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This month

British Planning

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Relative Seriousness of Crimes

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Trees reflect the passing of the seasons . . . Photo by Carson Graves.

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PLANNING

The British Do It Differently

Robert E. Stipe

Earlier this year, county commissioners, planning board members, county managers, and planning directors in two Virginia counties participated in a training program which was probably unique in the annals of American local government.

As guests of the National Trust for Historic Preservation, they were involved night and day in a one-week "Workshop in England," which was co-hosted by the National Association of Counties. Commissioners and planners from Loudon and Fauquier counties, which lie directly in the path of the expanding metropolis of Washington, D.C., were invited to go as a group to England for a firsthand look at the British planning and legal systems for controlling land development, containing urban sprawl, and providing an orderly and attractive visual environment. British practices in these areas are often thought to be far in advance of our own, and the main purpose of the trip was to give the Virginia officials an opportunity to determine for themselves whether the English experience has any transfer value to American counties facing equivalent problems resulting from urban growth and expansion.

The week-long encounters with British planners and other local government officials—which took the form of lectures, seminars, informal discussions, and field trips—were arranged by Graham W. Ashworth, a leading British architect and town planner and Director of the Civic Trust for the North West, and Robert E. Stipe, an Assistant Director of the Institute of Government and a member of the National Trust Board of Trustees, who served as legal and planning consultant to the group.

The seven-day trip was not an "excursion" in any sense of the word. Meetings of one kind or another were scheduled throughout each day and evening, and the visitors had little free time. Furthermore, late-January weather in England is normally unpleasant, and the site of the "workshop" was Manchester, a heavily urbanized area in the industrial north, a part of England seldom visited by American tourists.

What follows is an unabridged version of Mr. Stipe's informal remarks to the Virginia officials, delivered at the Castle Hotel in Windsor, England, on the evening before the group's return flight to the United States. These comments were an attempt to sum up some of the major differences and similarities in American and British approaches to local government planning programs.

Interested readers may also wish to refer to an earlier account of the "Workshop in England" by Bernard F. Hillenbrand, Executive Director of the National Association of Counties, in NACo's *County News* of March 10, 1972. A second and more detailed account of the trip, which includes the reactions of the American officials to what was seen and heard during the week, has been published by the National Trust for Historic Preservation, 740-748 Jackson Place, Northwest, Washington, D. C. 20006.

MY DIFFICULTY IN REVIEWING the events and significance of this hectic week was foretold last evening at an informal meeting of the sponsors of this trip, when five of us tried for several hours to decide how we could best summarize what we have seen and heard during this "Workshop in England," and also how to highlight those ideas and approaches that might have some specific transfer value to our planning and development situation back home in Virginia.

After two hours of heated discussion, the committee finally decided, first, that no such summary was possible, and therefore each of us would return and report only his individual impressions; and second, that notwithstanding the impossibility of the task, I should attempt it anyway!

I shall do the best I can during the next hour or so to provide the needed summary, but I hope you will forgive several necessary limitations with respect to what I have to say. First, because we have seen and heard so much, it is necessary to generalize, and this is always dangerous. The British planning system, the results of which we have come to observe "on the ground," so to speak, is one of the most intricate and complex in the world. It is detailed and precise in its application, and for every rule there is an exception or qualification. We must therefore be content this evening with impressions and generalizations. Second, and this is most important to remember, we are to some extent in the position of having to compare apples with bananas. There are, between England and America, basic differences in our governmental systems, differences in the organization and administration of our respective "planning machines," differences in public attitudes toward planning and development problems, differences in our economies and taxing systems, and differences in just about everything else that one can think of. In many cases, these differences will limit the transfer value of much of what we have learned. In others, however, the differences can open our eyes to new ways of thinking about planning and development control and provide us with a measure of inspiration. While the general tenor of my remarks this evening will focus on differences rather than similarities, I hope you will not be misled thereby into thinking that the trip has been wasted. To the contrary, as I hope to suggest in a lengthy list of concluding questions, there is in fact much of value to be learned from the British approach to planning, and much indeed in the way of results that can be accomplished under our American Constitutional system. I hope to leave with you some ideas about where we go from here, and what we might strive for upon our return to the States.

ENGLAND (excluding Wales and Scotland) is slightly less than 50,000 square miles in extent —about the size of North Carolina. North Carolina has a population of about five million people and England has about 55 million, or roughly ten times the number of people occupying the same amount of land. The size of the population is quite different relative to land area, and yet in England there seems to be even more open countryside than at home. How can this be?

One answer is the vast differences in our settlement patterns. Urban population densities in North Carolina and Virginia, I suspect, run roughly three or four families to the acre. In British new towns, on the other hand, population densities can run up to 120 persons per net acre. So there is to begin with an extreme difference in the amount of "urban compaction" that the two countries are willing to settle for. This difference is maintained as new development takes place: Whereas Britain probably converts about 40,000 acres per year from rural countryside to urban use, it packs into that acreage, relatively speaking, many more homes, businesses, factories, and so on than we normally would.

Not only do the British usually pack in more people per acre, but they also draw a much cleaner distinction than we do about when and where new development should take place. Ours sprawls endlessly into the countryside and it is difficult to tell in the United States where towns end and countryside begins. In England the dividing line between city and country tends to be clean and sharp. New development in Britain is *not* allowed to sprawl. It is limited in some cases by Green Belts within which development is strongly discouraged, either by public regulation prohibiting such development, by public ownership of large areas of land adjoining towns, or by some combination of these approaches. The result on the ground is much more of a clean line, an absence of urban sprawl, a "tidy" development pattern, and, presumably, a much greater economy in providing pub-

Graham W. Ashworth (standing), director of the Civic Trust for the North West and vice-president of the Royal Institute of British Architects; and Bernard F. Hillenbrand, executive director of the National Association of Counties, addressing the opening of the workshop in Manchester. (Photo by Dilley.)

lic utilities, services, and facilities than we enjoy. At home, currently, we see more and more people using more and more land; but the British have more people using *less* land.

In the economic layering of our respective populations, interestingly, there are some similarities. Wilmslow, for example, is a wealthy suburb of Manchester, rather like its American equivalent. In the Manchester region, too, the less-affluent working class tends to inhabit the central city, and Britain also worries that the middle and upper classes are moving out to the suburbs and the countryside too fast. Nevertheless, there seems to be in England a much greater and a much more comfortable mix of economic classes in urban areas than we have at home, and the urban out-migration appears not to be as large a problem for the British as for us. Britain has a housing problem, just as we do, but its advantage is that the problem is not so much compounded by racial differences. The nonwhite population in England is perhaps 3 per cent of the total; in the United States it is roughly 13 per cent, and more than 50 per cent in some of the larger cities. Britain's "racial problem," which does indeed exist, is not so big a factor in the rush to the suburbs. In terms of the larger metropolitan setting of some of our counties, we have a thorny problem to deal with for which British experience will count for little.

Next, we and our English cousins have some very different ways of living and thinking about life, and here the differences between the two countries are fundamental. Tradition, what others have called the "tribal instinct," and a sense of oneness play a great part in British life. This fact manifests itself in a strong sense of place, a sense of belonging, a sense of stewardship about the character of an area, and consequently a more widespread and deep-rooted sense of "caring" about how things develop. The British identify strongly with the countryside, with historic buildings, with rural scenery, and with their own neighborhoods, in a way that we Americans usually do not.

I remember once asking a London bus driver where he lived. He said, "Hammersmith." He could have said London, but he did not. Or he might have said Chelsea or Islington or whatever. The point is that British cities, even London, are in a very real sense mostly congeries of small villages, and people have a strong sense of neighborhood identification and a sense of place that our own nation has almost lost. We have become rootless and mobile; the whole country is our oyster, and as a result we have become quite literally care-less about the quality of development. The British sense of stewardship, of caring, and of civic responsibility, on the other hand, has osmosed into the governmental planning system and into the control machinery in such a way that a very high corporate sense of priority is placed on the amenities, maintenance of character, on "visual order" and the over-all "quality" of development. This attitude is almost completely lacking at home.

But the British life style is changing, just as ours is. Sometimes I think (sadly) that Britain is Americanizing in unfortunate ways. Shopping centers and discount houses outside the town center are a big planning issue in England at the moment, and the British are becoming increasingly dependent upon the automobile. Thirty per cent of British families are now estimated to own a car, and this percentage is expected to rise to 50 per cent within ten years. Considering that Britain already has one of the highest densities of road traffic in the world (close to 65 cars per road mile, contrasted with about 25 in the U.S.), and that its roads—unlike ours, which "grew up" in the motoring age—were in some cases laid out thousands of years ago, one wonders what environmental impact the growth of motoring and car ownership will have. Recently I heard a British planner say, as it is said in the United States, "You can't limit a man's right to drive a motor car." But in both England and the United States that right, like many others, is being diminished. For example, it has been proposed for some time to restrict the use of private automobiles in parts of central London, and in some British National Park areas an alternative means of transportation coupled with severe restrictions on private automobiles (similar to those proposed recently by the Park Service to be applied in the Great Smoky Mountains National Park) has already been imposed. British planners, like their American counterparts, argue that the solution is more and better public transportation. British development patterns and densities are

such that this may still be a viable alternative in many areas, with enough public subsidy, but I strongly suspect that in the United States we have probably passed the point of no return, except perhaps for rail transit within and between our largest metropolitan areas. Our planning is simply going to have to accommodate more and more cars, whether we would wish it so or not.

BUT IN ONE RESPECT British tradition is very much like our own: each problem has to reach its own "critical mass" before it becomes politically expedient or realistic to deal with it toughly and effectively so far as individual freedom is concerned. Any democratic government can be only so far ahead of voter opinion with respect to a given problem, and I am not convinced that American counties are quite ready to be very hard boiled about preserving the beauty of the countryside, conserving historic buildings, restoring the "visual order," in fact, severely restricting the right of an individual to build what he wants to, where he wants to, and when he wants to. British public opinion reached its "critical mass" just after World War II in regard to terms of townscape and landscape, preserving the amenities, historic buildings, open space, and so on. That was when, for reasons Americans have never had to face, the public began to accept the need for stringent controls on land use and development. While in America we have begun to see dimly that we indeed have a problem, as practical politicians we also recognize that we may yet be too far ahead of the general public resolve to deal very restrictively with many of these problems. "Amenity" and "visual order" are slowly climbing up the totem pole of American environmental priorities, but above and ahead of them still lie a lot of other unsolved problems: schools, housing, utilities, law enforcement, et cetera. This is simply to say that the British public by and large thinks differently and on a different timetable about what is important. For example, while we have just now reached the point where it is legally and politically defensible to think about getting billboards off the highways, new British planning regulations governing the control of advertising now permit (though they are not widely enforced) regulation of signs *inside* shop windows up to a distance of about three feet when they are visible from the outside.

The British generally accept planning and the development control that goes with it more readily than we do. For example, British farmers and realtors will tell you that while they personally dislike some features of the planning control system, they have no doubts whatever about the absolute necessity for them. I remember the produce grocer who answered an American visitor's question about why he sold such "dirty" lettuce by saying that it would pollute the water for downstream users to wash it up for marketing, as we do in America. This attitude, even among farmers, is typical in England. My overall impression is that the British have come to view land as a scarce resource and to accept that its use and development should be governed by the interests of the larger community. In the United States the pioneer attitude still prevails widely: planning is still regarded as somewhat un-American by a good many people, and the "Nobody's-going-to-tell-me-how-to-develop-my-land" theme is still widespread. Most Americans still look upon land as a marketable commodity, the prime purpose of which is to produce capital gains or income for whoever owns it at the moment. In this sense, we have a long way to go to catch up with our British friends.

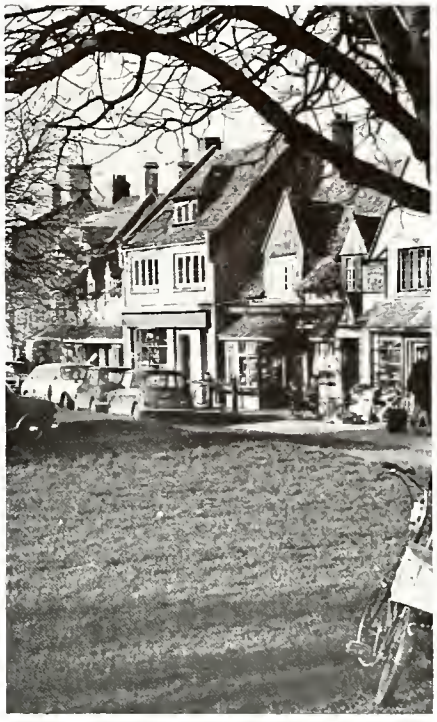
The sense of place that I mentioned earlier has given our British friends another advantage that results primarily from their happenstance location as an off-shore island adjacent to a larger continent. Because it is small, local decisions tend to have a greater national impact. Britain still imports about half its food, and it is essential as a matter of both local government policy and national interest that agriculture survive and productivity improve. In this area of economic life, central government policies with respect to agriculture have a direct impact on many countryside preservation problems, and much of the effective decision-making has been bucked up to the central government. Imagine, if you can, Virginia sawed off from the mainland, towed out to sea, and having to depend on imports and exports from the mainland of the United States as a means of survival. I think you would find yourselves much more content to let Richmond make many more basic rural development decisions. You might crab about centralism and takeover by state government, but you would no doubt find it necessary and accept it.

The smallness of the country and the stronger sense of community have provided us with still another notable contrast, and that is a stronger feeling among the British for active participation in local government affairs. (There is an irony in this with respect to planning that I shall comment on later.) The average British citizen tends to be more directly involved with his local government, more willing to attend a public meeting and have his say, more inclined to "sound off" directly to the local councillor when he feels aggrieved, and even more inclined to know his MP or local councillor on a person-to-person basis in the first place. Perhaps it is the system itself that facilitates the involvement of the British citizen with his local government. For one thing, governing boards, whether city or county, tend to be much larger. It stands to reason that if there are 150 members on the local county or borough council, those who govern are somewhat more accessible to the governed than they are where perhaps five or six county commissioners or alder-

men govern an American county or city of equivalent size. I remember a British response to a comment on the huge number of elected representatives for the city of Manchester: "Yes, well, perhaps it is an advantage. When one stops to think about it, it's awfully hard to corrupt that many people!" There may be a lesson in this for Americans.

THOSE WHO HAVE STUDIED IT tend to agree that the products of British planning—at least in terms of the form and shape of cities, restoration of the visual order, protection of the countryside and important landscapes, maintenance of open space, the conservation of historic buildings, the containment of urban sprawl, and the general character of the visual environment—are all results to be emulated at home. There is a pleasing sense of order in the British physical environment and a sort of visual cohesiveness that most people like. The city is the city, the country is the country, and the farmer is still making it if he is a good farmer. Presumably these are all objectives to be sought for our own counties. So first we may ask whether the British approach has anything for us and then whether and how we can transport it back to the United States.

These results that we admire so much are largely tied to the British system of planning control. The planning process, as a local government activity, is pretty much the same in both countries. It is basically a matter of defining development goals and policies for the city or county (i.e., determining how much development of what kind is desirable and where), articulating these goals through the use of written statements and maps of various kinds, and then implementing these plans through whatever legal, administrative and financial devices are at hand. The process is essentially the same in the United States and in England, but with significant differences—in how we organize to do the planning, in the contents of the plans themselves, and in the legal or governmental tools we use to insure that development is in fact "in accordance with a comprehensive plan." Here I think,



Broadway, a village that served as the backdrop for discussions about the legal and administrative problems of incorporating new development into older settings. (Photo by Dilley.)

we have some lessons to learn from the British.

The first question is who does the planning. In the United States the plans are usually prepared by independent boards or commissions of unpaid laymen whose responsibilities normally extend only to "advising" the city or county government on matters of development control. Historically, you will remember, we got into planning in America following a period of general distrust and suspicion of city government—a hangover from the great muckraking period. We saw fit in most states to set up a planning machine that would be "above politics," one that elected politicians could not get their hands on. Many of our various state planning enabling acts (originating in the U. S. Department of Commerce during the Hoover era and still in effect) call for the establishment of planning boards that, according to the wisdom of an earlier time, will be "independent." Present wisdom suggests that we overdid it; that we so insulated the local planning agency from the reality of day-to-day problems in city or county government that most of them now are only barely relevant to what actually happens "on the ground." This is not to suggest that our planning commissioners are not good, well-intentioned, high-minded citizens, but only to imply they are usually too removed from where the action is to be very effective. Most planning commissions that I know, far from being directly involved in the development process, must content themselves with haggling with developers over the details of preliminary subdivision plats, conducting endless zoning hearings, and in the end merely "advising" their governing boards, which may or may not accept the advice offered.

The British organize things a bit differently. The local planning committee is almost always a subcommittee of the governing board itself, and a very politically prestigious one at that. In short, British planning committee members are accountable at the ballot box in a way that ours are not, and a candidate's stand on a particular planning issue may well determine whether he is elected, or perhaps thrown out of office at the next election. This arrangement has disadvantages of course; one oft-heard criticism is that the county council, because of its size or for other reasons, is often merely a rubber stamp for its planning committee. Nevertheless, I think the greater political accountability of the British planning committee makes a difference.

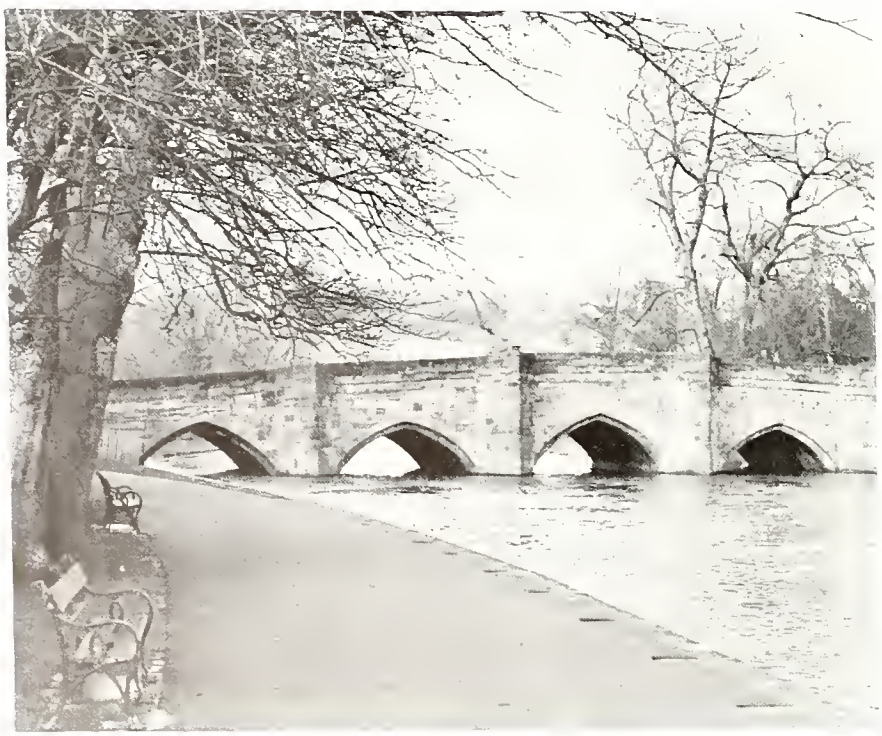
A related consideration is the extent and quality of technical advice that the British planning committee typically has available to it. Per capita, the British system is much better staffed with trained

professionals than ours is. The ratio in England is said to be about one planner per 14,000 population (one per 8,000 if the many planning students about to come into the market are included); in the United States the ratio is more like one planner per 33,000 population. The top British professionals generally work for public agencies rather than for consulting firms, and they tend to be more concerned with development control and what happens "on the ground" and less interested in theory and research. Concerning undergraduate backgrounds, the situation has changed in the last two decades. American planners increasingly come from the "soft" disciplines: sociology, political science, social work, economics, and so on (this was not true 20 years ago). In England, the planner still tends to have his professional roots in the design professions: engineering, architecture, surveying (which is not what that term implies in the States), landscape design, site planning, and related fields. British planning staffs are large and competent. While ours by no means lack competence, Americans tend to do their planning "on the cheap"—by spending as little as possible and by asking one or two people to do the work of twenty.

WHAT ABOUT THE PLANS, THEMSELVES? In America, development planning is generally regarded as a voluntary activity; some states require cities and counties to prepare future development plans as a condition of exercising zone or subdivision control, but a good many states leave it to local discretion whether there will be a plan. In the United States the preparation of a master plan or comprehensive plan, whether required by law or not, is at least fashionable as a means of turning on the spigot to federal aid of one kind or another. In Britain, however, every square inch of the country is planned and there is no option to it. A development plan is required as a legal matter, and that's it.

Our more enlightened counties do have development plans, and sometimes very good ones, but generally American local governments are free to ignore them, whereas the British are not. You have seen it happen time and time again. We pay good money to staff or consultants to prepare a set of plans showing where and how much development is to take place during a given planning period, and along comes a new industry with an option to buy property in an area shown on the plan as open space or set aside for some nonindustrial purpose. More often than not the development plan is quietly forgotten, and the discussion that precedes a favorable rezoning application for the factory tends to focus on how much it will add to the tax base, what a good neighbor it will be to existing development, and how many new jobs it will offer the community. And anyone brave enough to raise questions at the hearing about the resulting loss of amenity or the added cost of providing utility or other public services to the factory is accused of "standing in the way of progress." In such circumstances, it is usually pretty pointless to ask whether this is in fact the right location for the factory, or whether it is in accordance with the plan.

The British system is in this respect way ahead of the American: in England there is normally no getting around the development plan. Even if an owner's property is specifically designated for such development in the plan, he does not have an automatic go-ahead—he still needs "planning permission." Not only must his proposal be in accord with the city or county development plan for the area where his property is, but also before the coveted "planning permission" is granted, the details of his application must survive the most intense and careful scrutiny imaginable—even down to the details of building elevations, landscaping,



A riverfront promenade at Bakewell in mid-January. The workshop put considerable emphasis on the problems of conserving and restoring the beauty of rivers and streams and of controlling development in flood plains. (Photo by Dilley.)

color, building materials, and so on. In the United States, we generally reach this level of environmental detailing only in historic districts, in certain types of planned unit development, in urban redevelopment projects, and other relatively isolated and geographically limited instances. In Britain it is done with *every* project subject to planning permission, which includes by our standards almost every type of development in every conceivable location.

This high regard for "amenity" in planning is deeply rooted in the British system, and it refers generally to the "rightness" of anything when it is present and the "wrongness" of it when it is not. Although to Americans the term may have only a rather hazy connotation of "pleasantness" or "character," to the British it implies a strong concern for the purely visual aspects or the "looks" of a particular project. British planning legislation encourages this emphasis on amenity: most plans prepared under the Town and Country Planning Act of 1947 specifically designate "areas of high townscape or landscape value," and by the terms of the Civic Amenities Act of 1967 local planning authorities are *required* to designate conservation areas of high landscape or townscape value (usually centering upon places of historical or architectural importance) as a means of insuring that character and visual order are conserved as development takes place. More than 1,700 conservation areas have been designated under this legislation during the last five years.

This same regard for natural beauty finds legislative sanction over larger areas as well. British national parks (which are paradoxically neither national nor parks) are basically in private ownership, unlike our American national and state parks, which are in public ownership and operation. The various British national parks and countryside legislation, taken as a whole, stresses the conservation of natural beauty in rural areas through public control of private land, to which the public may have access only by agreement with private landowners. This is also the thrust of the Countryside Act, under which Areas of Outstanding Natural Beauty — some two dozen of them—have been designated by the Countryside Commission, a national agency.

View of Stratford-on-Avon, an overnight stop on the return from seminars in Manchester, where informal discussions were held on the problems of containing urban sprawl and restoring the visual order of towns. (Photo by Dilley.)

Contrast all of this with American legislation and practice. Our legislation on the whole pays only passing attention to matters of visual conservation. Of all the plans I have seen in 20 years, only one or two have tried to survey systematically these larger areas of natural beauty, much less take even tentative steps to conserve them—through regulation or otherwise. British planning law and practice *even* supports the notion that the private owner of a tree or woodland may be subjected to a "Tree Preservation Order," of which literally thousands are outstanding. Once such an order is imposed by the local planning authority, the owner may not lop, top, or otherwise destroy the natural growth over which he would otherwise have complete dominion. Again, we have a long way to go.

The typical British development plan also hits a level of detail that ours does not. We tend in our development plans to stick to the generalities of land use and transportation corridors (rather than specific alignments); we do not make our plans very specific until a particular public or private project is hard upon us, at which point engineering and cost considerations tend to receive the greatest emphasis. Planning for amenity enters into British practice much earlier and in a much more precise and detailed way. Nowhere is the difference in thinking more pronounced than in the British county plans for rural areas. American planning with respect to rural or farming areas tends to "color it green" to designate a sort of unspecified reservoir within which urban expansion or development can be tolerated anywhere and let it go at that. In England the use categories specified for rural areas are almost as numerous as they are for urban areas, and the plan boundaries for rural uses in the British plan are as precisely defined as they are in an American zoning ordinance—and as you know, our planning boundaries and our zoning districts are quite different things,

one being mere "policy" and the other a legal limitation on the right of an owner to use his property. Asked whether a sewer line would be extended to a certain area of a British county, a planning official there replied, "Only if we wish development to occur in that area." The point is that in the British development plan, rural land is not treated as something merely "left over"; its future use is planned just as precisely as that in an urban area. One reason for this difference in approach is that American planners by and large are trained to think essentially in urban terms; British planners require a rather thick book just to reduce to writing the development policies for a single rural area. By comparison, our rural plans tend to be too openminded, to take too much account of trends, to contain—if you will—a bit too much "cooperation with the inevitable."

SO MUCH FOR THE DIFFERences in the plans themselves. What about the machinery for their preparation? The British development plan is usually the output of a planner, a professional, drafted with the guidance or advice of a planning committee made up of governing board members. Where does the public come in? Here some interesting contrasts are evident. For all that we have heard about "public participation" in British political life—and it exists—the fact is that in Britain there is generally very little, if any, public participation in the initial preparation of the plan. In 1968, while working and living in England, I learned that a certain county planning committee was to consider at its next meeting a case involving the demolition of some historic buildings, and I thereupon made plans to attend. I learned very quickly and somewhat to my embarrassment that the public at large is *not* welcome to attend planning committee meetings. In this case, before I could be admitted, I had to obtain the express permission of the county clerk (a sort of combined county manager or executive secretary and county attorney in our terms), and then be introduced in writing to the chairman of the planning committee and receive his invitation. The presence of any outsider other than the planning staff was so rare that my presence at the meeting had to be explained to the committee members at some length, and I was specifically cautioned not to discuss anything that went on at the meeting. The public was not welcome, nor was the press present—in fact, the last item on the three-hour agenda (one so long that an American planning board would have taken three days to complete it) was routine approval of the press release that had been roughed out in advance by the county planning officer and his staff.

The American press and public simply would not stand for this sort of thing, but it does permit discussing and resolving planning issues much more expeditiously and with more direct attention to the "public interest" than our practice. When I talked with the chairman of the planning committee later, he said that if the public and press were present the committee would simply have to hold secret meetings elsewhere to get anything done, that they could not "get on with it" if the public nose were continually poking in and arguing the technicalities of a particular issue.

This is a fundamental difference in our planning systems. Under the British parliamentary system, officials are elected and told in effect to "get on with the job." If the public does not like the result, there is always the next election. We tend, on the other hand, to elect our officials and then ride herd on them in the resolution of every issue, and in public at that. This partly explains why British development plans tend to be precisely drawn documents that directly limit the rights of property owners, while ours tend to be labeled and put forth as "preliminary," "generalized," "sketch," "tentative," and so on, and even then only rarely adopted as official "policy."

British practice with respect to "public participation" is now changing as the result of new planning legislation. Efforts are being made not only to explain plans to the public once prepared (which some planners regard as a considerable nuisance), but sometimes even to draw the public into formulating development plans at an early stage through consulting with citizens advisory groups, neighborhood forums, and so on. There is hot disagreement among British planners about whether "public participation" is really worth it all, and on the whole, operating within a civil service system quite different from ours, they still maintain a degree of freedom from "public opinion" that American planners, lacking an equivalent clout where development permission is concerned, would generally envy. However grudgingly, the British public permits a certain amount of raw authoritarianism on the part of professional planners and the civil service that our system does not allow. On the contrary, American city planners, lacking such freedom, must rely for acceptance of their plans on a degree of pure salesmanship that their British cousins would by and large find intolerable. Whether they will find the new "structure plans" and "public participation" worth it all remains to be seen.

The point is that if we are to obtain in our American counties the admirable and enviable results of planning that are so evident in England, we are going to have to surrender to government an even greater measure of our traditional frontier freedom to do as we like with our land; we shall have to nail down more precisely in our development plans the amount, location, quality, and kind of new development we want; and above all, we are going to have to learn to stick with our plans once they are prepared.

Making development plans and sticking to them will perhaps be the hardest lesson we have to learn, and the likelihood is that we shall, like the British, have to swallow hard and permit "higher authority" to have more of a voice in the content and finality of those plans. Under the British system the local authority prepares the plan and sends it on up to the Minister, a central government official who reviews the plan and makes it briefly available for public inspection (public participation?) and is thereafter quite free to accept the plan, amend it, or reject it totally. It is as though we had to send our local plans to Richmond for approval, or perhaps to HUD.

STICKING MORE FIRMLY to a preconceived development plan will probably require that we close off some of our present "safety valves," as well. In our system, the property owner who does not like the way he is treated in his intended use of land might take an appeal to the local zoning board of adjustment for a variance, or he might seek an amendment to the zoning ordinance from the planning board and board of supervisors. In our system, the owner can always drop into court as well, citing federal and state constitutional guarantees. In Britain, as we have seen, he has less leeway. The property owner here who feels aggrieved at his treatment from the planning committee may appeal to the county council, and thence to the Minister. If he is turned down by the Minister, that is usually the end of the matter. Only very rarely after that is he permitted any appeal to the courts, except on questions of statutory authority, procedural due process, and similar issues. Lacking any written constitution, the British need not worry so much as we to relate planning control to judicial concepts of the "public health, safety, morals and general welfare." This is an especially important point of difference with respect to the protection of historic buildings, important landscapes and scenic areas, and to matters of aesthetic regulation generally. In Britain, regulating in these areas is simply a matter of having a suitable parliamentary act, detailed in its application through appropriate ministerial orders, regulations, circulars, etc. In America, a local government wishing to control aesthetics must not only have adequate statutory authority to do so, but also must, in administering and enforcing such regulations, be able to convince its state supreme court that a believable tie or connection exists between such regulations and the advancement of public health, safety, morals, or general welfare. So far most of the fifty state supreme courts have sustained such regulations only exceptionally (as in historic districts and for controlling of signs and billboards) and reluctantly.

This does not mean that a Virginia county or a North Carolina municipality or any other local government in America is completely powerless in this area, for there is in fact a growing body of enabling legislation covering many areas of visual amenity—and a fast-growing body of favorable court decisions as well. It does suggest the need for intensified programs of public education and acceptance, better surveys, and more precise plans than we are now turning out, close attention to legal niceties and strategies, and above all a public will to make such controls work and work equitably.

TO ME THE BUSINESS of implementing development plans is critical. Administratively the British have it all over us. By comparison our American procedures with respect to controlling new development are sloppy and fragmented. A prospective developer must usually go first to the planning board and supervisors for a zoning amendment or zoning approval, thence usually to the planning, engineering, and public works people, and perhaps back to the governing board for subdivision approval; thereafter to building officials for approval of plans under the building code (with maybe an appeal along the way to another body); and perhaps also to still other officials for water and sewer extensions, schools, park and recreation facilities, and so on. Generally, the British wrap up a good many of these procedures in "planning permission," which involves fewer officials and agencies, who tend to make a tidier job of the necessary approvals even if they do have more administrative discretion than we normally give our planning and zoning officials. This is partly a difference in our systems: our written constitutions have spawned an American tendency to "follow the book," to reduce as much as possible to written regulations in the interests of uniformity and fairness in treating all applicants. The British are not so con-

Historic Windsor, seat of Windsor Castle, where the group stayed before returning to the United States. The main shopping street of Windsor is one of many examples of central business district rehabilitation schemes for which the Civic Trust has provided technical assistance. (Photo by Dilley.)

cerned and hampered. They have no "cookbook." The "rightness" of a planning decision is something for which the planner must acquire a "feel" born of much experience. However, as we know (and as many British planners will admit), the line between administrative discretion and arbitrariness is thin.

In terms of implementing plans, North Carolinians (and presumably Virginians) are better off than one might think. While there are still tight limits on elevational control and aesthetic regulation, one can find lying around in the separate compartments of our legal, administrative and financial tool kits most of what is required to carry out a development plan. And the biggest tool of them all is zoning—much maligned by planners and others who should know better. The most oft-quoted criticism of zoning is that it is "negative," that it does not make development happen, that it can only specify where things may go or not go. I wish those who make this argument could have been with me in 1969, when I had an opportunity to examine a map maintained in a British planning department that showed graphically the location of all applications for planning permission that had been *turned down* in recent years. One needed only reflect on what an ungodly mess would have resulted had the development control officers and planning committee not been able to say "No!" and make it stick to realize that far from achieving a "negative" result, this zoning activity was in fact a highly *positive* one—not only in protecting existing values, but especially in maintaining the character and charm of villages and scenic areas throughout the rural parts of that county. This is a roundabout way of saying that we should accept that a big element of planning is a sense of stewardship, which is a highly positive rather than negative thing.

One of the problems in the United States is that we have placed preparing plans and executing plans in separate administrative compartments. We tend, once every four or five years, to accept delivery of a revised comprehensive plan from the staff or our consultants and then consider the job done. Then we proceed to ignore the plan or to act as though it did not exist when we make zoning decisions affecting the character of development on the ground. In other words, we do a lot of planning and we do a lot of regulating, but the twain just do not meet often enough. It is simply too easy for us to make planning policy in June and ignore it in December.

Again, certain basic differences in the British and American systems explain why Americans do this and the British do not. Legally, the British cannot ignore the development plan even if they wish to do so; first they must go through the mechanics of justifying any changes in the plan before "untoward" development can begin to take place. Our system tends, on the other hand, actually to facilitate by-passing the development plan. For example, I believe Virginia's enabling act that requires updating and readopting the development plan every four or five years. Such an approach provides a busy and understaffed planning board with a built-in excuse for not revising the plan any more often than this, which means that for several of the interim years the plan is out of date. In a rapidly urbanizing exurban county within a larger metropolitan region, five-year revision is simply not often enough: annual or perhaps even quarterly review of development plans might well be required. This is, of course, difficult under our system, in which officials charged with goal-setting and planning must use most of their limited meeting time reviewing subdivision plats, worrying over the engineering details of individual projects, and spending their energies arguing the merits of individual re-zoning applications rather than engaging in long-term planning. There are ways around this, to be sure: better use of the committee system, limiting (as some North Carolina boards do) consideration of re-zoning applications to three or four times per year, and so on. But a basic difficulty still remains, which is that the boards responsible for overall planning and goal-setting are separate politically, administratively, and practically from those charged with executing those plans.

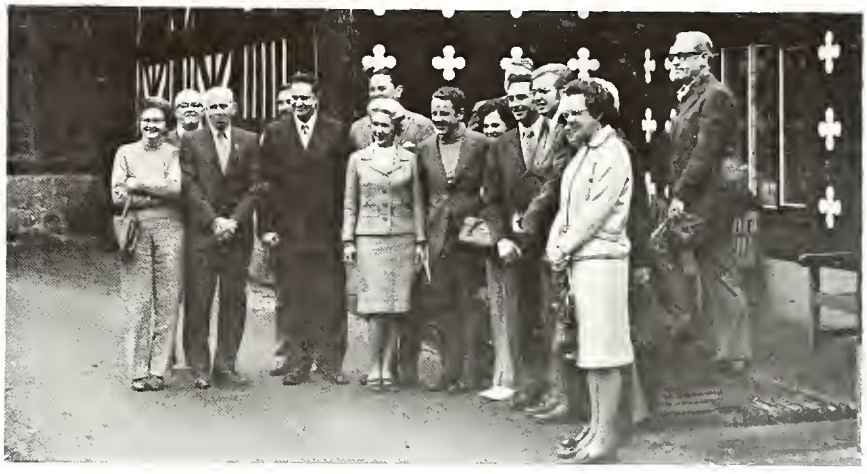
We could make better use of some of our fiscal tools. We tend to rely too much on zoning and other regulations to control the location and timing of new development. Rarely do we use our power to schedule and build capital improvements in a coordinated way that might encourage development in one area or to discourage it in another in accordance with a plan. Remember the British policy that would absolutely refuse a sewer extension "unless we want development to take place in that area." However, to suggest better coordination of capital improvements for water, sewer, schools, parks, and all the other publicly financed carrots that promote or inhibit development in specified areas according to plan is a sound way to regulate may well be oversimplifying the problem; for in point of fact our public facilities are planned, designed, financed, constructed, and maintained by a wide variety of city, county, and state agencies often acting independently of one another and not necessarily subject to—or even aware of—the development plans of an individual county board of commissioners. Not infrequently in the United States schools and utility lines are put in place by separate authorities more concerned with satisfying the immediate pressures on the individual agency (or meeting profit potentials) than with county "planning policy." The British, on the other hand, tend to centralize and coordinate better than we the power to generate and condition private development when and where it is wanted through the use of coordinated

capital improvement programs closely tied to the official development plan.

IN SUCH AMENITIES as historic building conservation, enhanced townscapes, open space, and the preservation of precious rural scenery, it would be pointless to try to summarize here the details of differences in American and British procedures, except to say that in America we already have available at the federal, state, and local levels a vast array of tools—fiscal and regulatory—that *could* be used to achieve the same pleasing result that Britain has. The British historic-town studies of York, Bath, Chester, and Chichester have their American equivalents in the HUD-financed demonstration studies in New Orleans, Providence, and elsewhere. Like the British, a growing number of our states have the power to restrict the demolition or alteration of important historic buildings, and to impose elevational or architectural controls over new construction in historic districts and occasionally elsewhere. We also have elaborate loan and grant programs for removing eyesores and promoting beauty. What we lack is a firm determination by local governing boards and the public they represent to use these powers in a coordinated and energetic way according to planned notions about what we seek to achieve. In North Carolina, for example, only four or five HUD-financed urban beautification grants have been requested during the most recent five years of the program, which is another way of saying that visual order is still very low on the public priority list.

Of open space and the conservation of scenically precious areas of countryside, the problem from both an American and a British standpoint is essentially the same—a matter of dollars-and-cents economics. In some places the suburbs seem to be gulping up the farm land. Yet I am encouraged that we are moving toward the British system in several ways. We are coming to question the American tradition that says "more" or "bigger" is the equivalent of "better." Conservation and the sense of stewardship I mentioned earlier are playing a bigger role in the formulation of development plans, in both the courts of public opinion and law. Within the next few years we will also begin to work our way out of the property tax tradition that has been responsible for so much urban sprawl. I doubt seriously that we will nationalize a man's right to develop his property—as the British did, in effect, right after World War II—and I doubt that we will abolish the property tax and go to the British system of calculating "rates" (property taxes) on the basis of capitalized rental value less depreciation and maintenance costs—which is essentially a variation on the income tax rather than a tax on land as such. But I do think we will quickly come to tax land on the basis of its existing use rather than on its development potential as the site of a residential subdivision or a new factory. This should help the farmer to stay in farming, curtail urban sprawl, promote the retention of village character, and point us generally in the direction of the kind of landscape that American travelers to Britain so much admire. If the net result in this change of the taxing system is a handsome countryside in profitable, taxable private ownership, as in Britain, and all of the public reaps a benefit thereby, it seems both pointless and impractical to draw artificial distinctions between the "gentleman" farmer and the "working" farmer. Both would contribute equally to the end result.

THE CRITICAL ELEMENT in all of this, as I suggested earlier, will be the strength of the public will or desire to build better and conserve more intelligently than we have in the past. This will require educational and promotional programs on a scale that we have not yet begun to consider seriously anywhere in the United States—and where the money and leadership required to do a truly *effective* job of it are to come from is still an open question. We will have to create agencies like the British Civic Trust and its associated regional trusts, an American equivalent of such an organization as the Council for the Protection of Rural England; and at the local level we will have to create an American counterpart of the hundreds of "amenity societies" that now exist in Britain — all with broad interest in historic conservation, better planning, and visual



Some of the Virginia county supervisors, managers, and planners who made the trip to England at Salmeshury Hall, headquarters of the Lancastershire Branch of the Council for the Protection of Rural England. (Photo by Dilley.)

order. American efforts in this direction have tended to fragment (as the British also do somewhat) along the lines of particular interests: garden clubs, antilitter groups, nature clubs, preservation societies, and the like. Umbrella agencies that can accommodate all of these interests will develop in the United States as they have in England. To achieve significant results, we will also have to surrender some of our traditional American preoccupation with such minor problems as litter and flowerplanting and learn to deal effectively at a gut political level with the more important and complex issues of townscape and landscape and the conservation of scenic beauty over vast areas of hundreds of square miles covering many counties and local governments. We are also going to have to keep our own priorities straight and learn to shrug off the currently fashionable notion—often presented as an accusation—that it is unimportant or even sinful to be overly concerned with physical planning and the visual environment at a time when so many social and economic problems cry out for solution. This is not to put down the importance of seeking a better balance between physical and social planning; nor does concern for the visual environment necessarily conflict with the current trend for pluralistic approaches to planning. It simply recognizes that the visual environment is more than a mere nicety and has an impact upon the maintenance of civilizing aspects of modern life.

SO WHERE DO WE GO from here? The real question is where your two counties and others similarly situated will go from here, and whether this trip and the insights it has provided will ever produce any results on the ground. This, of course, depends on you. It seems auspicious that a group such as this would make this trip in the first place, and much credit is due its originator and the sponsors, the National Trust for Historic Preservation and the National Association of Counties. Beyond this, one can only list a number of questions that may be pertinent in any evaluation of the quality and direction of the planning program in Loudoun and Fauquier counties:

1. Should elected officials, namely the county boards of supervisors in these (and other) counties play a more direct and perhaps stronger hand in overall planning and long-term goal-setting? Especially since it falls most heavily to those elected officials to do the regulating, taxing, and spending upon which the execution or implementation of those plan depends.

2. If so, then what should be the role of the planning boards? Is it reasonable or practical to place planning and implementation in separate compartments?

3. Regardless of who does the planning, is the agency responsible for it big enough and representative enough in any geographical, social and economic sense that the resulting plans can be regarded as comprehensive in terms of the interests or the areas represented?

4. Assuming that the county development plans are comprehensive in terms of subject-matter—that is, in terms of land use, transportation, utilities, services, schools and all other things that one normally expects to find in the typical American development plan — what do the plans themselves have to say about the more fragile interests normally overlooked: historic buildings and areas, significant landscapes, open space, visual order and other aspects of "the good life" in Loudoun and Fauquier counties? Is open space merely that land "left over" from proposed urban development, or is it planned and earmarked in that same level of detail we found in England?

5. Is the planning staff, upon which both the supervisors and the planning boards depend, big enough to do a decent job with the responsibilities and opportunities that have been imposed on them—or are they having to do the job "on the cheap?" The question is not whether the county can afford more staff but whether it can absorb the long-term expense, in both environmental and money terms, of having done an insufficiently detailed and careful planning job in the first place.

6. Is there a need in the region for a quasi-public amenity organization to put a special emphasis on detailed planning to maintain character and amenity, to provide leadership and assistance in the massive task of environmental education, to provide coordination between public and private agencies, and to serve up expert design advice to local governments, private developers, and others in the area when it is not otherwise available?

7. Do the county boards of supervisors pay more than lip service to the traditional connection between planning and zoning? Do they look at and follow the development plan when a controversial zoning amendment comes up, or do they ignore it or rationalize it out of existence? If they do not follow the development plan, either the zoning is no good or the plan is no good. It cannot be both ways.

8. Is the governmental machinery in the area so set up that the towns know what the county is planning and all the counties know what the others are up to? Is there a clear-cut understanding among counties in the region about dividing responsibility as to how each is to develop in a regional context and what services and facilities each is to provide?

9. Is there enough coordination with river authorities, the state highway commission, local school boards, and other independent agencies whose plans and programs tend in important ways to promote or inhibit development? Do these agencies understand and support local development plans and policies, or do they go off on their own?

10. Do the counties use their capital improvement budgets and

(Continued on page 15)

MILTON S. HEATH, Jr.

NORTH CAROLINA'S WATER POLLUTION CONTROL PROGRAM

Part I: An Overview of the Problem

As early as 1899 the State Board of Health in North Carolina was given some statutory powers over water pollution affecting sources of domestic water supply. State fisheries agencies possessed parallel powers, dating from 1915, to protect fish producing streams. But both the health and fisheries laws contained important loopholes, and funding of state pollution control programs to implement these laws was limited.[1]

North Carolina adopted its first important modern water law, a strong water pollution control law, in 1951 after a long legislative struggle that lasted three full sessions of the General Assembly. Let the words of the late J. Vivian Whitfield, long-time chairman of North Carolina's pollution control board, describe the origins of this legislation:

> Water has become our most precious commodity. I have said that many times, but I know of no better way to express it. When a nation gets without water it can use, a civilization then is ended. North Carolina, back in 1945, saw that the situation was becoming very serious in the State and the Legislature created a study commission on stream pollution. There were 16 of us and by the time the 1947 General Assembly came around why we were ready with a bill. It was just about as popular as a yellow jacket. And then we tried to introduce it in the 1947 General Assembly and some of my best friends said I ought to be sent to Dix Hill for doing it. Of course, we couldn't get it out of Committee. It took three terms to finally pass it in 1951 at which time the present Stream Sanitation Committee was created.[2]

The essentials of the 1951 law—originally designated as the State Stream Sanitation Act, and renamed in 1967 the Water and Air Resources Act—remain in effect to this day as the legal basis for North Carolina's water pollution control program.

The Water and Air Resources Act provides for a program of pollution abatement and control in six principal stages.

(1) Development and adoption, after public hearings, of classifications and water quality standards to classify the surface waters of the state. Each classification has a separate set of standards. To illustrate: the bathing water classification has specified standards for floating solids, settleable solids, pH, dissolved oxygen, toxic and related wastes, coliform organisms, and temperature. The drinking-water classification also has standards for each of these items, but they differ somewhat from the bathing-water standards in nearly every case. In addition, the drinking-water classification has standards for sewage and industrial wastes, odor-producing substances, phenolic compounds, hardness, and radioactive substances.[3]

(2) Conduct of comprehensive pollution and water use surveys and the preparation of reports, by river basins.

(3) Assignment of classifications, after public hearings, to the waters of each major river basin.

(4) Development of comprehensive pollution abatement plans designed to bring the quality of the

1. P. W. Wager & D. B. Hayman, *Resource Management in North Carolina*, 36-39 (Institute for Research in the Social Sciences, University of North Carolina, 1947).

2. N.C. Stream Sanitation Committee, Public Hearing Regarding Proposed Classification of the Waters of the Watauga River Basin, 9 (1962).

3. The published public hearings on proposed river basin classifications contain more detailed descriptions of the various classifications. See, for example, the public hearing concerning the Watauga River Basin, *supra* note 2.

This is the first in a three-part series of articles concerning North Carolina's state water pollution control program. These articles are based upon a chapter of the author's recently published report: "A Comparative Study of State Water Pollution Control Laws and Procedures" (UNC Water Resources Research Institute, Report No. 42).

waters of each basin into conformity with the standards applicable to the assigned classifications.

(5) Enforcement of the classifications and abatement plans.

(6) Reclassification of waters, after public hearing, as the need may arise. (In North Carolina most of the early reclassifications involved efforts by municipalities to protect presently needed or potential water supply sources by upgrading existing classifications. A survey made early in 1964 showed that 26 requests for reclassification had been considered—plus one request for a suspension of a classification to facilitate a phosphate mining and processing development. During the last two years a series of basin-wide reclassifications has been instituted with a much broader range of objectives.)

The first stage has long since passed. The second and third stages of survey and classification were completed in 1963, about a dozen years after the Stream Sanitation Law was passed. The fourth stage, the developing of pollution abatement plans, was also completed in 1963.

Of the first four program stages, the third—assignment of stream classifications—was by far the most time consuming. Chairman Whitfield described the process at a public hearing on proposed classifications for the Watauga River Basin, one of the last of the state's seventeen basins to be classified:

> This is next to our last basin to be classified. It has been a ten year job. We started to classify all the streams in North Carolina and we expected to finish up in ten years, but we have one more river basin, that's the Lumber River Basin, and we will get to it about February. We would have finished that one, but we have had problems down in Beaufort County, as you have seen in the paper, with phosphate matters and we had a lot of things that we had to clear up. So that has taken a lot of time. Mr. Hubbard and Mr. Clary even had to go down to Florida to make a report. That slowed us down or we would have been on the schedule we set back in 1952—a ten year schedule.[4]

Other significant features of the pollution control legislation include:

(1) Provisions for investigation of fishkills and for joint determination, by the Board of Water and Air Resources and the State's fish and game agencies, of the damages to fish or wildlife, to be assessed against the persons responsible and to be enforced, if necessary, by a lawsuit. The "fishkill law" procedure has been used quite extensively in North Carolina, as in some other states, as a remedy for fish and wildlife damage resulting from "slugs" of pollution caused by accidental waste discharges, heavy rainfall that washes huge quantities of polluted waters downstream, and other such incidents.

(2) Provisions exempting approved waste treatment facilities and pollution abatement equipment from property taxes and allowing rapid amortization of such facilities and equipment for income tax purposes.

(3) Provisions permitting the Water and Air Resources Director to take emergency actions to cope with pollution conditions causing imminent danger to the public health.

(4) Provisions in the Dam Safety Law enabling the Department of Water and Air Resources to require that, for water quality purposes, owners of certain dams meet minimum stream flow requirements. This could be an important water quality management device if the Dam Safety Law were not so riddled by exemptions that many important reservoirs are not covered by the stream flow requirements.

(5) Provisions for mandatory certification of sewage treatment plant operators by a Board of Certification within the Department of Water and Air Resources beginning July 1, 1971. The adoption of mandatory certification was long a fond objective of the state agency's staff. Their efforts finally suceeded when legislation was enacted in 1969.

1971 was a banner year for environmental legislation on a broad front in North Carolina. New water quality laws enacted in 1971 included:

- North Carolina's first state aid appropriation for local sewage treatment plants.
- A $150 million Clean Water Bond issue—to go before the voters of the state in 1972—providing for additional State aid to both water supply and sewage treatment systems.
- Tightened definitions and enforcement procedures in the state water (and air) pollution control laws.
- Strengthened pollution control monitoring and reporting requirements.
- A regional sewage disposal law, providing state planning advances and staff assistance to regional sewage programs.
- A similar regional water supply law.
- Authority for the State Board of Health to set minimum standards for all public water supply systems, including design and construction standards and chlorination requirements.
- Air and water pollution controls over oil drilling.
- Watercraft waste controls.

4. *Id.* at 10.

Other related 1971 environmental legislation included a comprehensive pesticide control law, a surface-mining control law, an environmental policy act, and tightened estuarine protection laws. North Carolina also joined the Southeastern Regional Environmental Compact. And the General Assembly passed an act that submits to the voters in November 1972 a proposed environmental bill of rights.

Accompanying these program measures were two significant organizational changes. First, in a statute modeled somewhat along the lines of a recent Virginia law, the composition of the North Carolina Board of Water and Air Resources was revised in an effort to prevent conflicts of interest on the board.[5] And second, as part of an over-all reorganization of state government, the water and air organization was transferred to an enlarged Department of Conservation and Development (renamed the Department of Natural and Economic Resources). In the new agency, the former Water and Air Department was designated as the Office of Water and Air Resources—one of seven "offices" in the new Department. In the first phase of the reorganization, the Board of Water and Air Resources has been preserved, at least for rule-making and adjudicatory functions.

Several other pollution control bills considered in the 1971 legislature were assigned to study commissions for further investigation, looking toward possible legislation in 1973. These proposals cover:

- Oil-spill control procedures.
- Limitations on use of septic tanks.
- Sedimentation controls.
- Detergent nutrient controls.
- Animal waste controls.
- Requirements for reporting of toxic wastes discharged to local sewage systems.
- A procedure to compensate public water supply systems for damages from upstream pollution spills.

An electric utility site control measure was seriously considered in 1971 and will undoubtedly be revived in 1973. Also likely to receive legislative attention in 1973 are proposals to enlarge the state role in land-use planning and to eliminate procedural barriers to citizen suits on environmental matters

There has been recent administrative progress as well as legislative progress in North Carolina. Under the prodding of federal environmental agencies during the past several years, North Carolina like most other states has upgraded its water quality standards and stream classifications. Among the early changes was elimination of Class "E" (waste disposal, short of nuisance conditions) from the classification system. Later, secondary treatment was adopted as the usual minimum requirement; a limited "antidegradation" clause was added; and temperature standards were tightened. An innovative "research-scientific classification" is also being considered, although progress has been very slow in this proceeding. And, since the 1971 reorganization of the Board of Water and Air Resources, the board has launched a well-publicized campaign to tighten the enforcement of water pollution controls.

5. Before 1971, five of the thirteen board members were required to represent local government and industrial interests regulated by the board. The old statute did not prohibit similar interests on the part of the remaining board members. As a result of the 1971 legislation, the following changes have been made:

(a) The number of public at-large members of the thirteen-member board has been increased from two to five. Moreover, none of these five members may be an officer, employee or representative of an industry or local government regulated by the Board.

(b) Three of the remaining board members—those representing agriculture, the ground water industry, and wildlife interests—are also prohibited from being connected with regulated groups.

(c) Only one board member is designated to represent industrial interests and one to represent local government. One other member is to be a licensed engineer with experience in water supply or pollution control.

Planning (Continued from page 12)

programs merely as a means of assuring that capital funds are available when needed, or do they go beyond this to insure that public investment is used as a catalyst or an inhibitor of private development according to plan?

11. Will those who come to live in Loudoun and Fauquier counties some twenty years hence—your own children or grandchildren or others—be able to look back to the year 1972, this trip, and you and be able to say to themselves, "These were the boards that reversed the tide, the men who stopped the drift, who were able to figure out what was needed to protect this area for us and did something about it"?

Time may prove me wrong, but everything I've seen and heard during this long and exhausting trip suggests to me now that they will indeed be able to say just that.

people at the Institute

The Relative Seriousness of Crimes and Criminal Justice Problems

Whenever an attempt is made to improve the operations of the criminal justice system, an inevitable question is which of the many points that might receive attention is the most important, the most serious one that should receive extra effort. One way of getting at that question is to ask citizens and criminal justice personnel for their opinions about the relative seriousness of various crimes and problems that go hand in hand with attempts to control crime. This is a report about one simple method for gathering these opinions, a method that was used to provide information to the Mecklenburg Criminal Justice Planning Council.

This information reflected the opinions of members of a few professional, criminal justice organizations and citizen organizations of Charlotte and Mecklenburg County. The professional, criminal justice organizations included the Charlotte Police Department, the State Department of Correction, the probation office, and the juvenile court counselors. The League of Women Voters, the Junior League, and the Charlotte Advancement Center Advisory Board comprised the citizens' organizations.

In five of the organizations, a group of their members were assembled. In the other two, several members were approached individually. In either case, each person was given a sheet listing thirty problems and 100 pennies. He was asked to allocate the pennies among several problems in proportion to how serious he thought each was in Charlotte and Mecklenburg County. Each person was encouraged to take advantage of special knowledge he had, but to view the problems from the public interest and not his own personal interest. The rankings from the members of each organization were then averaged.

The results of applying this method were compiled to indicate the relative seriousness with which each problem is regarded and how views of seriousness differ from group to group.

Two graphs present much of the information. One graph depicts each problem's seriousness—represented by an average of the seven organizations polled. The other depicts how the assessment of seriousness for each of the problems differed from group to group.

Highlights

- Homicides in which the victim was not a stranger to the assailant, robbery, drug abuse, residential breaking and entering, and assault among people who are not strangers to one another were the five problems regarded as most serious. Dangerous driving was a close sixth (Figure 1).
- Generally, the undesirable side effects of trying to control crime were seen as less serious than the crimes themselves (Figure 1).
- The three categories of crime ranking lowest (deviant sex, vice, and nuisance offenses) were all "victimless" crimes.
- Opinions about the seriousness of homicide against strangers, joyriding, deviant sex, noncriminal delinquency, damage to lives of offenders' families, and excessive time spent in jail by unconvicted suspects varied widely (Figure 1).
- Generally, opinions of the professionals about the seriousness of problems were similar to those of the citizens. However, homicide against strangers, dangerous driving, damage to lives of offenders' families, and excessive time spent in jail by unconvicted suspects were seen as more serious by the citizen groups than by the professionals. Sneak theft, joyriding, noncriminal delinquency, and injury and mistreatment of criminal justice personnel were seen as more serious by the professional groups (Figure 2).

Figure 1
Relative Seriousness with which Problems of Crime and Crime Control Are Seen

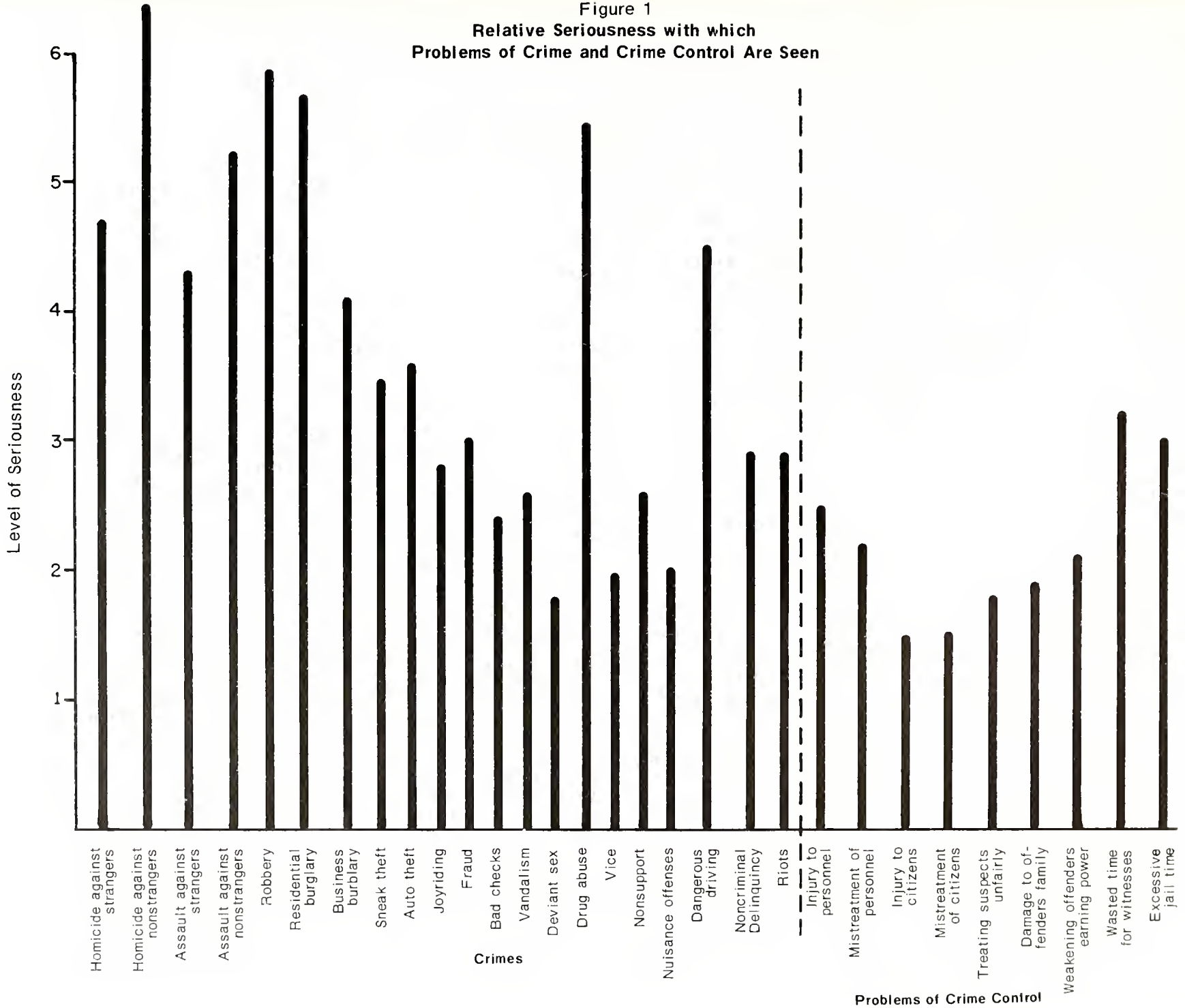
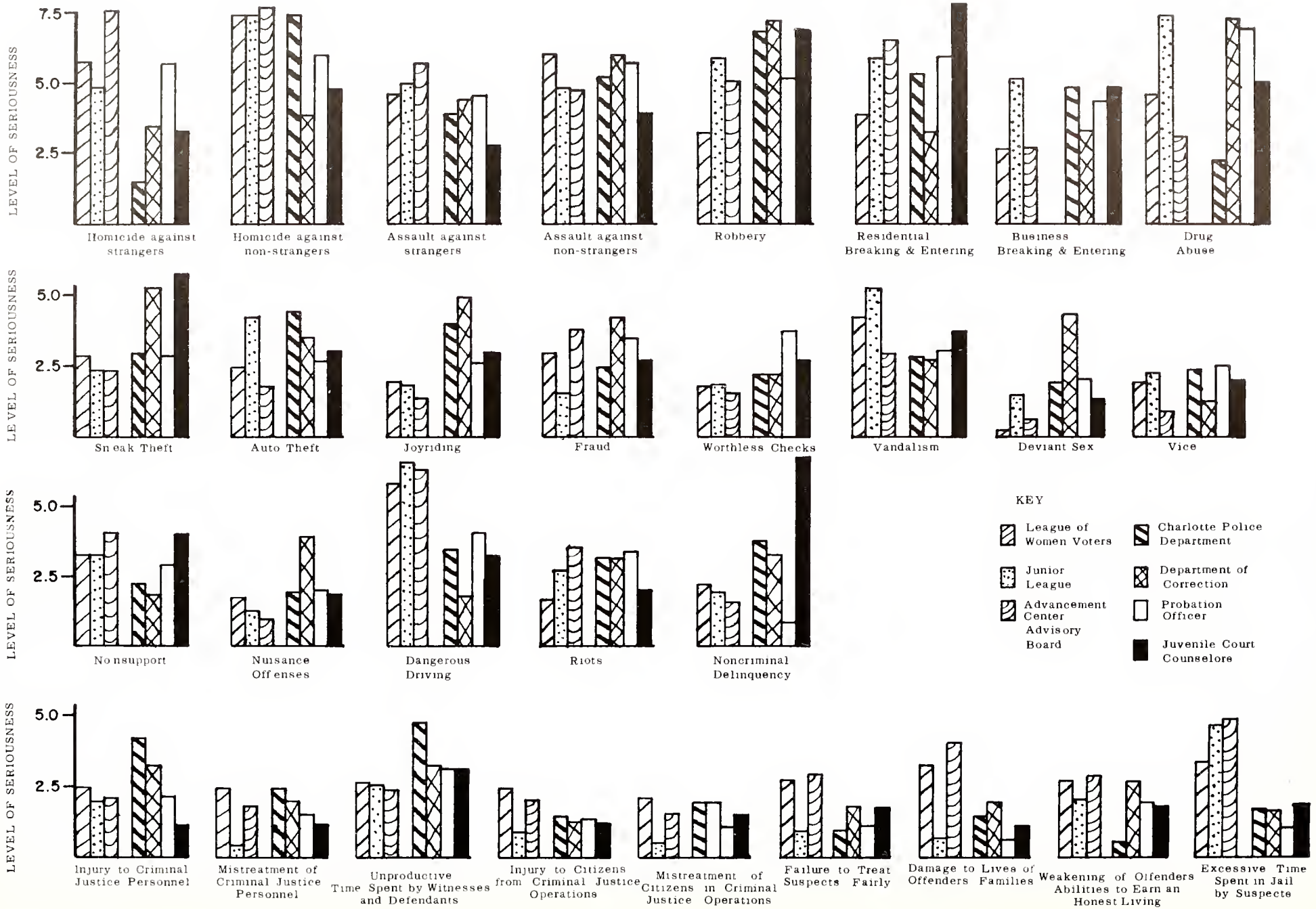


FIGURE 2

DIFFERENCES IN SERIOUSNESS–ATTRIBUTED TO PROBLEMS BY ORGANIZATIONS



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NOVEMBER 7

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