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Design governance: theorizing an urban design sub-field

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ABSTRACT

This paper introduces and theorizes the practices of design governance: the process of state-sanctioned intervention in the means and processes of designing the built environment in order to shape both processes and outcomes in a defined public interest. The paper is in three parts. The first briefly addresses 'why' the public sector should seek to intervene in design, in other words the motivations behind design governance. The second and third parts address respectively the 'what' and 'how' questions; what is design governance and how does it occur? They do this by dissecting the concept and investigating a number of recurring debates in the literature that reveal key conceptual threads and problematics running through these practices. The result, and the key contribution of this paper, is a new set of concepts through which to understand the governance of design as a distinct and important sub-field of urban design.

Why the public sector intervenes in design

Defining the field

Put simply, this paper focuses on the role of the state (public sector) in how we design the built environment. We can christen this activity 'design governance' and define it as: 'The process of state-sanctioned intervention in the means and processes of designing the built environment in order to shape both processes and outcomes in a defined public interest' (Carmona 2013a).

This activity is nothing new. Since ancient times human beliefs and philosophies have been reflected in a diverse range of local codes that dictate the form and layout of buildings, monuments and settlements, whether related to natural phenomenon (on Earth or in the stars) or to superstitions, creeds and practices of human and / or spiritual origin. The use of Feng Shui from 4000 BC onwards in China; the layout of ritual landscapes such as Stonehenge in England from 3000 BC; the design of religious buildings across today's Christian, Islamic and Hindu worlds; and the layout of sacred sites in the great civilizations of the past, in ancient Egypt, Greece or the Andean civilizations, for example, each share in common the use of prescribed design codes to give meaning and narrative to devotional practices, whether of monarch or deity.

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Beyond the laws of religious authorities, design has also long been a subject for governmental activity, and societies through the ages have regulated aspects of design for many reasons. In ancient China, for example, the colour yellow was associated with imperial dignity and for many centuries its use on buildings was restricted to the emperors. In Medieval England, the right to use crenellations on a building was controlled by the king because of their association with the building of fortifications, and those wishing to use crenellations had to obtain a licence to crenellate from the twelfth century onwards. From the thirteenth century the development of Siena was regulated by controls on building heights, materials, window shape and building line established by the then Nova Government of the Republic of Siena. Following the Great Fire of 1666, a series of building and urban codes were laid down in the Rebuilding Act of 1667 for the re-building of the City of London. This was the first time that such comprehensive design regulations had been set down in England and included seven types of street, four types of house and a range of approved construction types. Height restrictions were enacted for the first time in North America through the Washington DC height regulations of 1899 following hot on the heels of an Act of 1894 that set an 80 foot height limit in London. The development and spread of planning and zoning systems during the twentieth century all had at their heart control of land use mix and development quantum as well as health and safety concerns, all fundamental aspects of what we have come to know as urban design.

The examples above represent just a tiny sample of state interventions in design that in modern times have become increasingly ubiquitous and universal (Marshall 2011). Although devotional purposes for such interventions have clearly declined, a wide range of predominantly 'public interest' motivations – welfare, functional, economic, projection, fairness, protection, societal, environmental and aesthetic – took their place during the twentieth century and help to explain the spread of design governance practices (Table 1).

Somewhat paradoxically, whilst attempts to influence design outcomes have clearly increased through time, and in the West noticeably over the last 50 years or so, this has happened at a time when many argue there has also been a widespread deterioration in the general 'quality' of the built environment. In Europe, for example, beyond the historic centres of many cities and the often leafy medium density nineteenth and early twentieth century districts that typically surround them, we find the sorts of sub-urbanism about which a recent European Union funded project concluded:

It seems that whatever the system, whatever the governance, no matter what our rules and regulations, however we organize our professions, and no matter what our histories, placeless design seems to be the inevitable consequence of development processes outside our historic city centres. Moreover, this is despite the ubiquitous condemnation of such environments as sub-standard by almost every built environment professional you ever meet. (Carmona 2010, 14)

In the urban design literature such critiques are broad indeed. They apply to the majority of our planned post-war suburbs and contemporary urban extensions, to most peripheral office, retail and leisure parks, to our inner-urban estates, to peri-urban areas in general, including to the large swathes of land along our urban arterial corridors and around our ring roads, and to new settlements (where they exist) in their entirety; to almost anywhere where a coherent and unifying human-centred urban structure has been allowed to break down or where one never existed in the first place. These sorts of environments are what Relph (1976) long ago termed 'placeless' and have become the global norm which UN Habitat

Table 1. Motivations for state interventions in design.

| Motivations | Explanation |
|---------------------------|---|
| Welfare motivations | At its most basic many design regulations simply attempt to protect the public and individuals from a host of health and safety concerns, both manmade and natural. These range from fire transmission, to structural stability, to access to light and air, to road safety, to avoiding pollution and disease, and so on. |
| Functional motivations | These concern the fitness for purpose and everyday efficiency with which the built environment operates, for example, encouraging the free movement of pedestrians and vehicles, the conduct of different uses and activities simultaneously, the provision of the infrastructure and amenities that make life possible, and the facilitation of the day-to-day management of buildings and space. |
| Economic motivations | Economic outcomes are always a key political concern and there are strong bodies of opinion that see controls of any sort as inhibitors to economic activity and to the natural operation of the market. Careful control of design is nevertheless also seen as a means to stimulate local economic growth by facilitating particular types, forms and densities of development in particular localities and as a means to deliver the economic dividend that evidence suggests well-designed developments can command (Carmona, de Magalhaes, and Edwards 2002). |
| Projection motivations | These relate to the desire amongst leaders to project a particular image of place, perhaps in order to encourage investment or attract particular sorts of companies and / or individuals to a city or locality, but also to establish and project a clear identity for places that users can identify with and which reflect the worldview (good or ill) and ultimately the power and legacy of those responsible. |
| Fairness motivations | Individuals or companies acting alone are likely to attempt to maximize their own benefit and this may be at the expense of others or of resources held in common (sometimes known as the tragedy of the commons – Webster 2007). Regulation can attempt to guarantee private property rights in a manner that does not unduly impact on the rights of others or diminish resources held in common. |
| Protection motivations | Conservation of important historic and natural assets and environments is a key concern that has become all the more prominent in recent decades in the face of large-scale rapid change. It encompasses not only protection but also enhancement of the positive distinctive qualities of place, whether historic or contemporary. |
| Societal motivations | These rationales (arguably) encompass all the other categories, but more specifically include the range of liveability, improved amenity, civic pride and engagement, crime reduction, inclusiveness and health and social benefits that practitioners of urban design have long argued that a better designed public environment can bring. Such concerns amount to perhaps the most compelling set of reasons for the state to be interested in design. |
| Environmental motivations | Such arguments are increasingly central to urban governance agendas, and the design of the built environment has a potentially large part to play in delivering this agenda through designing for adaptability, energy reduction / efficiency, public transport, mix and intensity of use, greening and so forth (Carmona 2009b) |
| Aesthetic motivations | Whilst visual concerns are often the headline factors when 'design' is discussed, because of their somewhat intangible nature they are also amongst the most difficult to evaluate. Despite this, aesthetic concerns remain vitally important (albeit often controversial) for reasons relating to how developments integrate into their surroundings, because of the desire amongst many architects to innovate and build something 'of today', and as a consequence of the basic human sensibility to beauty (CABE 2010). |

(2010, 10) now tells us is fast engulfing many developing as well as developed nations in cities as diverse as Antananarivo, Beijing, Johannesburg, Cairo and Mexico City.

Regulations as a substitute for design

What unites all these places, as well as their counterparts in developed Europe, North America, Australasia, and the Far East, and are processes of design governance complicit in their production? A major factor certainly seems to be the shaping of cities through crude standards and regulations as a substitute for actually engaging in a place-centred design process. As a consequence, regulations prescribe parking norms, road widths and hierarchies,



Figure 1. Suburban-style developments but located on Liverpool's historic Pier Head, complete with standard parking requirements, road splays and buffer planting.



Figure 2. Form follows zoning in Japan's cities.

land uses, density requirements, health and safety issues, construction and space standards, and so forth. Typically these forms of control are limited in their scope, technical in their aspiration, not generated out of a place-based vision, and are imposed on projects without regard to outcomes (Carmona 2009a). Moreover, once adopted, there is a tendency for such standards to become the norms that are then applied everywhere, regardless of context or relevance (Figure 1).

Ben-Joseph (2005) traces the evolution across Northern American cities of what he refers to as these 'hidden codes'. In doing so he argues that too often the original purpose and value of the codes are forgotten as the bureaucracies put in place to implement them do so in a manner that has little regard to their actual rationale, and even less to the knock-on effects of their existence. Talen (2012) agrees, arguing that worthy social purposes such as the pursuit of public health are all too quickly buried under the weight of successive technical amendments. Instead, these forms of standards are about achieving minimum requirements across the board (regardless of site context), whilst in many cases the slavish adherence to standards has led to the creation of bland and unattractive places. In the UK such critiques go back at least as far as the 1950s and to the emergence of the townscape movement with its concerns for the sorts of 'prairie planning' that standards-based housing layouts were giving rise to (Cullen 1961). Arguably, this represents a classic case of regulatory (rather than market) failure.

Today, places are shaped, to greater or lesser degrees, by what Carmona (2009a) has characterized as the interplay between three tyrannies of practice: creative, market-driven and regulatory and by the failure to strike an appropriate balance between those forces. Particular tyrannies predominate to different degrees in different places, and this is 'written' into the urban fabric of our cities, as famously illustrated by the sequence of drawings by Hugh Ferriss (1929) depicting the implications of the 1916 Zoning Ordinance on New York's buildings, where simple regulatory formulae crossed with developers' desire to maximize development, led directly to the characteristic stepped skyscraper designs of the 1920s and 30s.¹ In Japanese cities the impact of the tyrannies can be particularly striking, with rigid zoning and building regulations dictating much of the form and character of Japan's urban areas at both strategic and local scales (Carmona and Sakai 2014) (Figure 2).

Yet whilst undoubtedly visually chaotic, Japanese urban landscapes are also amongst the most vibrant and stimulating in the world. This invites the thorny question, if the state seeks to intervene to deliver a better quality built environment, then how should it define design quality in the first place?

What do we mean by 'quality' in the governance of design?

'Design quality' is invariably a problematic concept that will mean different things to different people, not least to the different professionals involved in development projects, as well as to the many individuals that make up the community affected by it. Discussion of design will immediately raise issues of visual appearance in many minds. In the UK, for example, prior to the 1990s the regulation of design through the planning process was known as aesthetic control, largely because 'design' was seen as predominantly an aesthetic concern. Indeed, for many years, and in particular in the 1980s, the design agenda of national government was in large part limited to telling local government to steer clear from 'meddling' (as they saw it) in such concerns. Yet, as the Japanese case suggests, quality in the built environment is not just a visual concern as even the most visually chaotic of city spaces can work in a whole host of other ways: they might be comfortable, engaging, safe, social, efficient, sustainable and so forth. Even in aesthetic terms, what for one person may be a satisfying visual harmony for another may be simply boring.

Conceptually unpacking this, it is possible to conceive of four notions of design quality relating to the built environment, each more complex and expansive than the last. These are: aesthetic, project, place and process quality (Table 2). Ultimately, whilst judgement about design quality in any given circumstance will never elicit unanimity from one individual or organization to the next, each of these notions of quality is perfectly capable of being defined in normative terms depending on the exact nature of the aesthetic vision, project, place or process.

Activities of state engagement in design can and do focus on each and perhaps all of these notions of quality, but the final concept of the design 'process' as being something that can be influenced goes to the heart of the notion of design governance, as shall be discussed later. So too does the idea that this process is continuous and not just concerned with the sorts of self-consciously designed schemes that catch the eye of the press, but also with the un-self-conscious processes of urban adaptation and change that continuously shape and re-shape the built environment all around; part of a larger place-shaping continuum (Carmona 2014a). All are potentially the focus of governance processes, and therefore of design governance.

In sum, many sets of 'quality' principles could be listed here to address the wide range of motivations for intervention already described. The important point to make, however, is the need to understand the limits of any conceptualization and how judgement and interpretation, rather than simply blind application, should always be a factor in assessments about what is good and what is not (Beckford 2002). When such judgements are being made in the public interest then a process will be required to do this, and it is to this that discussion now turns.

Table 2. Concepts of design quality.

| Conception of quality | Scope and limitations | Normative frameworks |
|-----------------------|---|--|
| Aesthetic quality | The most limited conceptualization of design, but also often the 'headline' consideration when architectural, urban or landscape design is debated, not least because of the preoccupation in the training of architects and other design professionals with the physical 'vision' as something to be created and critiqued first and foremost on an artistic / aesthetic level. | In England, the Royal Fine Art Commission (RFAC) defined six criteria for <i>What makes a good building</i> in order to guide its design review activities. These were: order & unity, expression (of the function of a building), integrity (in design), plan & section (an honest three-dimensional construction), detail (to delight and hold the eye), and integration (with the surroundings). Underpinning the principles is an overriding concern with the aesthetic consequences of development (Cantacuzino 1994). |
| Project quality | Takes a larger perspective on design encompassing the Vitruvian principles of firmness, commodity and delight (aka: soundly built, fit for purpose and attractive). This notion encompasses important aspects of functionality alongside aesthetic concerns, but whether the project is a building, bridge or piece of green infrastructure, the emphasis will tend to be on the project in isolation and therefore on an object-based assessment of quality within the boundaries of a defined site. | In 2001 and again in 2006, the Commission for Architecture and the Built Environment (CABE) updated the RFAC criteria, with an emphasis on 'What makes a good project'. The broader criteria encompassed: clarity of organization (site and building planning), order, expression and representation, appropriateness of architectural ambition, integrity and honesty, architectural language (coherent and compelling, rather than arbitrary), scale, conformity and contrast, orientation prospect and aspect, detailing and materials, structure environmental services and energy use, flexibility and adaptability, sustainability, inclusive design and aesthetics (CABE 2006). Whilst the advice also outlined the importance of context and how to understand the project in its context and in relation to planning a site, the emphasis was on the complex dimensions of the project rather than the place. |
| Place quality | Again enlarges the plane of concern, this time beyond the project and its site to the larger 'place' incorporating all the complex interacting dimensions of the use, activity, resource and physical components of place. This notion encompasses how particular interventions (e.g., individual projects) interact with and impact on the whole as well as the parts of the complex contexts in which they are situated. | A wide range of normative frameworks summarize the desirable components of place. In the US, the Place Diagram of the Project for Public Spaces, for example, defined four 'key attributes' of successful places: sociability, access and linkages, uses and activities, and comfort and image ¹ ; whilst the UK Government's guidance on design and the planning system that heavily influenced English urban design policy and practice throughout the 2000s promoted a seven part agenda of: character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability, and diversity (Department for Environment, Transport and the Regions 2000). Such frameworks demonstrate that the concern for place extends from the physical reality and qualities of space to the actual experience of, and practicalities inherent in, its use as a place. |
| Process quality | The final type, is quite different from the previous conceptualizations as it is concerned with the 'why', 'how' and 'when' of design as much as with the 'what'. In other words with how the place, project or vision is shaped or created and with what purpose and by who; with why an intervention is right in the context of all the other processes of change that impact on that place; and with when change occurs and how processes facilitate or undermine that. | Design in this sense does not just refer to specific types of outcomes but instead encompasses the various processes through which the built environment is shaped (intentionally and unintentionally). Carmona (2014a) has described this as a place-shaping continuum, or as a meta-process informed by historically defined norms and practices of development that vary from place to place; set within and modified by the local contemporary political economic context; and defined by a particular set of stakeholder power relationships. Design is not a series of discrete episodes but instead a continuous integrated process; sometimes focussed on particular projects or sets of interventions that shape the physical environment for use; and sometimes on the everyday 'processes of place' that shape the social environment through the manner in which places are used and looked after. |

¹http://www.pps.org/reference/what_is_placemaking/

Conceptualizing the governance of design; what is it?

The governance turn

'Governance', as a concept, remains slippery, and amongst political scientists the subject of much heated debate, yet from the 1990s onwards the term has increasingly been associated with a shift in our understanding of how society manages its affairs. So whilst the traditional view of public power was one of command and control where authority was centralized and exercised hierarchically, governance starts from the notion that power is typically dispersed and governments are severely limited in their ability to effect change when acting alone. Instead, public power acts through different tiers of government, through a wide range of government and pseudo-governmental agencies, and through the resources and activities of the private sector. In this respect 'effective power is shared, bartered and struggled over by diverse forces and agencies' (Held et al. 1999, 447).

Contemporary discussions of governance cover many variants: global, corporate, project, environmental, regulatory, participatory, urban and so on. Focusing on the last of these, Pierre (1999, 374) holds that urban governance should be understood 'as a process blending and coordinating public and private interests'. He references regime theorists who contend that 'governing the city and its exchange with private actors is a task that is too overwhelming for public organizations to handle alone. Instead, urban governance quite simply represents all the diverse processes through which public bodies in concert with private interests and civil society seek to enhance collective goals: 'a process shaped by those systems of political, economic and social values from which the urban regime derives its legitimacy' (Pierre 1999, 375). Likewise, Adams and Tiesdell (2013, 106) argue that 'successful places come about through effective coordination between the many different actors involved in their production and consumption' and distinguish three commonly recognized modes:

- Governance through hierarchies, where power is concentrated in the public sector and at the top (in government) and those further down the hierarchy, for example, local government, abide by the rules set further up.
- Governance through markets where the state is tasked to enable the market and a shrunken state apparatus gives way to the private sector wherever possible to actually deliver urban services and amenities.
- Governance through networks, where collaborative and partnership arrangements between public, private and voluntary sectors attempt a middle way that avoids the 'big government' of hierarchies and the fragmentation of markets; although with the additional layers of complexity born of seeking network solutions to complex urban problems.

Broadly, these three modes of governance equate to the periods of post-war government epitomized by (1) the welfare state; (2) Thatcherite or Reaganomics inspired neo-liberalism from the 1980s onwards; and (3) its modification through 'third-way' politics epitomized by New Labour in the UK and the administration of Bill Clinton in the US. Pierre (1999) digs a little deeper and defines four different 'ideal' models of urban governance according to their prevailing characteristics, whether managerial, corporatist, pro-growth or welfare (Table 3).

In reality, different forms of governance exist simultaneously, even in the same territory, as different problems and different contexts will give rise to different local relationships and

Table 3. Pierre's 'ideal' modes of urban governance.

| Mode | Characteristics |
|------------------------|--|
| Managerial governance | Rather than viewing government as a conduit for resolving political conflict, the emphasis is on the efficient, cost-effective and professional delivery of public services, often by arms-length organizations of government. Arguably this model has come to dominate in the neo-liberal era and reflects an ideology that market-like mechanisms of supply and demand should dictate the relationship between consumers and producers of public services, rather than political preferences and accountability. |
| Corporatist governance | Gives primacy to the ideals of participatory democracy, with the discussion and settlement of policy dependant on bargaining processes between interested parties directed at achieving consensus and coordinated public / private action. In this model decision making is collective and inclusive, but also often slow, and can be limited to those organizations and individuals that are politically engaged. |
| Pro-growth governance | Characterized by close interaction between public and private parties with a particular view to strengthening the economy. These forms of governance are rarely participatory but instead engage political elites directly with their business counterparts with the objective of boosting growth rather than redistributing it. In this model, public / private partnership is institutionalized and the resulting organizations enjoy considerable operational discretion. |
| Welfare governance | Predominates in cities in which economic growth is limited and the major source of income to inhabitants flows through welfare spending leading to a particular dependency on the state and to the predominant position of the state as the key provider or enabler within the territory. Typically such regimes are hostile to the private sector as a supplier of services, whilst the main participants in delivering this governance are the government officials themselves. |

therefore to varied forms of governance. As recent research taking a comparative perspective on urban governance concludes: 'No one model of governance stands above the rest. The wide variety of governance institutions and decision-making models reflects both the local context and history and the complexity of the issues to be resolved' (Slack and Côté 2014, 5).

Deconstructing the various models above and cutting through the politics of provision, it is possible to identify a triad of fundamental characteristics within whose parameters urban governance of all types will sit. These are: the mode of operation, whether ideological (directed at particular political objectives) or managerial in style; the relative concentration of public authority, whether centralized or disaggregated, including to arm's length agencies, and the power to deliver, whether public or market-oriented. These are represented as three continua in Figure 3 because in reality urban governance will rarely sit at the extremes, e.g., wholly market or wholly public provision but will instead, on each axis, sit somewhere in between. As, arguably, a sub-set of urban governance, regimes of design governance can likewise be situated within this framework, and this will be returned to later to situate the spectrum of such activities. First, however, generic issues with design governance are discussed.

The problematics of design and its governance

Despite its pedigree and the wide range of motivations driving public authorities to engage in the governance of design, design as a subject for state action is inherently problematic. The international literature on urban governance, for example, establishes a number of normative principles associated with 'good urban governance'. These include positive aspirations such as: the need to be accountable and transparent, to encourage participation and consensus building, to be responsive to changing need whilst also

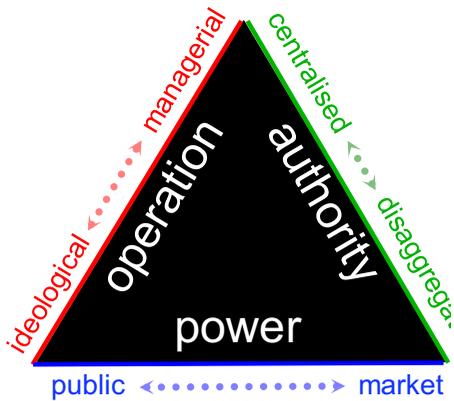


Figure 3. Urban governance, a triad of fundamental characteristics.



Figure 4. This space on the Thames riverside in Greenwich was of sufficient or 'appropriate' quality to get planning permission but has little social (it is fenced in), economic (it is an on-going management problem) or aesthetic value (it is crudely constructed of cheap materials).

being efficient, and to be both effective and equitable. Yet design, as a subject for governmental activity, has long suffered from a range of inherent challenges that reveal something of how design is profoundly different from many of the 'big ticket' policy realms such as health, defence, welfare or policing (Carmona 2001). These are presented as eight core problematics in Table 4 and reveal how design fails to conveniently tick the boxes of good governance: it is open to challenge and debate, to quite different professional perspectives and priorities (the tyrannies already referred to), and does not easily boil down into neat, efficient and predictable considerations for decision makers. Neither does design lend itself naturally to public debate, to easy local policy solutions or to the constraints of short-term political cycles.

Design choices are, as Vale (2013, 30–33) forcefully argues (in the context of post-war housing design and its clearance), inherently political, but that is not to say that they are necessarily politically balkanized. At different times and in different contexts, the pursuit of a better designed built environment has been critiqued from both sides of the political spectrum. From the right have come concerns that giving undue consideration to design can undermine the operation of the free market, tying up local initiative and creativity with unnecessary delays and 'red tape'. Campaigners Mantownhuman (2008, 3), for example, have argued 'we must seek a new humanist sensibility within architecture – one that refuses to bow to preservation, regulation and mediation – but instead sets out to win support for the ambitious human-centred goals of discovery, experimentation and innovation'. From the left have come critiques that design quality is an elitist concern and is largely a preoccupation of property owners seeking to protect their asset values or developers wishing to enhance theirs, and that larger socio-economic inequality rather than environmental quality should be the priority. As Cuthbert (2011, 224) has commented, with regard to public sector attempts to influence design outcomes: 'At best they look to the past and, in the process, seek to conserve property values ... self-interest and autonomy of control over the design process.'

Table 4. The problematics of design governance.

| Problematic | Explanation |
|--|--|
| A fragmented responsibility and built in dissensus | In most countries the design / development arena is split in three senses, first between public and private interests, second between numerous professional specializations represented by their professional membership organizations, and third, in the responsibility for such concerns within government, across the spatial scales. The field is fragmented and can be highly contested along the sorts of 'tyrannical' lines already described. The inevitable result is that dissensus is built in from the start, and, even if it is not, responsibility is often so fragmented that coordinated action over place quality is difficult to achieve. |
| The marginalization of 'expert' judgement | Whilst architects, landscape architects and urban designers typically train for many years with design as the core focus of their attentions, others with little or no design training are empowered to pass judgement on their designs (Imrie and Street 2009). These include: planners, whose engagement with design is often just a small part of their training; engineers, for whom design is a more limited technical activity; developers, for whom design is a subset of the profit equation; and politicians, often with no design training at all. Conflict between expert and non-expert is perhaps inevitable in such circumstances where non-experts may have a greater impact on outcomes than the experts themselves, and where lay and expert tastes will often diverge (Hubbard 1994). |
| The debatable concept of 'good design' | The notion that transferable and easily identifiable characteristics of good design in the built environment exist remains a debatable contention and some dimensions of design (e.g., aesthetics) will always be more subjective than others (e.g., density). Moreover, urban design solutions will vary from place to place and are not amenable to easy one-size-fits-all prescriptions. In such a context, informed and skilled design judgement and a careful understanding of the local development context are likely to be key to making judgements about design quality, whilst there will always be multiple possible (and acceptable) solutions to most urban design problems. |
| The intangible nature of design and design value | The somewhat intangible nature of design means it is poorly understood by many decision makers (and some professionals) who continue to equate design with narrow aesthetic debates or with a sense that design is a luxury that can be cut in bad times. Equally, many design objectives (and processes) are difficult to measure, and to attribute, and are therefore not amenable to centrally driven performance management approaches or targets, or to specification in policy or guidance. Similarly, the pursuit of better design in the built environment will be a long-term project requiring commitment and dedicated resources that do not naturally fit with short-term political priorities. |
| The appropriate limits of power | In the neo-liberal era, increasingly the state has pulled out of directly developing itself and the public policy aspirations for design that involve new development need largely to be delivered through the auspices of the private sector acting in the market and outside the direct ability of the public sector to deliver particular outcomes. The issue raises concerns regarding the appropriate limits of state power over private property rights, and whether attempts to control design (in the absence of direct delivery) amount to undue interference or the legitimate pursuit of the public interest (Case Scheer 1994). By implication this also limits the ability of communities to both hold their public representatives to account and to directly engage in such matters themselves. |
| Market realities and the detached state | Public design requirements may add to the costs of development, either by extending and elaborating the development process itself (e.g., requiring more detailed design proposals) or in the build-out costs of development (e.g., a higher public realm specification or greater energy efficiency). Because these costs may or may not be recoverable by developers they will impact directly on the viability of schemes in the market. Whilst public design requirements can reduce build-out costs (e.g., replacing expensive impermeable surfaces with cheaper porous ones) or generate a design premium on sales or rental values (Carmona 2009a), the detached nature of the state from these market realities will concern private development actors as they engage with public design aspirations. |
| How much intervention? | In policy terms, questions of over-prescription vs. under-prescription in design policy and guidance can dominate debates on the legitimacy of the public sector engaging in design; particularly when seen to impact on the ability of architects (in particular) to creatively innovate in design (Imrie and Street 2011). Equally, processes that involve too many parties in decision making and lead to lowest common denominator 'design by committee' as a substitute for clear vision can be equally destructive. Ultimately this is a matter for political and democratic judgement and will vary from place to place. To some degree it will also depend on the quality of that intervention and whether, as a result, it carries public support. |
| Balancing certainty with flexibility? | In systems where the regulation of design involves a greater degree of discretionary power, such as in the UK, criticism often revolves around the seemingly arbitrary decision making that can occur in the absence of clear policy or guidance on which to base decisions. For market actors this has a decisive impact on the certainty with which they can plan their operations. Equally, these same actors may quickly object if their flexibility to operate in a changing market is unduly impaired by (for them) the over-prescriptive imposition of public design requirements on their projects. Balancing certainty and consistency with flexibility is a key challenge in all design governance. |

Both perspectives are based on the same fundamental misconception that good design is a narrow concern primarily in the interests of one side of the public / private divide at the expense of the other, be that society or particular private interests. In fact, good urban design is fundamentally in the interests of society at large by avoiding the problems of the sorts of sub-standard places already described, and instead aspiring to the creation of what Alan Rowley (1998, 172) has characterized as development of 'sustainable quality' instead of 'appropriate quality' (Figure 4). In other words, development that returns long-term social, economic and environmental value and looks beyond short-termism, whether based on economic opportunity or social need.

The design governance conundrum

Many approaches to design governance ultimately operate by, on the one hand, restricting private property rights and, on the other, granting development rights. The former (restricting property rights) constrains the freedom of key stakeholders to design and those who perceive themselves to be most directly affected – designers and developers – are likely to resist such intervention the hardest. Walters (2007, 132–133) even argues that faced with such circumstances 'Many architects are guilty of knee-jerk reactions to design standards, preferring the 'freedom' to produce poor buildings rather than be required to improve standards of design to meet mandated criteria'. The latter (granting development rights) has equally often been criticized for sanctioning developments that are quite simply not up to standard and some have suggested that it is the inability of planners to define and deliver a public design agenda that is the problem here: 'Vision is something that your average planner simply does not have' (Building Design 2013).

More positively, Rybczynski (1994, 211) has argued: 'Cities as disparate as Sienna, Jerusalem, Berlin, and Washington DC, suggest that the public discipline of building design does not necessarily inhibit creativity – far from it. What it does have the potential to achieve ... is a greater quality in the urban environment as a whole'. Certainly the public resources devoted to such activities in countries around the world can be taken as a reflection of the public endorsement that processes of design governance command, and that these processes are largely apolitical. In the UK, for example, polling has revealed that only 2% of people on the right of the political spectrum, 4% on the left and 3% in 'other' categories had no interest in what buildings, streets, parks and public spaces look or feel like to use (CABE 2009).

Yet perhaps such a result is inevitable and certainly should not be taken as a *carte blanche* to the public sector to intervene wherever, however, and whenever it wishes on design. Campbell and Cowan (2002), for example, have argued that 'rulebooks' (by which they mean the various design standards and the bureaucracies that go with them) are too often crude and therefore too unresponsive to local circumstances to positively shape place quality. Despite this, once a system of regulation is in place it becomes very difficult to change as it quickly generates large numbers of vested interests whose primary concern (arguably) is with maintaining the system as it is rather than with dismantling or changing it. A case-in-point are the legions of zoning officials charged to create and manage ever more complex zoning ordinances in the US. Set against them, and with an equal stake in maintaining the status quo, are the legions of land use zoning lawyers whose job it is to challenge the rules and find ways around them (Carmona 2012).

Although the inherent value of such systems is often asserted, just as they are contested, few would dispute that once in place public authorities are often highly adept at applying the ‘technical’ standards and regulations that result. In England, for example, almost half a million planning applications are received and decided each year, most of which are known as ‘minor’ (for household alterations and the like), three-quarters of which are decided efficiently and effectively within eight weeks². Given that this is the case, it is reasonable to question whether it might be possible to raise the bar to, instead, focus these sorts of bureaucratic efforts more concertedly on securing higher order urban design outcomes. This is the design governance conundrum: can state intervention in processes of designing the built environment positively shape design processes and outcomes, and if so, how?

Ellin (2006, 102) puts it another way:

Should we step aside and allow the city to grow and change without any guidance whatsoever? No [she says] that would simply allow market forces to drive urban development. Markets are only designed to allocate resources in the short term and without regard for things that do not have obvious financial value like the purity of our air and water or the quality of our communities.

Design of the built environment falls into this category. Many have a potential hand in its delivery, but market forces acting in a vacuum will tend to lead to competition between players based around securing narrow market advantage rather than to collaboration focused on creating something greater than the sum of the parts. The ‘loop and lollipop’ landscapes of suburban retail and business parks represent a case-in-point where, in order to compete with their neighbours, operators are typically concerned with maximizing unit attraction within their site (e.g., large and obvious parking and highly visible signage) rather than with connecting to their competitors. The result is that travel between adjacent plots is often impossible by foot and instead requires a round about journey by car. Examples of such layouts are globally ubiquitous (Figure 5) and represent a clear case of market failure.



Figure 5. Design as market failure, impermeable loop and lollipop landscapes (looking from one enclave across a fence into another).

In such circumstances state intervention may seem to be justified in order to correct the failure, yet we also need to be careful not to fall foul of the ‘nirvana fallacy’ that the solution to imperfect markets is necessarily more government. As Hansen (2006, 117) has argued, ‘Because governments are run by imperfect people, government regulation is unlikely to be perfect’. Thus, just as markets fail, so do governments, and whilst public intervention might be seen as an appropriate response to poor place-making, for a variety of reasons (Table 5) the assertion that more intervention will necessarily deliver better design, or the presumption that ‘good’ design guidance and control will, ipso facto, create good places, should be treated with extreme caution.

Regulatory economists argue that regulation is inherently costly and inefficient but difficult to challenge because of what Van Doren (2005, 45, 64) of the right wing CATO Institute calls ‘Bootleggers’ (special interests who gain economically from the existence of regulation) and ‘Baptists’ (those who do not like the behaviour of others and want government to restrict it). For such commentators the market, rather than state regulation, is the proper mechanism through which optimum development outcomes can be achieved and through which individuals can best express, meet and protect their interests. In support of these arguments, Houston in the US is often cited as a city in which communities have been able to meet their needs despite being the only major US city without a system of zoning. However, Houston

Table 5. Reasons for caution in utilizing design governance.

| Reasons for caution | Examples |
|---|--|
| There may be no market failure in the first place | Most historic towns and cities, for example, grew up organically with very little regulation dictating where and how buildings, uses and public spaces should be located, and yet formed some of the most celebrated and humane of today’s urban landscapes. |
| The solution may be worse than the problem | Arguing against zoning, for example, Siegan (2005) suggests that such practices increase the price of homes by limiting supply; encourage sprawl by imposing restrictions on uses, densities and height; and are exclusionary because zoning acts against the needs of disadvantaged groups by distorting the market from meeting their needs. |
| It may create barriers to change and innovation | Architects have long argued that processes of design control favour ‘safe’, even historicist, design solutions and undermine the creation of places resonant of their time, both aesthetically and in terms of the construction technologies that are favoured (Cuthbert 2006). |
| Perverse outcomes may result | Stories of unintended outcomes from overly-crude design regulations are not uncommon and famously include the creation of a generation of poor quality Publically Owned Public Spaces as a result of incentive zoning practices in New York during the first few decades following the introduction of these new rights in 1961 (Kayden, New York City Department of City Planning, and Municipal Art Society of New York 2000). |
| The risk of discrimination | Processes of controlling design may support the tastes and values of certain cultural groups over others and (unintentionally or not) discriminate against those with different cultural values or who simply wish to use space differently. The development of ‘McMansions’ ² in suburban North America, for example, have typically been criticized for their crass, showy and uncontextual ‘bigness’, but Lung-Amam (2013) argues that they simply reflect the different cultural norms of their owners – typically affluent immigrant groups – and that policies to control them reinforce elitist white middle-class perceptions of good design held by residents of longer standing (and city officials) and unduly discriminate against those with a different view. |

²The practice of tearing down or significantly remodelling existing homes to build much larger homes.

has adopted other sorts of ordinances to alleviate the land use problems that result, including banning nuisances, imposing off-street parking and regulating minimum lot, density and land use requirements (Siegan 2005). Thus even the least regulated cities in the developed world impose controls of some sort or other on the development and use of space.

Although, as will be briefly mentioned later, privatized alternatives do exist and have gained some traction in the US, for most urban areas public sector intervention of some sort or other seems inevitable. Equally there will always be both good and bad intervention. Consequently, rather than the fault of intervention per se, problems associated with perverse outcomes may simply be a consequence of bad intervention. Two key questions arise from this. First, not 'if', but instead 'how' should intervention in design occur? Second, at what point – 'when' – will intervention be most effective?

The 'when' question

Taking the second question first, to ask 'when' it is important to make a key conceptual distinction about the nature of public sector design governance as opposed to private sector project design. On this issue George (1997) has made an important division between first and second order design processes: 'In first-order design, the designer usually has control over, is involved in, or is directly responsible for all design decisions. ... Second-order design [by contrast] is appropriate to a situation characterized by distributed decision making because the design solution is specified at a more abstract level and is, therefore, applicable across a wider range of situations'. He argues that most urban design falls into the latter category – characterized by distributed decision making. This contrasts with architecture which is typically in the former camp.

Because of the long-term horizons over which it operates, design at any scale beyond that of the individual building typically needs to deal with shifting and complex economic, social, political, legal and stakeholder environments, and with how these adapt and change over sometimes very long time horizons. Second-order design is particularly suited to such turbulent decision-making environments because it is more strategic in nature, ideally specifying what is critical to define and ignoring what is not. Therefore, in some respects the distinction between first and second order is confusing because if urban design is about setting the framework within which other more detailed design occurs – architectural, engineering and the local landscape – then it should come first.

Setting this potential confusion aside, Lang (2005) distinguishes between four key types of design process at the urban scale:

- Total urban design: complete control by a single design team over the design of a large area – buildings, public space and implementation.
- All-of-a-piece urban design: where schemes are parcelled out to different development / design teams following an overall masterplan that acts to coordinate the pieces.
- Piece-by-piece urban design: the process of single uncoordinated developments coming forward as and when opportunities or the market allows, although guided by area objectives and policies.
- Plug-in urban design: where infrastructure is designed and built in new or existing areas, into which individual development projects can be later plugged-in.

All but the first of these are second order activities, and even in scenarios of ‘total design’ the framework provided by urban design will come before the detailed design of individual buildings or spaces. At this level design can be as much about shaping the environment within which decisions occur as with the process of designing; or to put it another way, the more one moves away from designing actual things (buildings, roads, landscape features, etc.) the more considerations are with the way that decisions are made than with the making of design decisions. The challenge is to design a decision-making environment that in its turn positively influences how decisions about design are made and ultimately how outcomes are shaped. However, rather than seeing this as second-order design, we might see it instead as the governance of the design process, or in other words: design governance.

As a consequence design governance should not be time limited as the design of a project would be, but should instead be continuous, journeying around the place-shaping continuum (as described by Carmona 2014a) in a never ending cycle of stewardship and change. Seen in this way design governance has the potential to shape all stages of the journey of projects from inception to completion: shaping the decision-making environment within which they are conceived, influencing their passage through design and development processes, and guiding how they continue to mature after they are completed.³

Therefore, to directly answer the second question posed above – when should intervention occur? – the answer is continually in that the shaping of the design decision-making environment will be an on-going process. At the same time, for any given project the critical and most effective interventions are likely to come early, before key decisions about the design of development have been taken. This will also help to avoid conflicts, tensions, delays and abortive work by ensuring that public aspirations are clearly known prior, during and after the design process, and can thereby be factored into the development process (Carmona 2009a). Design process quality, in this sense, is critical to optimizing each of the other forms of design quality – aesthetic, project and place. The key relationships, as theorized above, are represented graphically in Figure 6.

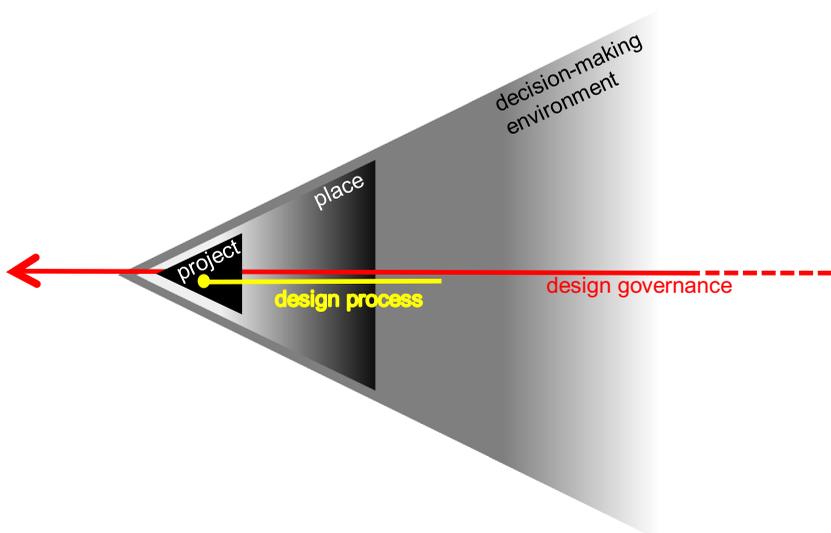


Figure 6. The design governance field of action.

Unpacking design governance

How should intervention occur?

Returning to the ‘how’ question posed above – how should intervention occur? – practices will inevitably be diverse and it is not possible to give an easy answer. As a first step on the road towards its resolution it is useful to revisit and unpack the definition of design governance given at the start of this paper in order to better understand the scope of the concern and the menu of interventions available.

Design governance was defined as: ‘The process of state-sanctioned intervention in the means and processes of designing the built environment in order to shape both processes and outcomes in a defined public interest’. Mapping onto the triad of fundamental urban governance traits represented in Figure 3 – operation, authority and power – the definition implies that design governance operates: (1) in the public interest; (2) through multiple means and processes of design; and (3) as ultimately a responsibility of the state.

Take each in turn, beginning with the ‘operation’ of design governance. The governance of design, to some degree, will always be ideological in that it aims at achieving a set of aspirational public interest outcomes, namely ‘better design’ than would otherwise be achieved without it. However, because it is very difficult to secure design quality without expert judgement which is in turn an expensive commodity, and because good design is anyway intangible and debatable and potentially fraught with ‘tyrannical’ discord (as already discussed), it is likely that authorities with less commitment to design will orientate themselves away from the ideological and proactive and more towards the managerial and reactive end of the operations spectrum. They might, for example, choose to use as-of-right control against fixed and inflexible criteria, as opposed to discretionary negotiation against a flexible set of policies within a design framework. Design governance clearly shifts up and down the operation axis.

On the question of ‘authority’ (the second axis), in a neo-liberal political economy this will rarely be concentrated in a single place. Instead, as the definition implies, by recognizing multiple processes of design, responsibility is likely to be dispersed through many hands, all of which form part of the decision-making environment that design governance is helping to shape. Critically, however, given variations in the range of actors and their power relationships from one place to another, and variations in the dominance or otherwise of a central public agency, the extent to which public authority is centralized or disaggregated will also vary significantly, ranging from, on the one hand, a concentration of power in areas of significant heritage value, to the multiple overlapping regimes that characterize, for example, many mixed arterial streets (Carmona 2014b). Design governance will shift accordingly along the authority axis.

Finally, regarding the ‘power’ axis, design governance will almost always be operated as a formal activity of the state, and ultimately the state will choose how much and what responsibilities it wishes to take in this regard, and what it wishes to avoid or give away. In some circumstances, private corporations have taken on the function, sometimes partially and sometimes wholesale, effectively privatizing it in the process. The case of Canary Wharf in London is well known in this regard where, operating in a policy vacuum (an Enterprise Zone), the original developers effectively imposed detailed codes upon themselves in order to build London’s new business district in a manner that would, through its quality, safeguard their long-term investment (Carmona 2009c). Today, local government control has been



Figure 7. The private company Solidere not only controls the planning of downtown Beirut but was effectively given ownership of the land on behalf of the original landowners, giving it an unprecedented power to shape design and development outcomes that go far beyond normal state powers and that have profound implications for local accountability and democracy.

reasserted in this part of London. In Lebanon, following the civil war that ended in 1991, the government at the time established the private company Solidere to rebuild central Beirut. In effect the company has complete control over the historic centre of the city and is responsible for administering all of its planning and development regulations (Carmona 2013b) (Figure 7). In the US, nearly 15% of the housing stock has been provided using the Common Interest Development (CIDs) model where large urban areas and all their social infrastructure are developed privately before being handed over to community Homeowner Associations (HOA) for long-term management. Whilst the powers of HOA's vary, in the largest cases such as Irvine in California, they are responsible for the full range of regulatory responsibilities that would normally be associated with a state municipality (Punter 1999).

Some argue that such 'voluntary' arrangements between landowners 'are capable of producing a host of so-called public goods, including aesthetic and functional zoning, roads, planning, and other aspects of physical urban infrastructure' and will do so more efficiently and effectively than the state (Gordon, Beito, and Tabarrok 2005, 199), at least when viewed from the narrow perspective of property owners. Whether this is or is not the case is open to debate, and that falls outside of the scope of this paper. Perceptions on design governance, and what is or is not acceptable in any given context will certainly depend on the underlying values on which any system is built, and this will vary between jurisdictions, both public and private. In general terms, however, those where the market represents the primary arbiter of social relationships based on efficiency will tend to eschew processes that unduly intrude on market relationships, whilst those where distributive justice is seen as a legitimate political objective will tend to view regulation aimed towards such ends, for example, the

improvement of design in the public interest, as an appropriate aim (Elkin 1986). The expectation in such places will be that processes of design governance remain largely the responsibility of the state.

Despite this, for the purpose of theorizing design governance, it can be assumed that in many of their essentials private organizations engaged in such processes effectively assume the role of a pseudo-public authority within their realms of influence and can be treated in the same way. In reality, the state's resources and authority is always limited, often severely, and responsibility for the success or otherwise of design governance will depend on various mixes of public and private influence. The balance between the two will therefore vary significantly along the power axis, from a relative absence of state control within, for example, an enterprise zone, to a very prominent position within a state-led new town or major infrastructure project, to in-between, various sorts of partnership arrangement.

The spectrum of design governance

This discussion suggests that whilst still maintaining the essential characteristics encompassed in the definition, design governance as an activity can potentially exist within a wide spectrum of urban governance contexts: ideological to managerial, centralized to disaggregated and with various degrees of public and private influence. Even within the same jurisdiction, different development processes can lead to quite different relationships along the three axes. Take two examples from the UK. First, the regulatory design process to agree the masterplan for a new privately led urban extension (a. in Figure 8). Typically this involves a disaggregated decision-making process, encompassing separate planning and highways

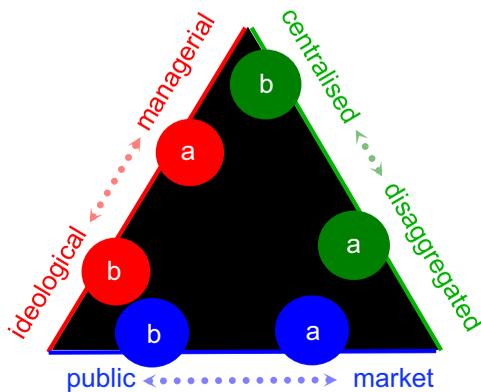


Figure 8. Contrasting development processes and their urban governance.



Figure 9. The distinctive forms of New York's buildings and streets have been shaped by its zoning practices since 1916.

consents (often across different tiers of local government), and inputs from higher level sub-regional (economic development) or even national actors (conservation, environmental management, affordable housing and planning). Assuming a design code is in place alongside any adopted highways design standards, the decision-making process in such a case is likely to sit towards the managerial end of the operations spectrum, particularly if there is no firm political direction regarding what should be achieved. In such circumstances the ultimate responsibility for delivery will rest with the housebuilder (most likely a large volume housebuilder), who will wield considerable power and resources to ensure that the outcomes reflect their development model.

Compare this with governance processes associated with the design of a major public project such as London's Olympic Park in the run up to the 2012 Olympics (b. in Figure 8). In this example the whole project was firmly in the hands of a single dedicated public authority set up to oversee delivery of the event, including its planning and design. In this process every element was 'special' and subject to discretionary negotiation against clear nationally imposed political objectives to showcase the best of British design within the constraints of the budget. A dedicated design review panel was established which operated with clear high level design aspirations laid down in a detailed masterplan and accompanying development guidelines. The result was a public, centralized and ideological process directed at securing high quality design outcomes through the dedication of considerable public sector resources. As such, this latter model, in the UK at least, is the exception rather than the rule, and even when used does not always achieve optimal outcomes, as some of the British new towns of the 1960s demonstrate.

In a purely governance sense, the treatment of design can clearly take many paths, and there is little evidence to suggest that one path is necessarily superior to another. Recent research examining the creation and recreation of public spaces in London, for example, concluded that 'there was no common process. In each [development] the line-up of stakeholders, the leadership, and the power relationships were different' (Carmona and Wunderlich 2012, 245) and yet many delivered outcomes that were of high quality. Equally, on the face of it very similar urban governance processes can deliver quite different design quality outcomes, suggesting that it is not fundamentally whether a process is centralized or disaggregated, ideological or managerial, public or private that is at the heart of good design governance, but other factors. Indeed, given the increasing proliferation of different urban governance structures and practices, a report from the Royal Town Planning Institute (2014) has argued that we spend too much time making the case for theoretical or generalized preferences for particular forms of governance when what is more important is to be pragmatic about what works best, when and where, and how we should join up the various contributions.

With this in mind, four additional conceptual distinctions help to establish the broad limits of the field as captured in the definition of design governance: (1) the 'tools and administration' that underpin design governance; (2) the focus of design governance, whether on 'process or product'; (3) whether tools and processes are 'formal or informal' in nature; and finally how they engage with 'direct and indirect' modes of design. Space precludes the unpacking of each of these, but Table 6 summarizes each and in so doing demonstrates that the combination of everything encompassed within and across these various categories covers a very wide range of practices, from high level policy to hands-on delivery of design concepts through direct action, and involving a broad range of actors, both public and private. The smorgasbord of possible approaches contrasts strongly with how the subject

Table 6. The broad limits of design governance, four conceptual distinctions.

| | Relation to the definition of design governance: |
|---|---|
| Conceptual distinction | 'The process of state-sanctioned intervention in the means and processes of designing the built environment in order to shape both processes and outcomes in a defined public interest!' |
| The tools and administration of design governance | The definition encompasses the full range of instruments and techniques available to those charged with the governance of design which can be referred to as the 'tools' of design governance. These tools, classified in a related paper (Carmona <i>forthcoming</i>), range from research to design review, from design policy to hands-on propositional design, and from design competitions to direct financial or other assistance in the design process. Their use encompasses the administrative infrastructures and procedures and the full range of human, financial and skills resources that are necessary to fully realize their potential. Rather than the meta-system of urban governance, it is most likely that this detailed delivery of design governance – the tools that are chosen and how they are administered – that will be key to shaping a positive and effective decision-making environment (Delafons 1994). |
| Process and product as a focus of intervention | The definition concerns the pursuit of good design process as much as it does good design outcomes, as ultimately outcomes are shaped by the processes of their creation, whilst any state intervention in design takes place within a process. It may be, for example, that the absence of design capacity within a municipal area stems from a lack of design awareness and skills amongst key stakeholders, an absence of high-level policy, or from a general lack of demand for good design. As such this should be the appropriate focus for state-led intervention and not just the direct regulation of particular design proposals (Husam Al Waer 2013). |
| Formal and informal tools and processes | As well as any formal tools such as zoning that are sanctioned by legislation, the definition also embraces the full range of informal or non-statutory tools and processes that can either supplement or enhance the formal ones, or which exist altogether outside of any formal system (e.g., design award schemes or educational initiatives to raise design skills). Different jurisdictions present different balances of formal and informal processes. In Germany, the system of local planning through Bebauungsplans (B-plans) results in legally binding plans that define the detailed urban form of new development (Stille 2007); by contrast, in China the processes of large-scale urban design that have developed since the country's rapid urbanization of the 1990s operate in an entirely non-statutory manner, feeding ideas into the layers of statutory planning above and below but unencumbered by their strictures (Tang 2014). In the UK, the picture is mixed. Whilst regulation of design happens within the legislative frameworks for spatial planning and the adoption of highways, the exercise of design review, either nationally or locally, takes place almost entirely within the informal realm and at the discretion of local authorities. |
| Direct and indirect modes of design | Design governance will encompass both direct and indirect forms of urban design. Thus whilst much intervention will focus on shaping the decision-making environment within which better quality design outcomes are articulated, encouraged and regulated (e.g., the preparation of design guidance), and are therefore indirect processes detached from actually designing projects, other tools will deal with projects and sites directly (Tiesdell and Allmendinger 2005). The commissioning of exemplar projects, establishing design parameters for sites through site-specific design codes, or even the preparation and adoption of masterplans are all forms of direct design that the state might engage in (although most remain second rather than first-order design processes in the terms already discussed). |

of state intervention in design is often dealt with in the literature where discussion tends to be framed in more limiting ways through the narrow lens of public policy or regulation / control. This is discussed now before the paper is brought to a close.

Beyond design as public policy, regulation and control

In his seminal book *Urban Design as Public Policy*, Jonathan Barnett (1974, 6) explores the experience of New York in the late 1960s and early 1970s, a period in which the city embraced urban design through aspects of its zoning, neighbourhood and infrastructure planning practices, and through design review of public projects (Figure 9). He argues that 'instead of handing over city designs as an ostensibly finished product, from a position outside the decision-making process, designers of cities should seek to write the rules for the significant choices that shape the city, within an institutional framework'. His call for design influence and expertise to sit as an integral part of the formal functions of urban authorities is a powerful one and expresses a need that is just as significant today as it was 40 years ago: that government functions with a direct impact on how urban areas are shaped should be operated by appropriately skilled staff in the clear knowledge of how their decisions will impact on local place. The fact that often this does not happen has already been implicated in why we continue to create sub-standard places.

There has also been a tendency to place too much faith in the role of such public sector urban design via policy and regulation. As Barnett (1974, 192) concludes, 'In the end, better urban design will be achieved by a partnership between private investment and government, and between the design professional and the concerned decision maker in either private or public life'; in other words, cities cannot solve their problems by policy and regulation alone. In fact, as an in-depth study of the work and impact of the former Commission for Architecture and the Built Environment (CABE) in England demonstrates (Carmona forthcoming), there are many more possibilities to influence design quality outside of formal regulatory systems than is generally recognized, although they get relatively little attention in the urban design literature where a recurrent theme focuses on the interrelationship between urbanism and the formal regulation of development practices (Imrie and Street 2009).

This is unsurprising when, as Punter (2007) notes, the notion of design as public policy has continued to develop over recent decades with agendas of urban regeneration, local distinctiveness, environmental sustainability, economic development, liveability and urban competitiveness all, at various times and for better or worse, being loaded into the space that design is being asked to address. Architects in particular have become increasingly concerned about the range of new agendas with accompanying spatial controls that they need to concern themselves with and which 'many architects consider to be outside the boundaries of what design should reasonably be asked to respond to' (Imrie and Street 2011, 279). These include, but are not limited to, terror threats, climate change and international migration.

It is perhaps for these reasons, as well as for the widespread condemnation of the failures of crude design regulation and its tendency towards mediocrity that Szold (2005, 370) calls for innovation in such regulation, arguing 'There must be a willingness to test standards, not just in relation to preventing harm or preserving property value, but in relation to their impact on the form of communities. In essence [he argues] rules must be place tested'.

Looking beyond narrow regulatory perspectives, the notion of design governance is broader than either design as public policy or design regulation / control; two perspectives that (arguably) place too much emphasis on the formal roles of the state to influence design outcomes. Instead, the notion of governance has at its heart the idea of complex shared responsibilities for delivery that transcend the simple public / private binary and the limitations of the state's statutory responsibilities.

To a governance of constructive engagement

This notion of a set of external state requirements that are simply imposed on private actors gives further succour to the three tyrannies described at the start of this paper and recalls Bentley's (1999, 42) favoured 'battlefield' metaphor for a typical development process in which actors negotiate, scheme and plot with and against each other in order to achieve their individual design / development outcomes. He argues that all development actors have 'resources' (finance, expertise, ideas, interpersonal skills, etc.) and 'rules' by which they operate and these various webs of rules and resources create 'fields of opportunity' within which actors necessarily operate.

Developing the concept further, Tiesdell and Adams (2004) suggest that the boundaries of the 'opportunity space' are best conceived as fuzzy and ambiguous rather than hard-edged and clear-cut. Thus while they may be relatively fixed at any particular moment in time, they are dynamic and open to transformation over time as factors such as the policy context or the property market(s) change. In such a context certain state actions can enlarge the designer or developer's opportunity space. Financial subsidies and grants, for example, give the developer more scope to respond to a particular market context; a less constraining regulatory context might encourage design innovation, while infrastructure improvements on or near a development site can make a location more attractive in the market and consequently less risky to develop.

Typically, developers will seek to enlarge their opportunity space by opposing externally imposed design constraints on their sites as these may limit their options and potential (as they see it) to make a good profit. Likewise, designers will seek to enlarge their opportunity space by negotiating with developers in order for developers to yield the necessary scope for them to achieve, in their own terms, good design (Carmona et al. 2010). Even the public sector will seek greater opportunity space from the other actors by seeking the space within a still viable development to achieve their own design (and other) aspirations. However, these are not simple two-way processes. A process of design review, for example, might reduce the developer's opportunity space from the outside but also compel the developer to yield opportunity space to the designer, thus enlarging the opportunity space for design. At the same time, other regulations may pull in the opposite direction, for example, the imposition of rigid highways standards leading to regimented and standardized housing layouts with far less opportunity for urban, architectural or landscape design.

All this suggests that a battle over opportunity space will only go so far, and ultimately a process that constructively engages all parties in the process of optimizing outcomes for all may deliver a more fruitful and profitable process for all. Design governance, as opposed to policy or regulation, offers this possibility by accepting that the governance of design quality – aesthetic, project, place and even process quality – can be an inclusive process, led by the state, but reaching out to all parties with a stake in shaping places for the better. In this

context Adams and Tiesdell (2013, 105) have argued that 'Since the governance of place rarely involves a wholesale state takeover of the real estate development process, but is normally characterized by specific interventions within it, governments must wrestle with the inherent tension between what they might ideally want to achieve and what they actually can achieve without taking over development projects directly'. This brings us full circle back to the design governance conundrum already set out above.

Conclusion

This paper has explored both the rationale for state intervention in design, rooted in the sub-standard quality of many of our urban areas, as well as the nature, purpose and problematics of design governance as a response to such concerns. In doing so a rich conceptual tapestry of issues has been revealed addressing: why we design sub-standard places in the first place; the aspirations that underpin our subsequent societal attempts to intervene in and improve quality; the challenges this presents the state whose role has typically become increasingly detached from actually designing itself; the nature of design quality and its key relationships to both process and place; how governance provides a useful framework within which to explore our approaches to design; that design governance is as much concerned with designing the environment within which design decisions occur as with shaping actual design outcomes; that this process is continuous, diverse and shared across stakeholder groups, both public and private; and, that finally it reaches well beyond the imposition of statutory formal instruments on market actors. Instead, through constructive engagement it seeks to extend (rather than restrict) the opportunity space within which profitable, creative and socially useful design can occur.

In the end all forms of design governance are essentially political and part of a political process that sits in judgement over the nature of 'good' design. Through their forensic study of *Architectural Design Regulation* Imrie and Street (2011, 284) confirm that such actions are 'ultimately, part of a broader system of social and moral governance that seeks to (re)produce places consistent with normative considerations of what the good city is, or ought to be'. Arguably, this is a process in which there is a moral 'ethic of responsibility' on those involved to engage in the shaping of such practices and not simply to complain if and when they fail to come up to the mark. Whilst the individual practices and many of the ideas discussed in this paper are not new, their discussion has often been patchy and fragmented. It is hoped that by bringing them together to define a distinct sub-field of urban design, that debates over their use, value and legitimacy will be bolstered and that design governance can continue to develop into a vibrant and coherent focus for research, policy and practice innovation, and debate.

Notes

1. See: <http://archleague.org/2010/12/hugh-ferriss-zoning-envelope-drawings-exhibited-at-annual-exhibition/>
2. <https://www.gov.uk/government/collections/planning-applications-statistics>
3. For example, through the restrictions that regulatory approvals processes impose on the future development and use of completed projects.

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