



Practical Pragmatic Planning

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INTRODUCTION

This paper will now consider in outline how the theoretical account of pragmatic planning given in the previous paper [in this edition of *LPR*] may be applied to a practical system of urban land use planning; that is, what is involved in a planning authority converting an existing system of planning into a pragmatic one.

The principle aspects of this exercise will be; use of pragmatic terminology, use of pragmatic decision making and avoidance of vicious intellectualism and vicious abstractionism, particularly in the use of the goal-achievement method but also generally.

Terminology of Pragmatism

Although many of the terms are synonymous with perfectly good terms already in use, employing those of pragmatism is desirable to become familiar with and fully embrace the pragmatic method. It is also necessary to adequately describe and explain pragmatic decision making.

The subsection “Meyer’s Account of Pragmatism” in “An Introduction to Pragmatism” near the beginning of the previous paper refers comprehensively to the terms that should be used.

Decision Making

Pragmatism involves deciding on a course of action based on its desirability, in the light of its effect on all persons affected - for its goodness. It will *not* use assessments of the likelihood of achieving *a priori* goals. Key inputs are relevant values and interests. Fischer’s (1980) terminology and concepts will be used, being particularly suitable for the present purposes, and other useful concepts will be referred to. Much of the existing thinking and practices will not be affected. It is a matter of identifying what changes should be made. Mainly, the *substance* of the planning process will be considered, but some reference will be made to procedural issues as such.

URBAN LAND USE PLANNING

The main elements of a typical plan preparation process are: studying the land use system and certain aspects of the environment within which it functions; problem and need analysis, definition of goals and objectives, and review of scenarios and assumptions; plan formulation and evaluation, covering land use design (which includes the formulation of alternative solutions), and the land use guidance system (which covers implementation); plan promulgation. Monitoring and feedback must be part of the overall process - during plan preparation and subsequently. Logically, these elements arise sequentially, but there is constant reiteration, and the whole process has to try to account for the

fact that continuous planning is necessary to cope with the constantly changing land use environment. An additional “action planning” process needs to operate alongside plan preparation, and later. Supplementary questions are public participation, and mediation/negotiation.

The foregoing can be resolved into nine subject areas for the present purposes:

- (1) Collecting together all relevant existing knowledge, and gathering further information needed. This principally concerns land use, but certain information about surrounding circumstances is also required. This can be broken down into (a) the Environment of Planning; (b) Subject-matter - Ascertaining Value and Interest information; (c) Subject-matter - including The Domains of Planning (to be explained).

Then the following as part of The Land Use Planning Process:

- (2) Problems, Goals, Objectives, and Scenarios.
- (3) Plan Formulation: The Land Use Design.
- (4) Plan Formulation: The Land Use Guidance System.
- (5) Plan Promulgation.
- (6) Action Planning.
- (7) Monitoring and Feedback.
Plus:
- (8) Public Participation.
- (9) Mediation/negotiation.

1(A) THE ENVIRONMENT OF PLANNING

Pragmatism accepts that a person starting any pragmatic exercise has an existing fund of knowledge and values. That could include information about the environment of

planning or about the subject matter of planning - information about land use. Pragmatism does not require you to start again, although it will be freshly interpreted - for example as information about values and interests, as referred to in the next subsection.

1(B) SUBJECT-MATTER: ASCERTAINING VALUE AND INTEREST INFORMATION

This will be an extensive and important part of the process. Based on knowledge of the meaning of value and interest, as outlined in the first paper, planners and politicians will have to start thinking about issues in value and interest terms. Berke *et al* (2006) have a section on “Land Use Values” on pages 18-23. Although mainly discussing ones of a general nature - and many more specific ones will be involved - this does confirm the importance and feasibility of focusing on the same. There are also many references to interests and public interest, but no similar specific discussion.

The discussion of value and interest (individual and public) in the first paper indicates what it will be necessary to look for. As to public interest, at this stage it will be the general public interest that will be of concern. (The particular public interest or public good is more germane to the policy making phase.) The planning authority will have to establish beliefs about those matters. The beliefs should be genuine options. The planning authority should seek the truth, and not avoid error unless there are sound reasons for doing so. The “live, forced, and momentous” test for genuine options will be useful. Empirical determination, and judgment will be involved. “Needs” and “wants” can be related to values and interests. The public authority may ascertain individual interests, either itself objectively, or subjectively by surveying or observing its citizens. Public interest will largely have to be objectively defined because it is a

technical term (and has alternative commonly used meanings), has a political content, and there may be little public awareness of it. Identifying public interest involves establishing that the public is or could be affected collectively, a public being established in the pragmatic way. As with all issues, if this is impossible to establish by empirical evidence, a passion may be needed. It is also necessary to establish that the satisfaction of a matter of public interest “is out of most individual’s hands, such that the interest is not likely to be protected or advanced unless it is furthered by the state” (p299 Benditt 1973). As shown by Meyer (1975), *a priori* definitions of matters of public interest should not be used in a pragmatic regime.

For example, air pollution. Values related to health, safety, and convenience create a negative response to it, or there may be a positive attitude toward fresh air. There will be concern and affect on the part of persons in respect of the detriment, so it is contrary to their interests. Area-wide pollution would affect a public collectively, and remedying it would be out of most individuals’ hands, so it is a matter of public interest. Localised air pollution may only affect identifiable persons, and they may have remedies to stop it, so it is a matter of individual, or possibly group, interest. In that case, the public authority may still take steps to protect the individual or group interest as an act of benevolence for improving the lot of persons within its jurisdiction, possibly because the private remedies are not likely to be invoked to the extent of having any real effect (or, in this example, there may be little point in the public authority not dealing with *all* air pollution in the legislation). Although the ideal of completely fresh air may be unattainable, a planning authority may have a goal of improving air quality, and an objective of achieving measurable improvements especially by reducing it at its source.

One broad purpose of all of this, in relation to any issue, is of course that the planning authority will be able to identify the persons (including groups and a public) affected or involved, and, specifically, their values and interests. This will be an essential part of the basis for deciding, in the pragmatic manner, whether or not to take certain action as part of the planning process.

This exercise will have to be extended to *all* potential planning issues. But this does not necessarily mean collecting *more* information than is done presently; only, perhaps, collecting it in a different way, and focusing newly on certain aspects.

1(C) SUBJECT-MATTER: INCLUDING THE DOMAINS OF PLANNING

As a preliminary point, as mentioned above in the subsection “The Environment of Planning,” at the starting point of the pragmatic process it is accepted that any person putting it into effect is a person with an existing fund of knowledge and a state of mind. Also that there are accepted objects of value. This means that all existing land use planning knowledge is relevant to a pragmatic approach, even goals provided they are used only as guides.

Also, as just mentioned, pragmatists, in the area of what planners would call basic information, must cover values as well as facts in their beliefs. The future can also be the subject of beliefs. Hence, values may not come up quite as in traditional accounts.

In the case of good, clear, empirical data and well researched explanations of situations and processes, there may be little need for an application of the pragmatic method in information collection. But in grey areas (including forecasting the future), pragmatism provides an alternative to the do-nothing-because-of- lack-of-information

syndrome. The pragmatist can propose hypotheses, select options, and monitor outcomes for verification or otherwise. It is managed trial and error, but is justified if the overall outcome is *more likely* to be beneficial than doing nothing, something the pragmatist will assess initially. Passional decisions may be necessary, but pragmatism is an on-going process of knowing and acting; pragmatists do not hazard a guess and then sit back - they continually test beliefs, and verify, or revise and correct mistakes.

“The Domains of Planning” refers to areas of study and action related to land use planning, namely: an explaining and clarifying discipline - philosophy; analysing disciplines - biological studies, psychology, sociology, geography; analysing and development disciplines - architecture, landscape architecture, aesthetics, engineering; a development discipline - surveying. These are the basic areas, but there will also, of course, be “special topic” cross disciplinary studies to consider. Economics is an important discipline because it relates to planning in many different ways. Berke *et al* (2006) chapter 1, which in particular discusses land use values and Part II may be referred to for a further discussion of relevant areas of study.

The relevance of all of these to land use planning is well-known, but they should now be studied afresh to see what value and interest information they can provide. To differing degrees, this can be readily extracted; or the content may have to be translated into value and interest information. Objectively and subjectively ascertained interest information may be available. Identifying group, and not just individual interests may need the help of sociologists. There is a political element in promoting public interest, so political studies has relevance in this context too.

The overarching point in mentioning these domains is to draw attention to the desirability or necessity of considering them all in this new light, to make the best use of them in value- and interest-based land use planning.

2 THE LAND USE PLANNING PROCESS: PROBLEMS, GOALS, OBJECTIVES, AND SCENARIOS

The awareness of relevant values and interests and the ascertaining of matters of general public interest carries on into this phase. The planners and politicians of the planning authority have to further classify and sort the information, and become more specific as to issues, so that they become clearer about what they might or might not pursue further. The pragmatic method can be applied. The subject of that moves from beliefs about facts and values to beliefs about future courses of action and their consequences. This will follow the planning process in the way that information is analyzed for problems, scenarios are set up, and viable measurable objectives settled. Individual interests will be brought into consideration and dealt with in a similar way. Ascertaining interests and doing something about them are in different phases of the process. Interests, being related to concern or affect in respect of advantage or detriment, and unlike some raw factual material, *imply a potential* for improvement action (ameliorating harm *or* promoting benefit) but the decision to improve still has to be taken formally, starting at this problems, goals and objectives stage.¹

The major difference compared with non-pragmatic, goal achievement practice is that there will be no formulation of firm goals, the attainment of which is then pursued as *the* object of the exercise. They will be

¹ All of this is over-compartmentalized for the sake of clarity - there will be of course be much overlapping and reiteration.

formulated only as guidelines as to what might be worth achieving ('ideas,' leading to 'ideas-in-use'²) (Meyer 1975). Once the interests, public and individual, that are going to be pursued have been determined, doubts having been expressed, hypotheses suggested, and options decided on, using scenarios, goals as ends-in-view³ and objectives will be agreed on. These will be genuine options (live, forced, and momentous) that the planning authority believes will result in consequences that are better in terms of values that have been determined as being relevant and true, than in the existing situation (the 'starting point'); and similarly in likely future situations. The live part of a genuine option will ensure that proposals are feasible and realistic. Much of the decision making will have been passionate. At a later stage, after being incorporated into a planning scheme as far as possible and implemented, the truth of these beliefs will have to be confirmed or otherwise. The planning authority should seek the truth and not avoid error, unless there are sound reasons for doing so.

Restating, for the sake of clarity, in terms of beliefs about the facts, values, and present consequences of or in some planning issue, the planners and politicians may have doubts about whether the consequences are the best that should be acceptable. If not, modifying action with different consequences will be mooted which, if believed to be preferable, will be put into effect. This is part of adopting an option as genuine as far as future courses of action are concerned. There may be uncertainty about the consequences that will actually

² See Meyer (1975) pp 58-9, 104-5 for a discussion of these concepts. As an aside, at p 59 there is an interesting comment that theoretical concerns derive from practical situations, but do not bind tight.

³ This is the usage adopted in this paper, but some writers, for example Meyer (1975) at p 99, seem to think ends-in-view are more like objectives.

eventuate, but the pragmatic spirit is to provisionally believe in the most likely outcome (to take a risk) with a view to testing it later to see whether or not the belief is true.

To the pragmatist, "problems" take the form of "doubts" about the existing situation being in its most desirable form, in so far as improvements may be able to be effected with genuine options. This leads to deciding on courses of action, an element of which will, in planning terms, be an objective. Of course, the doubt may be suggested by the knowledge of a problem or type of problem, identifying problems being a common, lifelong, human faculty. However, they take the form of doubts in the pragmatic method. Meyer (p91.1975) gives examples of identifiable problems, things that do not work, contradictions, and distasteful consequences.⁴

Elaborating on the relegation of goal-achievement goals to guidelines, "vicious intellectualism" (p78 Meyer 1975) and "vicious abstractionism" are anathema to pragmatists. That is, beliefs are not derived *a priori* but from an examination of the existing situation, and of the future situation when action is proposed. This means that such planning goals as presently used should be discarded. Action will be decided on, not by determining goals and then setting out to achieve them, but by setting out to achieve identifiable improvements in terms of relevant values. Truth is found by examining the consequences. That may show that the

⁴ Meyer (1975) makes it clear that use of a person's 'starting knowledge' is in no way precluded by the pragmatic method. For example, a planner's training and experience as to what is usually good or bad, what can be done about it, and, of course, what is usually dealt with in a planning scheme. However, this is only a potential input, which does not automatically enter the system, but must do so in a proper way, usually subject to doubts which initiate pragmatic consideration.

belief about the goodness of a proposal is established as a truth, but if it shows that the belief is not true, then the search for truth must continue by proposing further hypotheses and choosing further options. A form of goal, for example as to the type of action that has been successful in the past, will be useful and acceptable as a guide, but the process of determining these sort of goals (but not objectives) and then seeking to achieve them is abandoned (Fischer 1980).⁵

Use of such goals in the process has been the soft underbelly of planning. Often they are 'motherhood and apple pie' statements which everyone applauds but do not find helpful in solving concrete problems. Often goals conflict, so you are no further ahead using them. The ordinary individual knows when he or she has a land use problem without knowing anything about planning goals. It is more natural to deal with a problem according to your values than to have a system of goals to guide you, except for a few of high order of generality.

Incrementalism and satisficing suggest the same sort of doubts, but their solutions are different from those possible under pragmatism. They *could* use the pragmatic method, but that method can also be used for comprehensive long term land use planning. The latter is still a matter of aiming a bit higher and being a bit more ambitious.

Determination of objectives will be the first stage where individual and public interests, and different public interests, are brought into conflict. *Possibly* foreshadowed in the settling of ends-in-view goals. Conflicting possible objectives prevent them from all being satisfied. These are the facts of life.

⁵ Just to be quite clear, the "goals" of Fischer's (1980) analysis are different from goal-achievement goals. It is tempting to call, or at least think of Fischer's as, 'ends-in-view goals' to include Dewey's expression, and add some pragmatic flavour.

There is no inconsistency because no matter of public interest is paramount⁶ - they are all basically individual interests that have to be dealt with by a public authority because of their collective nature which means that private action to satisfy them is unlikely. *Any* interest can be seen as more, or less, important than any other, in terms of the relevant values.

Earlier, reference was made to the general and particular public interest. In the planning process there is a gradual firming up of the specificity of interests and of actions to promote them, but there is no point on a continuum at which a public interest automatically changes from general to particular. The particular public interest or public good envisages a specific new end state, which can be attained, and tested for goodness. In planning, that means that achieving the public good is an aspect of an actual planning proposal decided on by the planning authority. That seems the best meaning to adopt. Meyer (1975) treats particular public interest and public good as synonymous, and says that the public good is derived from the general public interest.⁷

Sustainability

In a pragmatic approach the word "sustainable" will refer to a value, or in

⁶ Except in the special case of being made so by statute, or some other form of authoritative political decision. "National interest" may well be a term used in such cases. Such provisions take the decision making out of the hands of the planning authority in that respect - it is part of the existing situation within which it is operating. At a later stage of the process the planning authority *may* decide that some matter of public interest is of paramount importance, but it has to be careful not to compromise the flexibility of the pragmatic method.

⁷ Meyer (1975) consistently uses the term 'public good' when he is talking about it. It must be clear always what is intended in any use of the term 'public interest.' Perhaps, when the distinction needs to be clear, the terms 'the general public interest,' and 'the public good' should be used.

Fischer's (1980) framework an "ideal", but not a goal-achievement goal or an end state, in which case it would be an example of vicious abstractionism. Having regard to the current obsession with "sustainability", it should frequently be brought into the equation and given due weight, but not invariably pursued - there will be many instances where it is of little significance, or it is not as important as other considerations. Because the term has so many meanings,⁸ this should make its use more effective by avoiding the vague and indeterminate usages. It can be given meaningful consideration, and not just advanced as a 'motherhood and apple pie' belief. Analysis of the use of the term in each instance should be carried out in the pragmatic way.

"Smart Growth", "New Urbanism", "Urban Sprawl"

These are mentioned as examples of concepts whose use is liable to be criticized by pragmatists as "vicious abstractionism". In discussing "the conceptual framework for the land use planning game" Berke *et al* (p6 2006) refer to "alternative trends and visions that are advocated as the most preferable outcomes (i.e. conventional low-density development, Smart Growth and New Urbanism)." There are references to *land use values*, and interests, and then:

The central dimension is the *land use planning program*, which serves to help communities identify existing and emerging issues; fashion visions, goals, and scenarios; create plans; adopt development management plans, regulations, and infrastructure

⁸ See, for example, Berke *et al* (2006) pp 10ff, and throughout. There are references to "Sustainable Communities," "Sustainable Development," etc., but "sustainability indicators" could be more useful. At p (ix) they say that their "... overarching theme is the role of land use planning in achieving sustainable development." This can be the theme for a book, but in pragmatic planning would not be useful as an 'overarching' goal.

expenditure programs; and monitor how well outcomes achieve plan goals."

Pragmatism would be comfortable with all of this, provided "goals" is not used in the goal-achievement manner, and any selection is made using the pragmatic method. It is important to note that "conventional low-density, Smart Growth and New Urbanism" are referred to as "alternative trends and visions . . . advocated as the most preferable outcomes." However these should not be accepted as predetermined end states to work towards without further enquiry, because they are *a priori* abstractions. These comments will apply to any such *a priori* abstractions.

3 THE LAND USE PLANNING PROCESS: PLAN FORMULATION - THE LAND USE DESIGN⁹

This comprises principally considering arrangements of land uses, the provision of services and facilities, and directly controlling generated effects. Traditional ways of drawing up proposals may be used, provided it is remembered that they will be tested pragmatically for goodness, having regard to relevant values and public, group, and individual interests. Use of *a priori* goals in deciding courses of action has to be avoided, but ends-in-view goals will be proposed, as will objectives.

The concepts of general, and particular public interest (or the public good) should be acknowledged, as they are an essential part of the thinking about public interest. As already mentioned, it is arguable, but the public good is, in the view adopted here, exemplified by actual planning proposals - the end states that are hoped to be achieved on the ground. They may become objectives (in line with the interest orientation being proposed). Matters of general public

⁹ Berke *et al* (2006) Part III may be referred to in this connection.

interest, and individual and group interests, have to be prioritized, and conflicts amongst them resolved, and the end state, which represents the public good, will then be decided on. This distinction is not related to scale. Although land use planning as a whole is a matter of public interest, and the overall realized or to be realized land use arrangements are the public good, so are more specific aspects of it.

Returning to pragmatism, a significant part of the plan preparation process is the putting up, consideration, and selection of alternatives. This corresponds to the putting up of hypotheses and choice of options in the pragmatic method.

Meyer (p93 1975) has this to say (about pragmatism in general - not specifically in relation to planning):

The contradiction between seemingly inconsistent and opposite goods, the constant tension between many present objects of desire, is what has to be worked out. Since the practical problem is usually a problem of goods that are both competing and incommensurable, a method is needed for sorting out the *best whole* of goods. This cannot be done by a quantitative calculus but only by intelligent deliberation and making hard choices to determine what actions have the *kind* of consequences that will satisfy most demands.

As another issue, planners have argued about the use of a deductive approach and planning *principles*, versus an inductive approach (Keeble 1969, Petersen 1966).¹⁰ The former, it is argued, does not result in proposals that are sensitive to the situation under consideration (except perhaps in the special case of New Town planning), but in proposals that are largely irrelevant because of the

¹⁰ Keeble (1969) exemplifies the former approach, and Petersen (1966) discusses the need for the latter.

gross generalizations implicit in the town planning principles. Apparent principles may be useful as guidelines, but no more than that. This is a case of the avoidance of 'vicious abstractionism', and hence the desirability of pragmatic, possibly passionate, decisions in the inductive approach.

Another instance of this issue would be to seek improvements in accordance with relevant values, rather than to seek to achieve fixed goals. The pragmatic method involves ascertaining values as well as facts in information collection. Although planning theorists include goal formulation and achievement in their explanations of the planning process, it is questionable whether that is what happens in practice (Hill 1968). Actually trying to relate planning proposals to the achievement of certain goals is complicated, and although 'goals' (in this usage) will certainly be referred to for guidance, the actual decision-making process is really more like a pragmatic one where proposals are adopted as best on the basis of value judgments.

Later, the results of implementing the plan must be assessed through monitoring and feedback. But the review does not seek to establish whether goals have been achieved. After establishing the truth about the outcome, the planning authority will seek to determine the goodness of it by assessing it in terms of values, and comparing that with the original starting-point situation. Values were considered in (ends-in-view) goal determination and that was a step in determining objectives. Objectives and objective achievement will be a consideration as it is obviously necessary to know, for future planning, whether in achieving the quality of the results found, objectives have been attained, exceeded, or not attained.

In land use design, doubts about outcomes and possible outcomes are, of course, constantly being raised. Proposals are

genuine options - they should have been rejected if not. To make progress, planners must seek the truth and not try to avoid error, with risk-taking and experimentation, but a proper balance must be sought and excesses of experimentation avoided. If the testing of beliefs for truth and goodness indicates that mistakes have been made, these should be corrected in the review of the plan.

The planning process is only superficially lineal - there is constant reiteration, and feedback from one stage to another. Although some frame-freezing is necessary when the plan is being prepared, the subject land use system is in a constant state of flux. Pragmatism's "knowing and acting" is part of the daily life of planners.

4 THE LAND USE PLANNING PROCESS: PLAN FORMULATION - THE LAND USE GUIDANCE SYSTEM

This is the part of the plan that deals with the implementation of its proposals to achieve the desired future state. The pragmatic method can be applied to determining the content of the land use guidance system and monitoring the effectiveness of it in operation. However, this is an instance for applying the idea that you "set off" from your starting point with all of your existing knowledge and a state of mind, and you do not have to abandon previous experience.

For example one aspect is the *design* of the land use regulation system to be used. Extensive discussions of methods of land use control exist, similarly other aspects. Once the land use guidance system has been settled on in this way, the process of monitoring and feedback can be employed to check its effectiveness in a pragmatic way, and modification or fine tuning can be carried out.

5 THE LAND USE PLANNING PROCESS: PLAN PROMULGATION

This is a significant aspect of the process of making final decisions about the content of planning schemes. Two issues arise for consideration here. (Another relevant question, public participation, is considered separately later.) First, whether the formality of this part of the process causes any problems for the pragmatic method and taking action in the public interest. Second, what the effect is of introducing another decision maker such as the Environment Court into the process.

As to the first, formal plan promulgation puts the planning authority under scrutiny, but there is nothing mystical about the pragmatic method that makes it difficult for the planning authority to be explicit about what it is doing. It can explain what its hypotheses were, the options chosen, and its present beliefs; what its doubts were particularly about the existing situation; and what its decisions were concerning the three facets of any genuine options it is pursuing. It can be quite open about passional decisions, risk-taking, and experimentation. The pragmatic spirit does not envisage stabs-in-the-dark, but courses of action that are justifiably the best in the circumstances. If the planning authority has gone too far in the direction of risk-taking it is quite proper that it is told about it. The formal processes are a way the authority can test its beliefs, and it should welcome this. It can correct potential mistakes at this stage, for although testing in practice is part of the pragmatic method, this does not excuse a decision maker from taking all possible care in the first place. It can submit to scrutiny what it has identified as matters of public interest, as well as in what way and to what extent it is pursuing them further.

As far as an appellate body like the Environment Court is concerned, to some

extent it supervises the planning authorities for reasonableness and fairness, and refers matters back for further consideration and final decision. In this respect, there should be no difficulty, in view of there being no inherent problem about the openness of the use of the pragmatic method. However, the Court does also substitute its own decisions. There is, by and large, no reason why it should not embrace the pragmatic spirit, particularly as it will be aware that there will be monitoring and feedback in respect of its decisions, and the opportunity for correcting mistakes. There could be a difficulty with the planning authority wanting to depart from or modify the effect of some authoritative pronouncement of the Court, but presumably it could go back to it for a further decision. It should have no difficulty with questions that have been determined largely on the basis of empirical evidence.

Problems are, first, that it will be more conservative than a political body and therefore tend in the direction of less risk-taking and experimentation. Second, the structure and processes involve lawyers as decision makers and participants. The legal system is imbued with intellectualism and abstractionism. Deductive thinking is rife. For example, it has in the past attempted to determine matters of public interest by resorting to legal precedent. Hopefully, the legal system could be flexible and adapt in this respect.

Theoretically, there could be a problem with the Environment Court not being a political authority, identified by Meyer (1975) as an important part of carrying out the pragmatic method, including determining public interest. Suffice to say, the appellate bodies set up under planning legislation have always had this problem of overseeing the actions of political bodies, and this should be a no greater problem.

6 THE LAND USE PLANNING PROCESS: ACTION PLANNING

The essence of this is dealing with a particular, immediate, land use problem, most likely at the instigation of a party, such as a land user. The procedure may be informal, as in in-house procedures and decision making, or formal as in a statutory procedure. There may or may not be third parties such as objectors involved.

A feature of this process is that most of the relevant information will be presented to the planning authority, so that it should be able to readily identify the interests, and possibly the values, of the parties. The authority *may* have to supplement the background information from its own sources, and is likely to have to make its own determinations of matters of public interest involved. Obviously, this practice is amenable to the pragmatic method.

The outcomes argued for by the parties, and the views of the planning authority, would be hypotheses about a possible future state, supported by hypotheses about facts, values, and the consequences of possible future states. The planning authority must choose options that represent its beliefs about the truth of the various hypotheses. It must ultimately choose an option representing the preferred future state - the public good. This must be a genuine option - and can include maintaining the status quo, amongst other reasons because the proponent is not proposing a genuine option - because what the party wants is unrealistic, unnecessary, or trivial. Similarly as to a hypothesis of an opponent. There should be a conclusion reached after a fair and proper consideration of all points of view, manifested in the planning authority's readiness to consider these in arriving at the truth as it sees it.

It must make a decision, and there is no objection to a passional decision to the

extent that that is necessary in the circumstances, although it possibly should not indulge in excessive risk-taking and experimentation at the expense of any of the parties. One of the difficulties with *ad hoc* decision making is that particular persons rather than the population generally may be most obviously affected, but that depends on the scale and nature of the proposition.

Another aspect of pragmatic experimenting, testing, and verification or correction becomes apparent in land use action planning. Land use planning proposals often involve building and other capital investments which cannot readily be removed if a mistake is made. However, passional decisions *always* have to be justified. This sort of land use situation requires acknowledgement of the danger of risk-taking, and is a justification for avoiding error. But balancing such factors is a normal part of pragmatic decision making, and there is still a place for passional decisions, as evidenced by the projects which do not go ahead because of a too timid attitude. But arguably, some of the benefit of a pragmatic approach may be lost.

7 THE LAND USE PLANNING PROCESS: MONITORING AND FEEDBACK

This is an issue *particularly* relevant to a consideration of practical pragmatic planning. Reference has been made to it above in relation to goal-achievement, and "The Land Use Design."

The pragmatic method overtly involves "risk-taking", experimenting, testing beliefs, and verification or correction of mistakes. Meyer says (p 92 1975) citing James, "that if the philosopher . . . makes a bad mistake the cries of the wounded will soon inform him of the fact." The same could be said of the pragmatist, and an ear for what the population is saying is invaluable. However, *systematic* testing of outcomes is also

needed and is an important part of the pragmatic method, and planning, testing, evaluation, and review techniques will be fully utilized. Results will be reviewed in relation to objectives, to see if they have been achieved; and if they have, the results will be evaluated on the basis of the values and interests originally believed to be relevant, to see if their goodness is as expected. They will not be tested against goals for goal achievement.

As regards evaluation, at this stage, evaluation at the land use design stage will have been carried out. Impacts will now be *fait accompli*. How closely they correspond to what was expected can be assessed. There may have been failure to achieve, or there may have been unexpected side effects. To the extent that they closely correspond, the evaluations can be revisited to see whether the assessment of goodness was true (something that will not happen with goal-achievement). To the extent that they do not, fresh evaluations can be made to assess the goodness of the new situation, for whether it is better or worse than, as well as different from, the intended outcome, will influence the planning authority in deciding what the next step will be.

8 PUBLIC PARTICIPATION

This is the first of the matters mentioned as supplementary to the consideration of the planning process. It is a significant aspect of plan promulgation, but it is useful to consider the question separately here.

The relevance of public participation is fairly obvious. It will help the planning authority to establish truths as to relevant facts about the land use system, and the population, including their aspirations, values, needs, wants, and desires, and opinions about possible futures and the consequences of taking certain action to modify the future. Some of these matters will, of course, be

subsumed under the study of their interests. In that connection, for ascertaining matters of public interest, information as to the collective nature of interests, and as to whether the satisfaction of them is out of most individuals' hands or not, will be needed (Berke *et al* 2006).¹¹

Claims of public interest can be made, as they can in respect of individual interest. However, Meyer (p 114 1975) warns of the problem of part of the public, e.g. factions, speaking on behalf of the public. He could also have mentioned self-interested individuals, or, by contrast, persons genuinely part of the public in their orientation. In respect of public interest specifically, Meyer (1975) says that the problem is not with people speaking, but with appraising such claims, and acknowledging the need to appraise such claims. It is necessary to "address matters of public affairs in appropriately public terms and with results that can be evaluated for their public ramifications." Another aspect is mentioned by Berke *et al* (p29 2006) in a note on "Core Planning Capabilities":

"... a changing panoply of public and private interests and trends ... While the other players unabashedly advocate their own interests ... planners are expected to advocate overall public interest ..."

¹¹ Berke *et al* (2006) in Chapter 1 have some relevant comments, of interest whilst perhaps requiring some discussion and differentiation, but there is one phrase in the introduction to Part I on page 1 (repeated on p 3) that is worth quoting: "Planners must ... advocate the interests of underrepresented groups." This is an aspect all too seldom referred to in public participation discussions. For them to be fair and effective, it must be acknowledged that there are large numbers of people who will not actively participate, and it is up to the planners to seek out their interests. It is no use saying everyone *should* participate. It is a fact of life, and it is not right to not consider their interests just because they do not actively advance them themselves.

That is important, but they must, of course, at the same time give full consideration to *all* of the relevant public and private interests.

9 MEDIATION/NEGOTIATION

Mediation and negotiation are methods of dispute resolution, in particular as alternatives to decision making in the nature of adjudication by judicial and quasi-judicial bodies. They can occur between private persons, or between private persons and a public body.

With the time and expense of formal hearings, and the zero sum game sometimes involved, there is much to be said for parties settling their disputes informally. The practice has increased significantly in recent years. Berke *et al* (2006) put much emphasis on "cooperation" and "coalition" and "consensus" building, and in fact seem to be over-optimistic about what it could achieve.¹² Where the dispute is in an area where it is government policy to leave it to the private sector to sort matters out for themselves, there is no further problem, apart, sometimes, from needing the means of getting some sort of judicial order, such as a consent order, where that is necessary so that rights are properly settled.

A problem arises where there is public interest involved (it is assumed here, not too optimistically it is hoped, that *all* persons with group or individual interests affected will be involved in the mediation or negotiation). It is possible for a dispute to be settled happily between private parties without regard to the public interest, or for the settlement to be contrary to the public interest in some way. The result may not be in accordance with an option for a preferred outcome adopted by a relevant public

¹² See in their Index under "community consensus."

authority, and the outcome may not represent the public good.

Meyer (1975) makes this point at page 135:

“It may be said that such devices as popular elections, interest-based representation, bargaining, etc., are generally considered legitimate, but it is presumptuous to suggest that the results of such processes necessarily constitute the public good. Well-established, legitimate processes can go a long way in inducing the public to accept a variety of outcomes, yet the fact remains that the vector-sum of forces may not be in the public interest.”

It is necessary in such cases for the public authority to be involved in some way to ensure that a matter of public interest is given due consideration to the greatest extent necessary. What should not happen is to think that it is the end of the matter when the private parties are satisfied regardless of the effect on public interest. This is important, even if the process becomes more cumbersome.

Apart from that issue, the pragmatic method can apply to mediation and negotiation. The parties can put up hypotheses about likely options or outcomes, and the conclusion is the “individual good” of each of the parties, because it is the best that they can expect in the light of the conflict of interests. This sentence of Berke *et al*, (p4 2006), concerning consensus building, is particularly interesting:

“This requires that players participate in a multiparty consensus-building process, learning from feedback about prior successes and failures, and experimenting with new planning solutions and actions”.

A strong pragmatic flavour is detectable (Berke *et al* 2006).¹³

¹³ Similarly this from p 24: “A planning support system aids in improving knowledge and consensus building by modeling the impacts of

Admittedly, there may be a difficulty in getting the parties to enter into the spirit of pragmatism, and applying it to private negotiation. That may even be a little artificial. To be realistic, it may be necessary for the planning authority to have a procedure for incorporating private arrangements into the pragmatic planning process, not only because of the public interest issue mentioned above, but to ensure that the integrity of the pragmatic planning approach is maintained.

CONCLUSION

It is hoped that the foregoing has given a comprehensive, introductory account of what would be involved in applying the pragmatic method to all aspects of urban land use planning.

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