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THE ROLE OF LEGISLATION IN CONNEXION WITH PLANNING<sup>1/</sup>

<sup>1/</sup> Document prepared by Mr. Desmond Heap, LL.M., Controller and City Solicitor to the Corporation of the City of London, Past President of the Town Planning Institute.

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include interviews, surveys, and focus groups, each of which has its own strengths and limitations.

3. The third part of the document describes the process of data analysis, which involves identifying patterns and trends in the data and interpreting these findings in the context of the research objectives.

4. The fourth part of the document discusses the importance of ethical considerations in research. Researchers must ensure that their work is conducted in a fair and honest manner, and that the rights and privacy of participants are protected.

5. The fifth part of the document concludes by summarizing the key findings of the study and highlighting the implications for future research and practice.

## THE ROLE OF LEGISLATION IN CONNEXION WITH PLANNING

by

DESMOND HEAP, LL.M.,

Controller and City Solicitor to the Corporation  
of the City of London, Past President of the  
Town Planning Institute.

1. The art, science or mystery of town and country planning or, to put in another way, the important business of controlling the development of land, is as old as the hills themselves. The Greeks had a word for town planning and so did the Romans, but I dare say that earlier civilizations know quite a bit about it, judging from the discoveries made in recent years in different parts of the world.

2. The law relating to town planning or, to re-phrase it again, the law relating to the business of controlling the development of land is, as far as I am aware, a comparatively new affair. In my own country, which is England, it did not begin until 1909. In many countries which I have recently visited and which are desperately in need of some town planning there is at present no town planning law at all.

3. As will be seen, town planning law was a late beginner in England and today we pay the penalty for a good deal of indiscriminate and unregulated development which took place in England after the Industrial Revolution and before the coming of town planning control sanctioned with the impress of the law. The difficulties caused by this unregulated development were no doubt trifling when the development itself actually took place, but with an increasingly complex way of life, with an ever-rising population and with greatly increasing mobility on the part of all persons, the difficulties caused by earlier unregulated development

have become greater than ever and it is now quite clear that, whatever may have happened under the unrestricted freedoms of the past, such freedoms in the future could not be tolerated and would amount indeed not so much to freedoms as to unbridled licence.

4. But if town-planning law in England was a late starter this does not mean that there was not previously any control over the development of land. I would particularly like to refer to the deliberately controlled development of many of the large estates in England during the 17th and 18th Centuries, when enlightened landlords, functioning under the old-established law of Landlord and Tenant, were able to control the development of their large estates including the development of whole villages. Some of the prettiest and most efficient villages in England to this day derive from the wisdom of landlords of large estates who, hundreds of years ago, took a close and enlightened interest in how their land was used.

5. Time marches on and has seen the break-up of the large estates so that nowadays the large estate becomes the exception to the general rule under which land is held in comparatively small parcels by an ever-increasing number of people. Land held in small parcels is clearly not amenable to comprehensive development control by the individuals among themselves. The whole essence of comprehensive development means that it must operate over a fairly large area; otherwise it ceases to be comprehensive. In the increasingly complex society in which we live, and to which I have already referred, it is not possible to have individual plots of land planned and developed in isolation the one from the other; some over-all control is necessary when the landlord himself is not the landlord of a sufficiently large area of land.

6. I would repeat again, and pay tribute to, the fine control over development exercised by enlightened landlords in the 17th and 18th Centuries through the medium of landlord and tenant control. With the break-up of the great estates it became necessary for a new form of control to be established, namely a control by some controlling body over land

belonging not to the controlling body, as, for example, the landlord, but belonging to a totally different person. This was where the law of town and country planning came upon the scene, but not until 1909 when the power of control was placed in the hands of democratically elected local authorities who were able to control the development of land by other persons whether or not the local authority owned the land itself.

7. It must be stated that the English law of town planning in 1909, whilst full of good intentions, was fairly weak and indecisive. The law was amended in 1919, 1925, 1933, 1943 and 1944, but after all these vicissitudes the law still lacked teeth and striking force. In 1947, after the devastations of the World War, it was clear that in a complicated island like Britain some more decisive and dramatic law of town planning was required. Accordingly, all previous law was repealed and a new beginning was made with the Town and Country Planning Act, 1947. This really did bring home to every person in the land the real immediate impact and long-term implications of town planning control - a control which frequently prevents a man doing what he wants to do with his own property.

8. This restriction on his freedom to develop land as he pleases has placed upon him in the national interest which includes, of course, the interest of the man himself. This control can be very serious indeed, but I have no hesitation in saying that the case for town and country planning control in Britain is now fully accepted even if argument about means and ways still continues.

9. Town and country planning control should never be made an end in itself. It is a means to an end. In Britain that end is now regarded as a neat, proper, fitting and wholly desirable end and one to be achieved if it is at all possible.

10. It is realized that there is, frankly, no escape from town planning control over the development of land in an island so densely populated as Britain if there is going to be a reasonably good life for everyone. Accordingly, the art of town planning law should be to support and, in the ultimate analysis, to require that good ideas about town planning control over the development of land should be regarded as imperative and binding upon all persons and not to be avoided. It is not in human nature to accept restrictions lightly; nevertheless, there comes a time when absolute freedom can breed only licence and reasonable restrictions in the national interest become obligatory. Provided these restrictions are reasonable and are imposed under the due process of the law - law which is enacted by some Sovereign Parliament and according to the will of the people - no complaint can reasonably be made against them.

11. There is no doubt that law in this field is an absolute necessity. Town planning without the sanction of the law is merely wishful thinking. It is easy to draw pretty pictures on the wall and intriguing maps on the floor. None of these will come to blazing life on the land itself unless somewhere there is some requirement of the law which says definitely and decisively that they shall. This is what I mean by the sanction of the law.

12. Once it is accepted that some quantity of town planning law is required the next question is: how much shall there be? I am in favour of whatever law it is which is being obtained being clear and understandable by as many people as possible - not merely by experts. Moreover, there should be no more of it than is absolutely necessary. I particularly desire to emphasize that because town planning law of a certain kind may work in one country, it by no means follows that the same kind of law will necessarily work in another country.

13. Temperamental differences in population, climatic conditions, geographical differences - all these require thought before any attempt is made to transplant the law of one country to another country. The most careful consideration of the matter should be given. Town planning law in a densely populated country with a sophisticated society, such as is to be found in Britain, is very complicated law indeed. The present principal Act relating to town planning, namely the Town and Country Planning Act, 1962, contains 226 sections and 15 schedules and comprises 244 closely printed pages in a Queen's printer's copy of the Act. This is heavy stuff indeed compared with the tiny Town and Country Planning Act of 1909. Let it be said at once, however, that the 1962 Act does mean business and really works, whereas the 1909 Act was little more than the statutory expression of pious good wishes. It will be a matter for discussion at the forthcoming workshop in Accra as to how much law each of the contributing countries could reasonably be expected to take at the present time.

14. All I desire to emphasize is that whatever the state of development or sophistication of any country, it is needful that it should have some form of town planning law in order to control its development. I repeat "in order to control its development" which is quite a different thing from saying in order to stop its development. Newly developing and emergent countries should surely learn from mistakes made in earlier years by older countries, mistakes which to-day are having to be dealt with and sometimes at a heavy price.

15. Without pretending in any way to get involved in details of town planning law in this paper (details are more for discussion at the Workshop) I would like to emphasize that, as a general principle, every effort should be made under town planning control by law to make it clear that the law is not there purely for the sake and benefit of bureaucrats who have the responsibility of handling the law and seeing that it is carried

out. On all occasions every effort should be made under the law to explain why a particular town planning decision is being given, especially is this so if the decision is one which is going to prevent a land owner developing his land as he himself would like to do.

16. Getting the case for town and country planning control under the sanction of the law over to the people is not necessarily an easy thing to do, but I have no doubt that it is a vital thing to do. It may be a slow process of growth and persuasive education. Britain has gone through this process with the result that, as already mentioned, the case for town planning is accepted; it is only the machinery of the system which still forms the object of discussion and disputation.

17. If I may be allowed to do so I would like to conclude this paper with a quotation from a Preface which I wrote 15 years ago in connexion with a little book I wrote in explanation of the Town and Country Planning Act, 1947, which had just previously come into full force and operation in England. I would like to add that I believe the words I used 15 years ago are as valid today as when I wrote them. They are as follows:

"After nearly forty years of growth and development the law of town and country planning has now become a highly specialized branch of the statute law of this country. The law, of course, has many highly specialized branches, but it is doubtful if any of them operates in so widespread a fashion as does planning law which, accordingly, is invested with a general importance quite beyond that normally accorded to a specialized subject. The fact is that planning law now has its bearing and (as time progresses and development plans come into operation) will increasingly make its mark, upon the lives and property of everyone; the great, the small; the planners and the planned; the landlord and the tenant; the vendor, the purchaser and the developer of land; the local authority and the private individual - in short, upon everyone and everybody at almost every turn everywhere.

"Ultimately the only plan which people will enjoy is the one which, in effect, they make themselves, and that is why it is of first-rate importance that the private individual should understand as much as possible about the new planning law and its implications. it is hoped that this "Outline of Planning Law" may, in some degree, contribute to this end."

Controller and City Solicitor's Office  
at Guildhall in the City of London,  
July, 1964.

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