

# planning and europe: *adieu ou au revoir?* — part 1



The relationship between planning and first EEC (European Economic Community), then EU (European Union) legislation, policies and programmes has been examined by various academic, government, and professional studies.<sup>1</sup> This reflects the fact that, while land use/spatial planning as such is not an area of policy in which EU Member States have chosen to pool their sovereignty (the overlapping multi-level nature of planning, its relation to territorial control, and legal concepts such as subsidiarity and proportionality<sup>2</sup> making this unlikely), EU policies in related fields (environment, regional development, transport, etc.) can have consequential spatial and legal impacts on planning.<sup>3</sup> This article draws on a review of the *Planning Resource* archive to establish the frequency with which articles and discussion pieces addressing EU and international issues have appeared since 2003 in *Planning* magazine and the former publication *Regeneration & Renewal*.

The review was initially undertaken for a project commissioned by the RTPi (with outcomes published in 2019) which investigated the implications of the UK's exit from the EU ('Brexit') for the relationship between planning and environmental protection.<sup>4</sup> It should be noted that this was a fairly basic form of content analysis and that care is needed to not over-interpret the findings. Equally, the number of articles containing references to the EU is not expressed in Fig 1 on page 68 as a proportion of the total number of articles. Rather, the emphasis is on overall trends in the numbers of articles being published.

Reflecting the focus of the original project, there is an emphasis on environmental issues. However, the findings provide a general sense of the evolving level of attention directed towards EU issues over the period covered.

The analysis has since been extended to the end of 2021, and to explore the frequency of references in the title or text of articles, not just to the 'EU', but to other terms related to the European and international

spheres—'European', 'Brexit', 'international', 'UN', and 'global'. The frequency of references to 'European' is reported below and compared with that for the term 'EU'. The prevalence of the other terms will be considered in the next instalment of this column.

## References to the EU

The overall number of articles which mention EU in their titles, or text, for the years 2003–2021 is shown in Fig. 1. These articles typically addressed matters relating to EU legislation, policies and programmes and planning on key themes such as EU environmental policy and associated instruments; cohesion policies and their links to governance structures for economic development and regeneration in the UK (Regional Development Agencies, Local Enterprise Partnerships, city regions, etc.); and agricultural and rural development issues.

The number of references to EU issues varied over time, with a rising number of articles from 2003 through to 2007–2008 and then again from 2012 onwards. These trends may have reflected the general policy and budgetary cycles of the EU, as reforms and funding packages were discussed in the lead-up to the adoption of new six-yearly EU financial frameworks, which had implications for areas such as agricultural, regional, or transport funding. This is suggested, for example, by the rising number of articles leading up to the funding cycle that started in 2007.

The other noticeable spike was in the year of the UK's EU referendum in 2016, followed by a steep drop-off in articles addressing EU themes in the following year, 2017, with significantly fewer articles than in the earlier years 2005–2008 inclusive. This fall continued into 2018, but as the tortuous process of negotiating the UK's exit from the EU dragged on there was a rise in 2019 to 58 articles, almost equalling the 60 published in 2015. The discussion below discusses some of the main themes covered in articles published over the period reviewed.

## Themes discussed within the articles

In 2003, a number of articles addressed air quality, notably in the context of aviation. Regional policy reform was another big theme at that time, looking ahead to post-2006 EU funding allocations to UK regions. There was also discussion of the



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**Brexit aftermath—HGVs queuing on the A20 into Dover**

possible adoption of new EU Directives seeking to ensure compliance with the consultation requirements on environmental matters contained in the Aarhus Convention.<sup>5</sup> Another theme was the need to prepare for new EU energy standards coming into force by 2010. The transposition of the SEA (Strategic Environmental Assessment) Directive (2001/42/EC) also featured as a key issue.

In 2004 a number of articles addressed the adjustments to policy and practice needed to comply with the requirements of the Urban Waste, Urban Waste Water and Landfill Directives, with it being reported that companies were throwing away a lot less following the introduction of EU rules.

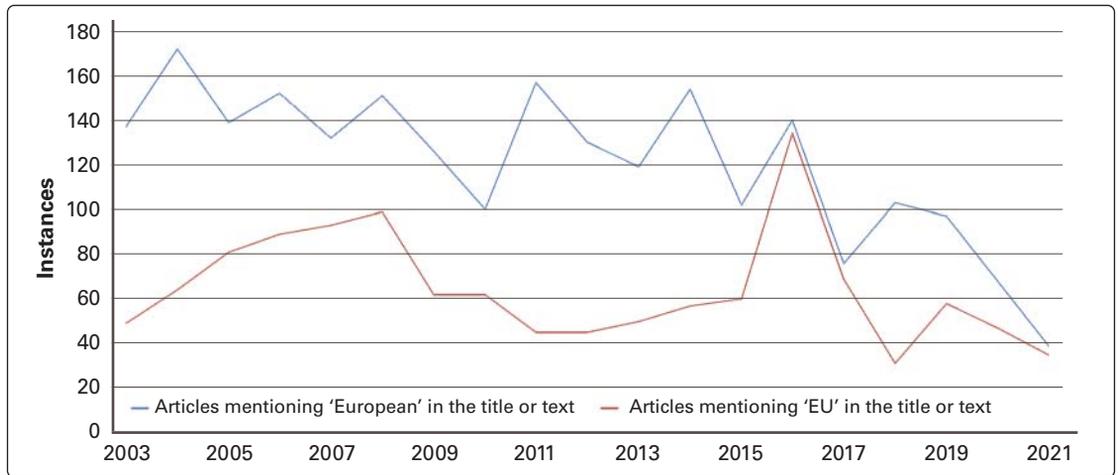
Interestingly in light of what was to come in the 2010s, a number of articles also point to the UK's leadership role in environmental issues in the lead-up to its Presidency of the EU in 2005. This perhaps reflected the scope for 'upload' Europeanisation—the process by which the policy approaches and objectives of certain EU Member States can contribute to shaping subsequent EU objectives, legislation, policy, and programmes. The UK Presidency of the EU in 2005, for example, saw the UK promoting its approach to sustainable communities through an Informal Council on Sustainable Communities held in Bristol in December, at which Ministers endorsed the Bristol Accord, setting out eight characteristics of a sustainable community and a commitment to share good-practice case studies.<sup>6</sup>

A topic often discussed in articles from 2005 was emission cuts under EU requirements, and it was also reported that the then Environment Secretary, Margaret Beckett, was leading the EU delegation negotiating new international climate change

targets—providing another example of UK leadership and influence being articulated and magnified through the medium of EU structures and co-operation. Other topics covered at this time were waste management fines for London, for failing to meet EU standards, and the Habitats and SEA Directives and their implications for aspects of plan- and decision-making.

The following year, 2006, saw articles discussing the planning requirements of transposing the Water Framework Directive and continuing reports of fines associated with failures to comply with landfill requirements. A big news story linking planning to EU environmental requirements at this time was the ruling of the European Court of Justice that the UK government had failed to properly transpose the EU Habitats Directive into domestic law and policy regimes. This led to changes in the regulations to address the issue, with the changes being seen as a major challenge by some commentators, but by others as an opportunity to address issues at a strategic level and reach better decisions on individual sites.

In 2007—a year marked by significant flood events—the EU provided aid to the UK totalling €162.4 million from the European Union Solidarity Fund.<sup>7</sup> There were also some stories about the potential effects of EU requirements in hindering the delivery of new housing. Around this time EU energy targets were beginning to be discussed after the agreement on the EU climate and energy package goals for 2020,<sup>8</sup> with related debate about the development of renewables. The EU Habitats Directive continued to be debated, sometimes in terms of how wider global environmental objectives such as reducing greenhouse gas emissions could at times be in conflict with more conservation-focused



**Fig. 1** Articles mentioning 'European' or 'EU' in the title or text

forms of environmental legislation (for example, on the development of renewable energy sources such as windfarms).

Marine planning also started to become a more prominent issue in articles published around this time. Another significant story related to the relationships between EU-derived environmental policy regimes and planning concerned delays to the East of England Plan, to allow further assessment of its impact on protected habitats. Air quality was also on the agenda, with the Mayor of London's Low Emission Zone being criticised by some transport operators.

In 2008 a number of articles addressed Heathrow Airport and air pollution, with noise maps being released to meet the requirements of the EU Environmental Noise Directive. In 2009 a topic of discussion throughout the year was EU rules on public procurement, which were seen by some as 'red tape', hindering, for example, the delivery of renewal projects. In April, an article by Cliff Hague discussed the ambition to see greater territorial coherence in how certain items of EU legislation interacted, to avoid contradictory effects in given places. There were also articles discussing how the EU was seeking to address carbon emissions from transport, and reports that the UK needed more than 10,000 wind turbines to hit EU green power goals. EU funding for transport projects, the role of SEA in promoting health and wellbeing and the contribution of EU Objective 1 funding to regeneration in Wales also featured.

In 2010, it was reported that the UK faced a race against time to meet the requirements of the revised EU Waste Framework Directive and bring in domestic legislation transposing the Directive. It was also reported that the UK planning system was one of

the most efficient in Europe in approving wind farm applications in terms of the time taken. The Mayor of London was criticised for delaying plans for Low Emission Zones despite the widespread failure to tackle air pollution.

In 2011 came a clear example of the deregulatory discourses surrounding planning and EU environmental legislation, with the then Chancellor George Osborne promising that the government would review the implementation of the EU's 1994 Habitats and Birds Directives in England to 'make sure that gold-plating of EU rules on things like habitats isn't placing ridiculous costs on British businesses'.<sup>9</sup>

In 2012, Communities Secretary Eric Pickles launched a consultation on EIA (Environmental Impact Assessment) regulations to avoid councils requiring assessments beyond those required by EU Directives, and also warned of EU 'regulatory creep' over proposed changes to the then 25-year old EIA Directive, which it was claimed could lead to more costs and delays in the planning system. Meanwhile, a government review concluded that George Osborne's claims about the costs to British business of EU wildlife protection measures were inaccurate in more than 99.5% of cases.<sup>10</sup>

In 2013, the designation of Marine Conservation Zones was a topic, and the potential 'legal pitfalls' for neighbourhood planning of failing to comply with the requirements of SEA, where required, were also reported in a number of articles. The arguments about the European Commission's proposed revision of the EIA Directive and potentially increased burdens on developers carried on, and articles on local air quality management also continued to feature.

In 2014 it was reported that the Scottish government was consulting on proposed amendments to planning

legislation to implement the land use planning elements of the Seveso III Directive (Directive 2012/18/EU) on the control of major-accident hazards involving dangerous substances. This could, it was reported, include new public participation requirements to make the Directive compliant with the Aarhus Convention. Air quality continued to be an issue owing to a lack of actions to address breaches in statutory limits of certain pollutants. The debate on the potential ‘burdens’ of new EIA requirements also rumbled on, and there was an article discussing the mitigation of housebuilding’s effects on Special Protection Areas. Tensions between energy targets and renewables developments such as windfarms and habitats legislation were again highlighted.

The year 2015 saw a ‘Cutting Red Tape’ review, which looked at EU legislation on habitats. Meanwhile, the Thames Tideway Tunnel ‘super-sewer’ being planned to meet the requirements of the EU Urban Wastewater Treatment Directive was discussed. Air pollution continued to be an issue, notably in relation to London, and an EU Fitness Check on Birds and Habitats Directives was accused by environmental groups of potentially watering down protection.

In 2016 there were a large number of articles on EU matters, and after the referendum they had an overwhelmingly economic focus. Articles on environmental issues stressed the potential for deregulation of environmental standards in the event of the UK leaving the EU, or argued that, in practice, access to the single market, international obligations, and public opinion would militate against a more radical ‘tearing up’ of environmental standards.

Overall, up to 2016 the number of articles discussing the EU fluctuated. Discussion of how to adapt policy regimes and planning practices to EU environmental requirements was a much-explored theme, and there were debates, also familiar domestically, about the level of ‘burden’ and ‘red tape’ that changes might place on the planning system and developers (concerns often stemming from government, particularly after 2010, or industry lobby groups). There were some debates about contradictory policy objectives, such as renewables development versus nature conservation, as well as articles citing the benefits of EU legislation in providing more robust treatment of environmental issues and in driving up standards and holding authorities to account.

Although there were differing views on appropriate procedures and necessary standards, there seemed to be fewer concerns about ‘duplication’ between policy regimes caused by EU membership. The role of the EU in supporting regional development and regeneration was also a common theme—and one with contemporary resonance. The latest report from

the House of Commons Treasury Committee, for example, notes that with regard to the supposed ‘successor to the EU Structural Investment Funds’, the UK Shared Prosperity Fund, ‘the Government is only providing to this new fund 60 per cent of the money provided by the EU’.<sup>11</sup>

### Europe or EUrope?

A comparison was also made between the frequency of articles mentioning the terms ‘EU’ and ‘European’ in their title or text. As Kai Böhme points out, there is both a ‘planning *in*’ and ‘planning *for*’ dimension to Europe and planning.<sup>12</sup> The former refers to the variety of planning approaches and traditions which exist in European countries, and the latter considers policies developed by European countries under the auspices of institutions of the EU in response to the effects of European integration on the spatial development of Europe’s diverse spaces and places.

In other words, not all references to Europe and ‘the European’ necessarily pertain to the EU and its relationship with planning—for example, discussions on different planning systems, or specific topics such as urban design, transport, sustainable urbanism, etc., often refer to ‘European’ approaches or models, without implying any particular relation to the EU (although its programmes, such as Interreg, have often supported knowledge exchanges around urban, regional, environmental, and social development).

In Fig. 1 it can be seen that the broader term ‘European’ occurred more frequently in the titles and text of articles than ‘EU’. It is noteworthy, too, that in the year of the EU referendum the incidence of both terms rose. In the case of ‘EU’ the frequency rose to its highest level since the start of the archive, but this was not the case for the term ‘European’, which had occurred more frequently in five other years since 2003.

It is noticeable that Fig. 1 shows that, while the overall number of references to ‘European’ fluctuated fairly consistently over the survey period, the number of articles mentioning the ‘EU’ was generally lower in the first half of the 2010s than it had been in the previous decade. Perhaps in the aftermath of the global financial economic crisis of the late 2000s, and in the face of austerity and domestic reforms to planning in parts of the UK such as the abolition of regional planning, the promotion of localism, and changes to specific planning procedures, other pressing issues occupied column space.

And polling at the time suggested that, for the general population, Europe and the EU were not issues of overriding concern—for example, a survey of opinion in the UK conducted by Ipsos MORI showed

that, as late as December 2015, only 1% of those who responded felt that Europe was the most important issue facing the UK.<sup>13</sup> In planning there were also many other matters—experiences from practice, evolving planning policy and case law, and cycles of reform—to occupy the attention.

It is arguable, too, that the main adaptations of planning to EU legislation, policies and programmes (so-called ‘download’ Europeanisation) had to a large extent taken place in earlier decades, and the EU context had become ‘part of the furniture’ for planners and planning by the 2010s. This is not to say that this evolving context was not relevant to planning—for example in relation to environmental protection.

What is noticeable, too, is that critiques of EU legislation, policies and programmes and their impacts often seemed to derive from similar deregulatory impulses, sectors, and sources that, from the 1970s until the present day, have frequently criticised planning as a regulatory burden.<sup>14</sup>

The prevalence of other terms in the archive (‘Brexit’, ‘International’, ‘UN’, and ‘global’) will be considered in the next instalment of ‘Europe Inside Out’. It will also reflect on whether the EU and/or European context will inexorably fade into the background for planning and planners in the UK—the ‘*adieu*’ scenario—or whether an ‘*au revoir*’ scenario might be envisaged, in which the environmental, social and economic realities of physical proximity, and shared interests in global sustainability and other agendas, foster continued interest in the potential to share experiences and best/promising practices with others in the UK’s European neighbourhood.

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## Notes

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- 2 *Subsidiarity and Proportionality in Spatial Planning Activities in the European Union*. Department of the Environment, Transport and the Regions, 1999
- 3 TB Fischer, O Sykes, T Gore, et al.: ‘Territorial impact assessment of European draft Directives—the emergence of a new policy assessment instrument’. *European Planning Studies*, 2015, Vol. 23(3), 433-51
- 4 R Cowell, G Ellis, T Fischer, T Jackson, T Muinzer and O Sykes: *Environmental Planning after Brexit: Working with the Legacy of EU Environmental Directives*. RTPI Research Paper. Royal Town Planning Institute, Jan. 2019. [www.rtpi.org.uk/research/2019/january/environmental-planning-after-brexit/](http://www.rtpi.org.uk/research/2019/january/environmental-planning-after-brexit/); and R Cowell, G Ellis, T Fischer, T Jackson, T Muinzer and O Sykes: ‘Integrating planning and environmental protection: an analysis of post-Brexit regulatory styles and practitioner attitudes in the UK’. *Planning Theory & Practice*, 2020, Vol. 21 (4), 570-90
- 5 *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*. Aarhus Convention. United Nations Economic Commission for Europe, Jun. 1998. <https://unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>. The Aarhus Convention is originally a United Nations Economic Commission for Europe (UNECE) convention as opposed to an EU agreement, but the EU seeks to have regard to and implement it – see <https://ec.europa.eu/environment/aarhus/>
- 6 *Ministerial Informal Council on Sustainable Communities under the UK Presidency*. Memorandum by the Office of the Deputy Prime Minister, Apr. 2006. <https://publications.parliament.uk/pa/cm200506/cmselect/cmoldpm/906/6020702.htm>
- 7 *European Cohesion Policy in the United Kingdom*. European Commission (undated). [https://ec.europa.eu/regional\\_policy/sources/docgener/informat/country2009/uk\\_en.pdf](https://ec.europa.eu/regional_policy/sources/docgener/informat/country2009/uk_en.pdf)
- 8 See the European Commission’s ‘2020 climate & energy package’ webpage, at [https://ec.europa.eu/clima/eu-action/climate-strategies-targets/2020-climate-energy-package\\_en](https://ec.europa.eu/clima/eu-action/climate-strategies-targets/2020-climate-energy-package_en)
- 9 *Autumn Statement 2012: Environmental Issues*. Fourth Report of Session 2012–13. Environmental Audit Committee. House of Commons, Nov. 2012. <https://publications.parliament.uk/pa/cm201213/cmselect/cmenvaud/328/328.pdf>
- 10 *Report of the Habitats and Wild Birds Directives Implementation Review*. HM Government, Mar. 2012. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69513/pb13724-habitats-review-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69513/pb13724-habitats-review-report.pdf)
- 11 *Autumn Budget and Spending Review 2021*. Tenth Report of Session 2021–22. Treasury Committee. House of Commons, Jan. 2022. <https://publications.parliament.uk/pa/cm5802/cmselect/cmtreasy/825/report.html>
- 12 K Böhme: *Nordic Echoes of European Spatial Planning: Discursive Integration in Practice*. Nordregio, 2002. Available at [https://repository.ubn.ru.nl/bitstream/handle/2066/19205/19205\\_nordecocofe.pdf](https://repository.ubn.ru.nl/bitstream/handle/2066/19205/19205_nordecocofe.pdf)
- 13 See M Diffley: ‘Public opinion and the EU’. Blog Entry. Ipsos, 25 Mar. 2015. [www.ipsos.com/ipsos-mori/en-uk/blog-public-opinion-and-eu](http://www.ipsos.com/ipsos-mori/en-uk/blog-public-opinion-and-eu). Meanwhile ‘data aggregated over the whole of 2014’ showed that only 2% of voters overall (and only 7% of even UKIP voters) ranked the EU ‘as the most important issue’—see A Rasm: ‘Only 1% of Brits cared much about the EU before the 2016 Brexit vote’. *Quartz*, 10 Oct. 2019. <https://qz.com/1725402/only-5-percent-of-brits-cared-about-the-eu-before-brexit/>
- 14 A Lord and M Tewdwr-Jones: ‘Is planning ‘under attack’? Chronicling the deregulation of urban and environmental planning in England’. *European Planning Studies*, 2014, Vol. 22 (2), 345-61