

10-1-1962

Green Belts and Urban Growth: English Town and Country Planning In Action. By Daniel R. Mandelker.

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Recommended Citation

G. G. Waite, *Green Belts and Urban Growth: English Town and Country Planning In Action*. By Daniel R. Mandelker., 12 Buff. L. Rev. 223 (1962).

Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol12/iss1/62>

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BOOK REVIEWS

were themselves uncertain of its meaning, and they purposely left it vague because of their inability to define it in generally acceptable terms.

Despite these flaws, *Flags of Convenience* remains a highly informative and significant work, and is undoubtedly the most comprehensive analysis of vessel nationality since Reinow's excellent monograph on that subject a quarter century ago. The practitioner adrift among the problems raised by flags of convenience would do well to chart his course by Mr. Boczek's book.

BEN VINAR

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GREEN BELTS AND URBAN GROWTH: ENGLISH TOWN AND COUNTRY PLANNING IN ACTION. By Daniel R. Mandelker. Madison: The University of Wisconsin Press, 1962. Pp. 156. \$5.00.

Are you disturbed by the waste of open space caused by the swift expansion of urban areas into the countryside, an expansion typically occurring while there still are numerous vacant lots within the city? Does the thought nag you that perhaps it is not necessary for a community to destroy much of its charm as a place to live in order to attract new wealth and jobs for its citizens? Do you sometimes suspect that our techniques of land use control are reasonably good mechanically but are hamstrung in achieving their purpose of bettering man's environment because no coherent land use policy has been articulated by the community? As a lawyer, has your advice been sought by persons bent on preserving open space? or by persons bent on fending off efforts to preserve open space? If the answer to any of these questions is "yes," you will be well advised to read and ponder Professor Mandelker's book. Of course, the professional political scientist interested in the structure of local government and ideas for improving it, the professional planner of land uses interested in techniques of public control of land uses, or the lawyer in his role of student of the law as it actually operates in the lives of people, rather than as it appears in books, will find this book rewarding, too. Further, *Green Belts and Urban Growth* speaks provocatively to the lawyer in his role of planning layman living in the United States.

Anyone living in an urbanized area of this country, and possessing ordinary sensory perceptions, must be at least vaguely aware of the constant conversion of open country to built up areas, of the increased smog and congestion of people and vehicular traffic in cities and villages, and of various other ills of contemporary urban civilization; all this in spite of the efforts of the planning professionals. Every lawyer belongs to the professional group to which the rest of society turns to get things done when social reform is afoot. Thus, both as a person experiencing the ills of urban life and presumably wishing they could be reduced, and as a member of the profession traditionally charged with invention and operation of new machinery of social control and who, therefore,

should be on the look-out for ideas from which new inventions may flow, a lawyer should take time to read this book.

What is the book? It is the product of a year's study in England and Scotland of the operation of British town and country planning, focusing on the green belt program. This program is intended to stop or greatly inhibit the geographic spread of urban areas, place an absolute limit on a city's population, and prevent undue concentration of industry in particular localities. To accomplish this, rings of land several miles deep are delineated around large cities by local government land planning authorities under the supervision of the national Ministry of Housing. Within these rings, called green belts, no additional urbanization is to be allowed. Professor Mandelker selected the green belts around Birmingham and London for intensive study of the operation of the planning process.

There is no mistaking the emphasis laid on the law's operation. After giving a detailed description of the local and national governmental organization for planning and controlling land use, and of the land use policy that green belts express, the author reported with critical commentary his personal observations of British planning officials at work at the local level and in the Ministry of Housing. The form of observation varies. Sometimes it is conversation with planning officials, sometimes it is reading the files of a planning office, sometimes it is watching planning inquiries; but always the thing observed is land use planning law in action. The extent and penetration of the author's observations are remarkable. Although concentrating in two areas of England, he visited planning offices throughout Britain including the northernmost county in Scotland and the southernmost in England. More importantly, he obviously won the confidence and respect of the officials he met, being allowed to argue a planning appeal for one of the counties he visited and generally to peruse confidential written material. Professor Mandelker writes with authority about how British planning actually works.

Now why should you read the book? Considering your roles of lawyer-citizen and lawyer-advisor of clients, three reasons stand out in my mind. First, green belts in Britain show that one industrialized nation has decided as a nation the question: What type of land use environment is most conducive to prosperous, enjoyable living? We in the United States have seldom given conscious thought to the problem. That more industry and population are goals toward which a community should strive is not so much a conclusion reached through rational thought as an assumption rooted in our national history of expansion. Most of our communities have never made the basic planning decision implicit in green belts. Perhaps it is time they tried to do so. Professor Mandelker's book will help individuals reach their own decision on continued urban sprawl vs. urban containment.

Second, green belts represent an attempt to preserve non-economic values

BOOK REVIEWS

while continuing the quest for increased material wealth, and affirm the belief that such preservation is possible. As such, the green belts program must stiffen the determination of persons in this country wishing to conserve values in life created by a particular land use pattern combining with natural landscape features, but which are not measurable in economic terms. Demands from such persons that "something be done about" the encroachment of civilization on nature may become more insistent, and lawyers should be able to suggest methods of satisfying their demands. *Green Belts and Urban Growth* tends both to spread knowledge that urbanization can be kept within some bounds and to suggest ideas for doing so.

Third, the difficulties the British have met in applying the green belt policy in practice and which have limited its effectiveness should sober the expectations of the non-economic conservationists and alert their lawyer-advisors to pitfalls to be avoided. For example, one limitation of green belts is that the country within their bounds already contains villages, some string development along highways, and other urban features, when the belts are established. This development cannot be removed, hence the belts are only relatively "green," and this fact immediately weakens the planning authority's position in denying an individual permission to build on land within the green belt. At the same time, the green belt's effect of limiting the land available for development to the vacant lots within the cities and villages pushes the prices of the lots up and increases builders' pressure on the planning authority for permission to encroach on the relatively cheap land in the green belt. Britain has found it impossible to protect the green belts perfectly in the face of these factors. Might an American community that decides to preserve its environs with a green belt alleviate the problem with a heavy tax on unimproved land within its urban regions accompanied by an offer to refund a substantial portion of the tax when the lot is improved? Would such a tax face constitutional objections?

In the United States, with its large amounts of open country still present somewhere in most states, I would suspect controls of the green belt type would be feasible only on a regional basis. The heterogeneous nature of our people compared to that of Britain makes it doubtful that general agreement on the type of environment desired can be reached except on a local basis. But whether green belts as known in Britain become widespread in our nation or not, there are two features of British land use controls that seem particularly worthy to be considered for emulation. One is the concept that the existing land use pattern may have an amenity value to be weighed in determining whether to grant an application to change an existing use. The second is controlling the speed of new development to keep pace with the locality's ability to finance the added municipal services development makes necessary. An entire area within the city limits might be suitable for new residences for example, but the city could stage the development so that only a portion could be built in a given year. "Amenity"

as the British use the term is hard to define. Professor Mandelker offers this quotation from an Englishman's speech:

. . . amenity is not a single quality, it is a whole catalogue of values. It includes the beauty that an artist sees and an architect designs for; it is the pleasant and familiar scene that history has evolved; in certain circumstances it is even utility—the right thing in the right place—shelter, warmth, light, clean air, domestic service . . . and comfort stations.¹

Surely for those communities whose people are agreed on what features of the *status quo* have amenity value and whose planners are able to sense the community attitude, the amenity concept has great utility.

Lawyers, whether involved in the planning and control of the land use pattern or not, will find their time well spent in reading *Green Belts and Urban Growth*.

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COMMON MARKET LAW, TEXTS AND COMMENTARIES. By Alan Campbell and Dennis Thompson. England: Stevens & Sons, Ltd.; The Netherlands: A. W. Sythoff; U.S.A.: Fred B. Rothman & Co., 1962. Pp. 487. \$11.50.

Anything which has significant economic, political and social consequences involving many people necessarily produces substantial legal issues, qualitatively and quantitatively. The European Economic Community, generally known as the "Common Market," is such a thing. The authors approach their analysis of this "thing" by first describing it and then describing some of the legal problems it creates. The former task is handled better, but both are well done.

The life of the Common Market to date developed as follows. Conception occurred shortly after the Second World War when the United States asked the nations of Europe for joint action to implement the Marshall Plan. Incubation stages included various meetings beginning in 1947 which involved 18 nations at first. By early 1950 the meetings became more serious and the number of participants had diminished. On May 9, 1950, the ultimate six (Belgium, Germany, France, Italy, Luxembourg and The Netherlands) came to an agreement on a plan establishing the "Coal and Steel Community." England dropped out at this point because of the "supernational" aspect of the plan. The Coal and Steel Community was a success, and at a conference in 1955 the six resolved that they were going all the way. Almost constant negotiations ensued, some sessions of which produced effects not unlike labor pains. Birth occurred on March 25, 1957, by the signing of the Rome Treaty.

¹ *Green Belts and Urban Growth* at p. 32.