Revitalising the political: Development Control and agonism in planning practice

Author:
Dr Katie McClymont

Correspondence address:
Department of Planning and Architecture
University of the West of England,
Frenchay Campus,
Coldharbour Lane,
Bristol.
BS16 1QY
katie.mcclymont@uwe.ac.uk
Revitalising the political: Development Control and agonism in planning practice

This paper argues for a new way of valuing development control planning practices in a democratic society: as agonistic political engagement. It counter[s] claims that collaborative and consensus seeking approaches are of higher value than conflicts over site specific developments, by use of Chantal Mouffe’s idea of the political. In this, the idea of true consensus is an impossibility as some viewpoint has to be excluded from any agreement. Moreover, for democracy to exist, different opinions need to have legitimate arenas in which to be expressed, without the endpoint of discussion being resolution and agreement. Drawing on discussion from a public inquiry, examples are given of how meanings assigned to planning policy and the built environment can be part of this agonistic debate. They form the elements which build up contradictory arguments about what is ‘appropriate’ or ‘good’ for a specific place. The mechanisms of development control provide a legitimate forum for these to be articulated, without consensus or agreement as a goal.

Keywords: development management, dissensus, agonism, Mouffe, consensus

Introduction

The status of development control, or development management as it has become known more recently, in the British Planning system is well-rehearsed as second class, unimaginatively technocratic and trapped within the worst excesses of managerialist bureaucracy (Booth, 2003). Commentators and government strategists hoping to revitalise the image and practice of planning generally focus on forward based and plan making initiatives (CLG, 2007, RTPI, 2007) and the desirability of achieving consensus through engaging more people in strategic
planning issues. Conversely, improvement of development control has centred on the need for speed, streamlining and efficiency; the tone of recommendations being largely the same today as in the 1973 Dobry report (see Booth, 2003, p123). Development control is viewed as a bureaucratic process, rather than something concerning (non-monetary) values, desires and aspirations. This paper aims to unsettle these preconceived notions, and present development control as instead an important part of democratic engagement by diverse publics within spatial planning and the built environment.

This is done by application of Chantal Mouffe’s theory of the political, grounded in a rejection of liberal notions of consensus (Mouffe 1993, 2005). She argues that to make democracy viable there is a need for adversaries to be engaged in agonistic conflict. Agonism is irresolvable disagreement over political meanings and actions, in which each party does not deny the legitimacy of the other to have an opinion. It is a form of political engagement that acknowledges the permanence of conflict and views this as necessary for democratic politics to function rather than detrimental to it. Parties in disagreement, adversaries, are opponents rather than enemies. This means that they disagree, but do not deny each other’s right to hold their opinion. In relation to planning theory in general, these ideas have proved a fruitful means of analysis (see Hillier, 2002, 2003 and Ploger, 2004), and are part of wider theoretical challenges to the ‘post-political’ in both planning literature (Baeton, 2009, Swyngedouw, 2009, 2010a and b, Purcell, 2007, 2009), and social theory more widely (Ranciere, 1998, 2001, Zizek, 2006, for example).

Through using a case study of development control practice in the UK, and focusing on discussions from a public inquiry, this paper illustrates how different meanings are assigned to facts and planning policy, and articulated collectively to make opposing
positions over a development. From this, the paper argues for the importance of conflict in planning, and the value of the development control system as a legitimate institutional frame in which decisions can take place. As the system formally necessitates differences of opinion, it automatically legitimises opposing parties' roles as legitimate adversaries. Prior to this, the paper briefly outlines the role of development control in the English planning system, and then arguments for consensus. It then further outlines Mouffe’s notion of the political and the place for agonism in pluralist democracies.

This is not to argue that England’s current development control system is by any means perfect (see Ellis, 2000 for relevant criticisms), nor than all decisions must be taken conflictually. However, I am arguing that the principal of a system based upon site specific land use decisions, premised on disagreement and conflict, holds overlooked value. To operate a system of land use allocation which assumes that all decisions can be made consensually is to delegitimize opposition. The establishment of an Infrastructure Planning Commission (IPC) appeared to further remove the possibility of democratic agonistic over planning decisions, hence pushing opposers of national schemes into the role of ‘enemies’, in explicit contrast to the development control system which makes explicit provision for legitimate opponents. Although the coalition government has disbanded the IPC, the principal of decisions about ‘major infrastructure’ being made centrally, without room for legitimate opposition remains. Before these ideas are explored further, it is necessary to discuss the position of development control in the English planning system, and how its rationale is not compatible with current attempts to promote and establish consensus as necessary for satisfactory planning decisions.

Development Control in the English Planning System
The workings of development control, or development management as it is also known, contain complex legal procedures and are also the public’s most likely interface with the planning system. In brief, it covers the granting or refusal of planning permission for any activity classified as development which does not fall into the category of permitted development (see Cullingworth and Nadin (2006) for a more detailed introduction into the system). Unlike many other European countries, decision making in England is discretionary due partly to the specific development of planning powers in the UK (Booth, 1999). All local planning authorities are required to produce a development plan which should indicate the spatial vision for the area and outline the sort of uses which are likely to be permitted in any given location; however this plan is not a binding zoning document. Decision should be made in accordance with the development plan, unless there are any ‘material considerations’ which indicate otherwise. It is beyond the scope of this paper to discuss this concept fully, but what needs noting is that this system gives decisions makers a broad scope of justifications for approving or rejecting any application for development (Booth, 2002). These decisions are formally made by the elected members of a local planning authority, on the recommendations of an officer. In practice, the majority of decisions are delegated to the officers, with only large or controversial applications reaching the attention of elected officials. If planning permission in refused, the applicant has the right to appeal against the decision; but if it is granted, objectors do not have the same rights of appeal.

As already outlined, development control has a lowly status in planning literature, both popular and academic, largely “regarded as a trivial bureaucratic exercise” (Booth, 1999, p278). This is confirmed by the general lack of academic literature on the subject, save for the notable exceptions discussed below. The aim here is not to further elaborate on this ‘Cinderella’ (following McLoughlin, 1973) complex, but to
explore some of the reasons for this, with the problems about consensus and conflict in mind. For at least three decades, development control has been at the brunt of consecutive governments attempts to speed up and streamline the planning system, making it more responsive, flexible and efficient (Thornley, 1991). As Booth aptly summarises, “the discourse of delay whose foundation had been laid in the 1970s now came to occupy a central place in government thinking” (2003, p166). In governmental shifts to ‘customer focus’ and an increased emphasis on performance management, development control becomes demonised as the opposite to good, positive planning. Development control therefore becomes positioned as a negative administrative necessity: 'form-filling' and 'tick-boxing', building on the image of a low skilled bureaucrat established since the 1950 Schuster report (see Booth 2003).

This stripping away of any intrinsic value of development control goes hand in hand with the promotion of consensus as the best vehicle for decision-making involving the public. As the current marginalisation of development control “was to reduce the debate on development control to a discussion of effective management of a procedure” (Booth, 2003, p170), it concomitantly removed the importance of the content of the process. Judging development control solely in terms of bureaucratic efficiency silences its role as a legitimate forum for the discussion of different opinions on how the physical and natural environment should, or should not, change. Instead, according to the dominant policy discourse, these discussions should be collaborative, non-regulatory matters the aim of which is agreement, not precise, site specific decision, pleasing some and not others. These ideas, and criticisms of them and discussed further below. This paper aims to reassert the value of development control in substantive, not procedural terms. Clearly it is nothing new to suggest development control offers opportunities for debate and disagreement, but in the
context of a growing hegemony of post-political consensus, the value of this needs (re)asserting. This is what this paper aims to do.

Collaborative planning and the hegemony of consensus

In both government policy and academic literature the idea of consensus achieved through deliberative democracy is put forward as the cure to the public sector’s, and specifically planning’s, ailments (CLG, 2008, 2009, Ministry of Justice, 2008). This is so much so that the Conservative party described their vision of planning as ‘collaborative planning’ in their green paper on ‘Open Source Planning’ (Conservatives, 2010). In planning theory the collaborative ‘turn’ has been described as the “dominant rhetoric” (Healey, 2003, p108) in planning thought. The aim here is not to simply regurgitate the debate around collaborative planning, nor does the following discussion do justice to the subtleties of some of the arguments in, and differences between, different authors’ conceptions of collaborative planning or consensus building (precisely what Innes (2004, p6) criticises critiques of consensus for). However, it is necessary to briefly explore some of the arguments for collaborative planning and consensus building, as it is against the growing hegemony of these ideas in policy and practice terms that the argument for the importance of development control will be made.

As already discussed, government policy, both pre and post the 2010 general election, promotes the consensual engagement of the public, in the planning process (CLG 2007, 2008, PAS 2007). Going beyond this, the previous government actually criticised formal/legal public involvement in the development control system:

“Long, drawn out planning processes do not necessarily provide the best opportunities for people or communities to have their say or deliver the best outcomes in terms of social justice. Complex and lengthy consultation on local plans
can lead to consultation fatigue while still failing to engage citizens effectively. The adversarial nature of the inquiry system for major infrastructure projects can be intimidating and make it difficult for local government, nongovernmental organisations (NGOs) and members of the public to participate effectively. The time and costs involved means it often favours the well-resourced and well-organised over less well-off communities and citizens” (CLG, 2007, p14-15, para. 1.21).

Such criticisms are supported by academic arguments for collaborative planning; “these (legal/formal) methods often antagonize the members of the public who do try to work with them. The methods often pit citizens against each other, as they feel compelled to speak of the issues in polarizing terms to get their points across” (Innes & Booher, 2004, p419). Underlying both these criticisms of conflictual public involvement in decision making are certain assumptions about who the public are and judgements about ‘good’ and ‘bad’ participation. Innes and Booher go on to argue; “(p)ublic hearings typically are attended primarily, if not uniquely, by avid proponents and opponents of a measure affecting them personally” (2004, p424) supporting an idea that locally based issues, or development specific public involvement, is wrong and selfish: that it is NIMBYism in action. This illustrates that the activity of public participation is more complex than some advocates of collaborative practice present. It is only one version, although “consensus formation has become the grail of much participatory practice” (Hillier, 2003, p49). Oppositional public involvement is not part of the positive paradigm of collaborative planning, and dismissing this as ‘NIMBYism’ can just be a convenient political ploy to dismiss the views of one’s opponents (Burningham, 2000, Wolsink, 2006). Further, action taken by so-called NIMBYs can be seen as meeting the governments definition of a sustainable community (McClymont and O’Hare, 2008) blurring the already weak boundaries between supposed ‘good’ and ‘bad’ participation.
In fact, the tension between these supposed different types of public involvement are illustrated well by Innes and Booher who suggest that “if collaborative methods have been properly implemented however, it is likely that few members of the public will turn out at hearings to complain” (2004 p431). The positive tone of this proposition exemplifies the problems with the downgrading of development control and the concomitant denial of the need for conflict (also see Purcell, 2009). Innes and Booher (2004) illustrate that the hegemony of consensus guarantees the elimination of legitimate debate. The arguments against this position are explored next.

**Discourse and democracy: against consensus**

To understand the importance of Chantal Mouffe’s ideas to the possibility of revitalising development control, it is important to explore her ideas in their wider theoretical context. The jump from development control to postmodern theory may not be an obvious one, but this paper aims to illustrate how their interface is fruitful for both planning theory and practice. This is done in three steps. First, the wider perspective of theoretical critiques of the ‘post-political’ are discussed, second more detailed theoretically underpinnings of Mouffe’s ideas are explored and third, the relationship of these ideas to planning practice is reviewed.

Thinkers such as Mouffe, (1993, 2005) Zizek (1992, 1996, 2007) and Ranciere (1995, 1998, 2001) provide increasingly important paradigm of critiques of society as post-political. These authors critique "the perceived inevitability of capitalism and a market economy as the basic organisational structure of the social and economic order, for which there is no alternative" (Sywngedouw, 2010b, p215). Although Fukuyama’s notion of the ‘end of history’ is largely discredited, the legacy of capitalist democracy as the only legitimate for of society still dominates; “the majority today is
"Fukuyamaian": liberal-democratic capitalism is accepted as the finally-found formula of the best possible society, all one can do is to render it more just, tolerant” (Zizek, 2007). These authors, in different ways, illustrate how there is always some ‘thing’ excluded from any attempt at universalising, or any totalising version of society as a whole. It is not within the scope of this paper to explore these ideas and their different theoretical configurations more fully (see Swyngedouw, 2009), but a few further comments are useful before detailing Mouffe’s ideas which form the basis of this argument. Ranciere (2001) posits the idea of the ‘the police’: an established socio-political order with all its requisite inclusions and exclusions. He argues that a political act is one which challenges the police order, one which claims a voice for that which has none in this established order. This is a powerful analysis, but one which can be seen as excluding local scale debates from being configured as political, whereas Mouffe’s “concept of hegemony…(provides) us with an anchorage from which contemporary struggles are thinkable in their specificity” (Laclau & Mouffe, 1983[2000 edition], p3), hence providing the detailed framework for the analysis in this paper. The idea of agonism, or agonistic debate can be applied to any relevant setting; highlighting the role of everyday articulations in potential counter-hegemonic politics. However, the overall perspective shared between these authors provides an invaluable framework for thinking beyond post-political times, and will be drawn on more widely in the analysis of the case study material. I now turn to explore Chantal Mouffe’s ideas in more detail to illustrate how they are of use for revaluing development control practice.

The key ideas which underpin Mouffe’s notions of agonism and politics are those of discourse and ideology, drawing on a Lacanian understanding of language and structure. In broad terms, these theorists share the idea that understandings of the world are political, and each political ideology expresses this understanding through
articulating a discourse which aims to express itself as 'reality' (Torfing, 1999). This discourse attempts to join and fix meanings of elements to express a comprehensive whole. However, "no matter how successful a particular political projects discourse might be in dominating a discursive field, it can never in principle completely articulated all elements, as there will always be forces against which it will be defined"(Howarth, 2000, p103). Any ideological discourse, or political expression of how the world is, attempts to deny the legitimacy of any other discourse or articulated interpretation of how the world is, as it necessarily undermines its own articulation.

Mouffe’s concept of agonism is central to this paper’s argument. Two opposing discourses when in conflict over meaning become antagonistic. In this situation “(e)very opposition is automatically perceived as a sign of irrationality and moral backwardness and as being illegitimate” (Mouffe, 2005, p85). It cannot fit within the other’s framework; therefore it cannot be *legitimately* denied. However, the purpose of democracy, in Mouffe’s view, is to allow for different interpretations of the world. This is expressed through the idea of agonism. Agonisitic discussions accept the legitimacy of an opposing view, although disagreement and argument are vital to them. Discussions are fundamentally political, and hence meaning is deliberately kept open, rather than artificially foreclosed. Consensus approaches are the opposite of this: their aim is to dissolve differences of opinion, making continued and sustained opposition illegitimate. Mouffe is not arguing for contestation in all areas of life at all times, however, she is arguing against the growing hegemony of the consensus model in political (as advocated by Giddens, 1998 for example). This assumes that politics without differences is possible; and it is this that Mouffe denies: “there is much talk today of ‘dialogue’ and ‘deliberation’ but what is the meaning of such words in the political field, if no real choice is at hand and if the participants in the discussions are not able to decide between clearly differentiated
alternatives?” (2005 p3). Mouffe’s ideas therefore offer tangible practical strategies to
challenge ‘post-political’ times on an everyday basis.

The hegemony of consensus is as apparent in planning theory and policy as in
politics more generally as has been already illustrated. It has also been criticised on
the same grounds: “consensus steering can thus be seen as a way of ignoring
antagonism or suppressing strife because this form of governance prevents public
disputes from unfolding and becoming important in planning politics” (Ploger, 2004,
p79), further “(t)he consensual times we are currently living in have thus eliminated a
genuine political space of disagreement” (Swyndegouw, 2009, p609). Both in society
in general, and in planning practice and environmental politics specifically, the
growing hegemony of consensus can be seen as damaging debate over real
alternatives or incompatible views of the world. Arenas or systems which offer only
consensual or collaborative methods for decision making can support the
maintenance of powerful interests whilst appearing to offer an open and equal forum
(Purcell, 2009). Further, “(c)itizens might have formal decision making power, but
their range of decisions can become so narrow as to not really be decisions at all”
(Purcell, 2009, p145-6). The idea of agonistic debate can here too offer a way out of
the trap of consensus; “agonistic space, therefore, is a political space embracing
legitimate and public contestation” (Hillier, 2003 p42). As Hillier (2002, 2003) has
illustrated, the idea can prove fruitful when examining planning practice.

This paper takes up these ideas, specifically Mouffe’s (2005, p3) need for ‘clearly
differentiated alternatives’ goes on to argue how development control can provide a
very suitable forum for this agonistic style of debate to be articulated within.
Theorising development control and conflictual democracy in planning

By simple fact of its current setup, development control offers an arena for agonistic debate. It provides the legal structure where different discourses (or opinions, or voices) about the suitability of any given development proposal can be debated. Views are not ruled out of the discussion, opposition and hence opponents are legitimate, the general public has a right to be heard, and debate has a direct link with tangible outcomes.

Moreover, national policy debates over issues such as airport expansion have clearly illustrated that differences of opinion can be irresolvable. The current system of development control in its broadest capacity, has allowed different opinions to (at least partially) successfully challenge dominant government discourse; as Cowell and Owens explain: “the subversive functions of planning- particularly its capacity to obstruct ‘essential projects’ and raise awkward questions about social purpose- are seen as part of the problem, and as a key target for modernisation” (2006, p406). They see the public inquiry system as giving the public opportunities rather than simply intimidating them as government thinking assumed (CLG, 2007, p14-15, para. 1.21, as cited earlier). Thus development control and especially the public inquiry process in planning offers the possibility of a legitimate confrontational voice for those opposing development (with the caveats made earlier about third party rights of appeal borne in mind). Further as it is necessarily site specific; being focused upon a defined area with an explicit proposal for this area, it is where the real effect of policy can be seen as Booth notes; “the acceptability of strategy is only really tested in its application in detail”(Booth, 2003 p193). Development control, and indeed planning generally, must be about outcomes, and when necessary, creates winners and losers. As will be argued further, these decisions about outcomes are necessarily
political, and therefore to be legitimate need to be made through political dissensus, something which collaborative fora cannot offer.

To develop this argument further, it is now necessary to turn to the case study, and particularly details of an application at public inquiry; to see how challenges to (dominant) discourses were made and the importance of site specific meanings of policy.

**Development Control as agonisitic politics in practice**

To show how development control can offer a forum for agonistic debate, I now turn to research conducted in a development control office, including observations of a public inquiry. Although the argument made is about development control more generally, this paper draws largely on material gathered at the inquiry. This is not to claim that a public inquiry represents all development control practice, rather it offers a focused setting in which different groups can present arguments about the rights or wrongs of a given, site-specific development, “as good an occasion as any for the airing of this kind of public debate” (Booth, 2002, p320). Moreover, it is this aspect of development control practice which is both most disparaged by commentators (Innes and Booher, 2004 CLG, 2007) and potentially most valuable as a structure for political dissent in a context of post political neoliberalisation (Cowell and Owens, 2006). The paper does not aim to theorise, or even explore every aspect of development control practice or policy. It aims to further arguments for dissensus by reasserting the value of the English development control system as a legitimate vehicle for disagreements over the best course of action in a specific location.

From this, two areas of the public inquiry argument are discussed in detail to illustrate the potential for agonistic debate in planning. The case was a developer appealing
against the council’s decision to reject an application for the building of 117 houses on the site of a former printworks in the Greater Manchester greenbelt. Evidence was heard from the council, the developer’s team and from local residents who had organised in opposition to the application. The inspector judged in favour of the council, upholding their decision and rejecting the appeal.

I observed the full six days of the inquiry from the public gallery and the material below is from my notes rather than a transcription of a recording. Observation was the main method used during this part of the research project¹, and it is the data from this that this paper draws upon. Although observing the formal ritual of a public inquiry is quite different from traditional social science participant observation, many of the same methodological considerations arise. Observation allows for an inductive approach to research, and for open ‘what is happening’ questions to be posed (Gerson and Horowitz, 2004). As entry to the inquiry was not restricted, any member of the public could attend and had an opportunity to speak, it provided a suitable, and simple to access opportunity to view public presentations of (what can be argued as) agonistic discourses over a specific development issue. Observational methods allow for broad data collection which can be later refined by application of pertinent questions of social theory which focus what was observed into relevant social phenomena. So, rather than entering the public inquiry with questions about agonistic debate, the event was observed from an open and inductive perspective

¹ This was part of a wider research project into difference in professional planning practice, which also included observation in the development control office and at committee meetings, interviews with officers in the council, those working for the appellant and members of the residents’ association.
and the different expressions of the same policies on the same site emerged as an interesting theme.

The scale of this research means that this paper does not attempt to make grand claims about the generalisability of these ideas. Instead, it endeavours to illustrate how the theoretical perspective of agonistic debate can be seen in discussions around a development application, and how this provides an alternative version of public engagement in planning matters from the dominant discourse of consensus. It therefore aims to start debate, not be the final word on the matter. The observations form an illustration of a theoretical argument, rather than a substantive claim to social reality.

In daily development control work, arguments about the interpretation of policy, and place based outcomes, were had with the general public, and with those proposing development. There were also occasions where developers, residents and the council worked together to achieve a consensual outcome. Officers commented on the council’s practice of getting developers to submit a planning application and then withdraw it, so that both parties could enter into detailed negotiations about the proposal without compromising the council’s ability to meet its targets for determining planning applications. If restricted to the thirteen week period of nationally set performance indicators, the council may have to reject applications as they were deemed unsatisfactory. However, with this process of negotiation, compromises and reformulations allowed for both parties to be satisfied with the final proposal. Further, the council worked with individuals applying for planning permission, to get an outcome which satisfied both parties. An example which caused much amusement in the offices was a long negotiation into a pigeon loft in the green belt, which was resolved to the satisfaction of both parties. These examples aim to show the variety
of practice within one development control department. However, it should not be interpreted as a better solution to debate over development applications than conflict. It is simply a different one. The site specific nature of development control allows for different circumstances to be dealt with differently, rather than assuming a one-size-fits-all approach to decision making. Specifically, a public inquiry brings together different parties in a setting where their arguments are made publically, and directly conflictually. It is a public display of the fundamental principals of the system: debate about right and wrong outcomes for a given place- argument by legitimate adversaries in scenarios where agreement is not possible or desired.

The discussion of the public inquiry is divided into two sections with a commentary on how each fits the definition of agonistic political debates outlined earlier. They illustrate two aspects of the relevance of agonistic debate to development control practice: questions of values and the good society, and the importance of site specificity in policy judgements. In general, the local residents’ association’s evidence will be treated alongside the council’s, as their views on the application were largely in accordance. The first topic was about how the built form on the site was viewed, taking the alternate articulations of either heritage or financial liability. The second was about articulations of more and less suitable developments in the greenbelt hence touch on the meaning of the greenbelt itself. It is important to note that despite the strongly held differences of opinion on these matters, at no point did any party deny the legitimacy of the others’ role in the process, or the legitimacy of

\[\text{______}\]

\[\text{\textsuperscript{2}}\] In this case, the Residents’ Association had been granted official third party status, which gave them an opportunity to present written proofs of evidence to the inquiry, and to cross examine the appellant’s witnesses. This status is generally available to organised groups, although clearly there will be issues (education, power, time, wealth) over who can actually do so in practice.
them having an opinion which should relate to the physical outcome of the site. The terms ‘the council’ and ‘the appellant’ refer to a range of witnesses and experts giving evidence for their respective sides.

**Valuing the Built Form: Heritage or liability?**

In presenting evidence about the built form of the site, the opposing parties debated what the built and natural aspects of a place mean, and hence what is the suitable way to go about treating them. There is no one accepted interpretation of a real physical place and although the same site was discussed by all parties at the public inquiry, it was articulated very differently on most occasions. The council and the residents’ association referred to the built form as a mill, whereas the applicant called it a factory. This simple different in basic terminology is a good example of the power of different interpretations. Calling the built form a mill conjures images of industrial heritage and the Pennines as the cradle of the industrial revolution, placing the buildings as part of a discourse of the local historic environment; hence something of positive value. The articulation of the buildings as a factory has the opposite effect. ‘Factory’ conveys ideas of intrusive, polluting and ugly form, not suitable for valued natural landscapes, and of no value other than economic. As the building in questions was no longer in use, its economic value had been removed leaving it with only the negative aspects of a ‘factory’. Conversely, as mills, in their Pennine heritage understanding, as something of the distant past, the lack of economic or productive use is actually an asset as it allows the built form to become sediment as heritage.

The aim of this paper is not to judge the ‘truth’ (or even relative merits) of the two articulations. The buildings had formerly been a mill (in the traditional Pennine understanding) and the old chimney was still visible from outside the site. However, later buildings had been attached when the development became a printworks. Both
terms have legitimacy, and do describe the site. The use of these two different words, by the opposing parties does illustrate is that the arena of the public inquiry, created by the conflictual development control system, allows for both interpretations to be articulated in a way which would be denied in a collaborative approach. It is hard to see how an approach based upon achieving consensus could reconcile these fundamentally opposing interpretations of the value of the built environment of the site.

The debate which pivoted on the different articulations of the built form was a headline, or convenient shorthand, for the different ways of valuing the site. The council and the residents’ association took the articulation of the site as a mill further; the council’s landscape expert witness described the site as a ‘special landscape area’ and said that the built form was, ‘not intrusive in the sense of being alien,’ and an ‘accepted and comfortable feature, valued by lots of people’. These views were supported by the residents’ association and other members of the public who came to speak at the inquiry. On the other hand, the appellant’s version of the built form as a factory led to a focus on the commercial viability (or lack of it) of the site. The heritage value of the site was dismissed as nothing that could not be found elsewhere in the local area- its appeal to local vernacular dismissed as making it commonplace, and hence dispensable, rather than special. Further, the chimney was described as ‘a commercial liability’; its value being seen in a monetary rather than emotional sense. This way of valuing the site was criticised by the residents’ association who argued that the appellant dismissed heritage conservation as ‘irksome financial burdens’; evidence of actively competing discourses.

This illustrates two fundamentally clashing ways of valuing the site in question: opposing discourses of the meaning of a specific piece of the built and natural
environment which lead to different possibilities of what is the right course of action in this place. This is discussion over 'clearly differentiated alternatives' (Mouffe, 2005) that collaborative approaches would automatically foreclose. The fundamentally different articulations of the site, encapsulated in the difference between a mill and a factory are not reconcilable within a consensus based framework. The site can be either a place of heritage value or a development opportunity; once cleared of its current unused buildings. The two different discourses present two different substantive views of what planning should be aiming to achieve, and what a good spatial outcome would look like. The first places more importance on cultural values, the second on economic ones. These two differing views or discourses are part of different ideological interpretations of society. The different expressions of what is the right decision on development in this situation are not solely about this site, but about wider beliefs or interpretations of the world.

Greenbelt: a case of agonistic policy debate?

The evidence presented about the greenbelt discussed the relative role of different policies, their reification of place, and a place’s pivotal role in their interpretations and hence use. This is best seen in the debate between the council and appellant over the contradictory advice in PPG3\(^3\) and PPG2. National planning policy forms the top tier of the policy hierarchy in England; and although it does not have the statutory weight of a development plan, all policy and plans below it should follow its guidance. Following the logic of the policy hierarchy, it should be difficult for disputes over the meaning of policy in its application on a specific site to arise. However, the high number, over 20,000 annually (Planning Inspectorate, 2009) of appeals lodged

\(^3\) At the time of the Inquiry, this was the current government policy statement.
annually with the Planning Inspectorate over the rejection of planning permission suggest otherwise. The debate in this case was not between levels of policy but policy topics; specifically policy about development in the greenbelt as opposed to policy about housing developments on brownfield land.

The importance of this argument is slightly different from that of the different nature of values a site may offer discussed in the last section. As well as illustrating how development control offers a forum for agonistic debate; this section illustrates the point about development control being the stage for really testing the meaning and use of policy (Booth, 2003). It is only in the argument about actual sites where the real meaning of policy can be found; without application to specific sites any words in plans are simply that.

The site in question was both brownfield and within the greenbelt; so in general policy terms simultaneously encouraging and eschewing redevelopment. This contradiction was fully exploited by the opposing parties in the inquiry. To illustrate this point further, it is necessary to explain the technical policy argument in some more depth. The appellant claimed that guidance in PPG3, encouraging redevelopment of Brownfield land for housing, supported their case, stating that at present the site was an ‘underuse of a valuable brownfield resource’. Further, they claimed that PPG2 Annex C, which indicates the ‘very special circumstances’ in which development is permitted in the greenbelt could be used to justify their proposals against the other stipulations of PPG2. Alternatively, the council argued that PPG2’s stipulations against development on the greenbelt were grounds enough for rejecting an application for housing on this site. They argued that ‘PPG3 does not delete the approach of PPG2’. Policy, therefore, does not provide the answer to what should be permitted on any given site. Instead, it provides the language for
argument over the right course of action; argument grounded in belief and potential for loss or gain. It has the potential to support differing world views as part of a wider articulation of how the world is, to become part of a wider discursive construction of the correct (both morally and procedurally) course of action. Policy is especially important because of its legal status; it can directly impact on tangible events or actions. Therefore the power given to any discourse which can harness it successfully is great. It fixes meaning for long enough for it to impact on decisions and outcomes; for meaning to be made material.

As well as the scope policy gives as ammunition for argument, the public inquiry revealed that the use of policy was also grounds for debate. At different times in the inquiry, the appellant stated ‘I am surprised to see the guidance interpreted so literally’, then ‘I do not subscribe to the school of reading between the lines of policy’, contradditorily arguing that policy should both be interpreted and read literally. Not only does a forum such as this, opened by the development control system, give the possibility to see the site specific meanings of policy, it gives an opportunity to interpret the content and use of the policy. In application, policy is therefore both something explicit and non-negotiable, and something needing interpretation. The decision on which of these categories it falls into at any given time is also something tested through the site specific discussion on any given planning application. This then becomes something which forms part of the argument about the right and wrong course of action in any given place. This further undermines arguments which encourage collaborative policymaking or plan-making, as even if shared aims can be expressed in a document, neither their meaning nor use can be guaranteed in practice.

The Appeal Decision: agonism no more?
As already stated, the inspector dismissed the appeal, the predominant reason being that he judged the proposal as inappropriate development in the greenbelt. Although the practical implications of this are that the specific development will not go ahead, it does not undermine the argument made for ongoing agonistic argument. The inspector’s siding with the council and Residents’ Association in this case does not remove the legitimacy of the developer’s argument, both in relation to this site, and more widely. Although any decision or choice is a “foreclosure of the democratic political” (Swyndegouw, 2010a, p314), the decision gains legitimacy as it was taken in a political forum, part of a wider political argument. Following the line of argument of development control as agonistic planning debate, the purpose of the appeal was to legitimately discuss different interpretations of the right outcome for this place. The decision to dismiss the appeal makes the development of 117 houses illegitimate, not the view that they should be developed. Further, the greater discourse, or world view, that this argument is part of, is not rejected by one decision. Not receiving planning permission on one site does not undermine the ability of developers to argue for the benefits and rightness of (housing) developments in different locations and to use policy to make arguments about the site specific outcomes which are good for other places. The site specific location gives the arena for these arguments to be played out in, and assessed in terms of outcomes. However, they do not exist only within any given case. It is because they are part of wider world views, or discourses, that they can be used to interpret policy so divergently in any specific case.

**The value of oppositional participation and agonistic debate in planning**

This section considers the issues raised above to further explore the value of agonism in planning practice and the importance of legitimate disagreement. Although the ‘facts’ of the case were not disputed, and the same policy frameworks
used, two sides provided very different and adversarial articulations of the right course of action for this site. The structure of the inquiry formalised the legitimacy of opposition; a key tenet of Mouffe’s (2005) argument: conflicting views were able to be openly put forward. In later interviews, all opposing parties were very critical of their opponent’s ideas, but none denied their right to put them forward. By its nature, and the need for all parties to be part of it, the system guarantees the legitimacy of opponents in a stronger way than one situationally based. Having this formally guaranteed by the system mitigates against the domination of powerful interests shaping the debate, (Purcell, 2009). As already noted, criticisms about the lack of third party rights (Ellis, 2000) highlight inbuilt power imbalances in the system. However, it is more important to challenge these imbalances than to dismiss the value of the process overall on these grounds.

When site specific issues are at stake as they are in development control decisions, it is easier to see how any attempt at consensus would lead to the exclusion of one view than it is in debates over generic points of principal. It would not be possible, through any method of collaboration, to encompass both views of the site (encapsulated in the factory vs. mill debate), nor would it be possible to achieve consensus over the site being greenbelt and Brownfield. In both these cases, one definition (a mill, a Brownfield site) would need to be agreed upon as a starting point for any shared vision for the site. Excluding a view does not eliminate it, instead it removes it from the arena of debate. This is well documented in research into consensus based decision making. Baeton’s (2009) work about Coin Street, South London illustrates how a community, famous for resisting development in the 1980s has now largely become a ‘partner’ in facilitating development with those who were once opponents. Instead of bringing competing interpretations of how the area should develop to the fore, this process has stifled dissent and criticism, with those
attempting to maintain alternative versions of the future for the area being deemed illegitimate and exclude from the process. This does not imply that there is no room for building consensus, or trying to bring different interests together. These strategies may be more suitable in some cases than others, as illustrated above. Purcell (2009) discusses how, in political tactics of an action group, “there may be ample room for negotiation and strategic compromise along the way” (p160), but there remains a need legitimate conflict at times, or their ideas and vision for the area can simply be submerged by the more powerful. In practical terms, if development control offers a legitimate arena for dissensus, this is not only of value for itself, but it supports other aspects of planning practice which aim at consensus. By having recourse to a legitimate forum of disagreement, where there is scope for conflict, general agreement can be aimed at in other settings, as long as there remains an option for legitimate opposition if consensus cannot be found.

Conversely, without some recourse to conflict, such as that structured within development control, opposing views then become illegitimate. Instead of weakening the excluded opinion, its removal from debate simply means that it is not combated or countered by other arguments; no grounds are given as to why it is wrong within the terms of the debate. As Mouffe comments, “when an exclusion is justified in this way, it is not open to political contestation and it is shielded from democratic discussion” (Mouffe, 2005 p56). Instead of banishing an argument, it just removes it from the terms of debate, and hence the possibility to discuss these differences, and to see them as wider articulations of different (and possibly opposing) ideological discourses or world views within a context of democracy.

Collaborative planning aims to bring together different views and voices and to come up with a shared solution. However, when different parties with interests in a site
hold such ideologically opposed world views as explored in the case study, any shared solution would mean an impossible level of compromise for one of the parties, or as is often the case, the most powerful parties being able to establish their interests as the consensus (Purcell, 2009). For collaborative initiatives to work, the different parties must share at least a belief in the aims of collaboration, i.e. reaching a shared solution. In this research, this was not the case. Parties were able to enter into debate with each other because they did not have to create a shared solution, because each position (based on these different world views) could be articulated separately and a politically legitimate decision made based on these ‘clearly differentiated alternatives’.

Further, by ignoring alternative, opposing views, they are only dismissed on procedural grounds- they are beyond the scope of this forum/project or damaging to collaborative progress, rather than substantive grounds- that idea of development is wrong because it is damaging to the environment/local people, (or another good planning is aiming to promote). In turn, this means that the only justification for consensus based decisions is that they were made by consensus, rather than their content has any claim of ‘goodness’. Planning based around some sort of conflict at least has the potential to voice these substantive concerns.

There is a role for consensus building and attempts at collaboration, but it must be remembered that there still can be winners and losers in decisions made outside of agonistic political debate, the legitimacy of which is questionable (Sywngedouw, 2010a). Further, decisions made within consensual frameworks are not guaranteed to be more just or inclusive than those in conflictual arenas (Baeton, 2009, Purcell, 2007, 2009). As stated earlier, it is axiomatic that the development control system considers conflicting viewpoints over site specific developments. It is the value of
this process, as a legitimate forum for decision making, and for hosting agonistic debate against the post-political hegemony of consensus, which has until now been overlooked.

**Conclusions**

The debates from the public inquiry discussed in this paper offer a brief example of how the confrontational arenas established by the current system of development control offer the opportunity for agonistic debate in current planning practice. They allow for conflicting ways of valuing land and the environment to be expressed with a forum that relates directly to site specific changes, giving air to different opinions that impact on tangible planning outcomes. The development control system allows for policy to be really tested, interpreted and made meaningful in terms of enabling (or refusing) certain activities in specific locations.

Further than this, public participation which aims at conflict maintenance rather than conflict resolution is important, because it has the potential to tap into social identities. Identity is strengthened by difference, to know what you are it is necessary to know what you are not, and attempts to bring different parties together can lead to denying their differences, as Hillier explains: “negating the reality of agonism does not lead to the harmony and consensus of a fully constituted ‘we’, since agonisms, if not antagonism, is constitutive of social identity itself” (Hillier, 2003, p51). Conflicts which involve the aforementioned ‘clearly differentiated alternatives’ are ones which are more likely to engage the public as the issues at stake are ones which can tap into heartfelt issues of identity and difference. This is not to say that every mildly contentious planning application has the status of constituting social identities, however, a system which allows for disagreement is one which accepts that
consensus is unachievable as an end point in all circumstances. Further, this is a system that legitimises rather than attempts to remove differences.

Development control, and particularly the appeals system, has in-built power differentials which are explored well in the literature about third party rights (Ellis, 2000). However, recent government changes to the planning system only further the need for conflicting views to be given a voice. The substantive debate, around what values should planning be promoting is removed from public arenas, and it is left up to the government to decide what is in the interests of the nation. This assumption that government (or its appointed representatives) should have the final say over site specific major developments furthers the hegemony of consensus; part of post-political strategies, shifting issues of politics to ones of technical decision making (Mouffe, 2005, Zizek, 2007). In debates on national planning issues, critics of the government's ideas will be therefore positioned as acting against the national interest; and hence removed from having a legitimate voice in the debate.

The current system of development control offers a legitimate alternative to this. Planning can therefore provide a space for democratic debate about the values which planning should be promoting, and a direct mechanism to implement this site specifically, for better spatial outcomes. This is especially important for development control if it is to lose its reputation as simply a tick box exercise. As Booth argues, “(c)ontrol by consents must be informed by an understanding of the nature of the public interest nationalized more than 50 years ago or it does indeed become no more than a bureaucratic exercise”(p321). What this entails, or what good or better outcomes may actually look like is well beyond the scope of this argument (See Campbell, 2006, Fainstein, 2010, Olsen and Sayer, 2009 for some interesting perspectives on this), but at least the current system of conflictual planning allows
this to be part of democratic debate, rather than stifled by the need to achieve consensus.

**References**


CLG (2008) Communities in Control: Real People, Real Power
Last accessed 22nd March 2010

CLG (2007) Planning for a Sustainable Future white paper
Last accessed 22nd March 2010

Last accessed 19th October 2010


McClymont, K. and O’Hare, P. (2008) “We’re not NIMBYs!” Contrasting local protest groups with idealised conceptions of sustainable communities, Local Environment Vol. 13, No. 4, 321–335,

Ministry of Justice (2008) A national framework for greater citizen engagement


PAS (2007) Local development frameworks: Effective Community Involvement,
http://www.pas.gov.uk/pas/aio/51366 Last accessed 22nd March 2010


**Author Biography**

Dr Katie McClymont is a Senior Lecturer in the Department of Planning and Architecture, University of the West of England, Bristol and teaches and writes about planning theory and public participation.