

For information

Bills Committee on Town Planning (Amendment) Bill 2003

**Plan-making Systems in
the United States and the United Kingdom**

Purpose

At the Bills Committee meeting held on 6 January 2004, the Administration was requested to provide information on the plan-making systems in the United States (US) and the United Kingdom (UK). This paper provides the requested information.

Plan-making System in the US

2. In the US, the planning system is generally governed by state law and operations differ from state to state or even city to city within the same state. Taking California as an example, the California Government Code (CGC) specifies that each city or county should prepare a **General Plan** for the long-term physical development of the city or county, and a **Zoning Ordinance** (which may be named as **Planning Code**) for regulating the use of the land and buildings within the broad land use framework of the General Plan. Each city and county is required to have a planning agency. Through local legislation, the legislative body of each city and county (i.e. City Council or Board of Supervisors) could assign the functions of the agency to a planning department, one or more planning commissions, administrative bodies, hearing officers or the legislative body itself. Among the functions to be performed by the agency, two of which are directly related to plan-making:

- (a) to prepare, periodically review and revise the General Plan; and
- (b) to implement the General Plan through actions including the administration of the Zoning Ordinance.

Case Study - San Francisco, California

The Planning Agency

3. San Francisco assigns one planning commission to be the planning agency. According to the Charter (i.e. a local ordinance), the **San Francisco Planning Commission** consists of seven members appointed by the Board of Supervisors (four of which are nominated by the Mayor while the remaining three by the President of

the Board of Supervisors). In order to have support from the Government, the Commission will suggest three qualified candidates to the Mayor for appointing one, on the basis of administrative and technical qualifications, as the *Director of Planning*. He/She will be the administrative and technical head of the *Planning Department* and responsible for all the activities under the jurisdiction of the Commission. The Director of Planning will also appoint a *Zoning Administrator* who will be responsible for the administration of the Zoning Ordinance.

General Plan

4. The General Plan is the “blueprint” for future physical development of the city or county. The Plan usually consists of two parts (i.e. a written text discussing the objectives, policies and programmes for the distribution of land use, and one or more diagrams/maps illustrating the general location of existing and future land uses). The CGC requires each General Plan to address at least seven issues, including land use, circulation, housing, conservation, open space, noise and safety.

5. The procedures for preparing and amending the San Francisco General Plan are shown in Annex A.

Planning Code

6. The San Francisco Planning Code is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare. Specifically, it aims to guide, control and regulate future growth and development in accordance with the General Plan. The Code consists of two parts (i.e. a precise map illustrating the distribution of zones within the planning area, and a written text which states the specific land uses and development standards allowed in each zones).

7. The procedures for preparing and amending the Planning Code are shown in Annex B.

Plan-Making System in the UK

8. The UK Government is committed to a plan-led planning system. Generally, outside metropolitan areas, there is a two-tier statutory development plans system, namely structure plans and local plans. *Structure plans* must contain a statement of the overall strategy for development and the use of land for a wide area in very general terms, illustrated by a key diagram and justified by an explanatory statement. Structure plans provide an important link between national economic and social planning and local land use planning. *Local plans* set out, within the general context of the structure plan, detailed policies and specific proposals for the development and

use of land. Comprising a written statement and a ‘proposals map’, local plans allocate sites for specific purposes and provide the basis for development control functions. Within metropolitan areas, such as Greater London, the development plan is a single *Unitary Development Plan* (UDP) comprising two parts. Part I and Part II are respectively analogous to the structure plan and local plan in the non-metropolitan areas.

9. The preparation of development plans are mainly governed by the *Town and Country Planning Act 1990* and the *Town and Country Planning (Development Plan) (England) Regulations 1999* prescribed by the Secretary of State (SoS). All development plans are prepared and adopted by the *local planning authorities* (the LPAs), which are the county councils for structure plans, district councils for local plans, and the London boroughs and metropolitan district councils for UDPs. The major procedures for preparing structure plans and local plans/UDP are at **Annexes C and D respectively**.

10. In formulating the policies in their development plans, LPAs must have regard to, among others, any regional and strategic planning guidance issued by the Government, current national policies and such other matters as SoS may prescribe or direct. The statute provides that a structure plan and Part I of a UDP need to be in general conformity with the national and regional policies whereas a local plan and Part II of a UDP shall be in general conformity with the structure plan and Part I of the UDP respectively. SoS’s powers over the content of the development plan are also secured in some other ways as set out in Annexes C and D. The powers of SoS to intervene will ensure that development plans are consistent with national and regional guidance unless the departure is justified by local circumstances. However, SoS’s powers to direct modifications to a plan or to call-in a plan for his own determination is used sparingly and as a resort.

Planning Reform

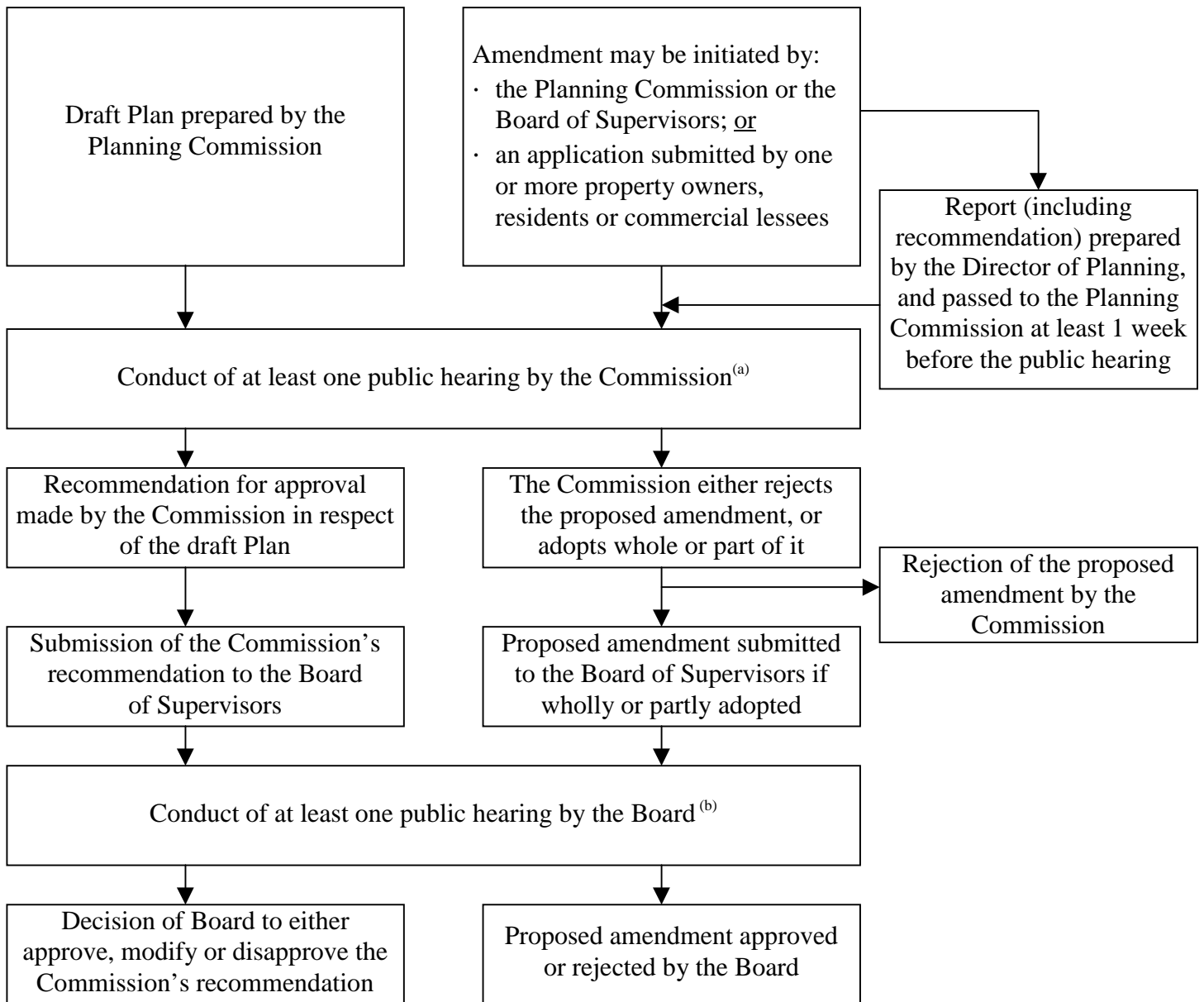
11. In December 2001, the UK Government issued a Green Paper on planning reform aiming to address the deficiencies of its present system. In the Green Paper, the UK Government recognized that the existing plan hierarchy was complex; updating of development plans was expensive and slow while plans were often out-dated; and adopting a plan could be a protracted process. Owing to the long-drawn plan-adoption process, progress in achieving coverage of local plans and UDPs is slow. It is proposed to have a single local development framework to replace structure plans, local plans and unitary development plans. The framework would comprise local development documents (i.e. the core strategy, site specific allocations, area action plans, proposals map) and the non-statutory supplementary planning documents to deliver the spatial planning strategy for the LPA's area. The proposed system places great emphasis on engaging the community in the early stage through preparation of issues and options for consultation so as to minimize the formal objections, thus shortening the time for adopting or amending a plan. The revised plan-making system will be effected through the Planning and Compulsory Purchase Bill passed in May 2004. The UK Government intends to bring the provisions of the Act into force in the coming months.

**Housing, Planning and Lands Bureau
Planning Department
July 2004**

San Francisco General Plan

Preparation of New Plan

Amendment



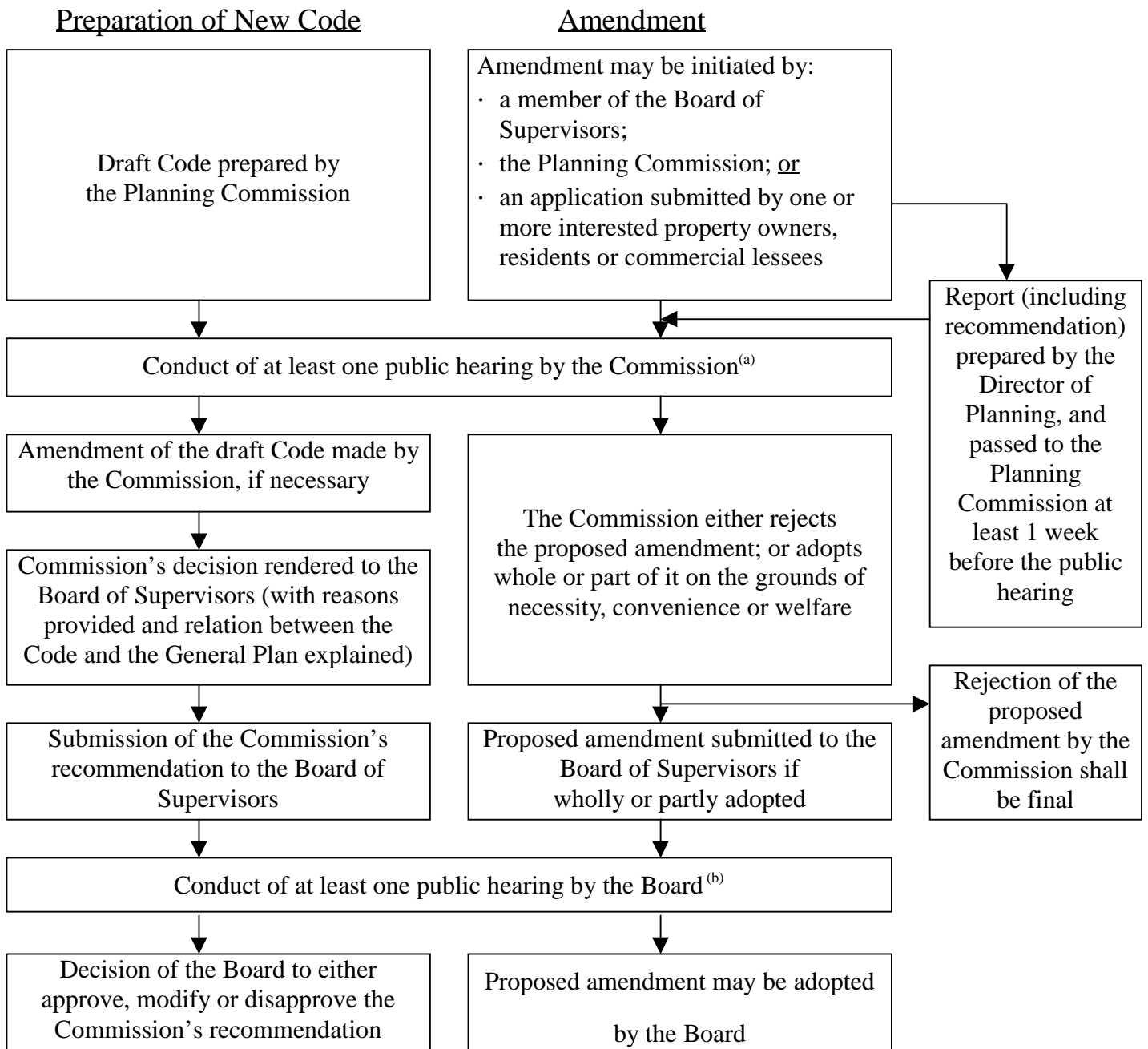
(a) For new plans, the notice of the hearing shall be published at least 10 days before the hearing through a local newspaper, or posting at three or more public places (if no such newspaper exists).

For amendment, the notice of the hearing shall be published:

- by an advertisement at least once in a newspaper at least 20 days before the hearing;
- by mail to the amendment initiator; and
- if the proposed amendment is site or area specific, by mail to all property owners within 300 feet of the subject site or area not less than 10 days before the hearing.

(b) The notice of the hearing shall be published at least 10 days before the hearing through a local newspaper, or posting at three or more public places (if no such newspaper exists).

San Francisco Planning Code



(a) For new code, the notice of the hearing shall be published at least 10 days before the hearing through a local newspaper, or posting at three or more public places (if no such newspaper exists). If the draft Code affects the permitted uses of any property, the notice must also be mailed/delivered at least 10 days before the hearing to:

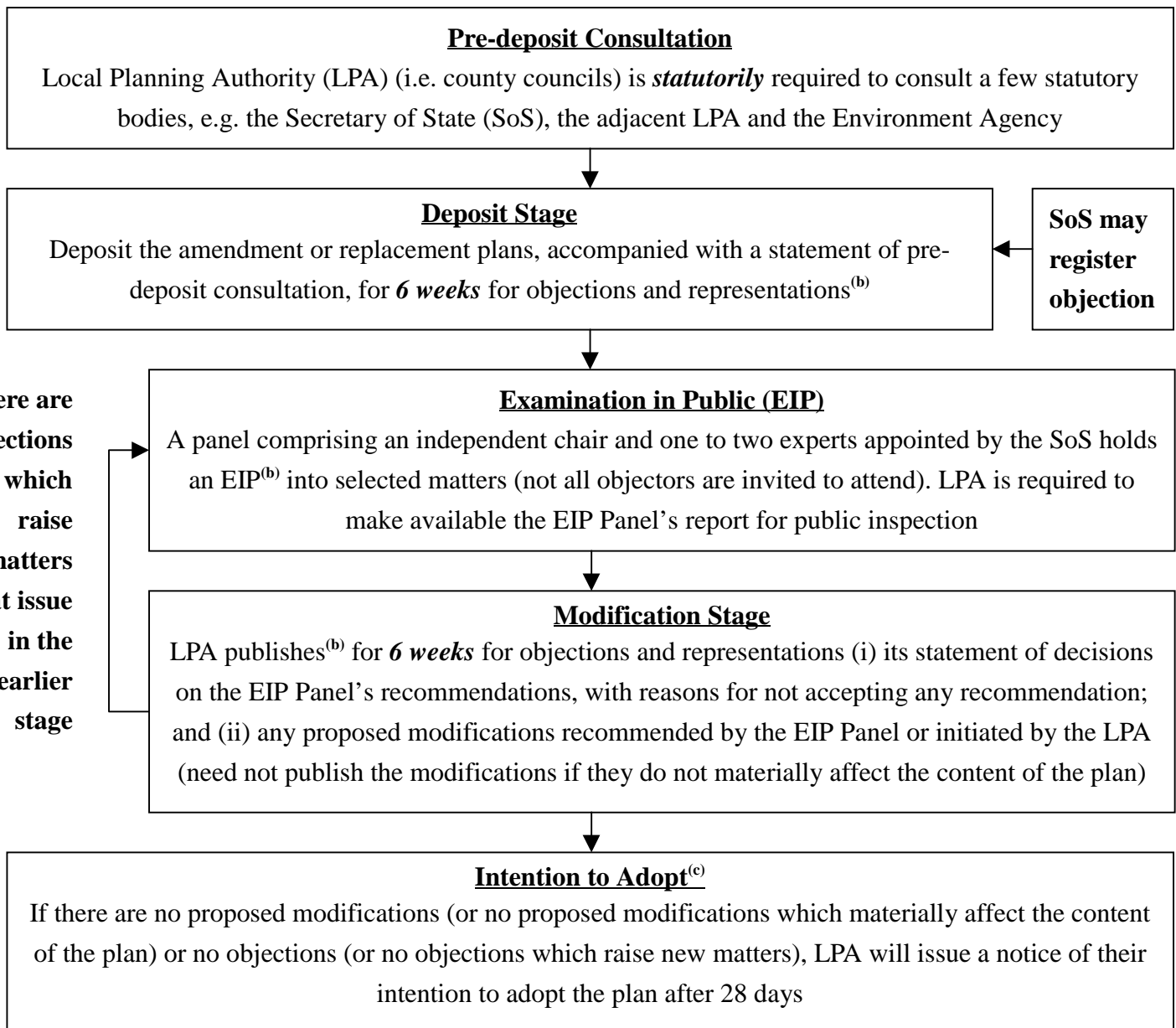
- the concerned owners (or their authorized agents);
- the relevant local facilities and services providers; and
- all other property owners within 300 feet of the subject property.

If the number of property owners is greater than 1000, the Planning Commission may only advertise the notice in at least one newspaper at least 10 days before the hearing.

For amendment, the notice of the hearing shall be published:

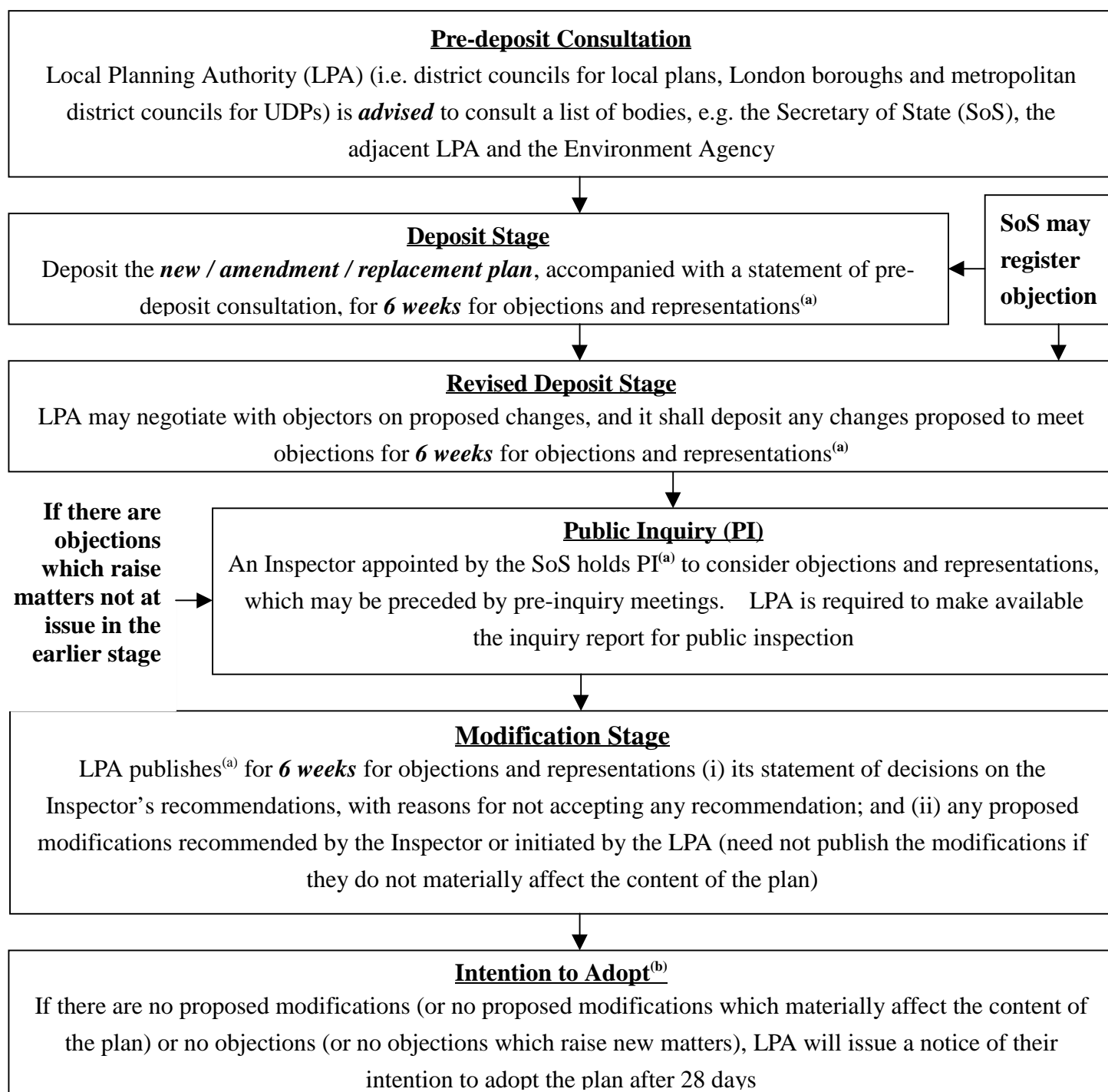
- by an advertisement at least once in a newspaper at least 20 days before the hearing;
- by mail to the amendment initiator; and
- if the proposed amendment is site or area specific, by mail to all property owners within 300 feet of the subject site or area not less than 10 days before the hearing.

(b) The notice of the hearing shall be published at least 10 days prior to the hearing through a local newspaper, or posting at three or more public places (if no such newspaper exists).

Structure Plans in the UK^(a)

- (a) Structure plans exist in all areas and are now going through cycles of alteration and replacement. The procedures apply to alteration and replacement of structure plans.
- (b) All notices shall be published on at least one occasion in 2 successive weeks in a local newspaper. For notice regarding the deposition of plans, it shall further be published once in the London Gazette and given to the statutory consultees and any other persons considered necessary by the LPA. The notice regarding the EIP shall be published at least 6 weeks before the opening of the EIP.
- (c) Before adoption, SoS may direct a LPA to modify their plan in a specified manner or to call-in a plan or part of a plan for his own determination. The above EIP and modification procedures also apply. Where the SoS has directed to modify a plan, LPA cannot adopt the plan unless SoS is satisfied that the directive is met or the directive is withdrawn.

Local Plans / Unitary Development Plans (UDPs) in the UK



(a) All notices shall be published on at least one occasion in 2 successive weeks in a local newspaper. For notice regarding the deposition / revised deposition of plans, it shall further be published once in the London Gazette and given to any other persons considered necessary by the LPA. The notice regarding the PI shall be published at least 6 weeks before the opening of the PI.

(b) Before adoption, SoS may direct a LPA to modify their plan in a specified manner or to call-in a plan or part of a plan for his own determination. The above PI and modification procedures also apply. Where the SoS has directed to modify a plan, LPA cannot adopt the plan unless SoS is satisfied that the directive is met or the directive is withdrawn.