Fund. This was essentially an entry fee paid by burgesses in lieu of a banquet. It originated in 1582, but because it was claimed by the Guildry, it escaped the wreck of 1817. The bankruptcy of 1817 became entangled in an ongoing debate between defenders of the closed patronage system of governance and reformers who wanted a more representative system. The 1817 enquiry seemed to agree with the reformers.

The old council elect their successors; by which means… the same party maintain possession of the council, to the entire exclusion of the rest of the burgesses…. the majority of the council have been the same individuals during that time, and chiefly either relations or connexions in business of provost Hadden, who has been considered as the leader of the town council for the last 20 years. The council being thus independent of the burgesses, there exists no means on the part of the burgesses of restraining the council from pursuing any measures they think fit, (however opposed to the opinions, wishes and interests of the other members of the community,) or of checking their expenditure of the public funds of the towns, or of preventing them contracting debts of any amount.

If the debts are contracted in terms of the Act of 1693… the burgesses seem to be liable for the amount of them, however little voice they may have in the contraction of them.

Thus Aberdeen acquired considerable modern spaces at the cost of revealing an inadequacy of governance and financial control.\textsuperscript{10}

\textsuperscript{10} Report from the select committee to whom the several petitions from the royal burghs of Scotland were referred, British Parliamentary Papers, 1819 (571), Vol. 6, 312; General report of the commissioners appointed to inquire into the state of municipal corporations in Scotland, British Parliamentary Papers, 1835 [30] [31], Vol. 6, 113–44.
The Invention of the Modern Street

The spaces thus provided developed in significant ways over the nineteenth century. The invention of the modern street was a cumulative process in Aberdeen as elsewhere. Visual evidence provides an outline of the changes.

This presentation of Castle Street in 1812 was influenced by the conventions of the picturesque engraving. The width of the street was exaggerated. It was clearly cheaper to alter the perspective than create new streets. The ‘staffage’ was carefully selected to show the typical uses and activities of the street, which displayed a minimal level of specialisation and order. Wheeled traffic was present but had no privileged space. The central part of the street was as likely to be used for groups of citizens gathered in conversation, including the women who were getting water from the well. There was some evidence

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Fig. 4. Union Street Aberdeen from Bonnie Scotland, Vol. 9, 171 (Dundee, 1902; photographs by Valentine and Son); see R. J. Morris, Scotland 1907: The Many Scotlands of Valentine and Sons, Photographers (Edinburgh, 2007).

Fig. 5. Union Street from Castle Street, June 2009, photograph R. J. Morris.
of marketing activity with the cart behind the well and the woman carrying a creel, whilst the small boy with the hoop uses it for recreation and the beggar exercises a very basic use of public space. In the middle ground the opening for Union Street was framed by the mercat cross and the complex of town house, old prison and new inn.

By the time Valentine’s of Dundee produced their photograph in the early 1900s (Fig. 4), the street had become an area of highly specialised segmented space dedicated to movement. The side pavements were for pedestrians, whose comfort and security was only broken by curiosity over the camera. The central area was divided. The trams, recently taken over by the Corporation and electrified, followed the technological determinism of rails and wires and took the centre, while the area to the side was used for horse-drawn wheeled traffic. Valentine had chosen this picture because Union Street and the Bridge had become signature views for Aberdeen. By 2009 (Fig. 5) the privileging of movement, the segmentation and specialisation of areas within the street was intensified, disciplined by the technology of the traffic signals and the multiplying signals of railings and white lines. Castle Street itself had become heavily defended pedestrian space.

The changing nature of space, represented here by the invention of the modern street, depended upon a variety of processes. Central was the creation of an increasingly elaborate web of law and regulation. At the heart of this was a key paradox of the modern – freedom of movement depended upon increasingly prescriptive regulation, involving considerable intrusion into the privacy and autonomy of the individual. By 1871, the situation was so complex that James Valentine, clerk of police, compiled a summary for the use of the town council. He found 711 clauses still in operation derived from five acts, notably, the Municipality Extension Act, 1871, which enlarged and assimilated the municipal and police bounds, and vested Gas, Waterworks and Police with the Municipal Council. Other major contributions to his survey

14 The concept of ‘modern’ is used here because the emphasis is on a series of key economic and social processes or sets of relationships, rather than upon ‘modernity’, the experience and culture of the ‘modern’; see Zygmunt Bauman, Modernity and Ambivalence (Cambridge, 1991).
15 James Valentine, Clerk of Police, A Classification and arrangement of the several local acts of parliament regulating the Police, Water and Gas of the City of Aberdeen, with index and other references; and a map prepared for the use of the Town Council (Aberdeen, 1872).
came from the Aberdeen Police and Waterworks Act, 1862, the General Police and Improvement Supplemental (Scotland) Act, 1866, the Aberdeen Police and Waterworks Amendment Act, 1867 and the Aberdeen Provisional Sewerage Order, 1866. It was characteristic of Scotland that most of these were local acts: it was a notable feature of the stateless nation with its own legal base for property that it was easier to gain legislation through the private bill system of the Westminster parliament than to seek general legislation specific to the Scottish legal system. Minor contributions derived from the Aberdeen County and Municipal Buildings Act, 1866, the Aberdeenshire Roads Act, 1865, the Aberdeen Harbour Act, 1868 and elements of the Public Health Acts of Scotland. An understanding of the Municipal Reform Act for Scotland, 3&4 Wm IV, c.76 (1833) and the repealed Aberdeen Police Act of 1829, 10 Geo 4 was also helpful.

Valentine’s work revealed that these acts achieved several things. They created a legal entity which could conduct government, regulation and service delivery for Aberdeen. One of the achievements of the 1871 legislation was to amalgamate the Corporation and the Police Commission, bringing to an end the dual system of local government which was a key feature of nineteenth century Scotland. The new entity was to own not only the property of the Corporation and Police Commission but also the means of providing gas and water. Secondly the Acts defined boundaries; ‘the municipal, franchise, rights, privileges, and immunities of the City, and the powers and jurisdiction of the Lord Provost and Magistrates and of the Town Council, should be extended over the area, lands, and territory, hereinafter described…’ Most important of all the new Corporation and its boundaries were linked to a representative process of election, and to the transparency of public meetings with minutes and accounts. This representative body was empowered to appoint officers of various kinds, many with professional and specialist training and experience. These would advise and enforce in matters concerning the regulations and decisions of the representative body.

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18 Preamble to the 1871 Act, Valentine, A Classification, 6.
19 This was one of many forms of tension in the modern structures of urban governance. See J. A. Garrard, Leadership and Power in Victorian Industrial Towns 1830–80 (Manchester, 1983); R. J. Morris, ‘Governance: two centuries of urban
For urban space the most important appointment was the Surveyor. He was to ensure that the provisions of the Acts and Byelaws were carried out respecting ‘making and maintaining public Sewers, to the drainage of Houses, to paving and maintaining Streets, to laying out new Streets, to naming the Streets, and numbering the Houses, to improving the line of Streets, and removing Obstructions … [regarding] ruinous or dangerous buildings … the prevention of Fire … the execution of Works required to be done by Owners and Occupiers, [and] the breaking up of Streets for the purpose of laying Gas and Water Pipes’. He was to prepare plans for any new works ‘including provision for properly trapped drains’. He was required to plan the lines ‘that appear to him the most advantageous for main Sewers’ and prepare plans for ‘the collection and sale of manure for agricultural and other purposes’. The Corporation was also enabled to appoint an Inspector, together with Scavengers and Lamplighters. They would actually undertake ‘the collection, removal and sale of manure’. The Inspector and Surveyor were empowered to prosecute and could be required to attend meetings of the town council.20

The order and regulation of the street was laid out with considerable detail. The growing mass of regulation and law was in part cumulative, but it also had coherence. There were several dimension and many tensions within the process of regulation or what the Scots called ‘police’.21 Central to the growing body of regulation was a paradox and conflict, itself central to the experience of social and economic relations in a ‘modern’ society. The ‘modern’ self-directing individual needed to take decisions and make choices on a rational informed basis. The freedom to do this was created by increasing regulation and prescription, especially in matters of freedom of movement or circulation, freedom to be secure in property and person, freedom from a variety of health and other hazards. This imperative emerged in many different ways. Times of frost and snow provided a very simple case.

CCXLIV.—In time of Snow or Frost, the occupier of any Shop or other apartment on the ground floor of any Dwelling house or other

\footnote{20}Valentine, A Classification, 51–2.

\footnote{21}The Scots concept of ‘police’ was much wider than its English or twentieth-century version; ‘the civil administration and organization of a community, the public services e.g. lighting, cleansing and the preservation of law and order’, Mairi Robinson (ed.), The Concise Scots Dictionary (Aberdeen, 1985).
building along which a Foot Pavement has been laid shall be obliged from time to time to sweep and clear away the Snow and ice that shall have fallen or formed upon the pavement opposite to such shop or other apartment: and every person liable to sweep or clear away such snow or ice who neglects or refuses to do so shall for every such offence be liable to a penalty not exceeding Five Shillings, over and above the Expense of executing the work, which the Inspector, in the above event, is hereby authorized to cause to be performed by Scavengers or others…

Freedom of movement was more than snow clearing. Substantial powers were taken to over-ride individual rights and freedoms in order to make collective gains. Streets could be widened, buildings set back, obstructions removed, especially at corners (Fig. 6). Doors were required to open inwards.

The procession was an example of the manner in which collective and individual actions needed regulation. Street processions had a long history as representations of community. As civil society developed and expanded, the ability to form processions along the public street became an important means by which groups within the wider society claimed a legitimate place in that

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22 Valentine, *A Classification*, 89.
Conflict and the Modern in Scottish Urban Space, 1800–1914

society. Processions could be permitted and once permitted it was forbidden to obstruct them.

CXXXI. The [Town Council] may from time to time make Orders for the route to be observed by all carts, carriages, horses, and persons, and for preventing Obstruction of the Street or public places within the Limits this Act at times of public Processions, Rejoicings, or, Illuminations, and at any other time when the Streets or places are thronged or liable to be obstructed, and may also give Directions to the Constables for keeping order and preventing any obstruction of the Street in the neighbourhood of Theatres and other places of public resort; and every wilful breach of any such Order shall be deemed an offence against this Act; and every person committing any such offence shall be liable to a penalty not exceeding Forty Shillings.23

Many provisions like those already described not only linked freedom and prescription but were also responding to the opportunities of an increasingly complex urban economy for the creation of positive externalities (or the avoidance of negative externalities) – in other words, for providing benefits which could not be requited through the demand, supply, price and profit seeking of the market economy.24 Snow clearing was only one example. Like the provision of drainage and sewers, the gains from an individual acting on their own property were minimal but the collective gain from everyone acting together were substantial. The Acts enabled the provision for the distribution of regular supplies of water and gas, the provision of drains and sewers and, from the earliest Police Acts, for street lighting. Lighting was held to be central to the security and safety of the street.25 The acts retained a sense of corporate ownership of the collective resources of the town. Much of this was linked to the skills of specialist employees such as the surveyors, scavengers and lamplighters.

The growing size and complexity of urban economies meant that the market, or profit motive, was not adequate to ensure the working of the market. Regulations against fraud had a long standing place in urban

23 Ibid., 148.
governance. The Acts operating in Aberdeen were no exception. Weighing machines were provided to combat fraud in the sale of coal, as well as of hay and straw. ‘Butter exposed for sale [was to be] weighed in the presence of the purchaser’. The dominance of market profit seeking relationships in the nineteenth century saw an increase in collective capital. The Aberdeen Acts provided for a public slaughter house, public baths and wash-houses as well as municipal ownership of gas and water supplies.

The new street was linked to individual conduct. The physical form of the street encouraged the change in conduct indicated between the illustrations of the 1812 and 1907. New streets not only had to be at least 36 feet in width but also required footways ‘with a proper kerb or bord stone, and paved channel or gutter to be constructed either side of the street’. The specialization of footpath and roadway could be further enforced,

CCCVIII. The [Town Council] may from time to time place such Fences and Posts on the side of the Foot-ways of Streets as may be needed for the protection of Passengers on such footways, and may place Posts in the Carriageways of such Streets, so as to make the crossing thereof less dangerous for Foot Passengers.

The most important of all the changes encouraged by the Acts of mid century was the creation of the modern sense of the division between dirt and cleanliness. Dust, ash, smoke and storm water were all to be controlled, but it was the disciplining of human and animal waste which dominated the regulations, though first these most intimate and specific of organic substances were to be made into collective property.

CCXLV. The whole Manure within the Limits of this Act shall be vested in and be the property of the [Town Council].

This manure was public property and was to be disposed of by public roup. So clear was this sense of the collective that individuals who wished to use their own, their families or their animals excreta needed special permission.

26 Valentine, A Classification, 116.
27 Ibid., 97.
28 Ibid., 89.
29 Ibid., 94 and 311.
CCLII. If any person having an Ashpit or Privy in any Court or other place completely enclosed shall be desirous to reserve the contents of such Ashpit or Privy for the use of any garden or other grounds which such person may occupy, the [Town Council]*30 may agree to such reservation, and may accept such annual payment in lieu of the contents of such Ashpit or Privy as may be agreed upon between them and the owners of such Ashpit or Privy; provided that with respect to the time and manner of removing the contents thereof the Regulations to be established by the [Town Council]* shall be strictly observed; and no person who shall so compound for the contents of any Ashpit or Privy shall sell or give away any part thereof, or use the same in any way other than for manuring gardens or grounds occupied by such person.31

A wide range of street furniture was provided to make possible this division of dirt and cleanliness. The Council was to provide ‘suitable or convenient places for the Deposit of the Manure to be collected under the authority of the Act. They were to ‘cause any number of moveable Dust Boxes or other Conveniences, wherein dust and ashes may be deposited until removed and carried away to be provided and placed in any of the Streets…’ In addition the Town Council ‘may erect public water closets, Privies, and Urinals within the limits of this Act’.32

In pursuit of this separation of dirt from cleanliness the Council had formidable authority over individual property arrangements. Clause 300, which derived from the Act of 1862, is worth quoting in full for it indicated the extent to which the collective public imperatives could intervene in the private realm of the house.

The [Town Council]* may require the owner of every house within the limits of the Act into which water has not been introduced, and within ten yards of which a pipe of the [Town Council] shall have been laid, to introduce Water into every such House in the manner prescribed by and subject to the provisions of this Act in the case

30 The Act of 1862 had been drafted before the functions of Police Commission and Corporation had been amalgamated and hence referred to the ‘Commissioners’. Valentine’s survey replaced this with Town Council but always placed this in brackets to show the change he had made.
31 Valentine, A Classification, 92–93.
32 Ibid., 90–1.
of persons introducing water from the pipes of the [Town Council]* into their Houses for domestic use, and may require such owner, and also the owner of every House within such Limits, into which water from such pipes has been introduced, to fit up a sink in some window, recess, or other well-lighted and ventilated place in such House, and if such House shall be occupied by separate families in separate floors, to fit up a sink in some window, recess, or other well-lighted and ventilated place on each floor of such House, and may also require the owner of every House within the Limits of this Act to provide for such House, wherever practicable, a sufficient water closet; and such sinks shall be connected with a soil pipe duly trapped, leading into the nearest Drain, sufficient to carry off the whole foul water; and such sinks, soil pipes, and water closets shall be properly applied and ventilated, and the same and the water pipes connected therewith shall be fitted up to the satisfaction of the [Town Council], in the most complete manner, and so as to prevent any leakage or effluvium therefrom: Provided always, that where the water is introduced into any House or water closet on such requisition of the [Town Council], the occupiers of such House shall be liable to payment of the same Water Rent as would be payable by them under this Act if such water had been introduced by their own request; provided also, that such occupiers shall afford access to such House, and afford room therein for the construction and repair of such works, without any claim for compensation; and that any injury done to such House in the execution of such works shall be forthwith repaired by the owner thereof, and such works shall be so executed as to occasion the least inconvenience to the occupiers.33

This disciplining of human and animal waste was part of the movement from a city of points, of wells and pits, to a city of flows, of wires and pipes, of trams and sewers. It was a move which overrode the division of private and public space which the middle classes were attempting to build both for themselves and for the working classes.34 In Scotland the imperfect division of public and

33 Ibid., 133.
private was especially extensive but the regulations were prepared for this and provided for the cleaning of common stairs and court yards together with appropriate penalties.\textsuperscript{35}

The micromanagement of behavior in the street was extensive. There were penalties for allowing cattle loose without supervision, penalties for having ‘any unmuzzled ferocious dog’ and it was forbidden to drive more than two carts or wagons at once. An offence was committed by ‘Every person who rides or drives furiously, recklessly, or carelessly any horse, carriage, cart or other vehicle’. This had been strengthened by the 1871 Act. Exposing ‘wares and merchandise’ for sale in a way which obstructed the road or footpath was also forbidden, as was placing a rope or cord across the street to dry clothing. Wrongdoers included,

Every Common prostitute or night walker, who loiters or importunes passengers for the purpose of prostitution.
Every person who willfully and indecantly exposes his person.
Every person who wantonly discharges any fire-arm, or throws or discharges any stone or other missile, or makes any bonfire, or throws or sets fire to any fire-work.
Every person who wilfully and wantonly disturbs any Inhabitant, by pulling or ringing any Door Bell, or knocking at any door, or who wilfully and unlawfully extinguishes the light of any lamp.
Every person who flies any kite, or who makes or uses any slide on ice or snow.
Every person who plays at football. . .
Every person who beats or shakes any carpet, rug, or mat (except rugs or mats beaten or shaken before the hour of eight in the morning). . .
Every person who fixes or places any flowerpot or box or other heavy article in any upper window, without sufficiently guarding the same against being blown down. . .
Every person who writes upon, soils, defaces, or marks any building, wall, railing, fence, or hoarding with chalk or paint, or who, without the consent of the proprietor or occupier, affixes or causes to be affixed to any building, wall, railing, fence, or hoarding any bill or other notice.

The senses of smell and hearing were guarded as fiercely as the freedom of movement:

Every person who discharges dirt, litter, or ashes, or nightsoil, or offal, or other offensive matter, on any street, by means of any soil or foul water pipe or other channel, or throws or lays any dirt, litter, or ashes, or nightsoil, or any carrion, fish, offal, or rubbish, on any street, or sea beach or strand, within the limits of this Act 1, or causes any offensive matter to run from any manufactory, brewery, slaughter-house, butcher’s shop, or dunghill, into any street, provided that it shall not be deemed an offence to lay sand or other materials in any street in time of frost, to prevent accidents, or litter or other suitable materials to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the person laying any such things causes them to be removed as soon as the occasion for them ceases.

Every street musician or singer who continues to sound or play any musical instrument, or to sing after being required by the inmate of any house, or by any person on his behalf, or by any constable, to depart from the neighbourhood thereof.36

Behind this long but abbreviated list were the two principles that freedom could only be achieved by limiting freedom and that the street was a public collective resource which could and should be controlled by a public authority legitimated by its representative mode of selection.

The rational, informed, self-directing individual needed names and numbers to enable decisions to be taken, actions to be directed and the collective actions of the authorities to be evaluated. Many of the clauses reviewed by Valentine were about creating the information which would not only enable authorities to control but also individuals to direct themselves in an informed and rational manner. Streets and houses were to be known by approved names and numbers. The Town Council were to place the name by which streets were to be known ‘near each end corner or entrance of every street’. The owners of houses ‘shall mark their houses with such Numbers as the [Town Council] approve of’. Failure to do this, like so much else, resulted in a penalty of 40 shillings. Much of the information created by the regulations was to enable the enforcement of those regulations. Thus the owners of carts and wagons ‘shall

36 Valentine, A Classification, 152–4.
have his Christian name, surname, and place of abode painted in a straight line upon some conspicuous part of the off or right side of such wagon ... in large legible Roman letters, either of a dark colour upon a light ground, or of a light colour upon a dark ground, not less than one inch in height, and one half inch in width'. Here was the prehistory of the vehicle licensing system and evidence of a long battle by owners of the means of movement to remain anonymous and uncheckable.  

There were simple things such as the provision of public clocks, perhaps for the information of those who wished to shake carpets. Many of the regulations required the authorities to give notice, in some cases, such as the making of new streets, by publishing in the local newspapers, again creating information upon which individuals could rationally act.  

Finally the Council was required to prepare large scale maps recording aspects of the street hidden from the camera but crucial for rational decisions.

CCLXXI. The [Town Council] shall procure or cause to be made a Survey and Map of the Territory within the Limits of this Act, on a Scale of not less than Five feet to a mile, and shall cause to be marked thereon the course of all the existing Sewers and Drains belonging to them, or under their care or management, and, as far as can be ascertained, the Lines of Pipes and Conduits for the Collection and Distribution of Water, the Course of the Pipes for the Distribution of Gas, and such other Works, with such other particulars as may be necessary, in order to show the underground Works within the Limits of this Act, and shall cause the said Map to be from time to time corrected, and such additions to be made thereto as may be required by the extension of such Limits, and as may show the Sewers and Drains for the time being belonging to the [Town Council], and such other Pipes and underground Works as aforesaid; and such Map and Plan, or a Copy thereof, with the Date expressed thereon of the last time when it was so corrected shall be kept in the office of the [Town Council] and shall be open at all reasonable hours to the Inspection of the Owners or Occupiers of any Lands within such Limits.  

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37 Ibid., 158.
38 Ibid., 243.
39 Ibid., 347. The Ordnance Survey large-scale town plan of Aberdeen was surveyed in 1866–67 and published in 1870–71. It was thus very much part of the processes outlined here. The scale was 10.56 inches to a mile or one in 500. Clerk of Police, James Valentine was himself a major agent in creating information; see his, Aberdeen as it was and is, being an analysis of the census of 1871 (Aberdeen, 1871).
So far this reading of James Valentine’s summary of the Acts and regulations that enabled the creation of the modern street in Aberdeen can be read as an account well in accord with notions of the discipline of the freedom of the liberal self-directed individual, or of the rational informed decision-taker of Habermasian ‘civil society’, or even of regulations in the service of capital accumulation and profit seeking. Another reading of the Aberdeen street was provided by a publication of 1873.

Conflict and Ambiguity in the Modern Street

Reminiscences of a Police Officer in the Granite City by Alexander Clark was published in 1873. It is still very readable, possibly because it shares the characteristics of several genres. It was typical of a wide range of memoirs and reminiscences produced by Scots in the last third of the nineteenth century. It had elements of the popular ‘penny dreadful’ police novels. Its published price was 6d. It was also a political tract. The author had been dismissed from the Aberdeen police where he had been a member of the day time patrol. He had issues over the nature of policing and discipline within the force. The law and order enforcement aspect of policing was developing in an uncertain and contested way in the 1840s and 1850s. Clark saw himself as a public servant responsible to the public through the law courts and the police commissioners. Some of his superiors saw him as part of a military body operating from barracks and subject to the unquestioned authority of superiors. The result of his writing was a view of the street that was very different from that of Valentine. The street was a place of conflict and ambiguity. It was a place of violence but also negotiation. This showed in a number of incidents directly related to the local Acts and by laws. There were several accounts of chases as Clark and others set out in hot pursuit of thieves of various kinds. Here the disorderly layout of the non streets of pre modern Aberdeen were on the side of the law breakers and the visibility and open nature of the modern ‘streets’ on the side of the police. For example, Clark sighted Pharoah Nicol in possession of stolen goods at the corner of

Mealmarket Street and set off in pursuit. Nicol disappeared up Cameron Court ‘up which there was a stair for foot passengers’, but ‘the folk were dressing for church’ and pointed the way for Clark who chased Pharoah down Chronicle Lane, across King Street and he was ‘nicket’ at the bottom of Constitution Street.\(^42\)

Clark believed in justice and law but found the meaning of what he was doing very ambiguous, notably in the prohibitions on that long list of activities from prostitution to football which were forbidden in the street.

Police-officers, being men of all work, have often queer and disagreeable duties to perform. One of the most repulsive to my feelings was the apprehending of youngsters in times of frost, for raising slides. The young rogues seemed so happy, and so full of enjoyment that I really felt as if it were a hard matter to interfere. Yet what could we do? Douce, decent people would fall, get injured, and then come to the office …

Hangman’s Brae was a favourite place and the police decided on a ‘raid’.

We approached simultaneously by the accesses before mentioned, and had agreed to seize one each of the biggest of the loons, for the purpose of intimidating the rest. Knowing we were at hand, Bob made a rush when near the foot of the brae, and each caught a slider. They screeched fearfully, but we were determined to make examples, and hung on with desperate efforts. We proceeded up the narrow path with our prisoners, when a set of clamorous “termagants” set upon us, the one encouraging the other, and as we felt reluctant to use physical force on the ladies, it almost baffled us to get along with the boys. These grew more violent the more the women abused us and took their part.\(^43\)

Mothers defending the liberty of their children was only one aspect of the street. Police actions were frequently contested, especially when arrests were made in and around public houses. Often it was a simple contest of the authority of the crowd and the authority of the police, each with their own sense of justice. At times it was a main force contest, with Clark and others

\(^{42}\) Clark, Reminiscences of a Police Officer in the Granite City, 43.

\(^{43}\) Clark, Reminiscences, 66–7.
among the police taking a delight in asserting their dominance. He recalled the arrest of a coal carter in Broad Street who had been breaking up a pie and porter establishment. There was a great crowd in Broad Street, and they were abusing and overpowering our two men. I seized a baton, winding the leather thong round my wrist, and ran to the scene. The two offices were hanging on like terriers. Their prisoner was a man above six feet, and built in proportion. The crowd was excited to an awful pitch, and almost without exception, shouting ‘Down with the Bulkies’.  

At other times the contest and negotiation was more complex. Carters and horse dealers were frequent targets. For them police action and the by laws were simply attacks on their ability to make a living.

My idea of what was our proper duty in regulating street traffic or usages was to endeavour, as far as possible, to prevent or suppress what was dangerous to the lieges. It was customary in those days for dealers in horse flesh to turn these out when a buyer wished to see their paces, although this was clearly illegal and dangerous too, as there is no time a spirited animal is more likely to lash out than when he is held in leish and urged by his trainer running alongside. On one occasion, coming along Harriet Street, I saw a dealer showing off a young horse. I remonstrated, and warned him of the danger and illegality of the act… I was set upon by the dealer, as well as his brother, who was leading the animal, and abused with their tongues to their hearts’ content; and, as there were a good many “coupers” present, I came in for a large share of their expressive expletives. Knowing that they were directly contravening a distinct clause in the Police Act, I went to the office and reported the case to Mr. Weir who sent another officer with me with instructions to apprehend the man who was running the animal. This, after a tough tussle we effected; and his brother, the dealer, came down soon after, and bailed him out.

Part of the contest of the street was simply one form of authority against

44 Ibid., 91.
46 Clark, Reminiscences, 87.
another but often the rational clauses of the local police acts which sought order were, to other eyes, restrictions upon freedom, and resisted as such.

The historicised and imagined street

As the nineteenth century progressed the demands made upon the street involved much more than the informed rationality and the regulated frame of freedom of the autonomous individual. As in many other urban places, the individual demanded, asserted, perceived and received many other meanings from the street. Scotland increasingly historicised major streets. This was not unique but was especially important in a stateless nation where history came to be learned from place as much as from national narrative. In Edinburgh, for instance, the Castle was substantially reconstructed and represented between 1880 and 1930. The process was initiated by the finance of William Nelson, a leading Edinburgh printer-publisher industrialist, and inspired by the work of Daniel Wilson, his one-time school friend, Secretary of the Society of Antiquaries and, eventually, President of the University of Toronto.47 Both were concerned to counter the disturbing effects of change in the city, and Nelson saw the reconstruction of the Castle as a source of religious – especially Scottish Presbyterian religious – inspiration. Down the street, William Chambers, one time Lord Provost and rival for leadership of Edinburgh’s printing industry was paying for the restoration of St Giles ‘Cathedral’. Here the inspiration was the municipal religious tradition of Scotland and the desire of the Unionist Nationalist of the nineteenth century to have a national church to place alongside Westminster Abbey. In Aberdeen, Trinity Hall in Union Street, home of the Incorporated Trades adopted an historical architecture – ironically ‘Tudor’ – to assert the depth of history of the trades.48 The major street history lesson, however, came from the massive statue of William Wallace. The cost, £3000, was paid by John Steill’s Trustees and the statue was unveiled by the Marquis of Lorne, 30 June 1888.49 In Castle Street, the Mercat Cross was carefully preserved, its carved panels providing a lesson in Scottish and municipal history.

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The Aberdeen Street was much more than a history lesson and was seen as a major spectacle. The notion of the street as spectacle is often linked with that of the flâneur, the strolling observer, merging with the crowd, an expression of the freedom entailed by the urbanity of modernity.\(^{50}\) The evidence for Aberdeen does not come from the subtle literary and philosophical reflections of a Charles Baudelaire or a Walter Benjamin but from more mundane and ordinary sources. In Aberdeen, the flâneur was advised to take the tram or the bus, to sit by the driver if possible, and read from the guide provided by Alexander Munro.\(^{51}\) Route One began in Union Street and the visitor’s attention was guided to those aspects of the street which gave meaning to ‘Aberdeen’.\(^{52}\)

Head Office of the Scottish Provincial Assurance Co. begun 1825.
Numerous shops with a varied display of goods.
The Trades Hall,—here the incorporated trades, a key part of Aberdeen’s history dispersed substantial charitable funds from behind their stained glass windows.
Union Bridge.
The large Works of Messrs Hadden.
The Railway Station.
Works of Pirie and Sons, paper manufacturers.
Palace Buildings occupied by Messrs Pratt and Keith, silk mercers and the Palace Hotel.
After Bridge Street came D. Wylie and Sons, publishers, booksellers and stationers to the Queen.
The Head Office in Scotland of the Northern Assurance Company. The buildings constructed in the intractable native granite were to be admired.
A branch of the Royal Bank of Scotland.
The Music Hall. The Ionic pillars were to be noticed.
Assembly Rooms, erected 1820.
The Young Men’s Christian Association head quarters.
The Northern Club; ‘the club *par excellence* in the city’.
The Free West Church.


\(^{52}\) This was the recently completed ‘circular route’ using the new Rosemount viaduct to recross the Denburn; see Mitchell and Souter, *The Aberdeen District Tramways*, 19.
The list went on, passing the end of St Swithin Street and the works of G.W. Wilson and Co, photographers, and coming within ten minutes’ walk of the Rubislaw Granite Quarries. The meaning of Aberdeen, however, rapidly became clear: it was a place of substantial commercial and industrial activity; it was a place with department stores, hotels and many many varieties of churches; it was a place with a secure municipal and corporate history and, above all, a vibrant and essentially religious civil society. Returning to town at the end of the ride, the visitor could visit the St Nicholas Church, a splendid monument to Reformed religion and urban continuity. In the often restored and repaired church, divided for Presbyterian worship, was the tomb of Provost Davidson, killed at the Battle of Harlaw in 1411. Those who wanted to see Old Aberdeen should take the red bus whilst the bus to Footdee would allow them to inspect the harbour area.

The rapid industrial and urban growth of the later part of the nineteenth century inspired many to reflect on the impact of this experience on the individual. Simmel saw in it the struggle of the individual to preserve some sense of autonomy and continuity under the stresses of the growing intensity of nervous stimulation and the fleeting and transitory nature of urban experience. Walter Benjamin saw the urban world of capitalist commodities and the compulsive circulation of such commodities as a challenge to the freedom of the flâneur, but in a more positive vein he looked to read the city as a text. In a similar vein, quite ordinary texts like Alexander Munro’s booklet or William Nelson’s Edinburgh Castle showed that the disorientation, disquiets and fleeting discontinuities of the city could be countered by a knowledge of the streets and buildings and by carefully selected meanings and histories.

Conclusions

This account has sought to develop the notion that the changing conception of space in the nineteenth-century Scottish urban place can be understood in three stages. It has done this by an examination of three texts mostly set in and around Union Street in Aberdeen. These were three very ordinary texts. James Valentine was no doubt a very effective and energetic town clerk but he was by no means an innovator or original thinker. Indeed, he acknowledged the help

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and leadership of J. D. Marwick, sometime town clerk of both Edinburgh and Glasgow and a leader in the making of urban law and regulation in Scotland.\footnote{James D. Marwick, \textit{Provisions of the several local acts regulating the police of the City of Edinburgh} (Edinburgh, 1868); Marwick also wrote widely on the history of the Royal Burghs.} Alexander Clark was an engaging story teller, and still angry over incidents thirty years earlier. Alexander Munro presented his city with great pride and naivety. They had none of the reflective and subtle qualities of a Benjamin, a Simmel or more recent urban theorists but their very ordinariness gives authority to their representation of the ways urban space was understood.

Some of the qualities revealed were specific to Aberdeen, such as the lack of a major historical building, the balanced nature of industry and commerce, and above all the clarity with which the New Streets Act stamped its authority on the material fabric of the city. Some of the qualities were specific to Scotland, notably the reliance on local legislation, the need to deal with the imperfect division of public and private in aspects of the landscape, such as the common stair, and the pride in a long-standing municipal and corporate tradition, especially in the royal burghs. Much of the understanding of space found in Aberdeen was common to urbanising and industrialising Europe. There was an acceptance of the need for regulation enforced by qualified public employees. The creation of the modern street was central to this process. The growing need to add meaning and identity to the street, especially a sense of history to counter the unease over change, was also widespread. The qualities of the modern, rational, regulated street were the most powerful in forming the material fabric of the towns, yet this was overlain by conflict and negotiation but also by the attributed meanings derived from history. For the citizen who had the leisure and resources to ride the tram and the bus, the street may have been formed by Valentine, enforced and negotiated by Policeman Clark, but it was Alexander Munro who taught the ways in which the street could be read at several levels of meaning by a relaxed spectator.

The reading of the three texts and indeed the reading of the text of the street itself has shown that the three stages co-existed but that they interacted and overlaid each other. The New Streets and the 711 legal clauses of James Valentine broke the old mould of Aberdeen and dominated landscape and behaviour in the nineteenth century, but the older patterns of wynds and courts remained for the policeman to negotiate, just as older patterns of governance and popular senses of justice remained to compromise the order of the modern. The new streets attracted many expressions of satisfaction.
They were indeed ‘spacious’ and ‘noble’, but by mid century more than this was required. The streets were filled with a variety of meanings, especially historical meaning. The ‘visitor’ who followed Munro’s *Guide* probably knew little of Valentine’s regulations. Much of the ambiguity of modernity derived from the manner in which these spaces of imagination overlaid and concealed modern spaces, controlled and rational, albeit often contested and partial.

*University of Edinburgh*
Current directions in the creation of space: the Regional Development Strategy for Northern Ireland

Mike Warnock

Introduction

Coming from an operational planning background when I arrived in the Department for Regional Development in 2007, one of my initial tasks was to read the *Regional Development Strategy for Northern Ireland* (RDS).\(^1\) I had previously referred to it on many occasions in my assessment of major planning applications but I had never appreciated the whole document. It was the first of its kind in the British Isles. It not only broke new ground by setting out the stall of regional planning strategy but it raised issues previously seen as being beyond traditional land use planning, such as the economy, equality of opportunity, climate change and sustainability.

The *RDS 2001* was more than just another policy document. It importantly widened both the scope and importance of the planning profession. It set a high-level perspective for the whole of the region taking account of what it saw as the key driving forces of the region’s divided society. In doing this, it set out a framework for addressing the region’s deficiencies and improving the economy and society. As well as casting its gaze beyond land use planning the *RDS 2001* also made the statement that ‘it would also be necessary and appropriate to take account of the cross-border context’.\(^2\) This acknowledgement of the need to consider cross border planning issues set it apart from previous planning policy documents.

Our Nation / Our Identity

Regarding our identity, an example of our duality is that we have a city with more than two names… Derry / Londonderry / Stroke City. This is an example of the diversity in our culture and a glimmer of our humour. Perhaps our vision of identity and nationality still needs to mature.

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\(^2\) Ibid, 1.
Even though we recognise duality in our society, we can sometimes be blinded to the other side’s point of view. Thankfully, we appear to have emerged from that other myopic place and now realise that we all have somewhere to live and work together that is special: and special for the right reasons.

It is not sufficient to be special, you need to recognise this fact and then do something about it. We do have very special landscapes in Northern Ireland, but if we do nothing to conserve and protect them then we could lose them forever. The Giant’s Causeway, a mythical bridge to Scotland, is perhaps our best known visitor attraction with over 750,000 visitors in 2008. Yet ever-increasing visitor numbers could, if not well managed, destroy the very place they are attracted to.

We also need to recognise that our people make our place special. Moreover, they need somewhere to live, work and relax. Without a vision for the strategic development of our people and their place, we would most likely fall victim to all the selfishness that goes with the deregulation of development.

The Department for Regional Development considers that the holistic response to this challenge is to develop and monitor an agile regional development strategy. However, such a strategy has to be capable of steering the future development of the region while balancing the needs of our society. This means assisting economic development while ensuring that we do not damage our rich natural and man made environment.

Spatial Planning

Spatial plans are generally recognised as going beyond land use planning to bring together and integrate policies for the development and use of land with other policies and programmes that influence the nature of places and how they function. An example of this is where the Wales Spatial Plan explains that spatial planning is the consideration of what can, and should, happen where. It investigates the interaction of different policies and practices across regional space, and sets the role of places in a wider context.

For those unfamiliar with the planning system in Northern Ireland it is complex and fragmented. The Department for Regional Development has responsibility for Regional Planning. The Department for the Environment has responsibility for Operational Planning including the preparation of planning

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3 See http://www.giantscausewaycentre.com/content/?id=142&d1id=66
4 The Wales Spatial Plan - People, Places, Futures (Cardiff, 2004)
policy statements, the preparation of development plans, development control / or management, and the enforcement of planning control. The Department of Social Development has responsibility for Urban Regeneration.

Two other Departments have indirect development interests, the Department for Enterprise Trade and Investment seeks to drive the economy of the region while the Department of Agriculture and Rural Development has responsibility for a programme for the development of rural areas. The forthcoming reorganisation of Public Administration\(^5\) will consider the functions of these Departments.

**Academic assessment**

Let me turn to consider the capacity of spatial planning to influence the nature of place. I draw on contributions from Professor Healey and Professor Lloyd. Professor Healey considered the RDS 2001 in her paper\(^6\) on ‘The Treatment of Space and Place in the new Strategic Spatial Planning in Europe’. Professor Lloyd’s independent Report to the Minister for the Environment\(^7\) in April 2008 also considers the future of land use planning in Northern Ireland and refers to strategic planning, albeit from an operational perspective. A significant issue picked up by these academic papers relates to the spatial planning terminology used and how people interpret it. Professor Healey refers to a series of terminologies and understands ‘planning’ to mean more than simply governance through policies and judgements but also an element of forward thinking. Her interpretation of the term ‘spatial’ means paying attention to ‘the where of things’, whether static or in movement; the protection of special ‘places’ and sites; the interrelations between different ‘things’ in an area; and significant intersections and nodes within an area which are physically co-located. She interprets ‘strategic’ as being a higher level of administration, or a more general or abstract level of policy as well as meaning an overview, or more specifically, a framework. All of these terms can be read as the ‘management of change within a series of parameters set out in an overall framework’. My image of this is a bowling lane with protective bumpers

\(^5\) See Review of Public Administration website http://www.rpani.gov.uk/
\(^6\) P. Healey, *The Treatment of Space and Place in the new Strategic Spatial Planning in Europe* (Newcastle, 2004)
either side to redirect wayward bowls towards their target. We do not specify the order in which the pins are to be targeted, but we suggest others guide the ball towards the target. That way organisations and individuals involved in improving the region can implement their own particular operations without need for supervision, as long as they remain within the broad framework agreed at the highest level of administration.

The key element here is ensuring that relationships exist within which influence can operate properly.

Professor Lloyd anchors his terminology around ‘land use planning’ and its nature, scope and characteristics. He argues for the reintegration of planning functions, and makes frequent reference to ‘land use planning’ and its importance to delivering the priorities of the Northern Ireland Executive’s Programme for Government. Any land use planning system needs strategic guidance in order to be robust, otherwise how can it properly guide the operational decision-making, and articulate a practical overview of the implementation of the regional strategy and its constituent regional spatial development strategy? Professor Lloyd states that ‘there is a case for a robust and confident Regional Strategy. This would provide a high level integration of the political ambitions and priorities for economic development, sustainable development, environmental management and community cohesion’. It is further suggested that a regional spatial planning framework could ‘map out regionally significant infrastructural projects and provide the platform for District Councils’ local planning strategies’. Lloyd advocates the creation of a planning hierarchy involving a stronger strategic regional planning framework.

**Review of the Regional Development Strategy**

The current major Review of the Regional Development Strategy, combined with the impending reform of the planning system and the reorganisation of Public Administration in Northern Ireland, is likely to consolidate the existing Regional Development Strategy. One of our challenges for the revised Regional Development Strategy is for it to be understood and accepted as the overall framework for the ‘where of things’ as well as being agile enough to accommodate a panoramic gaze well into the future that can be clearly understood by a collective group of administrators, practitioners, funders and,

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8 My emphasis
importantly, by our politicians. By having a wide and far-ranging long term view that is broadly understood, the revised Regional Development Strategy could allow many variations in its lifetime, without losing sight of its overall aim. This in turn affords more than a degree of latitude or autonomy to those involved in making operational decisions, and can instil confidence both in what those organisations are doing and also in the overall process. We must therefore ensure that our overall aim is clear. The current weak position of our rapidly aging development plans and the general uncertainty of future community plans, allied with the evolution of the number and status of planning policy statements, illustrate the dynamics of one series of elements covered by the RDS’s current framework. If this element is not addressed it could lead to a loss of focus and an ultimate failure of the strategic framework.

I recall a phrase: ‘The constant, unseen and ever present companion of Change is Fear’. In order not to fall into the trap of fear, either real or perceived, we must make sure that we communicate what we are doing with all our stakeholders, partners and politicians, so that we dilute any fears that might exist. The key here I think is to be visionary enough to stretch all of the participant’s imaginations yet be realistic enough so as not to make the vision unattainable. Visions were the buzzword of organisations in the 80s and 90s. Nearly everyone had one. This popularisation of the visionary process I believe has watered down its primary purpose and may have devalued it considerably. Perhaps we need to rebrand the vision into something more contemporary and meaningful to today’s society. What this could be I am not yet sure.

**Place and Pace**

What I do know is that our strategic gaze needs to be panoramic and far reaching if it is to be effective, easily understood and above all relevant. We need to emphasise the importance of PLACE, the creation of quality SPACE, and above all, to ensure sufficient PACE to achieve our vision for the Region. We are all aware of layers of administration, and the many levels of decision-making. Strategic planning is no different. It must be positioned high enough to have the status and ability to see over the immediate horizon, to ensure it has far-reaching and challenging goals, yet connected with those with operational responsibilities to be able to view what is going on around it. What this means
is that the revised RDS must look both horizontally and vertically in order not to lose touch with those who can make it practical and fit for purpose. We also need to be aware of factors that were once regarded as outside variables beyond the scope of what is termed ‘planning’. Such factors include climate change, reducing the need to travel and improving the economic positioning of our towns and cities.

Professor Healey suggests that in the past, planners considered plans in a linear, time-bound format, whereas now we need to be less time focused and more aware of what is needed to construct a framework for strategic spatial planning. I can certainly grasp the linear nature and limitation of past plans and the need to widen our scope beyond traditional land use planning issues. Following assessment of three regional strategies, including the RDS, Healey concludes that Spatial Strategies achieve their effects if, in the longer term, they achieve leverage over future conceptions and actions. She contends that they do this by influencing agendas of projects and schemes for physical development, and by shaping the values with which the qualities of places are promoted and managed. The key word here is ‘influence’.

**Regional Planning and influence**

This is something that we in Northern Ireland are aware of as we work on the major review of the RDS. Everything we are doing is to influence the development of the region. It is not prescriptive, or a suite of mandatory directives, but is intended as an overall “framework of enablement” to facilitate sustainable development. Professor Lloyd recommends here that land-use planning should act as the delivery vehicle for the Programme for Government\(^\text{10}\), as well as a number of other strategic actions. He adds that this would demonstrate trade-offs and show different institutional responsibilities, joint working, and set the context for the operational activities of the land-use planning system. He goes on to suggest that the spatial development strategy would articulate the broad areas for investment and development. This includes a regional spatial planning agenda, which would translate the regional strategy into strategic action plans that will inform local development plans. He suggests that regional spatial planning should assert regionally significant infrastructural projects. The original RDS did dedicate an Appendix to major

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\(^{10}\) This sets the strategic context for both the budget and the strategic investment strategy for N.I.
economic development proposals of a regional or sub-regional significance.

However, the revised document may follow the Scottish National Planning Framework’s example\(^{11}\) and give consideration to a number of regionally significant projects. This will be subject to Executive approval. Professor Lloyd also advocates the need for vertical integration between regional economic, social and environmental objectives, infrastructure projects prioritised by the regional spatial strategy and development plans; and horizontal integration between strategic and local planning processes. The salient point is that the land-use system needs urgent modernisation.

**Metaphors and their limits**

Healey states that ‘The RDS, like the European Spatial Development Perspective (ESDP) on which it leans, reflects a tension between a discourse of “places” and a discourse of “flows”’. The RDS absorbs the notion of networks, but ties these down into rather traditional concepts of spatial organisation, with a hierarchy of settlements and corridors between them (the *hubs* and *corridors*), grounded in notions that what is physically ‘near’ represents a more significant linkage than what is ‘far’”. The *gateway* metaphor opens this up a little, suggesting both openness and connectivity. Being part of an island in a group of islands of the main European continent we must look to our neighbours in order to collaborate and ensure that our actions co-ordinate where possible, in order to make the most of our assets and efforts.

The original RDS has expressed the reality of limited resources and the need to focus on important places that are connected and capable of having their potential realised. This may be achieved individually, or in co-operation with other places.

However, Healey comments disconcertingly that, ‘*what is most striking, however, is that none of these strategic discourses appears to engage consciously with a new way to articulate its geographical understanding*’. Does Healey mean that the regional strategies including the RDS used ‘smoke and mirrors’ sprinkled with numerous metaphors, like ‘balanced development’, ‘hubs’, ‘networks and corridors’ rather than attempt to manage change within a series of tolerances set out in an overall framework? I agree with her that the metaphors may be co-opted to serve very specific local purposes .The term ‘hub’ has been a case

\(^{11}\) *National Planning Framework for Scotland* (Edinburgh, 2004)
in point within the RDS 2001. It simply labels them. Professor Healey makes it clear that the institutional practices in which they are embedded are more important than the metaphors used. This brings me back to influence. Rather than being a controlling or authoritarian prescriptive strategy telling people what can go where and how things must be done, the revised RDS should influence others to unlock potential and improve wider processes.

Present opportunity

Our opportunity is now to widen our sphere of influence beyond the close-knit group of departmental, bureaucratic and environmental interest groups, to encompass all of those with an interest in how our society progresses and develops for the next two decades.

How can we do this? One opportunity is to influence and persuade those involved in preparing the next comprehensive spending review that the RDS represents a vehicle to both promote and validate their future infrastructure expenditure. I am referring to the Strategic Investment Board for Northern Ireland (SIB). 12 This arms length body, supported by the Office of First Minister and Deputy First Minister, influences the budget in Northern Ireland. The Strategic Investment Board supports the Northern Ireland Executive and Government Departments in delivering the Investment Strategy for Northern Ireland (ISNI). 13 This includes new schools, hospitals and roads. It also relates to improved water facilities, communications and public transport. The SIB also acknowledges that it can only succeed when working in partnership. Building relationships with stakeholders across the public, private, voluntary and community sectors is crucial in managing the ongoing transformation of Northern Ireland.

Therefore, by working collaboratively with the SIB we can influence where future spending on infrastructure can be focused. In other words, we plan to provide an overall framework of enablement 14 to facilitate sustainable development for Northern Ireland.

Island of Ireland

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12 See SIB website http://www.sibni.org/
14 My emphasis.
Being part of an island also provides us with the opportunity to influence and work with our colleagues from the rest of the island. Doing this not only helps shape and influence our region but it can also add value by co-ordinating objectives/policies to ensure collaboration across the border. After all, when we view the island from space we only see one island, not two jurisdictions. Another opportunity will be to ensure that we write the revised RDS in plain English, avoiding technical jargon, so that it is easily understood. This may also avoid the situation in which terminology becomes more important than the relationships built to influence and shape the framework.

Professor Healy argued that ‘the new relational geography represents an effort to capture imaginatively and analytically the complexity of the socio-spatial dynamics of our times and technologies. Its power lies in the ability to provide a more sophisticated understanding of the importance of the “where” of social relations and the qualities of places’. She is of course right. Where we are is important. How we improve and use this place is also important. We must protect and care for our places but we must also make sure that we think outside of the box too, and dream so we can maximise potential for ourselves and for our children.

Reflection

All of this is commendable, but how can we make it happen? I mentioned that my interpretation of strategic planning was the management of change within a series of tolerances or parameters set out in an overall framework. I also recognised that the panoramic gaze or vision of the framework needs to be far-sighted and wide-scoped to afford operational bodies the ability to work with relative autonomy. Healey’s assertion of the importance of influence and the need for relationships in order to focus this, are points well taken. Strategic planning now has the potential to integrate with, and steer, those important economic and social elements that were once outside of the influence of planning. Importantly, here, it must not lose its connections with operational bodies that have been essential in delivering outcomes on the The European Spatial Development Perspective makes a clear reference to the need for relationships between strategic and operational authorities in its statement: ‘Many local problems cannot be solved nowadays without an integrated way of looking

at towns and countryside, since they tend to be regional problems. Practical partnership expresses itself through co-operation and co-ordination’. We need in the revised RDS to ensure that we set the framework’s tolerances in such a way that they avoid prescription and allow a reasonable degree of autonomy and certainty for operational bodies. In terms of building relationships through which we can achieve influence, we already have a series of stakeholders with whom we actively engage on a regular basis to influence our regional framework. These stakeholders include senior officials from each Government department as well as key external stakeholders from a range of backgrounds including academics, trade unionists, environmentalists, house builders, rural interest groups, industrialists, the business community and representatives from equality organisations covering statutory protected groups. We have also invited the public and local organisations who are interested in the future of the region to a series of 11 sub-regional workshops\(^\text{16}\) at which we made a presentation on the ongoing development of the revised strategy and listened to issues raised, as well as facilitating an open debate on the local implications of regional issues. Our Minister, Conor Murphy MP, Member of the Legislative Assembly, has actively involved Ministers from other departments in Ministerial Sub Group meetings to inform them of progress on the review and to seek agreement on the way forward for the strategy. This facilitates an important relationship that will shape the revised RDS’s progress once the document goes in front of the Executive for approval. The objective is to have an efficient and effective planning system, giving certainty to applicants and enabling our economy to grow and adapt without continual interference.

Conclusion

To conclude, we recognise that where we are in Europe is important, as is our relationship with our neighbours. Northern Ireland along with counterparts in Scotland, the South and Wales has been engaged in a review of its spatial planning framework. We realise that in order to maintain and improve our place we must have a long-term strategy to guide appropriate development activity to those places where it can unlock potential and add value in a sustainable and efficient way. Spatial planning frameworks are such strategies and have the capacity to bring together many factors and consider at a high level how we

\(^{16}\) See http://www.drdni.gov.uk/index/regional_planning/information_gathering.htm for details
can best take advantage of the places we live in.

However, as many spatial/geographical relationships extend beyond political boundaries, there is an opportunity for inter-regional sharing of our knowledge. Currently the South’s National Spatial Strategy\(^\text{17}\) and the RDS in Northern Ireland do closely interrelate. The British Irish Council may be an effective vehicle to use to further this relationship. This in turn could reflect the ethos of the EU on Territorial Cohesion. We also recognise that in the current global recession, funding is limited and above all value for money must underpin the concept of sustainability. The Executive’s Programme for Government is likely to programme and fund only the most essential schemes to improve our place. By developing and maintaining a robust and farsighted spatial strategy, we are, nevertheless, striving to improve our Place and all of the Space within, but we depend on our politicians when it comes to the Pace at which we can deliver our revised strategic framework for the region and beyond.

\(\text{Department for Regional Development}\)

\(^{17}\) National Spatial Strategy for Ireland 2002 – 2020 (Dublin, 2002)
The Imagery and Language of Spatial Consciousness in Planning Within Northern Ireland

Michael Murray

Introduction

Planning and development in Northern Ireland have long had to deal with a suite of public policy-related tensions that surface as: Northern Ireland and island of Ireland / UK relationships; west of the River Bann versus east of the River Bann (a geographical metaphor for expressing a perceived predominantly nationalist and rural periphery located beyond a unionist urban core); countryside development versus landscape protection; urban versus rural; top-down bureaucratic prescription versus bottom-up citizen-led involvement in the policy process; and departmental independence within the business conventions of a long established and powerful regional Civil Service code vis-à-vis local authority assertiveness. The deeper issues that these represent are about the persistence of seemingly intractable ethno-religious divisions, spatial and social equity across the region, how the urban and rural are perceived, the relative weight to be given to new alignments of participatory and representative democracy, and the acceptable shape of public administration in Northern Ireland.

There is, in short, an ongoing struggle by multiple interests to be heard and seen in different modes of planning across time and at varying scales of application. Accordingly, plans and planning policy statements (both official and unofficial) are significant moments in the processes of advocacy, decision-making and action and often convey different messages to varying audiences. These documents draw on dogma, metaphors and rhetoric, and combine carefully chosen visual and written formats to win legitimacy and connectedness with multiple constituencies. Lines, zonings and symbols are placed on maps, and particular perspectives are included or not included in plan texts, while the documentation can seek to secure the representation of selected political, administrative, issue group and organisational preferences along with the achievement of hidden objectives.

In this paper I wish to explore how, across time, some significant spatial dimensions of Northern Ireland have been represented and interpreted by
participants within the regional, urban and rural planning arenas. The paper is structured as follows: firstly, I introduce and illustrate the organising ideas which have informed this critique; secondly, I review the imagery and language of a number of prominent planning publications that over the period since the 1960s have contributed to the Northern Ireland spatial planning discourse; and thirdly, I draw out some of the implications for ongoing research in this area.

Organising ideas

Much of what planning is concerned with revolves around the shaping of documents that give selected representations of space and place. They may encompass options for action, particular costs and benefits, and arguments for and against proposals.¹ Put simply, these communicative events offer analysis and prescription, but in so doing, they provoke scrutiny, debate and varying critiques around whose interests are being best served. Within Europe this reality is well evidenced by two alternative interpretations of how its macro scale spatial development can be represented: the blue banana (or dorsal) and the bunch of grapes. These images gained notoriety during the 1990s and although they are stylised abstractions of the way things are, they quickly became for some people a contested view of how things might be. The blue banana metaphor presents a simplified metropolitan core–rural periphery analysis of Europe that dismayed those beyond its configuration seeking EU funding assistance, while the bunch of grapes metaphor speaks to spatial inclusion and connectedness—everywhere is on the map. The important point here is that metaphors are being used to capture the spatial imaginary and to aid understanding of one phenomenon in terms of another.² These metaphors in the context of Europe are of course heavily power laden, but their organic tone preaches strength (the dorsal) and vitality (the bunch of grapes) to engender acceptance.

What we are dealing with here is communication and, as noted by Schulz,³ this can only succeed if messages are encoded and formatted in a way that is

¹ J. Forester, Planning in the Face of Power (Berkley, 1989).
suitable for perception and information processing. He observes that “every medium has a bias affecting the reception of its messages and transforming the recipients’ modes of consciousness”.\(^4\) In other words messages are shaped in accordance with “the requirements of production routines” or as we might say more prosaically “he who pays the piper calls the tune”. My argument here is that the way planning is represented can affect and transform recipients’ perceptions, preferences and beliefs. Internet dissemination and access reach ever wider audiences, new graphic design tools provide for message enhancement and both communication and reaction create an ongoing spiral of noise over who holds the better argument. Within the sphere of spatial planning the visual and written languages that are used may range from impressionistic representations of policy ideas to explicit policy proposals and they may be designed to demonise, persuade, recruit and control. As noted by the Dutch National Spatial Planning Agency,\(^5\) plans are a favoured means of getting everyone facing in the same direction towards an often abstractly formulated long range goal. It is against this backcloth that I now move on to examine significant elements of the imagery and language of spatial consciousness in planning within Northern Ireland.

**Regional planning perspectives**

The arrival of town and country planning proper in Northern Ireland is commonly taken to accord with the appointment in 1960 of the Edinburgh-based planner, Robert Matthew, to prepare the Belfast Regional Survey and Plan.\(^6\) The choice by Government of the Belfast Region as the spatial focus for the plan says much, however, about the political economy of Northern Ireland at that time. The longstanding dominance of the heavy engineering and traditional textiles sectors within the industrial structure of the region was clearly changing and by 1960, per capita output had dropped to 63 per cent of the UK average.\(^7\) These enterprises were heavily concentrated in the predominantly Unionist and Protestant eastern part of the region where unemployment levels tended to be lower compared with the western and

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\(^4\) Ibid., 92.

\(^5\) Cited by Jensen and Richardson, ‘Being on the map’, 22.


southern, more rural parts of the region, that were predominantly Nationalist and Catholic.

In his final report, published in 1963, Matthew recommended: the imposition of a stopline around the Belfast urban area in order to limit its expansion into the surrounding greenscape and hold its population to around 600,000 by 1981; the development of a new city, subsequently to be known as Craigavon, focused on Lurgan–Portadown; the designation of seven towns within the eastern part of Northern Ireland as centres for major development; and the concentration of industry within the remainder of Northern Ireland into six key centres. Accordingly, the Northern Ireland administration was ready at that time to embrace the British policy orthodoxy of new towns, growth centre planning, and the development of roads and industrial estates, notwithstanding very considerable controversy around these locational decisions and the alleged neglect of the west of the region. Essentially this early strategic planning activity revealed a spatial focus on the eastern part of Northern Ireland.

This early foray into strategic planning was very much a politically driven project and contrasted with the next major effort during the 1970s when the planning governance environment was quite different. A local government reform report in 1970 had advanced an analysis whereby a suite of regional scale public services including planning, roads, water and sewerage should be vested in a central Ministry of Development. This would be headed by a Minister who would be accountable to the Northern Ireland Parliament. A total of not more than 26 District Councils was recommended as a replacement for 75 local authorities. New local government would have responsibility for a range of ceremonial, consultative, representative and much reduced executive functions that would be very different in composition from the rest of the United Kingdom. These recommendations were accepted by Government and were supported by legislation in 1972. In the interim, however, escalating violence and political instability in Northern Ireland generated deep concern in Westminster, and the Stormont-based Government and Parliament were suspended in March of that year. Local government elections followed in 1973 and established a single tier structure of 26 District Councils. Planning functions were absorbed into the Northern Ireland Civil Service within which it was appreciated that the preparation of development plans could not go ahead without an up-to-date regional planning framework.

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In 1975 the Department of Housing, Local Government and Planning published a discussion paper with heavily stylised spatial options related to a regional development framework for Northern Ireland. The imagery of these options was configured along a concentration-dispersal continuum and a preference for a District Towns strategy was indicated. This would result in the targeting of growth to 23 towns in the region, while providing for managed growth in Belfast. The strategy closely followed the distribution of new local government headquarters and, not surprisingly, received District Council acclaim. The Regional Physical Development Strategy 1975–1995 was issued in final form in 1977 and represented a second significant milestone in the history of strategic planning in Northern Ireland.10 In theory, at least, a more equitable distribution of growth points had been established across the region and the prescription of the Matthew Plan, constructed around solutions for the Belfast city region, had been abandoned. The routines of a Civil Service planning bureaucracy wedded to impartiality, efficiency and effectiveness had secured a more balanced spread of urban-driven development opportunities between a predominantly Unionist east and Nationalist west in Northern Ireland. But, perhaps not surprisingly in the context of the time, the Strategy content said little about the deep sectarian divisions and social inequalities within the region, preferring instead to place reliance upon a methodology of statistical inquiry and evaluation techniques. Nor did the strategy, in common with its predecessor, have much to say with regard to wider spatial relationships beyond the jurisdiction of Northern Ireland. This was a strategy whose spatial consciousness related solely to Northern Ireland and its places, and whose narrative was constructed around regional population, housing, retailing and employment forecasts.

The spatiality of Northern Ireland continues of course to be contested between being part of the United Kingdom and being part of Ireland and while the current constitutional position underlines a conditional continuity of the former, there are very real citizen identities and political aspirations which favour the latter. In this complex world of differential belonging, the representation of space and place is powerfully loaded, words are carefully parsed, and images selectively chosen not least with regard to external

linkages.\textsuperscript{11} The most recent foray into regional planning within Northern Ireland commenced in 1997 and the spatial strategy was published in final form in 2001 with a time horizon for implementation out to 2025. Popularly known as \textit{Shaping Our Future},\textsuperscript{12} it too has tended to shy away from an analysis of spaces as culturally produced by opting for the relatively safer ground of space as a container within which there are real environmental issues regarding how that particular space is consumed. It cannot, however, be regarded as a ‘neutral’ container, since technical choices and their representation must genuflect to the power of serious politics. Any external reference points during its preparation related to consultation with relevant authorities in the Republic of Ireland (not its citizens) and appreciation for the strategic potential of the economic corridor between Belfast and Dublin. The transnational positioning of Northern Ireland was hinted at, with mention of the Atlantic Arc of European countries into which the region must connect through networks of transport, telecommunications and energy. This safe representation of European spatial connectedness was taken forward in subsequent progress papers and the draft strategy confidently spoke of ‘Creating an Outward Looking Region’, with world-wide linkages and important European transport and air connections. This international spatial context features in the final 2001 strategy and indeed is cited in Chapter 4, ‘Strengthening Regional Cohesion in a Global Context’, as a Strategic Planning Guideline – ‘To strengthen and extend European and world-wide linkages’. Island of Ireland cross-border networks of economic co-operation and enterprise are paralleled by equal commitments for cooperation with neighbouring Scottish regions. The interesting point here is that \textit{Shaping our Future}, having dealt with this considerable geo-political awkwardness, then moves on to Chapter 5 and boldly announces ‘The Spatial Development Strategy for Northern Ireland’. This and subsequent chapters revert to the longstanding comfort zone of the region as container.

The contribution of high level policy intermediaries can be very significant in helping to challenge a politically driven \textit{status quo}. Accordingly, given the deeply embedded caution of the Regional Development Strategy for Northern Ireland in regard to cross-border and island of Ireland spatial planning perspectives, the subsequent publication of a framework document for


\textsuperscript{12} Department for Regional Development, \textit{Shaping our future: regional development strategy for Northern Ireland} 2025 (Belfast, 2001).
collaborative action is both timely and significant. This was commissioned under the auspices of one of the six implementation institutions established by the 1998 Belfast Agreement, thus linking it directly to the work of the North/South Ministerial Council charged with deepening co-operation and action within the island of Ireland. It is a document that is designed to operate at two levels: a substantive content related to shared development trajectories, and a further stage in the ongoing process of ‘shaping the minds of those involved in spatial development’.

Thus part of the analysis examines cross-border cooperation within a wider European context and, through a series of case studies, draws out broader lessons related to economic competitiveness, sustainable development, and economies of scale. The realisation of these prizes, it is argued, depends on strong government leadership and reciprocation, but the politically relevant message is that local identity is not diluted as a result of participation in cross-border initiatives. This is complemented by identification of a collaborative framework that spans networking across multiple organisations, the closer alignment of the business and planning sectors on the island of Ireland, and the relationship between collaborative principles and potential project fields. The project opportunities that are advanced have been well rehearsed and include transport infrastructure, telecommunications, energy, cross-border planning corridor initiatives, tourism, waste management, third level education, health and wellbeing and information data-bases. But what is very important in terms of spatial consciousness in planning is the emphasis given by the authors of this report to the degree of institutional shift that is required to fully realise collaborative outputs and outcomes. The report argues strongly for a directional step-change by the two Governments involving the establishment of a new framework for collaborative spatial planning and infrastructure development.

**Urban planning perspectives**

The evolution of urban planning in Northern Ireland has tended to mirror practice elsewhere within the United Kingdom, notwithstanding very different

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13 InterTradeIreland, Spatial strategies on the island of Ireland: development of a framework for collaborative action (Newry, 2005).

institutional and societal realities. At the risk of being reductionist, it is possible to discern four broad modes of urban planning over the period from the mid 1960s: the urban plan as end-state master plan; the urban plan as champion of change; the urban plan as city make-over; and the urban plan as rule-book. Each genre has adopted its own imagery and language, which in part is a reflection of professional leadership, political imperative, and procedural obligation.

Following the publication of the Matthew Plan in 1963, Northern Ireland embarked upon the modernist project of building new towns—in reality two expanded towns in the case of Antrim and Ballymena, and an enormous infill project (Craigavon) between Portadown and Lurgan that initially was to be extended eastwards towards the then village of Moira. In those days physical planning was viewed as being essentially concerned with the three dimensional design of places and where the contribution of the environmental craftsman was well described in the leading academic textbook of the time, Keeble’s *Principles and practice of town and country planning*. In this, town planning was defined as:

> the provision of the right amount of land for each use in the right place and on sites physically suited for each use. This includes the proper spatial relationship of homes and workplaces, of homes and schools, of homes and shopping places of various levels, and of homes with places of entertainment both indoor and out; success of course depends at least as much upon the successful arrangement of the town’s road system as upon the actual selection of land uses.\(^15\)

The First Report on Craigavon, titled *New City Northern Ireland*,\(^16\) follows closely that prescription and interestingly points to the fledgling status of the planning profession itself at that time. The list of design staff comprised nine architects, four engineers, four geographers and two quantity surveyors along with inputs from landscape architecture, economics, estate surveying, draughting, model making, sociology and clerical support. Planning is not listed as a recognised professional field! The outline plan gives representation to four ‘town units’ each with space for 5,000 dwellings, served by ‘unit facilities’ within a half mile of each dwelling, and interconnected by a combination of ‘radial pedestrian systems’, ‘service spines’ and ‘city distributor roads’. This


indeed was the Orwellian language of an authoritarian technocracy, but whose brittleness is conveyed only later in the report when an analysis of capital costs invites comparison with Crawley, Harlow and Stevenage. The subliminal message here, of course, was the need for equality of Government investment by the UK Treasury in England and Northern Ireland, in the context of long-running financial tensions between the local Ministry of Finance and London.\(^\text{17}\) Perhaps not surprisingly this plan of immense boldness was not fully realised because of the complexities of the development process, the politics of place rivalries, investment shortfalls, as well as shifting economic trajectories produced by the onset of de-industrialisation which undermined the textbook planned linkages between homes and workplaces.

In Northern Ireland the second genre of urban planning—planning as the champion of change—carried forward some of the design images of its predecessor, not least in the creation of an ordered structure for the urban environment, with its block plan layouts and signature buildings. But the key challenge, notably in Belfast, comprised a massive upgrading of housing and roads infrastructure. This required no small amount of engineering and architectural expertise in framing proposals for action, but in the context of wholesale slum demolition and the delivery of a road-based strategy, including a motorway around the city centre, it was planning that was placed ‘front-of-house’ to defend the integrity of the proposals against strong community protest. These were set out in the Belfast Urban Area Plan in a series of reports that included 18 subject studies, 13 locality studies and seven detailed Changes Maps. What makes the Plan noteworthy is the bold attempt to go beyond mere land use concerns, to embrace a wide range of social, environmental and economic challenges and to recommend implementation that would be aligned with reinvigorated governance structures and a succession of five-year capital expenditure rolling programmes. Additionally and significantly the Plan did take cognisance of the ethnic divisions in Belfast observing that:

Religion, income and class have marked effects upon the demographic structure and distribution of the Urban Area population, resulting in an almost complete absence of integrated living between working class Roman Catholics and Protestants. This voluntary segregation has continued in new Corporation housing estates, though the outer areas tend to more diversified in income structure, and socio-religious groups

are less apparent.\textsuperscript{18}

However, in the Preamble to the Plan it is stated:

> It would be presumptuous however to imagine that the Urban Area Plan could be expected to influence religious as well as economic, social and physical factors. Our proposals are designed specifically to facilitate individual and community choice, so that the social pattern desired by the individual and community may readily be built up.\textsuperscript{19}

As noted by Boal the facilitation of individual and community choice in this manner becomes a key issue for public sector housing allocation and does not consider the possibility that ethnic factors might at some point fundamentally influence plans.\textsuperscript{20} In short, the language of planning at that time gave expression to a spatial reality that previous and subsequent genres have overtly tended to stay well clear of. Arguably, the key difference from 1969 is that a non-interventionist perspective on the competing claims of ethnicity in space has been replaced by a quiet accommodation of the land use interests of ‘each side’ through facility duplication and the skewed management of sites for housing development. But the subsequent disintegration of Northern Ireland into the mire of the Troubles were most acutely felt in Belfast and prompted, in turn, a marked switch in the spatial consciousness of urban planning through the search for a new set of images and language.

By the 1980s after a decade of civil violence there was considerable political and technical momentum for a fresh start for Belfast and which, as noted by Gaffikin and Morrissey, was based on evidence of an upsurge in private consumer spending, the emergence of services as a feature of post-industrialism, the perceived benefits elsewhere of concentrated and high visibility regeneration, and the need to revitalise the urban core of the city in the face of a trend towards the construction of out of town shopping complexes.\textsuperscript{21} The ideology of New Right Thatcherism encouraged planners to work with the market and private sector developers and to embrace the potential of investment partnerships. Thus in 1985 a decision was taken to prepare a new

\textsuperscript{18} Building Design Partnership, \textit{Belfast Urban Area Plan} (Belfast, 1969), 22.

\textsuperscript{19} Ibid., 5.

\textsuperscript{20} F.W. Boal, \textit{Shaping a city: Belfast in the late twentieth century} (Belfast, 1995), 39.

plan for the Belfast Urban Area that would fit with this prevailing zeitgeist and which on its adoption in 1989 was deemed highly symbolic, as Greer and Neill argued, of a city that is normal, neutral and governed with the consent of its citizens. The fact that the published Plan was introduced by the then Direct Rule Minister for the Economy, Richard Needham MP, speaks to that agenda with his Foreword eulogising Belfast as a city of heritage and a quality natural environment, a city with a distinctive flavour, a city with scope for exciting new developments along the River Lagan, and a city with opportunities for living, working, shopping, investing and enjoying. However, Greer and Neill suggest that what resulted was in fact:

a designer plan, produced on high quality paper, with clear uncluttered text and state of the art graphics. A suite of positive images of newly built or planned developments is projected, counterpointed by anaemic-toned panoramas of the city as it is today. This selective rendition of Belfast taps into the pride of people about the industrial past of the city while indicating that the future will be brighter, and any reference to the sectarian divisions with which the city is riven is studiously avoided in both text and photographs.

Essentially this genre of urban planning fits well with what Holcomb has dubbed ‘the city make-over’ where Belfast has been remade to fit a promotable image with quality of life and consumption at its core, but where for most residents it remains unchanged. Subsequent planning statements for Belfast City Centre, for example, Vision for the Future and Laganside Corporation Annual Reports, carry forward their messages of ‘vision’, ‘pride’, ‘optimism’, ‘success’ and ‘legacy’. In the latter case, a solicited endorsement from the OECD, regarding the contribution of private-co-investment in riverside regeneration, is used to provide powerful anchorage for a new global reach consciousness that the claimed transmogrification of Belfast is much more

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23 Department of the Environment for Northern Ireland, Belfast Urban Area Plan 2001, 3.
26 Laganside Corporation Annual report 2006 / 2007 (Belfast, 2007).
than mere boosterism. For urban planning in a city of international notoriety, these were indeed heady days to imagine and realise powerful possibilities. How dull by comparison, therefore, is the current mode of urban planning that is tied to the managerialism of site specific development control.

The completion of the Regional Development Strategy for Northern Ireland in 2001 has paved the way for a substantial re-configuring of the development plan system whereby new plans are required to be in broad conformity with the regional strategy. In essence this means that the Housing Growth Indicators for each local authority area as determined by the strategy are to be translated into a raft of local plans through the zoning of specific sites. The calculus takes account of built development from the appropriate base year, existing un-built planning permissions and windfall allowances. At the same time a raft of site and wider area policy measures are superimposed on the development plan to ensure that other sectoral development opportunities remain focused and that other land is protected against inappropriate development. What this amounts to is a process of micro-scale land management to facilitate development control decision-making and where the site related policies in plans together with the content of Planning Policy Statements can be drawn upon to defend decisions contested at appeal or in the High Court by way of judicial review.

The Belfast Metropolitan Area Plan 2015 is typical of this latest genre of urban planning endeavour, extending across six district council areas—unlike its predecessor, which had regard only to the Belfast Urban Area footprint of these districts and the surrounding greenscape setting. This is the urban plan as rule-book, with its detailed explication of ‘designations’, ‘proposals’ and ‘zonings’ linked to mind-numbing inventories of ‘key site requirements’, ‘urban design criteria’ and ‘standards’. There are long lists of boundaries, sites, places and alignments, with the plan for Belfast District alone running to over 350 pages. The shift from the vitality of spatial consciousness in earlier urban planning genres, as illustrated above, could not be starker in this new world of colourless anonymity. The imagery and language of these previous plans could certainly stir emotions, but the current genre represented as rule-book simply precludes imagination, debate and engagement beyond a very narrow grouping of vested interests.

27 The Planning Service, Belfast Metropolitan Area Plan (BMAP) 2015, Belfast, Draft Plan (Belfast, 2004).
Rural planning perspectives

The phrase ‘a living and working countryside’ is one that exerts powerful resonance across the island of Ireland and which can readily be found in contemporary Government rural planning statements. It is of course a contested phrase with multiple meanings and diverse preference constituencies. The current Northern Ireland Regional Development Strategy affords a complete chapter to rural Northern Ireland and sets out explicit policies to ‘help maintain a vibrant and self generating rural community’. Headline measures include new housing development to meet local housing need, housing choice and affordable housing, giving recognition to the continued development of long established rural communities, helping rural communities develop strategies for economic and social regeneration, improving accessibility in rural areas, facilitating rural enterprise in appropriate locations, sustaining a strong agricultural and agri-food sector, and managing the use of rural resources to achieve a more sustainable pattern of development. This language, at first sight, is a positive endorsement of a rural future with opportunity, except that the last measure introduces the scope for a wide and sweeping presumption against development in the countryside. The last sentence of what is an upbeat chapter reveals the preferred thrust of regulatory planning: ‘Where adverse cumulative impacts are identified, difficult decisions will be required at the local level in relation to the control of individual proposals’. Essentially this chapter articulates the enduring tension in planning for rural areas between the aspirations of broad based rural development and environmental protection. Countryside dwellings as a significant and topical category of development can be used to illustrate the nuances of imagery and language embedded in planning for a living and working countryside.

An engagement by policy makers in Northern Ireland on the matter of new countryside dwellings and rural planning policy extends across the past 45 years and has produced a steady succession of consultation initiatives and revised policy guidelines that have drifted between tighter and more relaxed control. The language and visualisation used to communicate this enduring
'spatial problem' includes 'unbalanced development', 'development pressure' and 'bungalow blight'. The planning vocabulary has adopted the phrase 'ribbon development' to describe unacceptable roadside development patterns, but its provenance is rooted in the preservation of the countryside movement in 1930s metropolitan Britain, a movement which led to the Restriction of Ribbon Development Act, 1935. As noted by Cherry, the practical application of this legislation urged planning authorities to secure grouping in depth. But over time this planning phrase has been appropriated as a pejorative description of much countryside housing and as a reason to refuse planning permission. In a Design Guide for Rural Northern Ireland, published in 1994, official visual advice is offered on the acceptable siting of a countryside dwelling. Its essential limitation, however, is that the image idea of preferred set back and grouping relates to a farm dwelling in the context of adjacent farm buildings. Notwithstanding health and safety issues, it is a very selective and exclusionary representation of housing demand in the countryside and does not speak to the non-farm rural dweller. It also ignores physical factors around buildability, where roadside housing may well be a necessary response to extensive poor ground conditions, for example within the area of the Lough Neagh basin.

Research and, in particular, academic research can contribute powerful images to rural planning debates in order to consciously steer policy directions, perhaps in accordance with an underlying ideology. Thus research published on behalf of one Northern Ireland issue group, Friends of the Earth, claims that 60% of the rural population live within easy walking distance (one mile) of an existing town, village or hamlet; 87% live within three miles by road; 82% within five minutes drive time; and 98% within ten minutes drive time. The underlying policy message is that new building in the future should be directed towards existing settlements in order to avoid ‘creeping suburbanisation of the countryside’. As a visual expression of the way things are, the mapping analysis nonetheless masks the fluidity of personal movement and belonging across the settlement pattern. In contrast, rural housing action research on community preference and environmental responsibility carried out in conjunction with the membership-based organisation, Rural Community Network, indicates

32 Department of the Environment for Northern Ireland, *A design guide for rural Northern Ireland* (Belfast, 1994).
that rural people appreciate the value of having housing demand being met across a spread of local villages, neighbouring towns and open countryside. The data indicate strong locality bonds around family, kinship and friendship; the importance of self building a house on own—family land; purchasing a site as an affordable route into local home ownership; and modest dependency on purchasing a house from a builder or a developer. In short what this points to, as noted by Jensen and Richardson, is that ‘spatial representations in words and images always carry the potential for normative understandings and power-laden strategies’.

**Implications for future research**

The imagery and language of spatial consciousness in planning within Northern Ireland, as elsewhere, is very much a struggle over policy and operational preferences. This is conducted through the careful use of official language and imagery bolstered, in turn, by unofficial interventions with their own narratives, endorsements and visual signatures. The former may be regarded as giving expression to the levers of a cautious and, arguably, an uncertain control, while the latter through its attention seeking ambitions gives momentum to framing the discourse, influencing opinion and changing mindsets. As illustrated above, there are longstanding debates in regional planning around Northern Ireland as a spatial container and the need for transjurisdictional collaborative governance; in urban planning around its purpose and agenda; and in rural planning where the countryside is to be valued equally for its living and working communities and environmental quality. Each dimension attracts varying levels of official and unofficial engagement that is often conditioned by a sensitive reading of what constitutes the ‘right moment’.

In terms of future research trajectories the implications of this conclusion point towards the need for better understanding the construction, role and reach of image and language representations of planning challenges and policy responses in regional, urban and rural spaces. Firstly, it is important to more fully understand how spatial planning as a political, technical and administrative activity creates messages, manages the dissemination of information, and

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36 Jensen and Richardson, ‘Being on the map’, 27.
appropriates or rejects information from external interest groups, professional bodies and the academy. And secondly, we need to extend the compass of research beyond the professional planner as the subject of qualitative investigations into the world of mediatisation processes where the skills of graphic design, journalism, photography, public relations and marketing have a profound bearing on the construction of practical narrative strategies of the way things should be. The varied imagery of rural Ireland, for example, has long been mobilised for industrial development and tourism promotion, in order to create new shared perceptions, identities and understandings. The challenge posed in this paper follows on from that media tradition and asks for better understanding of how through selected imagery and language the policy community definition of space and place realities seeks to incorporate, modify, reject or control the social representations of that reality.

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37 See, for example, L. Gibbons, Transformations in Irish Culture (Cork, 1996).
New spaces for the island of Ireland? Post-conflict geography, planning and politics in Northern Ireland

Brian Graham

‘…they will give up anything—their wives, their money, their self-respect—before they’ll give up on their past. And that makes constructing the future a little difficult…’¹

‘The reality is that we have a political process that has put certain major changes in place, but we have not succeeded in closing down the big issues underlying it all, particularly sectarianism and how that is now leading to racism’.²

Introduction

As in other unagreed societies, it is commonly and unquestioningly assumed, not least by both the British and, if perhaps to a lesser extent, Irish governments that the conflict in Northern Ireland can be solved through the political process and injections of public and private sector economic capital. This is best exemplified by the hyperbole surrounding the regeneration of Belfast which tends, conveniently, to ignore the conflictual realities of everyday life for many among the city’s population. In similar vein the resumption of a devolved administration in Northern Ireland during 2007 was accompanied by a considerable amount of rhetoric such as the ‘end of history’, ‘new beginnings’ and ‘the end of centuries of British-Irish conflict’. The supposition, not least of the two governments and the media, was that the conflict in Northern Ireland had ended. This is related to certain assumptions such as the view that politics—and, by extension, planning—are placeless; that space is simply a passive container; and that identity contestation can be elided from the political process. However, these stand in marked contrast to the reality of a contested society in which possession of territory, at a variety of scales, remains all-important and in which the past is constantly invoked to legitimate present

narratives of belonging and place. This reflects the wider dilemma that the political realm and academia often neglect to engage with cultural questions in theorising the state, thereby failing to recognise that state processes are symbolic as well as material, as much about invocations of meaning and performance as policy and legislation. In the negotiation of peace processes, politicians are inclined to focus on politically attainable goals and on factors such as economic regeneration. There is often a ‘constructive ambiguity’ to these negotiations, necessitated, not least, because, as in Northern Ireland, they embody the principle that ‘only the extremes… can build a durable peace because there is no one left to outflank them’. It is contended here that the Peace Process in Northern Ireland has largely elided both the role of culture and its cognates, memory and identity, and also the symbolic realm of meaning which, ultimately, is the force that validates the notion of citizenship and thus the legitimacy of any polity. The only exceptions to this generalisation have occurred when investment in culture is seen as being politically expedient for ‘parity of esteem’ reasons, the most notable example being the creation of an Ulster-Scots Agency as a Protestant/loyalist counterweight to the republican embrace of Gaelic culture.

Human geography of territoriality

The intractable conflict in Northern Ireland which began or escalated (depending on one’s political perspective) in 1969, has, however, been one in which contested and contesting representations of identity were based in—and then reproduced—an embittered human geography of territoriality that is supported by competing memory discourses and is fundamental to the prolongation of contested identities. I argue that the relative political invisibility of the cultural domain and a lack of understanding of its spatial underpinning is compromising and undermining the attainment of a post-conflict society in Northern Ireland that might develop beyond the limitations of a power-sharing or power-splitting coalition between two anti-pluralist and arguably ethnocratic political parties, the Democratic Unionist Party (DUP)

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and Sinn Féin with their diametrically opposed political endgames.

In so far as it is possible to discern the DUP’s ideology, linked as it is to fundamentalist Protestant religious discourse and general right-wing socio-economic attitudes, it stands for:

> The achievement of a stable devolved government [which] is but a staging post in our strategy to strengthen Northern Ireland’s place within the United Kingdom and build robust democratic structures which can prevail for future generations.7

Sinn Féin, meanwhile, describes itself as ‘the only all-Ireland party … committed to achieving a 32-County democratic socialist republic and the end of British rule in Ireland.’8 The installation of the power-sharing administration and its First and Deputy First Leaders, Rev. Ian Paisley (formerly reviled as ‘Doctor No’) and Martin McGuinness (Chief of Staff and then Northern Commander of the IRA), was widely trumpeted as the shared legacy of Tony Blair, then Prime Minister of the United Kingdom (UK), and the then Irish Taoiseach, Bertie Ahern. Paisley’s subsequent demise in 2008 underscores interpretations that he was, perhaps, a means to an end, Blair manipulating his ego and desire for power as the only way of facilitating a deal.

If it is assumed that Northern Ireland is not merely the exercise in postmodern irony that this mandatory coalition suggests, and if its society has to negotiate a post-conflict memory narrative that underpins a new present, then we require a much more dynamic understanding of identity and its relationship to space and place and of the potential alternatives to the legacy of sectarianism and ethnic conflict that spawned both the DUP and Sinn Féin.

Both the 1998 Belfast and subsequent 2006 St Andrews Agreements depended upon a political process for achieving Northern Ireland’s future that elides the difficult questions of contested identity and of coming to terms with the past, of how to deal with communal and individual memories of the Troubles. Segregation, sectarianism and racism are also largely ignored, the implicit hope of the British and Irish governments being, arguably, that political agreement and consumerism will, ultimately, subsume such expressions of division. Hence, the negotiations surrounding political structures have been accompanied by an official rhetoric of a ‘shared future’ and ‘shared space’,

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7 Democratic Unionist Party, Manifesto (Belfast, 2007), 10 (available at http://www.dup.org.uk/).
of ‘moving on’ to a shared reconciled future defined by ‘good relations’ and marked by cultural diversity, pluralism and the creation of ‘neutral’ space. But space and place are never neutral—they are socially constructed and will always embody political power, values, symbols, rituals and ceremonies and, moreover, these will be contested between different voices and interpreters. The built environment is thus a medium of communication of cultural norms, identities, and memories while consumer space is capitalist space with its own geography of inclusion, exclusion and inequality.

In pursuing ideas about the importance of cultural questions and memory and in arguing that any present must shape a past, the remainder of the paper is divided into four sections. First, I explore the question of territoriality and identity politics before moving on to examine the rhetoric of a ‘shared future’ and of ‘shared space’. Thirdly, the example of ‘the past that is not the past’ is used to illustrate something of the limitations of this rhetoric. Finally, it is argued that the political invisibility of geographical and cultural processes—and especially memory work—is compromising and undermining the attainment of a peace process that might extend beyond the limitations of a Sinn Féin-DUP coalition of mutual interest.

Territoriality and identity politics

In physical terms, the territory of Northern Ireland is a remarkably small space, extending—at its maximum—120km east-west and 100km north-south. It has, however, a markedly fragmented physical geography which encourages strong local identities and also a shared propensity towards the physic exaggeration of actual distance. In 2007, it had a population of c.1.7million including a rapidly growing and now numerically significant immigrant population which has notably diversified the formerly monolithic ‘two traditions’ of Protestant loyalism/unionism and Catholic nationalism/republicanism. The establishment of Northern Ireland in 1921 resulted from an attempt to guarantee an electoral majority for those who wished to remain in the UK but created a (large) minority for whom the existence of Northern Ireland violated the ‘natural’ unity of the ‘Irish nation’. Ostensibly, this constitutional issue was resolved by the 1998 Belfast Agreement in that Northern Ireland will remain part of the UK until a majority agree otherwise, while the Republic

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of Ireland subsequently repealed its constitutional claim to the ‘six counties’. Yet, while unionists/loyalists believe that the national question is now settled, for nationalists and especially for republicans both Northern Ireland and the Peace Process can be seen as interim arrangements on the road to a united Ireland. The ‘struggle’ continues by other means. Arguably, however, the partition border—despite its invisibility in the landscape and its openness—is now stronger than it ever has been because of Sinn Féin’s participation in power-sharing. Conversely, at another scale, it is the UK’s weak point in a war against terrorism, both Irish and Islamist, an open land boundary with another state that remains policed by MI5 and other covert agencies.

Within this geographical framework, there are at least four principal dimensions to the ways in which identity politics still have to be addressed. First, in the interests of forging a consociational political consensus, issues concerning responsibility for the past were elided from the 1998 Agreement which was ‘fashioned so as to avoid the need for a societal narrative’. It contains ‘no mechanism for dealing with past abuses, or “truth-telling”’, 10 either at the scale of the polity or in a more localised context. The result is a plethora of unofficial and exclusive practices of commemoration, marked in the landscape by a material geography of memorialisation. Simultaneously, however, the Agreement exacerbated other problematic elements of Northern Irish politics, most notably the reification of the hegemonic status of the ‘two traditions’ paradigm in a mandatory, bipartite coalition of interests focused on equality legislation.

Secondly, a significant if unforeseen result of the 1998 Agreement has been a ‘depoliticalization of society’ at the ‘expense of the old contesting politics of national sovereignty, self-determination and independence’, 11 matched by an escalating stress on identity and culture and, in particular, the problem of sectarianism. The attempt to deal with sub-state patterns of ethno-sectarian antagonism through principles of parity of cultural respect and esteem has inadvertently created a legitimating vocabulary of ‘culture’ and ‘cultural rights’ for antagonistic expressions of separatist difference. What could be seen as an ‘exemption for one group [has been translated]… into a universal right that applied to all’. The obvious example is the ‘right’ to communicate in a language other than English, both Irish and Ulster-Scots now being given

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equal status so that there are now ‘alternative languages for everyone’  
(unless, that is, one belongs to the immigrant ethnic minorities utterly invisible in the 
political process).

Thirdly, while both the 1998 and 2006 Agreements tackle the political 
geography of Northern Ireland in terms of state jurisdiction, they fail to 
address the territoriality embedded in Northern Ireland politics and society 
and the ways in which identities remain firmly vested in ethnically-defined 
and/or often very local places. Finally, the concept of equality between the 
‘two traditions’ embodied in the Agreements is undermined by the inability 
of fragmented unionism and loyalism to match the ideological certainties and 
confidence espoused by republicanism and particularly by Sinn Féin. While 
the history of republicanism does not necessarily conform to the smooth, 
linear narrative often claimed by the movement, it clearly has benefitted more 
from its centrally controlled ideology and coherent infrastructure than has 
loyalism.

Thus, irrespective of the rhetoric of the British and Irish governments, 
cultural memories often remain vested in traditional principles of ethno-
nationalism that locate cultural belonging and citizenship in a ‘living space’ 
defined by clearly demarcated boundaries and zero-sum models of space and 
place. Senses of belonging correspond to a geography of territoriality in which 
the microgeographies of segregation and struggles for territorial control are 
between communities that are themselves differentiated by class, lifestyle and 
gender and by the internal fragmentation, particularly of unionism/loyalism, 
but also of nationalism/republicanism.

Accordingly, in the post-1998 Agreement era, the conflict in Northern 
Ireland has remained inherently territorial and the ‘ground’ a key political 
resource. Territoriality reflects the continuing importance of place to social 
networks and mental and emotional bindings while control of space is still 
regarded as being crucial to identity, power and politics. It also remains a key 
factor in a conflictual society in general, ‘a symbol of political domination 
and political practice’.13 The legacy of interfaces and ‘chill factors’ and their 
influence on the minutiae of daily routine, travel patterns and social networks 
still remain important.14 Despite some lessening of tension, identities

12 A. Little, Democracy and Northern Ireland: Beyond the Liberal Paradigm? (Basingstoke, 2004), 
81.
14 P. Shirlow, V. Mesev and A. McMullan (1999). Fear, Mobility and Living in the Ardoyne 
and Upper Ardoyne Communities (Coleraine, 1999).
in Northern Ireland are still constructed around territoriality, essentially replicating ethno-nationalist ideologies at the local scale.\textsuperscript{15} In 2009, according to the CRC, there were eighty-eight peace walls between loyalist and republican areas in Belfast compared to only twenty-nine in 1994.\textsuperscript{16} Since 1998, the rival discourses—most especially Sinn Féin and republicanism—have reinforced this geography by inscribing their own narratives of time, place, memory and commemoration onto the cultural landscapes of Northern Ireland.\textsuperscript{17} These processes have become institutionalised as inadvertent outcomes of ‘single identity work’ and funding for ‘community building capital’, policies which have been premised on the idea that meaningful alternatives to division depend on firstly building up community confidence and self-understanding.\textsuperscript{18} Thus, the key question remains: how can policies advocating pluralism and diversity be implemented when territoriality defines the dominant set of values within the divided communities and marks their irreconcilable or, at best, intractable differences?

**Shared future and shared space**

Moving on to consider the rhetoric surrounding the Peace Process, essential terminology stems from the document *A Shared Future: Improving Relations in Northern Ireland* which was launched by the Community Relations Unit of the Office of the First Minister and Deputy First Minister in January 2003 (henceforth, OFMDFM, 2003). Over five hundred written responses from groups and individuals were received during the following nine months. These responses, together with the proceedings of a conference held in January 2004 to discuss them, later informed *The Policy and Strategic Framework for Good Relations in Northern Ireland* made available in draft form in December


\textsuperscript{16} ‘Bridge over Troubles water’, see footnote 2.


2004 before final revision in 2005.\textsuperscript{19} The keystone argument in this latter document is that Northern Ireland lacks a ‘culture of tolerance’, culture being about ‘education, planning and the arts’ but, intriguingly, not about memory and identity. Curious, too, is that by the time of writing, two years after the establishment of the DUP/Sinn Féin Executive, almost nothing has been heard of this policy agenda, perhaps because of it being less than compatible with Sinn Féin’s wider goal which, arguably, is very much concerned with the monolithic control of its territory—a ‘state within a state’.

While Northern Ireland is not a state \textit{per se} but a devolved constituent region of the UK, it does have certain similarities with ethno-national states or ethnocracies elsewhere.\textsuperscript{20} Yiftachel and Ghanem argue that ethnocracies are driven ‘by a concerted collective project of exerting ethno-national control over a territory perceived as the \textit{nation’s (exclusive) homeland}'.\textsuperscript{21} Similarly, Paasi points to the ways in which the interconnection of identity and territory is fundamental to dominant political orders and their mechanisms of control.\textsuperscript{22} Although such writers are focusing at the scale of the state, Northern Ireland is characterised by the functioning of ethno-nationalism at the sub-state scale as competing micro-ethnocracies attempt to carve out exclusive territories which essentially function as alternative worlds, each with its own myth of homogeneity. While the hegemony of ethnocratic control is complicated by class, being most starkly apparent in working-class areas, both Sinn Féin and, less coherently, the DUP, espouse anti-pluralist, ethnocratic ideologies.

Arguably, therefore, the idea of a shared future is a state-led and elitist initiative towards a pluralist society that stems from a political process that, inadvertently, has concretised ethno-national allegiances. The privileging of universal group rights in the Agreement has resulted in attributes of individual identity such as culture, nationality and religion that are understood to be matters of choice in pluralist societies, being reinforced as determining public identifiers in Northern Ireland. Moreover, when interpreted through this prism of ethno-nationalism, the term ‘shared society’ is thus shaded by ambiguity, referring equally to agreement on living apart in mutual

\textsuperscript{22} A. Paasi, ‘Region and Place: Regional Identity in Question’, \textit{Progress in Human Geography}, 27 (2003), 475–85.
solitudes as well as living together but differently. This is illustrated, perhaps unintentionally, by the iconography illustrating *A Shared Future* which centres on Maurice Harron’s statue, ‘Hands across the divide’, sited at the western end of the Craigavon Bridge which connects Londonderry’s Protestant Waterside to Derry’s almost entirely Catholic Cityside. This dramatic depiction of two figures almost but not quite touching outwardly stretched hands sums up the ambiguity of division in Northern Ireland. Conventionally, it is interpreted as an optimistic if guarded step towards reconciliation by the people of this divided city. Equally, though, it can be read as saying, ‘this far and no further’, by people, especially the city’s alienated Protestant minority, who regard their differences as irreconcilable but are agreed on seeking a means at state, sub-state and individual scales, of living together but apart while eschewing the violence of the Troubles. Nevertheless, living apart is specifically excluded by the British government, not least because of economic imperatives: ‘Separate but not equal is not an option. Parallel living and the provision of parallel services are unsustainable both morally and economically.’

The terminology of ‘shared future’ and ‘shared space’ owes its provenance, of course, to the broader realm of New Labour rhetoric in Britain. This has been explored extensively by Ruth Levitas who points out the ubiquity of the language of social inclusion and the need to privilege the idea of a homogenous national identity. She argues that the ‘double shuffle’ of ‘governing in the interests of capital while engaging in just enough redistribution to keep [Labour’s] traditional supporters on board’ requires a ‘conceptual ambiguity’ in which ‘ambiguous rhetoric plays a crucial part’. When the New Labour project is transferred to Northern Ireland, the shared future documentation follows the ‘constructive ambiguity’ of the ‘key documents of the peace process’ which ‘could be interpreted in various ways to suit the receiving audience’. We find a bundling together of positive terms and words, many distinctly ambiguous and none defined: reconciliation/tolerance/mutual trust/human rights for all/peaceful/inclusive/prosperous/stable/fair. A shared future ‘will be founded on partnership, equality and mutual respect as a

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basis of good relationships’. The goal is: ‘The establishment over time of a normal, civic society, in which all individuals are treated as equals, differences are resolved through dialogue in the public sphere, and where all people are treated impartially’. In contrast to the ‘culture of intolerance’, a ‘normal society’ is defined as a civic society in which ‘all individuals are treated as equals, differences are resolved through dialogue in the public sphere, and where all people are treated impartially’ and in which for ‘most of the time, most people rub along in their everyday lives’.

Arguably, however, the apparently inclusionary, pluralist concept of a shared future can be read as being indicative of an ethnic cast of mind which precludes those do not want to fit into the two traditions. While their existence is recognised in the documentation—‘Northern Ireland is no longer a bi-polar society’—ethnic minorities and more recent immigrants from Central and Eastern Europe are almost undetectable in the rhetoric as are the patterns of discrimination—and sometimes violence—to which they are exposed. Thus the shared future documentation foregrounds ideas of bilateral cultural diversity, pluralism and the creation of ‘public’ and ‘safe’ ‘neutral’ space, neutral, that is, in the sense that it is not ‘two tribes’ space. As envisaged in the documentation, neutral space can be achieved by strategies that include: the removal of markers of territoriality including statues, flags and murals (that is, the visible symptoms); reclaiming city and town centres as safe and welcoming places for all; and reducing tensions at interfaces.

But space is never neutral—it will always embody values and symbols, and, moreover, these will be contested between different voices and interpreters. As Don Mitchell has argued, landscape is a concretization and marker of memory…more than a way of seeing, more than a representation, more than ideology—though it is very deeply all of these. It [is] a substantive, material reality, a place lived, a world produced and transformed, a commingling of nature and society that is struggled over and in.

Not least, of course, what is envisaged in Northern Ireland is less ‘neutral’

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27 Paul Murphy, former Secretary of State for Northern Ireland in OFMDFM, Shared Future, 7.
28 OFMDFM, Shared Future, 7.
29 Ibid.
space than principles of consumer/capitalist space applied to a society that, socio-economically, is already markedly unequal. Thus, according to a large-scale study for the Joseph Rowntree Foundation, Northern Ireland ‘compares unfavourably’ with all other UK regions for almost all measures of poverty and is in the lower half of the European Union league.\textsuperscript{31} Within Northern Ireland, there is a marked spatial disparity with a higher proportion of disadvantaged people in the west than in the east, excepting parts of Belfast. But the idea of a shared future also elides the role of economic disadvantage in politics. Instead, and very much underlining Levitas’s warning that ‘[c]onceptual ambiguity … is less easy to disguise when it translates into policy’,\textsuperscript{32} the documents identify a set of fundamental principles which underlie the objectives necessary to establish a ‘shared society defined by a culture of tolerance’. There are nine of these related to sharing space, education, workplaces and services. The focus here, however, will be on the one that states: ‘the legacy of conflict and violence must be dealt with’.

The past that is not the past

Amidst the wider euphoria surrounding the restoration of devolution in 2007, but also the increasing disquiet at the numerous and evermore surrealistic press photographs of Paisley and McGuinness grinning broadly and sharing jokes, some commentators quietly pointed to the obvious questions: why did 3,700 people have to die in the Northern Ireland Troubles after 1969 and why did several generations have to live in a state of perpetual conflict and violence so that the outcome is a government of formerly sworn enemies? The official attempt to deal with the issue of the past that is not the past—the 2009 Report of the Consultative Group on the Past (otherwise the Eames-Bradley Report)—was so compromised by the furore surrounding its proposal to pay £12,000 to the families of all those killed in the Troubles that the question of dealing with the past remains largely unresolved.\textsuperscript{33}

Assuming, however, that Northern Ireland will have to deal with its past, if not now then at some point in the future, how might this be done and

\begin{itemize}
\item \textsuperscript{32} Levitas, Inclusive Society, 234.
\item \textsuperscript{33} Report of the Consultative Group on the Past (Belfast, 2009), otherwise Eames-Bradley Report.
\end{itemize}
who might shape the cultural memories? Resolutely ignoring the collected work of several decades of revisionism of Ireland’s essentialist narratives of identity, the shared future documents see the role of state-funded cultural institutions—museums/libraries/archives—as being to explore the ‘complexity of history’ and to create a ‘culture of tolerance’ in sports, ritual and language. In teasing out what this might mean, it is useful to try and conceptualise the issues through the processes and practices of heritage as memory-work. Heritage is about the meanings and representations placed upon the past in the present, part of the process of remembering through which present identities and values are continuously being re/negotiated.34 The shared future documentation in Northern Ireland displays very little understanding of the legacy of the past or of heritage as a discursive practice. There are multiple dimensions to this but three, in particular, are worth emphasis.

First, preservation in itself is a form of sacralising place through its reconstitution as material heritage which is what has been proposed for part of the former Maze/Long Kesh prison site where paramilitary prisoners were held during the Troubles (prisoner release, completed in 2000, was one of the most contentious dimensions to the 1998 Belfast Agreement.) This involves the creation of an International Centre of Conflict Transformation sited in preserved and listed key structures of the former prison complex including the hospital where nine republican hunger strikers died in 1981. These buildings are stripped and empty while the factual information advanced by the International Centre of Conflict Transformation would ‘be inclusive’ and should not ‘be perceived as being the exclusive view of any one section of society’.35 But this is to misunderstand the idea of heritage as meaning. In zero-sum circumstances, heritage sites like the Maze cannot be read as neutral arbiters of the past; inevitably, they form part of the struggle to achieve the hegemony of one particular memory discourse at the expense of others.36

Secondly, since 1998, the state’s studied refusal to address the commemoration of the Troubles (in the interests of attaining a political settlement) has resulted in it essentially surrendering this high ground to the paramilitaries and their political parties. Whether these latter are perpetrators, protagonists or combatants, republicans in particular have seized the

35 OFMDFM, Maze Consultation Panel: Final Report (Belfast, 2005), 17.
commemorative landscape and, in so doing, erected fixed and permanent memorials to their partial, selective, ethno-nationalist narratives that integrate the Troubles into a linear discourse of the struggle of an oppressed people against the state. For both republicans and loyalists, the ideological and discursive domains of public space have become manifested in chauvinistic commemorative landscapes which help mark and bound space and reinforce territoriality. These landscapes are also, incidentally, an important tourism attraction for the new Northern Ireland. Conversely, the state’s own dead are commemorated either in closed institutional space (as in the Royal Ulster Constabulary memorial located within the grounds of the Police Service of Northern Ireland headquarters in East Belfast) or indeed elsewhere altogether as at the National Memorial Arboretum in Shropshire, England, where the military dead and, somewhat bizarrely, personnel of the Northern Ireland Prison Service are commemorated. The state portrays itself as an ‘honest broker’ between the two warring tribes rather than an active participant in the ‘war’. Accordingly, overt and public memorialisation of the Security Forces’ dead is not seen as being in its own best interests. Ignored in this interplay of the combatants’ priorities, the civilian non-combatant dead are memorialized sporadically and largely privately. The public monuments tend to mark those incidents that caused multiple deaths rather than single, sectarian murders.

Thus, thirdly, there is a hierarchy of victimhood and the moral approbation that goes with it in commemoration and a parallel process of obliteration and forgetting of the less valuable dead. The dissonant narratives which the state sought to elide have been written perforce and they point, at best, to accepting another party’s right to be different while using commemoration as one means of continuing the conflict by other means. The meanings attached to the past have thus been given a materiality through largely unofficial material heritages which cannot be easily ignored and will have to be integrated into the narratives for a new present.

The political invisibility of geographical and cultural processes

Official debate and documentation in Northern Ireland displays little understanding of the meaning of the past in the present nor do they speculate on ways in which a shared space/future can be imagined and represented through planning, heritage and other ordering principles. Both the shared future documentation and the Eames-Bradley Report fail to recognise a
generation of historical and geographical academic revisionism of Ireland that has created non-essentialist explanations and representations of Irish space and place. Moreover, in contrast to the conceptualisation of space through its social practices and relations, the shared future documents also regard space as being both ‘normative’ and as a passive ‘container’. Again, there seems to be little understanding that memory is not to do with ‘truth’, that it cannot be normative. Forgetting by decree or through ‘constructive ambiguity’ does not mean that memorycide will occur.

Thus, a succession of difficulties can be identified in summarising the implications of the shared future and shared space rhetoric in Northern Ireland. First, the debate is very much positioned as being in the public realm, a space of projected unity, consent and equality. Conversely, what little we know about private space suggests that it may be very different. There is a concealment of the private and an embarrassment about public statements on the past but perhaps, too, less a sense of sharing than one of separation. Secondly, the rhetoric lacks definition and contextualisation, perhaps deliberately so as a reflection of the ‘studied ambiguity’ of New Labour-speak; nevertheless, despite this studied openness to multiple interpretations, it is certainly conceptualised as ‘two tribes’ space in which ethnic and other minorities are elided and also largely assumed as masculine space. Thirdly, the debate is singularly ill-informed. There is little or no cognisance as to how social interaction occurs in space—as in, for example, the idea of defensible space. There is no understanding of the meaning of the past in the present or of the broader debate on the uses of heritage nor does it speculate on ways in which a shared space/future can be imagined and represented through heritage and other ordering principles such as planning. Beyond opting for ‘interculturalism’, it does not engage with the global debate on multiculturalism as a spectrum of possibilities that shifts through time rather than being a settled state.

In sum, there is arguably an exceptionalism to the idea of a shared future which reifies the banal introspective assumptions of the former combatants about the unique importance of Northern Ireland’s conflict. In all, not surprisingly, perhaps, this policy agenda reflects an institutionalised mindset figuring itself through the ambiguity of New Labour speak, state-controlled and funded cultural institutions and NGOs and also academic data collection projects dependent for funding on adhering to the state agenda. (Indeed, the

whole process is a salutary reminder of the invisibility of qualitative evidence to legislators who are willing only to access academia as a source of quantitative data upon which they can paint their own policy agendas.) The shared future and its shared space will still be contested—what essentially we seek is a means of contesting it without overt conflict. The conceptualisation of A Shared Future sees identity as an individual quality linked by a ‘common humanity’: the state must be ‘neutral’ between competing cultural claims. But how can the state be neutral if Northern Ireland is part of a UK in which the self-same Government speaks openly of oaths of allegiance to Queen and country as a condition of British citizenship? Not for the first time do dissonances appear between the Government’s concerns over multiculturalism in Britain (and, in particular, the role of Islamic minorities) and its apparent goals for Northern Ireland where the aim is not assimilation or homogenisation but an interculturalism in which ‘a ring of diverse cultural expressions where interactions can thrive’. If anything, this seems to imply a Canadian ‘salad bowl’ multiculturalism but offers no means of attaining the aspiration. What does seem far more applicable to Northern Ireland as a plural society is a pillar model in which an overall unity is maintained while satisfying the fissiparous tendencies of the constituent groups. In this model, society is conceived as being a set of ‘pillars’, each self-contained and having little connection with each other. Collectively, however, all the pillars support the superstructure of the unified state which imposes a minimal uniformity allowing each group to manage its own cultural, social, educational, political and even economic institutions. The model depends upon the idea of maintaining separation, and minimal contact between the groups without privileging any particular group and Northern Ireland’s DUP-Sinn Féin coalition could be read as a type-example.

The British Government, conversely, sees such an arrangement as a form of ‘mutual solitudes’, an unacceptable expression of voluntary apartheid but this raises the question of the human rights of people to make their own claims to identity. In sum, the New Labour glibness and ambiguity of the shared future rhetoric is actually an impediment to achieving the goal of a society beyond sectarianism. As is characteristic of innumerable societies,

39 OFMDFM, Shared Future, 8.
‘sharing’ is never going to be more than an imperfect process. Here, it could naturalise a model of society in Northern Ireland where ‘normal’ class stratification replaces the current intersections of class and ethno-nationalism. Capitalist space may simply replace ethno-nationalist territorial space creating different but still profound axes of inclusion and exclusion, a point that Nagle as already stated overlooks in his remarkably optimistic depiction of the ‘new’ Belfast city centre as a ‘successful form of liberal multiculturalism’ (does he mean biculturalism?).

Conclusion

Above all, however, there is always that question of the past that is not the past and the key point that every present and future must have a past. As in Serbia and Croatia, there is a sense in the processes of democratic transition of being caught between the past and the future and the problem of negotiating a state/polity in the context of criminal pasts, of the killings by some in the names of all. The current invisibility of the shared future rhetoric within the public utterances of the devolved administration is indicative of the tensions embedded in this morass. Memory and forgetting are inextricably implicated in political processes because these latter too are not normative but also about emotional geographies of reconciliation, anger and the lust for personal power. Whatever the shape of this shared future in Northern Ireland, it will require a renegotiated memory and a materiality to translate the symbolism of that memory into some concept of what citizenship might mean. There are also questions about incorporating previous memorialisations and their materialities (of which the best examples are provided by, on one hand, the built forms, practices and spectacles of war commemoration and, on the other, by the unofficial but potent paramilitary memorialisations).

There are questions, too, as to the heritage potential of the past (the material artefacts of Britishness; of paramilitarism; of the older layers of British and Irish occupation and society; of Ulster-Scots) and the ways in which these can variously be co-opted, disavowed (for example, the destruction of the British military landscape) or simply remain contested. Above all is the understanding

42 See, for example, C. Switzer, Unionists and Great War Commemoration in the North of Ireland, 1914–1939: People, Places and Politics (Dublin, 2007).
that such a recovery of memory cannot be a normative process but is ideologically constructed within this still bitterly conflictual society.

University of Ulster
The Republic of Ireland, as with other countries in Europe, has been making significant progress over the past decade in adapting and reforming its planning systems towards the broader and more strategic purpose of spatial planning, extending beyond a traditional focus on physical or land use planning. Here I want to outline the steps that led to the preparation of the Irish Government’s National Spatial Strategy in 2002, key events in the implementation of that strategy, and the prospects for spatial planning in Ireland over the next decade.

**Evolution of Spatial Planning to 2000**

It is fair to say that since the establishment of the Irish planning system in 1963, until the end of the century, planning took place mainly at the level of the city and county councils (34 units by 1993) and through the 54 Borough Council and Town Councils. Forward planning spread across 88 planning authorities for a population of around 4.4 million people can, especially at times of rapid growth, pose challenges in ensuring good co-ordination and strategic purpose. Until the introduction of the Planning and Development Act (2000), there was no place in the Irish planning system for any type of higher level plan. Despite some attempts, principally in the capital, Dublin, and the cities of Cork and Limerick (with the nearby international airport at Shannon), regional planning did not flourish in Ireland. Successive Irish governments did not see an overall spatial plan for the country as a priority until the late 1990s. At this time of unprecedented national development, prosperity and convergence towards EU levels of economic performance, a consensus emerged that Ireland needed a long term spatial development framework to assure its progress on a path that was economically, socially and environmentally sustainable. It could be said that with the commitment to prepare a National Spatial Strategy in the National Development Plan 2000–2007, the word ‘where’ was added to the lexicon of Irish Government policy.
The factors that led to the decision to go down the route of a national spatial plan were many, but in my view, the critical ones were as follows:

- The extra-ordinary progress made by the Irish economy in the late 1990s and which continued into the middle of the following decade. This raised political concerns regarding the unequal economic and physical development between different parts of Ireland. This principally concerned the very rapid development of the capital Dublin and its environs compared to more underdeveloped areas in the west.

- The views of the key economic development agencies and certain government think-tanks, including the Industrial Development Authority (IDA), Shannon Development, Forfás and the Economic and Social Research Institute (ESRI). The consensus was that in order to position itself in an increasingly globalised and competitive economic context, Ireland needed a longer term spatial plan to organise strategic investment in infrastructure, thus creating the conditions conducive to long-term sustainable economic development and investment, especially foreign direct investment (FDI).

- A national strategy for sustainable development had been published by Government in 1997. The Department of the Environment, Heritage and Local Government which prepared the strategy was also responsible for planning, local government and many of the key infrastructural investment areas central to planning including all road investment, water services and housing. It was aware of the increasing importance of coordination at local government level in the context of growth of the so called Celtic Tiger economy.

- Experience in relation to planning for Dublin had heightened the awareness of the positive role of a more strategic level of spatial planning in the minds of Ministers and civil servants. The reform and consolidation of Irish planning legislation under the Planning and Development Act (2000) also introduced the concept of Regional Planning Guidelines and retrospective legal recognition for a document that had been previously agreed between the seven planning authorities responsible for planning in and adjacent to Dublin: the Strategic Planning Guidelines for the Greater Dublin Area. This strategic Dublin document had been a collective effort between the Department of the Environment,
the relevant local authorities\textsuperscript{1} and the two regional authorities\textsuperscript{2} for the Greater Dublin Area and was part of a range of initiatives emerging at the time to deal with the rapid development of Dublin with associated affordable housing and transportation problems.

- As the Celtic Tiger economy developed significant deficiencies in Ireland’s stock of infrastructure emerged, especially in relation to transport, housing, water services, energy supply, communications and education. Driven by EU structural funding measures and co-funding requirements the Irish Department of Finance could see the merit of a longer term 20 year spatial framework. Initial discussions between the Departments of Finance and Environment in the context of the preparation of the National Development Plan 2000–2006 led to an agreement that the plan would contain a commitment to prepare a National Spatial Strategy by 2002.

**Preparation of the National Spatial Strategy**

Minister Noel Dempsey T.D. took a keen personal interest in the preparation of the NSS and personally oversaw the establishment of a variety of measures to support the development of the strategy including:

- A high level *interdepartmental steering group* to drive preparation with membership from all the key departmental and agency stakeholders;
- An *expert advisory group* with representation from the fields of academia, EU policy, practitioners and other administrations that had already made good progress in the field of spatial planning, most notably Northern Ireland, that had prepared its own Regional Development Strategy;
- A sophisticated *public participation and communications initiative* supported by expert consultants and designed to engage at local and regional levels to assure the highest level of consensus; and
- The establishment of a *dedicated Spatial Planning Unit* within the Planning Division of the Department of Environment to drive the actual day to day...
day preparation of the NSS.
Work proceeded quickly and involved a series of research and consultation papers which are documented on the NSS website.\textsuperscript{3}

The NSS was launched with much fanfare and media attention by An Taoiseach Mr Bertie Ahern T.D., and the new Minister of the Environment Martin Cullen T.D. in November 2002. This was followed by an intensive round of regional launches attended by the Minister. It could be said that along with national investment plans of the time and developments in the northern peace process, the NSS was very much part of a new-found confidence about Ireland and its future prospects.

Key Elements of the National Spatial Strategy

The NSS established, for the first time, an overall strategic planning framework for the country as a whole looking forward to 2020. It was not a redistributive strategy, but drawing upon the then new European Spatial Development Perspective (ESOP), one based on the concept of the optimal development of the potential of different places, recognising that this will differ between the various urban areas and between rural and urban contexts. The NSS is highly significant in that it was and remains closely associated with investment in infrastructure under the National Development Plan, and also links to Northern Ireland and its Regional Development Strategy.

Comprehensive arrangements have been put in place to support implementation of the strategy. For the Department, this has been new territory. The Minister for the Environment, Heritage and Local Government is responsible for driving the implementation of the NSS, supported by reciprocal responsibilities for follow through on the strategy by regional and local authorities. This is overseen by an interdepartmental steering group with representatives from all the key spending departments and certain agencies, notably those responsible for enterprise promotion.

In spatial planning terms, the NSS envisaged Ireland’s strategic development being organised around an integrated set of interrelated elements, including

- Nine differently sized \textit{Gateway} cities and towns, some with links to Northern Ireland, that are envisaged as strategic economic motors for their wider regions of influence;

\textsuperscript{3} www.irishspatialstrategy.ie
Nine differently sized *Hub* towns located strategically between the Gateways and extending their influence to wider areas;

*County Towns* working in support of the role of Gateways and Hub towns;

Other *smaller towns* focusing on their own individual potential for development and identity;

Villages and wider *rural areas* that would be supported in their ongoing economic transformation towards a more broadly based rural economy by capitalising on and conserving their unique environmental and heritage qualities.

A key concept alongside that of potential already mentioned was *critical mass* and the need to grow certain locations, most notably the Gateway centres and Hub towns, to create the conditions essential to sustained private sector investment and innovation.

At the time of the launch of the NSS and subsequently, there has been some criticism of the NSS, often on the theme that the NSS sought to designate too many centres and that it would have been better to simply focus development on one or a small number of cities. However, careful analysis of the actual document will confirm that Government strongly acknowledges the key role played by Dublin and the main cities and the need for investment to support such roles. In addition, the Government’s desire is to ensure that the spatial plan also sets a development framework for the country as a whole.

**Progress Since 2002**

Writing this paper in early 2010, Ireland’s development since the NSS was launched in late 2002 has swung from the heights of economic progress and prosperity to unprecedented challenges to our economic and banking structures, as part of the broader EU and global economic challenges.

So too with the NSS: there have been good steps forward, and difficulties to contend with, and the challenge now, as the mid-term point of the NSS approaches, is that lessons are learned and that those lessons are put to good use in the new economic context Ireland will find itself in.

In terms of progress, highlights since 2002 have included:

- Major buy-in to the strategy by key Departments and agencies who have in the main co-ordinated their investment programmes around the spatial framework of the NSS, resulting in a major transformation...
of the country’s stock of physical and social infrastructure;

- The National Development Plan 2007 – 2013 was heavily influenced by the NSS, and included a €300million measure to stimulate development of key areas in Gateway locations through a Gateway Innovation Fund;
- The emergence of excellent models of regeneration, based on the strategic plan and on ‘place-making’, that have created dynamic and more sustainable new communities in both brownfield (Dublin Docklands) and greenfield locations (Adamstown Strategic Development Zone in west Dublin) and in other Gateways (Cork Area Strategic Plan and re-instatement of Midleton rail line to facilitate new housing development);
- Turnaround in patterns of housing development in and around Dublin: prior to the economic difficulties beginning in late 2008, there were indications that development was beginning to consolidate around the city, reversing the pattern of previous years in which substantial levels of housing were developing on radial commuter routes, due to housing availability and affordability problems in Dublin coupled with the ample supply of land and services outside Dublin;
- Publication of Regional Planning Guidelines in all regional authority areas by 2004, which were launched by the then Minister for the Environment Mr Dick Roche T.D. to further develop the approach of the NSS at city and county development plan levels and creating an integrated hierarchy of national, regional and local plans;
- Progress in working with Northern Ireland on co-ordinated approaches to spatial planning in an island of Ireland context; and
- Further reform of the planning system, including the introduction of a one stop shop for major strategic infrastructure type development, the assessment criteria for which includes the implementation of the NSS.

Nonetheless, implementation of the NSS has also faced challenges, notably:

- The fact that the 2006 census indicated that population growth was tending to happen in locations at a remove from but under the influence of the Gateways, which in some cases were declining in population and leading to concerns about so called doughnut cities, as well as urbanisation of the countryside and the transformation of small character-laden villages and towns into commuter suburbs, dependent on car-based commuting and therefore vulnerable to changes in the price or availability of fossil fuels;
• Rapid increase in the zoning of land at locations outside the main centres: this threatens unsustainable demands for the provision of essential physical and social infrastructure to meet the needs of rapidly growing areas that are driven by cheap credit and high levels of housing demand; as a consequence, there have been a series of interventions in local plan making by successive Ministers for the Environment;

• Significant increases in CO2 emissions from the transport sector as a result of rising car ownership, rising car usage and small increases in the usage of sustainable travel modes; all of these are driven by settlement patterns that pose difficulties, even in the major centres, to the provision of public transport;

• Increasing concern by the EU regarding Ireland’s efforts to ensure that development took on board and worked to conserve and improve environmental qualities including the integrity of sensitive habitats, the quality of ground and surface waters, both inland and around coasts;

• The postponement of the Gateway Innovation Fund (GIF) and general pressure on the availability of resources for capital investment as a result of the very challenging budgetary and economic context faced in 2009 and into 2010.

Furthermore, many analysts have contrasted the messages of the NSS with the decision by Government to decentralise a range of Government Departments and agencies to 53 locations around the country, and have questioned the degree to which the NSS really is an influence on Government policy.

However, on balance, the NSS has had, since 2002, a wide ranging influence on Government policy in a range of areas, including investment, enterprise policy, transport, planning, and housing. In the context of the timescales involved in implementing a 20 year strategy and influencing spatial development patterns that evolve over decades, centuries and in some cases millennia, it can be said that a very good start has been made. Today, the challenge is to adapt and evolve the implementation of the NSS to current and future challenges ensuring that planning is to the fore and plays its full part in dealing with the economic, social and environmental challenges of the future.
Outlook 2010–20

As outlined in the NSS Update and Outlook Report (2010), priority actions to further the contribution of spatial planning in Ireland to the restoration of competitiveness and sustainable economic growth can be grouped under three key headings, namely:

1. Continuing with investment and prioritisation to support strategic plan led development;
2. Strategic leadership and vision; and
3. Proper planning and sustainable development.

Investment

Notwithstanding the very significant current economic, banking and budgetary challenges being faced by the Irish Government, there remains a strong commitment to continue with a high level of investment in infrastructure. Such investment has resulted over the past ten years in:

- The completion (by end 2010) of over 1000 km of inter-urban motorways/dual carriageways between all the key cities;
- Total renewal of the intercity rail infrastructure, including track, signalling, rolling stock and many stations;
- Provision of proper water services infrastructure in most centres of population in compliance with EU requirements, as well as targets to deal with any outstanding issues over the short-term;
- Substantial urban renewal and regeneration of many existing housing areas in Dublin and other regional locations.

Progress is readily identifiable, and although capital investment to 2013 will be dependent on available resources, investment will continue in support of the NSS. The Department Environment, Heritage and Local Government continues to work closely with the Department of Finance in ensuring that the capital review supports the implementation of the NSS.

Leadership

The myriad of local authority structures and their effect on securing strategic, well-thought-out and integrated planning that transcends administrative boundaries has been mentioned already. Most of the Gateways are composed of at least two and in some cases several individual local authorities, each responsible for their own planning, housing, infrastructural and economic development activities. Political perspectives and orientation
can differ amongst authorities, as between a city council, for example, and a county council that is responsible for administration both of the environs of the city and also for a wider rural area as well.

Challenges such as this are not unique to Ireland and are very common in the field of planning and public administration. Nonetheless, within the Department of the Environment, Heritage and Local Government, the very real challenges experienced in implementing high level plans while simultaneously giving expression to the perspectives of individual local authorities, are being examined in the context of further proposals to enhance the opportunities for political leadership and vision. For example, legislation is at an advanced stage of preparation for the introduction of a directly elected Mayor for Dublin, who would have key roles in relation to planning and transport for Dublin. The options for enhancing co-ordination, leadership and vision at other levels of administration, including other gateways, is also being examined, another example of the practical influence of the NSS on national government policy.

**Joined-up Planning and Sustainability**

The very rapid phase of development in Ireland’s so called Celtic-Tiger era has left both positive and challenging legacies. While record numbers of people were housed and major progress made in developing essential environmental infrastructure, concerns have been raised as to whether decisions are sufficiently shaped by issues such as the protection of key environmental assets, particularly habitats and water quality. In addition, Ministers for the Environment have, since 2004, intervened on six occasions through the Ministerial Direction process that requires planning authorities to remedy identified deficiencies in their plans. In each case, these directions have, *inter alia*, focused on the quantum and location of lands identified for future development.

As a result of these experiences, reform of the planning system has been delivered under the *Planning and Development (Amendment) Act 2010*. A central element of the reform is the introduction of a requirement that future city and county development plans contain a *core strategy* which will quantify how much development is envisaged over the plan period, the distribution of that development and how that quantum and distribution will be consistent with the objectives of higher level plans such as the NSS and regional planning guidelines.

In addition, the 2004 RPGs have been reviewed, with more emphasis on specific targets and parameters as regards future population, housing and land
requirements to link with the core strategy concept of the 2010 Planning Act. The critics may have concerns about such developments being a reversion to traditional ‘predict and provide planning’ but experience in implementing the NSS since 2002 points towards the basic value and critical importance of all planning authorities in each region working from an agreed set of future development parameters. This permits practical planning for infrastructure such as water services, transport and even schools to integrate with local authority plans.

More widely, reform under the aforementioned Act, taking on board a range of EU Directives, will bring about a more discerning and precautionary approach in finding a balance between economic, social and environmental aspects of planning and thus ensure that the planning system lives up to the purpose of the preamble in the legislation as regards ‘Proper Planning and Sustainable Development’.

**Conclusion**

The journey so far has been varied and always interesting—and it has been this writer’s privilege to have been there for the inception, delivery and development of the NSS. As we currently wrestle with getting the message across about the value of planning, even more so in a time of economic challenge, it is remarkable how far-reaching the effect of the NSS has been in influencing not only legislation and policy but practical delivery on the ground. The journey is only beginning!4

*Irish Department of the Environment, Heritage and Local Government*

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4 The views in this paper are those of the author and do not necessarily reflect official policy.
Introduction

This article reviews recent controversy in relation to land use planning in the Republic of Ireland. It reflects the situation at the end of 2009, however where significant events took place during 2010, a footnote has been added to update the reader. For a fuller appreciation of the issues involved in this controversy, some prior understanding of the wider political and governmental context is required.

The Republic of Ireland is a parliamentary democracy based on the Westminster model, with a bicameral legislature, the Oireachtas, composed of an Upper and a Lower House, the latter being directly elected by universal suffrage. The Government emerges from the Lower House, and consists of a Prime Minister, called the Taoiseach, and fourteen other ministers including the Minister for the Environment. The Irish system of proportional representation has given coalition governments since 1987, with the largest political party in the State having been the senior party in a coalition government for nineteen of the last twenty two years. This party, Fianna Fail, is widely recognised as having strong links to development interests. Since 2007, its junior partner in government has been the Green Party, which holds two of the fourteen ministerial portfolios; namely Environment and Energy.

Again as a consequence of history, Ireland has a common law system. From 1801, Ireland returned a number of members to the Houses of Parliament in Westminster and the normal procedure was for an Act to be passed in respect of Britain and, some five to ten years later, a corresponding Act would be passed for Ireland. So in 1898, ten years after the adoption of similar legislation in Great Britain, the Local Government (Ireland) Act

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Footnote: Links between the Fianna Fail party and builders/developers are described in Paul Cullen, With a Little Help from my Friends (Dublin, 2002), particularly at pages 5–6, and are extensively discussed in Frank McDonald and Kathy Sheridan, The Builders (Dublin, 2008). These links were officially recognised in the Second Interim Report of the Tribunal of Inquiry into Certain Planning Matters and Payments (Dublin, 2002)
established a system of county and city councils on an all island basis. This framework is still largely in place, in contrast to England, Scotland and Wales, where the counties have been all but forgotten due to administrative boundary changes over the intervening eleven decades. In Northern Ireland, although functional responsibilities have been significantly reallocated, there is still a strong county identification. The 1898 Act vested considerable powers in the county councils and also extended the franchise to a whole class of minor landowners. This new category of voters largely returned nationalist councilors and the county councils became centres of nationalism. A pattern of opposition towards the Local Government Board in Dublin—the equivalent of a direct rule minister in more recent times—was compounded by inefficiencies in the discharge of functions and corruption in the making of those decisions which had the potential to confer benefits on individuals. Independence in 1922 did not change this culture and, in 1940, a significant alteration had to be made to the structure of local government in order to maintain a functioning system.

The duties and powers of local government were divided between the elected members and the manager, a newly created and permanent office holder appointed by the Local Appointments Commission in Dublin. The basis for the division of functions was that the elected members were to have responsibility for policy and political and financial matters while the manager would take responsibility for administration of decided policy and, in particular, for matters which might be open to personal and political influence.

Planning and local autonomy

When planning was introduced in 1963, although the system was based on the British Act of 1947, it was adapted to reflect this local government structure. The making of development plans was allocated to the elected members and the decisions on individual planning applications, which were recognised as susceptible to political patronage, to the manager. The statutory framework relating to development plans was minimalist, with only five out of ninety-two

4 The local government management system has been analysed by a number of authors, a good source is Edward Sheedy, ’City and County Management’ in Mark Callanan and Justin F. Keogan (eds), *Local Government in Ireland* (Dublin, 2003), 123–42.
sections in the Act dealing with this function. There was no requirement for plans to be approved by the Minister or any higher authority. The approach taken by the legislature and the Department of Local Government, as it then was, seems to have been that the officials would prepare the plan in draft form, it would be presented by the Manager to the councillors who could make changes if they chose but were unlikely to do so. The big emphasis was on roads, renewal of dereliction and amenities—the term ‘zoning’ was not even mentioned although all plans had to contain objectives ‘for the use of particular areas for particular purposes’. This local autonomy for a function considered to be of limited political potential was an innocuous element of the planning system for its first two decades but has since proved to be the Achilles heel of the entire process.

The local planning system in operation

By the mid 1980s, concerns were being expressed about the plan-making activities of county councillors in the Dublin area, the only part of the country where land values were significant and where there were pressures from development opportunities. Reports by the National Institute for Physical Planning and Construction Research, An Foras Forbartha, identified this in diplomatic language and described the growing trend for elected representatives to disregard technical advice in favour of an ‘intuitive’ approach to plan making. To avoid the growing problem of overzoning, while still retaining the local autonomy which was jealously guarded by the councillors as they lost almost all their other significant functions, a legislative amendment was proposed. Inspired by the philosophy behind the management system—that elected representatives should be concerned with policy matters and the manager responsible for matters which might be open to personal/political influence—the report suggested that the adopted plan should contain only the framework and overall structure of future development with maps in diagrammatic form and, thereafter, the final zoning would be the result of a technical analysis by the officials in the context of the agreed settlement strategy and the availability of services. It contained the recommendation

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5 In the Local Government (Planning and Development) Act, 1963, sections 19 to 23 inclusive dealt with development plans.

that, ‘Consideration should be given to a legislative amendment which would separate these functions of intuitive formulation and detailed technical analysis in plan-making’.7

This analysis and recommendation fell on deaf ears at national level. With one honourable exception, a Labour Minister for the Environment in 1996,8 successive Ministers for the Environment did not even use their limited statutory powers of intervention to moderate the development plan-making activities of local authorities but relied on discussions with a view to achieving compromise—and this despite a Fianna Fail Minister for the Environment describing zoning as a ‘debased currency in the Dublin area’ in 1993.9

The tribunal of inquiry into planning matters

In 1989, a Garda (police) investigation took place into allegations of bribery and corruption in the planning process, which led to one unsuccessful prosecution. A further Garda investigation in 1993 resulted in no action by the Director of Public Prosecutions for want of sufficient evidence. Finally in 1995, a reward of £10,000 was offered for information relating to corrupt rezoning practices in the Republic of Ireland by a Newry-based firm of solicitors, acting on behalf of two unnamed clients. No Irish solicitor wanted to handle the matter.10 One of the persons who responded was a former managing director of a building company, Mr. James Gogarty, and the information he supplied was the key factor in the establishment of the Tribunal of Inquiry into Certain Planning Matters and Payments in 1997.

High Court judge Fergus Flood was appointed as the sole member of the Tribunal, which is a non-adversarial forum attempting to establish the facts behind a number of planning and planning-related matters. Public sessions began in Dublin Castle in January 1998 and, so intense was public interest that the first substantive report published in 2002 sold out its full print run of 25,000 copies in a few days. This report detailed the involvement of a former Fianna Fail minister, Ray Burke, with builders Brennan and McGowan and

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7 Ibid., 40.
8 Berna Grist, ‘Local Authorities and the Planning Process’ in Mary E. Daly (ed.), One Hundred Years of Local Government in Ireland (Dublin, 2001), 134.
their related companies and with the allegations that caused the tribunal to be established—the payment of money to Mr. Burke at his home at Briargate, Swords, North County Dublin in June 1989.

In 1967, Ray Burke had become a Fianna Fail councillor on Dublin County Council, holding his seat until 1978 when he became a minister. Between 1967 and 1982, Ray Burke had an auctioneering and estate agency business and was selling houses in County Dublin for builders Brennan and McGowan. The report disclosed a tangled web of offshore companies with exotic names such as Caviar Ltd. Writing in a clear and unambiguous style, Mr. Justice Flood concluded that a number of corrupt payments were made to Ray Burke, including:

- The transfer to him of his home, Briargate, by Brennan and McGowan;
- Payments by Brennan and McGowan to the account of Caviar Ltd, the tribunal being satisfied that Mr. Burke acted in the interests of these builders in the performance of his public duties; and
- Payments by Murphy Construction and Bailey Builders in 1989, made to secure his support and influence over others in order to achieve a favourable alteration in the planning status of lands in which both development companies had an interest.\(^{11}\)

In 2000, a former Fianna Fail and, subsequently, government press secretary now turned public relations consultant, Frank Dunlop, was called to give evidence to the tribunal. Initially, he gave vigorous denials to all suggestions of wrongdoing but, faced with proof of large sums of money moving through undisclosed bank accounts under his control and an invitation from Judge Flood to reflect overnight on his evidence, Mr. Dunlop started to admit that the payments he had made to councillors were connected to their stance on rezoning. Up to this, all concerned (recipients, lobbyists and principals/developers) had claimed such payments were ‘political donations’. He revealed the names of those involved, in confidence to the tribunal, and later gave some 130 days of public evidence, identifying various parcels of land throughout county Dublin that had been rezoned and the manner in which payments had been made.

The tribunal, now chaired by Judge Mahon and consisting of three members, has yet to report on this stage of its investigations. The pace of this second stage of the tribunal’s work has been extremely slow. Obstructed frequently by legal challenges and faced with detailed cross-examination of all principal witnesses by teams of top barristers, public sessions only concluded

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in October 2008 and its report is not anticipated until 2010.\textsuperscript{12}

However, in May 2009, Frank Dunlop was sentenced to two years imprisonment and a fine of EUR30,000 on a charge of corruption brought by the Director of Public Prosecutions and Garda sources have indicated that a number of politicians are liable to be prosecuted. The core group of councillors pointed to by Frank Dunlop’s evidence as having received large payments belonged to both Fianna Fail and the main opposition party, Fine Gael.\textsuperscript{13}

\textbf{Attempts at reform: the tensions in a strategic approach}

The regional dimension has always been a weak link in the Irish planning system. In 1994, eight regional authorities were established by grouping counties together but the strength of the county councils, in terms of the political grassroots underpinning all major political parties, is such that the Minister for the Environment had to carefully reassure the local authorities that these new regional bodies would not diminish or restrict their powers. Membership of the regional authorities is composed of city and county councillors selected by the constituent local authorities and they were given advisory functions but no executive powers.\textsuperscript{14}

The planning code was revised and consolidated in 2000, with the Planning and Development Act of that year bringing in a system which was to be strategic in approach. An important element was the introduction of regional planning guidelines, which were to be made by the regional authorities in order to provide the context of a long term framework for individual development plans. The new Act required planning authorities to ‘have regard to’ such guidelines when making and adopting their development plans. This phrase was interpreted flexibly by the county councillors and, unfortunately, case law\textsuperscript{15} confirmed that the phrase ‘have regard to’ does not require close adherence, which acted as a further encouragement to excessive zoning.

Under the 2000 Act, the Minister was also given enhanced powers in relation to the supervision of development plans at local level. Section 31 provide that, if the Minister considers either a draft or an adopted plan fails to

\textsuperscript{12} Judgement in the final legal challenge against publication of this report was not given by the Supreme Court until November 2010 and publication is now expected in mid-2011.

\textsuperscript{13} Transcripts of evidence can be accessed at www.planningtribunal.ie.

\textsuperscript{14} Berna Grist, \textit{An Introduction to Irish Planning Law} (Dublin, 1999), 46.

\textsuperscript{15} \textit{McEvoy v Meath County Council} [2003] 1 I.R. 208
comply with the requirements of the Act, he can direct the planning authority
to take specified measures and the planning authority must comply with this
Direction. However, in operation, it became clear that section 31 was fatally
flawed by the absence of provisions specifying (a) how such compliance is to
be achieved and (b) the sanctions in a case of refusal. The absence of such
provisions has undermined the s.31 mechanism.

Between 1995 and 2008, Ireland experienced exceptional economic
growth. This national prosperity was initially export led but came to rely on
land development and the construction industry. Many of the small villages
within commuting distance of the cities of Dublin and Cork experienced
overzoning to such an extent that their populations doubled within the five
years intercensal period to 2006, transforming them into dormitories based on
car transport.\textsuperscript{16} In respect of towns at all levels of the hierarchy, the problem
was that the first lands brought forward for development might be on the
periphery of the zoned area, leading to piecemeal growth not dissimilar to the
manner in which growth would have taken place in the complete absence of
any spatial planning.\textsuperscript{17}

Finally, local abuses reached such flagrant proportions that they could no
longer be ignored at national level when the 2006 Laois County Development
Plan designated a commercial zone on unserviced rural lands at an interchange
on the recently constructed M7 motorway, together with such an excessive
quantity of residential lands that the National Spatial Strategy Guidelines for
the Midlands were threatened. The customary persuasive discussions having
proved fruitless, instead of ignoring the problem (as the Council would have
anticipated), the Minister issued a s.31 Direction requiring a variation to the
2006 Development Plan to remove both zonings. Further s.31 Directions
were issued to Monaghan, Mayo and Waterford County Councils in 2007–8
regarding inappropriate zonings and the Department of the Environment has
expressed serious concerns about the 2009 draft plan for County Clare.

The errant councils complied under protest except for Mayo, where the
councillors had paid to get expert advice themselves to use against the draft

\textsuperscript{16} For example, the population of Donore, County Meath (56km/35miles from Dublin)
increased by 118\% from 334 to 728 and the population of Rathcormac, County Cork
(29km/18miles from Cork City) increased by 149\% from 429 to 1072.

\textsuperscript{17} John O’Connor, Chairman of An Bord Pleanala (the national planning appeals
authority) at the publication of the 2007 Annual Report stated that his Board was
‘constantly coming across zoned sites that are too far removed from developed areas’
and that many appealed development proposals were ‘dependent on long distance
commuting by private transport’.
plan prepared by the officials. This draft plan had gone though a process which, under the 2000 Act, involved preliminary public consultations (including with the Department of the Environment), interim reports to the councillors and directions from them on the preparation of the draft. The Mayo councillors argued trenchantly that all the elected members fully supported what they referred to as ‘their plan’ and that the Minister had failed to engage in dialogue with them or respect their views. The Department pointed to the fact that the Minister’s comments were given at various stages, including after the amended draft (the ‘councillors’ plan’) was published. On 4 November 2008, they carried their arguments to the Joint Oireachtas (parliamentary) Committee on Environment, Heritage and Local Government, stating that they objected both to the intervention by the Minister and the manner of this intervention. Although they did not say so outright, they wanted the Committee to find some means of getting the Minister to withdraw the Direction. Discussions subsequently took place between representatives of the Department of the Environment and of Mayo County Council. These led to the replacement of the 2008 Direction with one described by the Department as representing a ‘mutually agreed outcome’ and which took account of national and regional spatial planning policies. However, the local councillors saw the compromise in a very different light. They hailed the replacement Direction in triumphalist style as a ‘reversal’ and a ‘huge achievement for Mayo’ in a series of statements to the press.\(^\text{18}\) It would appear that some, if not all, local politicians continue to resent the fact that the Minister and his Department have a strategic leadership role in the formulation of spatial plans, just as their predecessors resented the supervision of the Local Government Board.\(^\text{19}\)

The work of the Flood-Mahon Tribunal has proceeded very slowly and, to date, the only prosecution has been against the whistleblower, Frank Dunlop. In these circumstances, it would appear that, far from acting as a deterrent, the disclosures made at the Planning Tribunal have increased awareness among local representatives of their powers of rezoning and of the ease with which payments can be explained as political donations.

**Ethics in public office?**

The first Ethics in Public Office Act was passed in 1995 in the aftermath of

\(^\text{18}\) For example, see the *Mayo News* of 13 October 2009.
\(^\text{19}\) Mary E. Daly, *The Buffer State* (Dublin, 1997), 28.
the Tribunal of Inquiry into Irregularities in the Beef Processing Industry and following a change of government ‘forced in part on the issue of ethics and standards of truthfulness in public life’ as politicians came to recognise ‘a growing public cynicism about their conduct’.20 It was strengthened by the Standards in Public Office Act of 2001 and, in respect of councillors, by Part 15 of the Local Government Act also of 2001. This legislative code requires disclosure of specified interests by elected representatives, office holders and public servants. Breaches of the disclosure requirements are investigated by the Standards in Public Office Commission, which is chaired by a High Court Judge and consists of the Ombudsman and a number of other designated persons. It is not a particularly strong or all-embracing legislative code and, in fourteen years, only two investigations have gone to full public hearing. The second related to a variation of the Town Development Plan for Killarney, County Kerry.

Overzoning began in the Dublin area, but with the growth of the economy, development began to take place throughout the country and the tensions between the ‘Manager’s Plan’ and the councillors’ approach to the plan-making process likewise spread to all areas. In March 2006, a motion was passed by the Town Council of Killarney to rezone some 8 hectares (20 acres) at Gleneagles from “Unformulated/Agricultural” to “Tourism/Town Centre Facilities”, against the advice of the Manager, who considered the lands were too remote from the physical centre of Killarney town for retail use (approx. 2 km/1.3 miles). One of the councillors who proposed the motion and voted in favour of it was an employee of a hotel owned by the O’Donoghue Family Hotel Group. This Group owned the lands in question. Patrick O’Donoghue, the Managing Director of the Hotel Group, was also a councillor. He had initiated the process by drawing up the motion and approaching other councillors asking for their support, but he had not signed the motion himself. He was present at the meeting when the rezoning was discussed and the vote took place, he declared his interest and took no part in the debate. The matter was subsequently referred to the Commission by the Ethics Officer for the Kerry Local Authorities.

In March 2007, the Commission held a public inquiry into the conduct of both councillors, the first time a planning matter was examined under the ethics legislation in such a forum. In May 2007, the Commission decided that, because of her lack of understanding of her interest, the employee had

not breached the disclosure of interest requirements of the legislation. With regard to Mr. O’Donoghue, it was concluded that he intentionally set out to influence a decision of the Council in which he had a financial interest and that this was a serious breach of the ethics legislation.

In the course of his evidence at the public inquiry, Mr. O’Donoghue made a very interesting statement. He described himself as a businessman, admitted he would have gained from the rezoning and went on to say that, in circumstances where a councillor owns property, he was still not clear how the matter of securing the rezoning of such property should be resolved. This part of his evidence, both in its substance and its language, seems to indicate an unquestioning acceptance that rezoning is a reasonable aspiration for all landowners. If the local culture is one where landowners regularly lobby elected representatives for rezoning, and the councillors respond (whether for financial reward, in order to secure re-election or because of their view of the public good), it is inevitable that situations arise where councillor-landowners want to act as landowners and secure the benefits of rezoning for themselves. From the Commission’s decision in this case, it is clear that any attempt by such persons to lobby for rezoning is ethically improper.

Mr. O’Donoghue also highlighted two other elements of the culture of rezoning. In the context of the Manager’s opposition to the motion, which was made known to him before the meeting, it was put to him that he must have considered withdrawing the proposal as, presumably, councillors would prefer to have motions supported by the officials. He replied that yes, generally that would be so, but in planning it would not be unusual to deviate from the opinion of the Executive. This attitude, obviously widespread, confirms the disregard of local politicians for technical advice and expertise in planning matters, a situation first identified by An Foras Forbartha in 1984. On the issue of not leaving the meeting, while accepting he would now take a different view of what ‘to withdraw’ meant (he had relied on his withdrawal from the discussion), he said it never crossed his mind that he should remove himself from the Council Chamber because he could not recall any occasion during his five years on the council when anyone did so. He also pointed out that none of the officials suggested he should leave the room. This evidence, which was not disputed by the Ethics Officer, indicates a worrisome level of indifference at local level to ethics in planning matters.\(^{21}\)

\(^{21}\) Sources on which this section of the paper is based include the Book of Statements, the transcript of the Public Inquiry, the formal Decision of the Commission published in May 2007, newspaper reports of the Circuit Court conviction and
The Ethics in Public Office Commission furnished a report on its decision to the Director of Public Prosecutions and Patrick O’Donoghue was subsequently charged and pleaded guilty to the offence of seeking to influence a decision of the local authority of which he was an elected member relating to land in which he had a beneficial interest. The maximum penalty for this offence, under sections 177 and 181 of the Local Government Act, is a fine not exceeding EUR12,500 or imprisonment for a term of two years or both. The Circuit Court Judge had regard to what he described as mitigating circumstances—Mr. O’Donoghue had not attempted to conceal his interest in the land at any time and had a mistaken but honest belief that he was not acting illegally. He imposed a fine of EUR5,000 and held that a custodial sentence would be inappropriate. An automatic consequence of conviction for an offence under s.177 is that the councillor is disqualified from being elected or co-opted to, or from being a member of, a local authority for five years from the date of the conviction. Mr. O’Donoghue had to resign from the Town Council and was unable to go forward as a candidate in the 2009 local government elections.

The Temptation to Corruption

Light regulation has destroyed national and international banking systems. Likewise, a light supervisory mechanism of plan making at local level has allowed the growth of a culture of overzoning in the Republic of Ireland and the development of links between this and corrupt practices. Such a situation is hardly surprising when windfall profits are made on the vastly increased value of land which follows rezoning. In 1983, this problem was recognised, again through research carried out by An Foras Forbartha, and expressed in the following terms: ‘The magnitude of gains in the value of land after zoning for development means the elected members of planning authorities are subjected to extraordinarily heavy pressures from landowners when a development plan is being adopted’.22

Over a decade earlier, in January 1971, a committee of experts was established by the Government under the chairmanship of Mr. Justice J. Kenny of the High Court to consider, in the interests of the common good, possible measures for:

perusal of the cited legislation.

22 Berna Grist, Twenty Years of Planning: a review of the system since 1963 (Dublin, 1983), 40.
controlling the price of land required for urban development, and
securing a substantial part of the increase in the value of serviced land for the benefit of the community.

The Kenny Report, published in 1974, recommended that a ‘designated area’ scheme be introduced, whereby local authorities would have to identify areas for development over a ten year period, based on the availability of roads, water supply and drainage (that is, works carried out by the local authority which would increase the market price of the land). Application would then be made to the High Court to designate such areas. When designated, the local authority would be empowered to buy land in the designated area, if necessary by compulsory purchase order, at existing use value plus 25%. Within such areas, landowners could apply for planning permission in the normal way, but permission could be refused on the grounds that the local authority intended to acquire the land within the designation period. The landowner could then force the local authority to buy the land at the designation price.

The Government accepted the report in principle and promised implementing legislation but the Kenny Report has been left firmly on the shelf.

Conclusion

The local autonomy provided by the 1963 Planning Act, instead of giving roots to a flourishing local democracy, has enabled local elected representatives to abuse the role given to them in the making of development plans, a process intended to capture the benefits of development in the interests of the common good. Much criticism has been made of the British Public Inquiry system of development plans. In terms of proper scrutiny and openness, it has a lot to offer. This article has demonstrated that, prior to adoption, all development plans should be subject to transparent review by an independent body. The alternative would be to implement the Kenny Report mechanism but that requires a greater level of commitment to reform and is less likely to be politically acceptable.

The automatic penalty of electoral disqualification is one of the strengths of the Ethics in Public Office Acts. Following the conviction of the Killarney Town Councillor and his enforced resignation, it is unlikely that any other

local politicians would attempt to chance acting in defiance of their ethical obligations under this legislation. Continuance in office and re-election is the overarching objective of the politician and if there is no possibility of judicial discretion being exercised favourably, this is a powerful disincentive to risk-taking that has such serious consequences. However, there will always be a temptation to act in self-interest where the stakes are high and the financial rewards significant. The best security for the public is a strong regulatory framework with clear obligations on politicians to act in the interests of the common good, minimal opportunities to engage in the type of opinion-based and flexible decision-making which allows for political patronage and severe sanctions in cases of proven transgression. This applies equally to the discharge of functions under the Planning Acts, such as zoning, where the considerations underpinning the decision may be based on clientelism, patronage and the securing of future electoral support in the form of votes or donations.

The Killarney case also reveals what can only be described as a non-interventionist approach by the Ethics Officer, which is likely to have been replicated elsewhere. This official provided the elected councillors with the relevant information as required by law and checked the declaration of interest forms returned. However, despite the national awareness of planning corruption flowing from the Tribunal of Inquiry sitting in Dublin Castle for over seven years, he appears to have had no procedures in place for monitoring observance at Council Meetings or for providing direction and guidance to the staff on how to handle potential breaches of the legislation at an early stage. In correspondence with the Standards in Public Office Commission, the Ethics Officer indicated that the possible contravention of the Ethics Acts only came to his notice by way of two newspaper articles. In an area of activity with such capacity for corruption as the planning process, it might be expected that the official charged with observance of the ethics code would adopt a pro-active approach to this function.

Of course, there is a very real difficulty for employees of local authorities who have dealt with the same council members over many years, who have an ongoing working relationship with them and who possibly live within the one local community. Such familiarity can creep across the boundary of probity into cosy cronyism without it being realised by even the most careful official and ethical politician until it is too late. Patterns of accommodating behaviour, once formed, are very difficult to break. Most councillors are re-elected on more than one occasion and many have decades of continuous membership
of their local authority, which can put them in an unduly powerful position with regard to the officials. Local elections are held every five years and consideration could be given to imposing a statutory limitation on the number of five year terms which an individual politician can serve. It is suggested that two or, at the most, three consecutive terms would be an appropriate timeframe.

The Planning and Development (Amendment) Bill 2009 was published on 3 June 2009. The 2000 Act had failed to set out the procedure whereby a development plan is to be varied in compliance with a s.31 Ministerial direction. That defect has now been addressed. However, despite the obvious need for a formal review procedure of development plans by an independent authority, a complex minefield of what are described as ‘evidence based’ reports and Ministerial consultations is proposed. This particular nettle has not been grasped yet.

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24 This Bill was signed into law on 26 July 2010, becoming the Planning and Development (Amendment) Act, 2010. The provisions for supervision of plan making activities at local level remain substantially as contained in the 2009 Bill.
Reflections on Alterity in Irish and Scottish Spatial Planning: Fragmentation or Fugue?

Janice Morphet

Introduction

The implementation of devolved governance provides the opportunity for different models of public policy to be developed and delivered, in ways that are more attuned to culture and place—the spaces of the nation. This article examines spatial planning since devolution in Scotland in 1999 and the Belfast Agreement in Northern Ireland in 1998 and the ways in which they have been responding to nation and identity. It considers also the interrelationships in the development of spatial planning between Scotland, Northern Ireland and the Republic of Ireland. The implementation of spatial planning within the UK, including Wales and England is also considered as part of the context for the Scottish/Irish relationships discussed here and draws on a fuller discussion elsewhere. This analysis goes beyond identifying the extent to which spatial planning is integrated within its own main interests, which has been discussed elsewhere but rather considers the extent to which it is being integrated into local governance reforms and creating flexible new approaches to managing state spaces.

European Context

The introduction of integrated spatial planning approaches into formal systems of land use and development planning has been increasing since the

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2 Janice Morphet, Effective Practice in Spatial Planning (Abingdon, 2010)

mid-1990s. In Europe the period leading to the publication of the *European Spatial Development Perspective* (ESDP) in 1999 was heavily influenced by earlier mega-regional approaches to integrated working. These were developed following *Europe 2000* (1992) and *Europe 2000+* (1994) through the creation of geo-political entities within Europe such as the Atlantic Arc and the Baltic Sea Region. The integration of spatial considerations into the use of EU funding for infrastructure and areas with lagging economies began through programmes such as Interreg. This has now developed into a spatially led approach to the EU’s wider internal activities in the policy of territorial cohesion that is to form the shaping principle of the next funding programme from 2013. The development of the territorial cohesion policy narrative also takes on a different institutional form, shifting from a predominantly hierarchical governance model between spatial scales to one that is based on networks and agreements or contracts.

Whilst these cultural pressures emphasise the nature of difference and self-determination, all parts of the United Kingdom and Ireland are members of the European Union which has also been turning its attention to the use and regulation of space. The EU has competencies over some of the components

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10 A. Faludi, ‘European spatial development perspective in North-West Europe:
of space such as the environment, transport, economic interests and public health and less in other areas such as housing and specific locational decisions. As an economic union, the EU is concerned with competition within its territories, between its member states. It also has the role of interpreting global trade policy as agreed through the World Trade Organisation. The framework created by the EU to fulfil these roles might be described as ‘tight-loose’; the legislation is clear and in many cases is set by member states within this. At the same time as Scotland and Northern Ireland have been developing devolved approaches to the ‘spaces of their nation’, the agreement for conforming practices on the vision and management of territory have also been occurring.\(^\text{11}\)

The development of spatial planning in Europe has also been characterised by its integration within reformed local governance structures and this is already present in Germany.\(^\text{12}\) Elsewhere, this integration with local governance is emerging, including in France, Denmark, Ireland, Norway, the Netherlands and England.\(^\text{13}\) Spatial planning is no longer a freestanding integrator, as some have suggested\(^\text{14}\) but part of the achievement of horizontal and vertical integration...
that is manifested through place. In this integrated role, spatial planning has taken on a responsibility for infrastructure investment planning particularly, but not exclusively, in the public sector. This approach has characterised the development of spatial planning in Ireland and the UK, although operating at different scales. In Ireland, Scotland and England this is at national level through the designation and adoption of new processes for identifying or approving major infrastructure projects. At the local level the introduction of infrastructure delivery plans as part of the local development plan has characterised spatial planning since 2004 in England, and also currently lies dormant within the spatial planning systems in Wales, Scotland and Northern Ireland. The role of spatial planning as an integrated part of local governance and in supporting infrastructure investment has also been implemented beyond Europe in South Africa and Australia for at least the same period.\(^{15}\)

This article reviews the development of spatial planning in Scotland, Northern Ireland and Ireland within this context and considers the approaches taken to see whether they represent a practice of divergence or convergence in the period since 1998. These issues are considered through the lens of four key themes and are then followed by a discussion on the implications for nationally distinctive approaches to spatial planning in the future. Before these are discussed in detail, there is a review of the contextual influences on the development of spatial planning since 1998. These four themes are:

1. The extent to which there is horizontal and vertical integration between scales of spatial planning and other activities
2. The extent to which spatial planning has been integrated into local governance since 2000

3. The role of spatial planning in delivering public sector infrastructure programmes
4. The response of the planning profession to the introduction of new spatial planning approaches

Spatial Planning in Scotland, Northern Ireland and Ireland since 1998: Developing Distance?

Following the introduction of devolved government in Scotland in 1999 and the move to re-establish of local governance structures within Northern Ireland after the Belfast Agreement in 1998, there have been pressures to establish different, distinctive and more culturally aligned approaches to policy and delivery. Difference and separation between policies and priorities between parts of the UK on a variety of issues was expected and has occurred. Amongst the drivers for devolution were the characteristics of place. Although the systems of governance in Northern Ireland and Scotland already differed from those in England prior to 1998/1999, further differentiation aligned to the interests of the new jurisdictions was expected. This was true in the operation of the spatial planning system. There were fears expressed about the potential results of this evolving distance between state processes. Some expected the new devolved UK state to become ‘fragmented’, with consequent costs to the country as a whole, whilst others saw it as a potential continuation of hollowing out the state. Altogether there was uncertainty about the potential

16 RPANI, Review of Public Administration (Belfast, 2002).
for divergence or convergence and about the benefits that more individuated systems, including those for spatial planning could bring.\textsuperscript{21} Some, including Hague maintained that national approaches were already better than practices elsewhere in the UK.\textsuperscript{22} In Northern Ireland, the publication of \textit{Shaping Our Future} in 2002, which started in 1996, was already leading the way as a more European integrated approach to spatial planning and investment.\textsuperscript{23} It has also allowed a greater degree of cooperation between Northern Ireland and the Republic of Ireland that share the island of Ireland.\textsuperscript{24}

The role of place and its management is a significant expression of the nation, its cultures, priorities and individuality.\textsuperscript{25} The underlying geography, geology and ethnography of places create unique conditions to which any governance or regulatory system must relate and may frequently be overlooked.\textsuperscript{26} The opportunity of new jurisdictions and local governance arrangements in Scotland and Northern Ireland provided enhanced opportunities to create


visions of place which respect these differences. Regulatory activities, for development, environmental management and protection can all reflect these priorities within the jurisdiction rather than those set as a national context. It also allows differences of expression about place. Further, it allows for new priorities, such as Scotland’s early legislation on land reform.27

The pressure for the establishment of a separate jurisdiction that recognises cultural and historical differences has been central to nationhood. This pressure represents a desire to see self-determination as well as a symbolic act of separation away from the power of the perceived ‘centre’. These processes are most frequently represented through post-colonialist analysis, with a focus on the ‘other’, opposition and displacement.28 In Scotland and Northern Ireland, these have been focussed on what occurs ‘down south’. There is a desire to re-establish a locally determined cultural hegemony, that is more than an ‘imagined community’,29 and one that has legal validity. As Boehmer has argued, a dominant culture is one that transfers its organizing metaphors to all areas within its control and it is this attempt at homogeneity that undermines local differentiation, and may also, as Colley has suggested, create alienation where otherwise a system of ‘normative neutrality’ is sought.30

The desire for separation is driven by cultural determinism but also a sense of being dominated by other cultures that are seen to impose their priorities through power and elites. In Scotland, for example, it is argued that the failure to elect any conservative MPs in 1979 was a defining anti-English moment31 and that overall there was a sense of ‘Anglophobia’ that drove devolution.32 But once separation occurs, there is also a moment when what results from the separation reflects back on the old system and when, as Attridge suggests, the transformative nature of separation may

32 A. Hussain and W. Miller, Multiculturalism Nationalism Islamophobia, Anglophobia and Devolution (Oxford, 2006)
result in invention and an altered state or ‘alterity’.\(^{33}\) What results can be a hybrid or a new manifestation,\(^{34}\) not least as relations between the new jurisdiction and its antecedents continue. It can also be networked rather than formal.\(^{35}\) Both move on in a new relationship in ways that may be unanticipated, and which may create more cooperative forms of working arrangements based on respect, difference and equality rather than subordination and hierarchy.

The process of devolution represents a legal change in status that is enacted on a particular date. This is also accompanied by the transformative processes of difference that continue to evolve beyond the legal separation. This separation, as Attridge has argued, can create a new ‘other’ that is developed and performed, that is created or invented in the new relationships.\(^{36}\) The process of forcing through these changes can also create new approaches that occur as a result of separation. The establishment of a new legal status can enable inventiveness which is beyond visible difference from the former system. These moments of difference become critical in defining the ‘new’ rather than a movement against the old. What is written, in any form, becomes a representation of the new and may be more readily espoused because of the transition it represents. It can also support the creation of a new ‘state’ which embodies these differences and the way in which they now combine.\(^{37}\)

In practical terms the degree of difference between Scotland and Northern Ireland from a received notion of the UK (one identified primarily with England) had already been well established by 1998. In Scotland, the separate legal and land ownership system guaranteed separation in relation to property whilst in Northern Ireland, the more integrated approaches to governance that had occurred on the mainland through successive reforms of local government and central departments had not been implemented. The failed devolution referendum in 1979 meant that the establishment of separate approaches for Scotland were subsequently intensified and although the Scottish planning system had the same named component parts, by 1999 it was already operating in a different way. In Northern Ireland, the


\(^{36}\) D. Attridge, *The Singularity of Literature*.

establishment of a separate jurisdiction had been enforced by the recognition of the Republic in 1922.\textsuperscript{38} The planning system was also made up of the same component parts but its development since 1972 had been part of a wider political context, and in some ways became more like that in Ireland with an administrative approach to plan making and regulation by civil servants operating at the local level.\textsuperscript{39} In Ireland, the planning system also has similarities to those in Scotland and Northern Ireland not least as it is based on a common root of the local government system. The development of the planning system in Ireland has responded to other changes and the most recent approaches are seen to be related to an economic focus rather than any other.\textsuperscript{40}

\textbf{Devolution in practice: spatial planning 1998–2009}

Although ten years is not a long period, it is now possible to consider the extent to which the establishment of separate jurisdictions and practices since 1998 in Northern Ireland and Scotland have led to a practical implementation of distinctively different approaches, as well as the emergent changes in Ireland and this is examined through four key spatial planning themes that together make up the conceptual characteristics of spatial planning.

\textit{The extent to which there is horizontal and vertical integration between scales of spatial planning and other activities}

The notion of integration as a unifying element of spatial planning is central to its purpose,\textsuperscript{41} and the extent to which spatial planning systems are

\begin{itemize}
  \item \textsuperscript{40} Brendan Bartley and Rob Kitchin, ‘Planning and Development’, in Brendan Bartley and Rob Kitchin (eds), \textit{Understanding Contemporary Ireland} (London, 2007), 27–30.
seen to be successful is frequently measured by the degree of integration achieved.\textsuperscript{42} The degree of success in achieving integration in spatial planning in Scotland, Northern Ireland and Ireland varies between different spatial scales. The development of the integrated Regional Spatial Strategy for Northern Ireland, \textit{Shaping Our Future} created a new model for spatial planning in the UK and is one that has still yet to be fully realised at this spatial scale elsewhere. \textit{Shaping Our Future} moved away from the mould of traditional development planning and took on a more European character from the outset. Influenced by the Baltic Sea Plan,\textsuperscript{43} it sought to provide not only a spatial vision and priorities but it also associated itself with the infrastructure and investment decisions that needed to accompany its achievement. In the immediate short term, this more European identity for spatial planning fitted within the approach of the ESDP but also enabled the funding for investment from the EU as part of the PEACE programme to be set within a spatial framework. It took some key components of functional space including hubs and gateways and used these as a structuring device rather than the boundaries and lead locations of local authorities which had been used before. Although the implementation of \textit{Shaping Our Future} has been criticised for a wider lack of commitment from the eleven departments of state in Northern Ireland to support its delivery,\textsuperscript{44} it has provided a means of engaging in cross-border working with Ireland which may not have been possible if it had been conceived on administrative rather than functional areas.\textsuperscript{45}

This Northern Ireland model has also been influential in Wales and Scotland, although both have developing approaches to spatial planning at other spatial

\textsuperscript{43} CSD/BSR, \textit{Spatial Planning for Sustainable development in the Baltic Sea region} (Gdansk, 1998)
\textsuperscript{44} P. Carmichael P., and C. Knox, ‘Democracy Beyond the Northern Ireland Assembly’, ESRC Devolution and Constitutional Change Programme (2003).
\textsuperscript{45} B. Bartley, and R. Kitchin (eds),\textit{, Understanding Contemporary Ireland} (London, 2007).
scales. In Wales, through the Wales Spatial Plan (WSP), there has been a significant approach to sub-regional planning through the establishment of integrated spatial planning boards for each of the sub-regions. These represent vertical integration, through the chairmanship of a Member of the Welsh Assembly Government and horizontal integration through the membership of other public bodies and the private and voluntary sectors on the sub-regional boards. These sub-regional spatial bodies have yet to develop significant plans, strategies or delivery programmes, although they have started to meet regularly. At present the focus on physical infrastructure may be seen to be too narrowly defined and this may change in time.

In Scotland, the focus has been developing the National Spatial Framework (NSF) and its successor NSF2. This national approach to spatial planning policy has been accompanied by the identification of key infrastructure projects which will support the delivery of NSF2. These projects are funded and led by the Scottish government and provide an overlay for other investment. Scotland has also moved furthest to decentralise its government departments and other services as part of a national approach to spatial planning and development. In some ways NSF2 marks a further development of *Shaping Our Future* in Northern Ireland and the Wales Spatial Plan with its clear focus on national priorities. It is also in marked contrast with England where national planning strategy is set out in policy, is provider-led and it is tangentially spatially represented. NSF2 represents an integrated approach to spatial planning at the national level insofar as it represents a Government investment strategy for major infrastructure.

Scotland has also identified four city regions as part of the NSF. Unlike Wales and Northern Ireland, there are parts of Scotland’s territory that are not included within these areas so it does not represent an edge to edge approach and is silent on similar approaches and processes for rural areas. This is in some ways similar to the creation of sub-regions in England accompanied by

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Local Enterprise Partnerships (LEPs) and the two city–region pilots in Leeds and Manchester, although the provisions to extend these arrangements to the whole of England’s territory have recently been reinforced. Scotland’s four city regions are developing at different rates and progress can be related to their previous experiences of joint working and the pressures that serve to bind them. In the West, the wider Glasgow area has experience of joint working which continues from the period of the Strathclyde Regional Council and is bound together by a need to harness external funding to promote investment and regeneration, particularly from the EU. In Edinburgh, there is less of a legacy of joint working and here the growth pressures have served to lead to more competitive approaches. In the Edinburgh sub-region, this lack of common aim coupled with the growth pressures that have accompanied devolution have enabled developers to ‘cherry pick’ sites. Fife is represented in two city regions, Edinburgh and Dundee, and is now divided into both. In both Dundee and Aberdeen the fourth city region there is little manifestation of progress as yet. The delivery of investment and infrastructure in the city regions is tied to the development plans at the local level and although these have provisions within them for delivery, they remain in a more traditional mode. There has not been the same pressure to develop horizontal and vertical integration as there has been in England.

The extent to which spatial planning has been integrated into local governance since 2000

The introduction of spatial planning has frequently been associated with reforms in local governance structures away from those which are based on administrative rules and organisational boundaries to those that are focussed on place, partnership and programmes. This has also been associated with the stronger emergence of place rather than individuals as a defining policy narrative. The role of spatial planning in this integrated approach is to ensure

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delivery. As a place based tool, spatial planning has been seen as a mechanism for these new approaches although it no longer provides the sole mechanism of integration. It has also shifted the focus of spatial planning away from being a policy construct delivered by others and distant from these responsibilities to one which provides the capital investment programme for the area. These changes are manifest in a variety of ways although the extent to which they have been fully expressed varies between different nations, and within nations at different scales, as this discussion illustrates.

In this volume, Warnock describes the link between the reform of local governance structures in the RPA (2002) and the important extent to which horizontal and vertical integration can be achieved, aims which are set out in the consultation on the new planning system in Northern Ireland. This relationship and focus on integration as an outcome varies from earlier, more traditional discussions of the future of the planning system in Northern Ireland. In Ireland this is a continuing issue under consideration and governance experimentation in Dublin may provide a model for wider application. In Scotland, the integration of the local development plan with the community plan and partnership has been set out in the Planning etc (Scotland) Act in 2006, but like England, it is taking some time to filter into practical application.

The trend towards the integration of spatial planning into local governance systems has a range of implications. In the past, planning has been seen to be toothless because it has not been able to give much direct effect to the proposals and policies that it has set out in plans. It has more recently been seen to be separated from wider policy considerations at the local level. Where once the development plan formed the leading strategy for any local authority area this has now been replaced by some form of a community plan which is ‘owned’ by cross sectoral partnerships and increasingly forms the contract between place and government. The integrated approach creates a new role


55 DoENI, Reform of the Planning System in Northern Ireland: Your chance to influence change Consultation Paper (Belfast, 2009).

for spatial planning which is central to local delivery. It is important and influences the policy and direction for place but it is not the sole driver of what needs to be achieved. This is creating some tensions for some members of the planning profession who espouse spatial planning but are less willing to relinquish ownership of older ways of working. On the other hand, there are others who see this as a major step forward. So the move to local integration implies new roles for spatial planning and planners and well as the potential for more focussed delivery for places.

The role of spatial planning in delivering public sector infrastructure programmes

The role of spatial planning in the delivery of public sector infrastructure investment and providing a framework for other investment has been growing in prominence in a number of countries. This specific role seems to be emerging from a number of key pressures which include the need to use national funding in a more efficient and effective way particularly to ensure the maximisation of investment benefit at the local level. There has also been a new emphasis on the securitization of infrastructure which the attacks of 9/11 in New York and 7/7 in London have brought into sharper focus. Thirdly, the global economic crisis has brought forward the Keynesian approach to

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public works investment.\textsuperscript{60} The development of infrastructure delivery plans are also products of horizontal and vertical spatial planning approaches and represent strong efforts to move away from silo models of decision making which have undermined the ability to ensure that public sector resources are used more effectively in delivery.\textsuperscript{61}

The development of spatial planning’s role in infrastructure planning and delivery has been developing at different spatial scales in the UK and Ireland, although the development in Wales and Northern Ireland is not at such an advanced state as that in Scotland, Ireland and England. In Ireland, the \textit{National Spatial Strategy} of 2002 (NSS) also adopted the language of gateways and hubs as seen in \textit{Shaping Our Future} and represents the same approach to spatial analysis by functional areas rather than administrative boundaries.\textsuperscript{62} The NSS also identified key infrastructure that would be funded to support its delivery and this is an important element of its role, with its integration into the Department of Finance of the national government and with specific central finance arrangements.\textsuperscript{63} It is also intended that there is one-stop-shop for Strategic Infrastructure which can support investment and interlink that between all sectors and funding sources.

A national approach to infrastructure planning in Scotland, through the identification of major projects in NPF2 is a key component of investment planning. NPF2 has delivery of polices and programmes as one of its core objectives and is a more proactive approach than was set out in NPF 1, which was more concerned with setting out a spatial narrative.\textsuperscript{64} The 2006 Planning Act in Scotland designates projects as national infrastructure. This is in sharp contrast to the situation in England where the Infrastructure Planning Commission (IPC) established through the 2008 Planning Act has been set up to respond to proposals put from multi-sectoral bodies and examine them. It


will work within national planning policy documents, only some of which will be setting out where such national infrastructure should be located. However this may change when new regional strategies that include an implementation plan are rolled out from 2010. In Northern Ireland the new approach to planning is concerned to achieve horizontal and vertical integration and is now to be focussed on both policy and delivery and ‘the where of things’.

Both Northern Ireland and Ireland see the role of the ESDP as a context for their own work and the future of spatial planning following the implementation of the Lisbon Treaty could see this role increasing as part of the implementation of further policies and funding for territorial cohesion. The development of the planning system in the Republic of Ireland is also being focussed on delivery through ‘bending the spend’. Like the other nations, Ireland is also developing sub and city regions and expecting to see spatial planning more integrated into local governance structures. Like England, there are proposals for changes in City government including the potential role of a directly elected mayor for Dublin similar to the model in London or the other governance arrangements emerging in Manchester and Leeds as city region pilots.

The response of the planning profession to the introduction of new spatial planning approaches

The introduction of spatial planning has seen a split between planning and planners. Neill has called this the ‘dethronement of planners’ and it is clear that the integration and delivery focus of spatial planning into local governance and corporate interest, changes the role that planners have traditionally exercised in relation to space policy and regulation. This change may be inevitable. As Murray has remarked, before 1995 Regional Plans in Northern Ireland were written by planners for planners. In Scotland, as

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66 Warnock, in this volume.
69 W. Neill, comment made at the Spaces of the Nation Conference, Aberdeen, June 2009.
Vigar relates, 71 although planners talk about spatial planning they really mean land-use planning as this is what they are comfortable with. The same lack of transition from land-use planning to spatial planning has been found amongst planners in England. 72 The cultural change agenda for planners may become even more critical in the future as the degree of focus on it continues. 73

At the local level, the picture is different from this. The development planning processes have been largely left unchanged in practice. Although the legal frameworks in Northern Ireland, Scotland and Wales all include the provision for infrastructure planning and delivery and horizontal integration through local cross sectoral partnerships, these have not yet been manifest themes in practice. It is at the local level where planners remain in the lead on the development plan but it is at this level that there is reluctance to acknowledge the new requirements for horizontal integration at the local level amongst planners. 74 In England the role of the local infrastructure delivery plan has been reinforced formally through central government and its agencies 75 and informally through the support provided through the Planning Advisory Service. 76

The development of city regions and sub-regions as new state spaces for spatial planning have demonstrated similarities in focus although differences in delivery. Brenner (2003) and Lord (2009) point out that these new areas of intervention can work outside the traditional planning scales at local and regional levels 77 and this new partnered approach, with a less formal legal

76 J. Morphet, Effective Practice in Spatial Planning (Abingdon, 2010); www.pas.gov.uk/infrastucture.
framework can be slippery, provide greater flexibility and allow all these spatial scales to morph to different forms. As city regions and sub-regions are implemented over all the territory of a nation, then the level of formality will increase. They are also ways of working with new groups and not necessarily those who have been managing space as land use planners. Turok sees the shift to city regions as replacing regional policy in due course, and the emerging trends for Scotland Wales and Northern Ireland together with those in Wales and England suggest a new emerging pattern which is more than accidental.

The development of spatial planning in Ireland, Northern Ireland and Scotland (and Wales) has been concentrated at national, regional and sub-regional levels. They have frequently required new forms of working and have brought together multi-agency partnerships for delivery. There is also a strong political and financial leadership engaged in their development and although they are supported by planners, they are not regarded as being led by professional planners. There has also been considerable cross-national working with the Chief Planner in Scotland advising the NSS in Ireland, academics from Northern Ireland supporting Wales and from Scotland supporting Wales and Northern Ireland. At the governmental level, the intergovernmental arrangements established following devolution have all served to create a mechanism through which spatial planning policies and approaches can be considered and developed. In this case the introduction of devolution and the cross border arrangements in the island of Ireland have served to generate a new cooperative approach to the development spatial planning systems which are mutually cognisant but have been able to follow different paths to reflect national priorities.


81 Neale Blair, A. Adair, B. Bartley, J. Betty, C. Creamer, J. Driscoll, Stanley McGreal and Francois Vigier, ‘Delivering cross-border spatial planning Proposals for the island of
The intergovernmental group also has been the focus of discussions on the development of spatial planning and the role out of territorial cohesion polices in the EU. The integrated approaches to spatial planning that have been developed in the UK and Ireland can either be seen as an early roll out of the proposals for the future of territorial cohesion\(^8\) or as being developed to influence its content. The coherence of these professional networks has been important to the development of integrated spatial planning at all levels and is at the heart of its similarities and differences.

**Cooperative convergence?**

The wider framework of the European Union, particularly through funding and the ESDP has created a context where not only Northern Ireland and Ireland can work together\(^8\) but also the arrangements set up post-devolution for the UK can be used as a means to operate within a newly cooperative way, in an expression of alterity. Within this cooperation, mutual advice and experimentation has been able to develop and it has allowed nations to focus on what has been important to each whilst informing the thinking of the others. This is not to say that all the interests are seen to be mutual. Work on the implications of the Lisbon Treaty and future EU initiatives for the period from 2013 are also being considered by individual nations. The Dutch, a newly Euro-sceptic nation have shown the way on this\(^8\) and others are following.

The introduction of devolution in the UK has been accompanied by more formal intergovernmental governance arrangements between England, Wales, Scotland, Northern Ireland and the States of Jersey.\(^8\) The evidence shows a range of approaches which reflect innovation and experimentation at some

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\(^8\) D. Evers, Paper to AESOP, Liverpool, June 2009.

spatial scales and the use of similar texts but different interpretation at others. The processes pre-devolution and currently operating within Northern Ireland had evolved away from a UK wide approach in practise and this has developed further distance since. At regional and sub-regional levels, the economic driver of integration and EU contexts are having significant forming influences of spatial planning at all scales and the economic role of spatial planning is most frequently mentioned as its primary objective. The economic role of spatial planning has to be fully realised in more practical forms although in England this is now emerging. The insertion of an economic priority will be tempered by sustainability appraisals and assessments but it is unclear as yet how any tensions between these will be resolved in specific locations. At the local level, the development planning systems, which might be seen to need to reflect more local ambitions and place differentiation, have emerged as the most similar on a textual analysis but remains resolutely procedural in interpretation and practice.

In reviewing practice since 1998, it seems that the potential for divergence is being taken through the use of priorities and action at different spatial scales. On the other hand it is possible to see that convergence is also occurring. This may be due to three different but interrelated factors. The first is the overarching context of the EU which provides a mechanism for sub-nationalisation and difference across the territories, promoting new alliances. The provision of a common framework provides an opportunity for discussion about response and delivery in ways that do not represent pre-1998 governance relationships and Scotland and Northern Ireland have re-territorialised these, through relationships with each other, Ireland and the wider EU. The EU context has also allowed for a pragmatic policy exchange between nations, politicians and civil servants It is one of the main reasons for cross border working. The wider context for experimentation and exchange provided by the new intergovernmental arrangements may allow for greater

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diversity in timing and response and also national performaitivity which relates to separation and devolution agendas.

The experimentation at differing, and self determined spatial scales has primarily occurred at all levels except the local, where development planning is located and where determined traditionalism is continuing. Planners operating at the intergovernmental level have developed approaches with wider governance partners but they seem to be more reluctant to tackle the same approaches at the local level, although they all have ‘sleeper’ provisions in the reformed systems. The role of professional élites in managing spaces is considerable and the development of more integrated approaches at sub-regional or city regional scales can bring with them new governance arrangements more easily. The experience in England where the local integrated system of spatial planning has been more aggressively implemented has demonstrated that this takes a longer time period—up to five years, although lessons can be learned from this experience to translate to other jurisdictions.

**Spaces of the Nation—fragmentation or fugue?**

The development of spatial planning following devolution has demonstrated alterity and separation. The confidence that has been created by more equal relationships between the nations of the UK has generated greater experimentation and innovation at different spatial scales. Although the different systems within each of the nations has now a similar structure and in some cases the same linguistic representations, the implementation of these spatial planning systems differ, reflecting cultural and economic pressures. The overarching role of the EU has also meant that there is a system emerging which has embraced Ireland in these discussions. The common characteristics between Scotland, Northern Ireland and Ireland represent a range of these contextual factors including a focus on infrastructure, a contracted model, use of resources and access to services.  

The resulting approaches to spatial planning, ten years after devolution, have demonstrated that there has been spatial differentiation but that this has not been divergent, leading to fragmentation. Rather it represents a policy fugue where similar themes and approaches to spatial planning are developed and delivered in culturally determined ways within each nation. The integrated

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approach of spatial planning can be described as the disruption of the ‘grand narratives’ in a move towards co-production and co-responsibility and the intergovernmental arrangements have worked to smooth this path. The extent to which this fugue maintains connection and does not establish distance may disappoint some but at the same time it should meet the concerns of those who feared the results of fragmentation. Devolution is an evolutionary process and can be transformative. It can offer a real break with the past but also presents a mature approach that allows for a less oppositional approach to the future.

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Notes on Contributors

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Cllr Martin A. Ford holds a PhD in Plant Ecology from the University of Wales (Swansea) He is a former chair of the Aberdeenshire Council Infrastructure Services Committee and has served on the Council for 12 years. In 2009 he was short listed for Scottish Councillor of the year award.

Brian Graham is Emeritus Professor of Human Geography, University of Ulster. Has written extensively on Culture and identity in Ireland, the cultural historical geography of the Irish Borderlands and heritage and identity, particularly with reference to plural societies. Books include (with Ashworth and Tundridge), *A Geography of Heritage Power, Culture and Economy*, Oxford University Press.

Berna Grist is a barrister, chartered Planner and Senior Lecturer in Law, School of Planning and Environmental Policy, University College Dublin. She is author of *An Introduction to Irish Planning Law* and former member of An Bord Pleanala.

Greg Lloyd took up his current position as professor of urban planning and head of the University of Ulster’s School of the Built Environment in 2008. He is a ministerial adviser to the Northern Ireland Assembly on its reform of land use planning. He served as an Adviser to the House of Commons Scottish Affairs Committee in its study of the effectiveness of regional economic development agencies in Scotland. He was a member of the Scottish Executive’s Cities Review (2001-2002), the Tayside Economic Forum (2002-
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Janice Morphet is a recent member of the Modernising Local Government team and e-government advisor at the Office of the Deputy Prime, London. Honorary Professor at the Bartlett School of Planning UCL. Former Chief Executive of Rutland Council; Professor and Head of Department at Birmingham Polytechnic; Chief Executive of SERPLAN; and Director of Technical Services at Woking Council. Latest books are Understanding E-government, Modernising Local Government, and Effective Practice in Spatial Planning (Routledge, 2010). She is now a consultant at RMJM Consulting.

Robert Morris is Professor of Economic and Social History at the University of Edinburgh. He is the author of many publications and books linking to an interest in the distinctive nature of urban Scotland and the creation and nature of the urban built environment in particular. He is President of the Economic and Social History Society of Scotland.

Michael Murray is Reader in Spatial Planning in the School of Planning, Architecture and Civil Engineering, Queens University of Belfast. He has recently been the Coordinator for the Strategic Planning Action Network – an interdisciplinary partnership involving university and practitioner expertise from Belgium, France, Ireland and the UK. He is currently Principal Investigator at QUB for the Irish Social Sciences Platform. He has published widely in books and journal articles on the themes of strategic planning, rural development and heritage tourism.

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