

# PLUREL



Land use relationships in  
rural-urban regions

Module 2

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**PERI-URBAN LAND USE RELATIONSHIPS –  
STRATEGIES AND SUSTAINABILITY  
ASSESSMENT TOOLS FOR URBAN-RURAL  
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**Deliverable report 2.2.1**

## National spatial planning policies and governance typology

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## Abstract

### Objectives

The current deliverable report has been prepared in the framework of PLUREL Work Package 2.2 (Typology of EU national governance and spatial planning systems).

The objective of this WP is to produce a systematic overview of existing planning and administrative systems that are influenced directly or indirectly by policies on national and EU-level, providing different frameworks in the context of governance for rural-urban region development planning. Instruments with effect on the peri-urban land uses, e.g. intergovernmental financial transfers, public subsidies, taxation tools, service pricing, tools to regulate development processes will be analysed separately (D2.2.2).

### Methodology

The review on European national governance and planning systems at national scale has been developed for all 27 EU countries on the basis of national reports (see M2.2.5). With the help of expert evaluations of the government structure and of the planning practice each country has been classified with marks 1-7, determining the potential maximal level of public control over land-use changes. In a qualitative matrix at national scale the functioning of the governance system (fragmented/consolidated) and the planning policy system (strong/weak control through regional, national governance level) are the two dimensions.

### Results

Based on the results of the country reports, the countries under investigation can be classified as follows according to the two main dimensions of our analysis.

**Table 1. Classification of countries according to the two dimensions**

Control mechanisms from supra-local levels of the planning system	Most important supra-local level (from land-use change perspective)	Local level	Countries
<b>C) strong, controlled spatial policies</b>	<b>Large</b> (>1M)	any	
	<b>Medium-sized</b> (0.5-1M)	any	Portugal
	<b>Small</b> (<0.5M)	any	Cyprus, Greece, Lithuania
<b>B) medium level of control</b>	<b>Large</b> (>1M)	<b>large</b> (>30)	Denmark, The Netherlands, United Kingdom
		<b>medium-sized</b> (10-30)	Belgium, France, <sup>1</sup> Germany
		<b>small</b> (<10)	Italy, Spain
	<b>Medium-sized</b> (0.5-1M)	<b>large</b> (>30)	Ireland
		<b>medium-sized</b> (10-30)	
		<b>small</b> (<10)	Austria
	<b>Small</b> (<0.5M)	<b>large</b> (>30)	Sweden
		<b>medium-sized</b> (10-30)	Finland
		<b>small</b> (<10)	Estonia, Latvia, Luxemburg, Malta <sup>2</sup>
<b>A) weak level of control</b>	any	<b>large</b> (>30)	Bulgaria
		<b>medium-sized</b> (10-30)	Poland, Slovenia
		<b>small</b> (<10)	Czech Republic, Hungary, Romania, Slovakia

According to this table and the values assigned to each category, the potential strength of public regulation over land use change in the different countries can be quantified as follows:

<sup>1</sup> While local governments in France are very fragmented, the Urban Communities cover most cities and their agglomerations

<sup>2</sup> For Luxemburg and Malta the results may be misleading due to the small size of the country

**Table 2. Results of the evaluation**

Value	Countries
7	
6	Denmark, The Netherlands, Portugal, United Kingdom
5	Belgium, Cyprus, France, Germany, Greece, Ireland, Lithuania
4	Italy, Spain, Sweden
3	Austria, Bulgaria, Finland
2	Estonia, Latvia, Luxembourg, Malta, Poland, Slovenia
1	Czech Republic, Hungary, Romania, Slovakia

The results show a high diversity of government and planning systems in the EU countries from the perspective of land-use change. Regarding the **potential control resulting from the national government and planning systems**, Northern European countries (e.g. Denmark, the UK and the Netherlands) to show higher levels mostly because of their consolidated local government systems, while Southern European countries showing a higher potential (such as Cyprus, Greece or Portugal) have more fragmented local government systems, but stronger control by supra-local levels. Most new member states show a weak control potential, with the notable exemptions of Lithuania (where the tradition of strong planning is based on the presence of the former Western Soviet planning institutions) and Bulgaria (with a consolidated local government system).

The results show different values regarding the potential control resulting from the national government and planning systems. However, **these values don't show the real strength of the public control over land-use change**, as in practice these powers can be effectuated in different ways. Because of this, these values **should be seen as a potential resulting from the government and planning systems**. A weak potential control is hard to overcome even if the willingness is given, while a high potential may or may not be used entirely, depending on the intentions of the public bodies in power.

Studies on other factors influencing the strength of the public control can be found in deliverables D2.2.2 and D3.3.10, studying the interests of public sector and its further instruments influencing land use change (e.g. financial incentives), and the role of governance respectively.

## Popular science description

In the market-dominated economies of Europe spatial processes around large cities are largely determined by economic investors (developers of industries, offices, retail units, housing) and by the population in their decisions to chose where to work and where to live. The free-market logic of new development usually leads to urban sprawl, as investment decisions are based on short-term considerations, in which green-field sites are preferred against more problematic brown-field sites. Besides, also the costs of creating public infrastructure (such as public transport) are left out from the calculations of the developers.

From the perspective of sustainable development, new investments in the Rural-Urban Regions have to be controlled. This control can be effectuated by the public sector through the government system and/or through planning policies.

In this report first theoretical considerations are given, how the government system and planning policies can influence free market processes. Then the theoretical framework is translated into a practical evaluation system with the two main dimensions. Finally, on the basis of country reports all EU countries are classified into the main categories, showing the potential strength of public control over market processes in the RUR regions.

## Keywords

government systems, planning policies, land-use change, zoning regulations, public control, supra-local control



## Classification of results

<b>Spatial scale for results:</b> Regional, national, European	<b>national (NUTS0)</b>
<b>DPSIR framework:</b> Driver, Pressure, State, Impact, Response	<b>response</b>
<b>Land use issues covered:</b> Housing, Traffic, Agriculture, Natural area, Water, Tourism/recreation	<b>not specific</b>
<b>Scenario sensitivity:</b> Are the products/outputs sensitive to Module 1 scenarios?	<b>no</b>
<b>Output indicators:</b> Socio-economic & environmental external constraints; Land Use structure; RUR Metabolism; ECO-system integrity; Ecosystem Services; Socio-economic assessment Criteria; Decisions	<b>none</b>
<b>Knowledge type:</b> Narrative storylines; Response functions; GIS-based maps; Tables or charts; Handbooks	<b>texts, qualitative typology</b>
<b>How many fact sheets will be derived from this deliverable:</b>	<b>1</b>

## Introduction

PLUREL has a strong focus on land-use change. Work Package 2.2 aims to elaborate the role of the government system, planning policy and governance in public decisions regulating land-use change. It depends from these decisions how much will be the future expansion of urban land use in rural-urban regions.

The tasks to be done in WP2.2 can be grouped into two sub-tasks. The first considers work to be done for all the EU-27 countries, as it contributes to the model which aims forecasting land-use change on the European level. The second refers to a more detailed analysis which will be done only for the case study regions and some other selected areas, representing different categories of countries.

The current deliverable report is the final report of the first task, while the second task will be delivered as deliverable report D2.2.2.

## PLUREL context

As already mentioned above, Work Package 2.2 aims to elaborate the role of the government system, planning policy and governance in public decisions regulating land-use change.

The objective this WP is to produce a systematic overview of existing planning and administrative systems that are influenced directly or indirectly by policies on national and EU-level, providing different frameworks in the context of governance for Rural-Urban Region development planning.

The typology developed in this deliverable (D2.2.1) feeds into the new joint WP2.2, WP2.4 and WP3.3 and thus deliverable D3.3.10: linking Governance typology between EU and regions, as well as into WP5.1 (maps), WP5.3 (PLUREL XPLOER) and WP5.4 (books).

Instruments with effect on the peri-urban land uses, e.g. intergovernmental financial transfers, public subsidies, taxation tools, service pricing, tools to regulate development processes will be further analysed (D2.2.2). These instruments are of key importance to

- a) indirectly influence the functioning of the functional urban area, i.e. the mobility of people, investments, services between urban and peri-urban areas; and
- b) directly regulate the change towards more intensive land use, e.g. residential, commercial, industrial, office through re-zoning regulations; and influencing the level of development in already established areas through regulating the conditions for building permissions.

## Objectives of the deliverable

The review on European national governance and planning systems at national scale is developed for all 27 EU countries on the basis of national reports and is expressed through a qualitative matrix at national scale (marks 1-7, determining the potential level of public control over land-use changes). The functioning of the government system (fragmented/consolidated) and the planning policy system (strong/weak control through regional, national government level) are the two dimensions. The typology provides a generic approach for the understanding how the RURs relate to the level where land

conversion decisions are taken within the administrative and planning system of a given country. The typology relates the RURs to the system of territorial governments: the size of the different units (local municipalities, supra-local entities) the power and the basic functions they perform, and the planning competencies ascribed to each NUTS level. The relationship between RUR typology and the typology of government systems and national spatial planning policies is discussed along the questions:

- (i) whether there is a regional level of decision making which is dominant for RURs, or if decision making for RURs is made primarily on the municipal level, which is usually smaller in size than the RURs' size, and
- (ii) whether there is a structure like the „Metropolitan Government” which might include more than one municipalities, it is below the regional level, and very frequent has been formed in order to precisely control and manage the RUR dynamics.

This typology feeds into the new joint WP2.2, WP2.4 and WP3.3 and thus deliverable D3.3.10: linking Governance typology between EU and regions, as well as into WP5.1 (maps), WP5.3 (PLUREL XPLOER) and WP5.4 (books).

## Structure of the deliverable

The report consists from the following parts:

- A theoretical analysis on government systems
- A theoretical analysis on planning policies
- The creation of a joint evaluation system, bringing the government and planning aspects together
- National reports on the formal structure and functioning of the government system and spatial planning in each of the EU-27 countries (based on the milestone report M2.2.5 delivered in December 2008).

# 1 A theoretical analysis on government systems

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*Excerpts from the PLUREL Description of Work, regarding WP2.2 Typology of EU national governance and spatial planning systems:*

*“This task will provide a review of EU governance and spatial planning systems with emphasis on urban development and peri-urban areas. It will produce a typology of legislation in force in the EU nations, national specificities and planning approaches. The review will include not only planning systems but also the use of instruments with indirect effect on regulation of peri-urban land-uses e.g. financial means, housing subsidies, public transport pricing etc. Decision making roles and processes, participation strategies, and the roles of private and public sectors (e.g. partnerships) will be given special attention The study focuses on similarities and differences among the EU countries regarding legal, political and administrative framework for local decision making. It provides a common frame for the case studies, making cross case transfer of results possible as well as the generalisation of the results into the RUR-SIAT.*

*The activities in this work package will be carried out primarily as a desk study combined with interviews to understand how the legal and administrative framework is implemented at the local level, how it affects the range and power of local decision making, who are decision makers and which stake-holders are involved. In the field of governance, the influence of public administration, legal system, cultural tradition, and planning systems provides different governance styles. Essential information will be acquired from existing analyses of legal, administrative, and planning systems. The descriptions of national planning situations from ESPON 2.3.2. will be used, along with the planning families approach.*

*WP2.2 will provide a systematic overview of existing planning and administrative systems developed during the last decades that are influenced directly or indirectly by policies on national and EU level, providing different frameworks in the context of governance for rural-urban regions.”*

## 1.1 Introduction

RUR areas consist of the urban core(s), the surrounding zone directly connected to the core (Functional Urban Area, FUA or agglomerational belt) and the further-out positioned, indirectly linked rural area with specific functions. Such a RUR area, from administrative point of view, consists of local governments (NUTS5). Depending on national and local circumstances also other administrative and/or planning territorial units (NUTS4, NUTS3, even NUTS2) might be found in the RUR area fully included. Each RUR area is part of one or more higher level (NUTS2 or NUTS1) administrative units.

The functioning of the rural-urban areas depends largely on the links between the actors, i.e. the local and other levels of governments and other major non-governmental players of development. These links are determined, on the one hand, by the formal government structure and, on the other hand, by the more informal connections between all the actors playing role in development (partly described with the notion of governance).

The work within WP2.2 intends to describe and analyse these two important elements which are influencing the functioning of rural-urban areas:

The *government systems*, concentrating on the organisation of government mainly in territorial view, i.e. giving an overview about the vertical structures within the multi-level government system, from the national to the local level.

The *territorial governance structures*, with an outlook to all other actors. Territorial governance is defined in ESPON 2.3.2 as follows: „... a process of the organization and co-ordination of actors to develop territorial capital in a non-destructive way in order to improve territorial cohesion at different levels.” ESPON 2.3.2:11/1328 (more detailed content 15/1328, and ESPON 2.3.2 Scientific summary, p.38).

Taking all these into account, the specific aims of the investigation of territorial government and governance structures for the EU member states are twofold: to explore typical constellations regarding the

more *formal, usually 'top down' formations of collaboration*, surveying higher-level legal and administrative frameworks which initiate the free-willing or prescribe the compulsory cooperation of local (and other sub-national) governments within the RUR area in order to achieve joint actions for the whole area.

more *informal, usually 'bottom up' formations of collaboration* between the actors, surveying actions and forms of cooperation within the RUR area in order to contribute to the development of the whole area.

As observed in ESPON 2.3.2:13/1328 „changes in the vertical/multi-level dimension of territorial governance have evolved much more than those related to the horizontal dimension. The coordination of policies (cross-sectoral practices and the presence of policy packages) is less common ...”. The latter dimension, i.e. the horizontal links, the cooperation between governments and other actors for a given area, belong to the notion of governance.

This means that it is easier to create a typology of the EU countries regarding their formal vertical/multi-level government structures than regarding their more informal governance systems. Therefore the effort to create a typology and categorize all the EU member states will concentrate on the formal government structures, while the more detailed and more difficult investigation of the governance dimension will be carried out only for „case study countries/regions”, representing the different categories of the territorial government typology.

This paper is the first attempt to form suggestions for a typology for the description and analysis of formal vertical/multi-level government structures in the EU-27 countries. After compilation with the similar attempt regarding planning cultures, a joint typology might serve as basis for the creation of country papers for all the EU-27 countries.

## 1.2 Towards a typology of territorial government systems in EU countries

The overview of the territorial government structures has to involve the analysis of the basic units (local governments), of the tiers of the administrative structure and of other government policies affecting sub-national governments.

### 1.2.1 The basic units: local governments

In each country the governmental system is facing the crucial dilemma regarding the size of the basic, municipal units. „Large units better utilize systemic capacities for the effective provision of public services. Small ones provide greater opportunities for citizens to participate directly in governance, and thus public needs are more clearly determined.” (Horváth 2000, p. 36) Regarding this dilemma, Page and Goldsmith (1987) introduced the distinction between integrated and non-integrated administrative systems. In the former, the size of local (governmental) units is typically larger, as it is determined on the supposed optimal size for the effective provision of public services. Examples are the Anglo-Saxon and Scandinavian systems<sup>3</sup>, where the local government reforms of the 1970s led to the amalgamation of local governments, reducing their number significantly in these countries. In the non-integrated administrative systems, on the other hand, preference is given to local autonomy over the aspect of service provision: local governments are typically small (most settlements might have their own municipality), and integrative institutions ensure the coordination required for public services. In this case, present in France and in the South European countries, the local governments have a narrower range of functions and dilemmas around intermediate intergovernmental levels – e.g. counties, regions with integrative powers – are usually much sharper.

This differentiation is in close connection with the competence given to local governments. In the Northern Scandinavian countries local governments have general functional competence, while in the Northern Anglo variant local governments have only functions explicitly granted from the central government level (in the UK the doctrine of ultra vires prevails: local governments can only do things which are explicitly enabled by parliament, Hesse and Sharpe, quoted in Denters-Rose, 2005:10). Another version is based on functional division of different tiers, solving the problem of integration with more coherent structures above the basic level (Horváth, 2000:45).

On the basis of these distinctions the following draft typology can be established regarding the solutions for the basic, local government tier of the governmental system:

Northern, Scandinavian variant: local governments are large and have general functional competence.

Northern, Anglo variant: local governments are large, however, have only functions explicitly granted from the central government level.

Southern (Franco or Napoleonic) systems: local governments are small, having either general competences and the public services are fulfilled through integrative institutions, or having only partial competences and there is a functional division with higher tiers<sup>4</sup>.

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<sup>3</sup> In Norway this debate whether to change the local government system from one model to the other is just ongoing, see [http://www.nordregio.se/EJSD/debate\\_Amdam070830.pdf](http://www.nordregio.se/EJSD/debate_Amdam070830.pdf)

<sup>4</sup> It deserves further investigations how homogenous this category is, comparing local government systems of countries from Portugal to Greece. (In Greece, e.g. in a reform process the number of municipalities has been decreased from 6000 to less than 900.)

The names of these variants are coming from earlier literature, when only the EU-15 countries were analysed. It is clear, that the new member states do not represent a new category but have chosen between these basic variants in the course of establishing their new administrative systems.

Fresh publications raise the hypothesis that the strong challenges European countries, governments face (urbanization, globalization, Europeanization, new substantive and participatory demands) lead to the rise of multi-level governance which has an effect to decrease the differences between the Northern and Southern model of local governments (Goldsmith, 2005:243).

### 1.2.2 The tiers of the administrative structure: multi-level governance

In order to create a typology of the EU countries regarding their formal government structures, besides the local government level the other main task is to explore the 'middle tier', i.e. the sub-national level(s) of government, which are in between the national and the local government levels.

From the perspective of the RUR areas the type and functioning of the administrative middle tier is especially important, for at least two reasons. First of all, the administrative regional level might have policies for the sub-regional territorial issues. Secondly it is usually the regional level where changes can be initiated towards better RUR cooperation.

The topic of sub-national government differs fundamentally between federal and unitary countries. In the federal systems the position of central government is generally quite weak in the intergovernmental relationship. As a consequence, it is the next tier (e.g. Länder in Germany) which has the main responsibility for the lower tiers of government (Goldsmith, 2005:231).

In most of the unitary countries the introduction or strengthening of the meso (intermediate) tier is on the agenda in the last one or two decades. There are countries where this happens with the *creation of new tiers* (e.g. Britain, France; in most Nordic countries there are experiments with the meso-tier). In fact also in most parts of Southern Europe the number of government layers increased during the 1980s as a result of decentralization and regionalization processes launched in France, Italy, and Spain (Font, 1998).

The other (sometimes parallel) main process is based on *special government-initiated policies which aim at the strengthening of decentralization* (e.g. the Netherlands, France). In the Netherlands (and France, Italy) this new tendency prevails since the end of the 1980s in the form of contractualisation of intergovernmental relationships, as a result of which hardly any policy sector is the exclusive domain of one tier of government. Another novelty (e.g. in France) is the introduction of new legislation encouraging municipal cooperation. The voluntary association of settlements is an important development, although changes in different parts of the country are different, reflecting 'local patterns of leadership and existing cooperative experience rather than the financial incentives offered by central government.' (Goldsmith, 2005:236). This change on the local government level is called elsewhere as re-grouping of municipalities in order of better public service delivery (ESPON 3.2 Second Interim report, p.296.). Goldsmith considers these policies as the beginning of a new era in the central-local government relations. Compared to the 1960s and 1970s with direct central government interventions to the municipal affairs, and to the withdrawal of central government of such interventions in the 1980s and 1990s, at the turn of the century there are efforts for more indirect forms of control and influence through regulation and contractualization, depending more on the willing cooperation of the sub-national levels than before. (Goldsmith, 2005:245).

Besides all these aspects another approach to analyse the real strength of the sub-national tiers of government is based on *financial accounts*. Goldsmith (2005:229) quotes OECD National Accounts which allow to survey the share of public expenditure to GDP and the



share of regional/local government to GDP – both being lower in Southern Europe than in the Northern countries. These data, however, must be handled with care, as quite often there is a contradiction between the legal and the financial autonomy of local governments.

In the course of the ESPON research considerable attention has been paid to establish the *typology of State Structures*. The following two outcomes deserve special attention for further work within PLUREL.

The ESPON 3.2 study arrives to the following typology (Second Interim report, p.285):

- *Federal states*: Austria, Belgium, Germany, Switzerland.
- *Regionalised unitary states* (existence of elected regional governments with constitutional status, legislative powers and a high degree of autonomy): France, Italy, Spain, United Kingdom.
- *Decentralised unitary states* (which have undertaken a process of reform to establish elected regional authorities above the local level): Denmark, Finland, the Netherlands, Sweden, Norway.
- *Centralised unitary states* (regional levels may exist for administrative reasons but are subordinate to the central state): Greece, Ireland, Luxembourg, Portugal.
- *New member states* (regionalisation is too early a stage to be able to categorise the countries to the above groups: Bulgaria, Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovak Republic, Slovenia).

The same report includes a *typology of regionalisation* (ESPON 3.2 Second Interim report, p.296), taken over from EP, 2000.

- *Regionalisation through the federate authorities*: Austria, Belgium, Germany, Switzerland.
- *Regional autonomy, political regionalisation* (model owing to the regional autonomy it allows, and considered as an end in itself): Italy, Spain
- *Regional decentralisation* (refers to the creation or the substitution of a new territorial authority at a level above that of the existing territorial authorities, which is classed as a region): France, Sweden, United Kingdom, Czech republic, Poland Slovakia.
- *Regionalisation through the existing local authorities* (regionalisation occurs through the existing local authorities, originally created for different ends, take on functions connected with regionalisation): Denmark, Finland, Ireland, the Netherlands, Hungary, Norway.
- *Administrative regionalisation* (creation by the State of authorities, which are subordinated to the government, with the purpose of promoting regional economic development): Greece, Portugal, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovenia.

For both of these typologies (and also for others created in similar way) the remark can be added, that the categories are not always clearly separable from each other, and some countries can be classified into more than one of the categories. This is not only true for the federal states (e.g. the Lander of Germany could be classified into different categories), but also for some other countries which are just recently undergoing territorial and/or government reforms which might even address the different problems across the country with different methods (on this basis Sweden could belong to at least two different categories).



### 1.2.3 Summary of static and dynamic factors: different patterns of sub-national governments structures and their changing trends

To arrive to a draft typology to be used in the PLUREL project, it is necessary to connect the two previous topics to each other, i.e. the typology of the basic, municipal units has to be analysed together with the dynamic changes regarding the 'middle tier', i.e. the sub-national level(s) of government.

Decentralization from the central to the local level has a somewhat different meaning in integrated versus non-integrated administrative systems: the positive elements of decentralization, e.g. the subsidiarity aspect, can only fully be utilized in a system where local governments are sufficiently large, being able to develop the institutional systems required for exerting their delegated powers. Considering the various models of public administration in different European countries, there is a clear connection between these models and the type of local governments in terms of integrated versus non-integrated system.

In order to arrive from the processes and reforms analysed so far to a useful typology, describing the different outcomes, the following aspects have to be examined within the unitary countries:

- How many intermediary levels exist
- How strong these are (governmental elected by citizens, administrative with general competence, administrative with limited competence)
- To what extent are the basic, local government units integrated.

Thus the main difference between the subcategories of the unitary states is in the relative power of the local and the sub-national (regional) levels of government.

On the basis of these distinctions the following draft typology can be established regarding the forms on the basic, local government tier of the governmental system and the different patterns of sub-national governments structures.

**Table 3. Draft typology of territorial governmental systems in the EU27+2 countries**

Government structure	1. Classic unitary countries	2. Centralized unitary countries with strong, but non-integrated local authority level	3. Centralized unitary countries with strong, integrated local authority level	4. Decentralized unitary countries with strong local and strong regional level	5. Regionalized unitary countries	6. Federal states
EU-15 and EFTA countries	Greece Ireland Luxembourg	Portugal	Denmark Finland The Netherlands Sweden Norway	France United Kingdom	Italy Spain	Austria Belgium Germany Switzerland
New Member States		Bulgaria Czech Republic Hungary Romania Slovakia Cyprus Malta	Estonia Latvia Lithuania Slovenia	Poland		

Based on Tosics-Dukes, 2005, with alterations based on ESPON 3.2

This suggested typology is based on the joint analysis of the two aspects, the link between the form and content of decentralization and the integrated/non-integrated character of the local administrative system. From Table 3, it can be seen that within the group of EU-15 and EFTA, the countries with a strong local authority (type 3) are those, where local authorities are the most integrated. This connection, however, does not apply to all the new Member States: while the Baltic States, Slovenia and Poland have relatively large local government units, in the other countries decentralization was strong even if the local governments were small, non-integrated (their average size varies between 1600 and 3200 population in the Czech Republic, Slovakia and Hungary). This resulted in the latter group of countries (type 2) in a fragmented local government system, with high relevance of regional issues, as in these countries a new, 'regional' level of government is needed to make real decentralization of power from the central government feasible.

## 1.3 Patterns of territorial governance in large metropolitan areas

A typology of the formal government structures is only the first step to understand the problems of the rural-urban areas. The work of PLUREL concentrates on rural-urban areas dominated by large urban core. The understanding of the functioning of such metropolitan areas is difficult and less standardisable: the city-suburb-hinterland relations depend on a broad spectrum of factors. The cooperation between municipalities in the same RUR area depends only partly on the national legal, administrative, financial backgrounds; also territorial and sectoral policies and many other, even subjective factors, e.g. the openness of the mayor of the core city towards cooperation with the smaller settlements, or the existence and strength of other actors (private players, NGOs, etc.) play a role. For all these reasons it might easily happen that the real functioning of the metropolitan areas might be different for two cities even if these are within the same country or region. This leads us to the territorial governance aspects, to the question how the multi-level government systems functions, taking also the other actors into account.

The following analysis is largely based on a recent URBACT project, METROGOV (Homan-Howl-Tosics, 2007), which aimed to analyse the metropolitan governance, or with other name, city-region issue. The results of the METROGOV project can be used very well in the PLUREL project, provided that the issues of the rural areas are added to the Functional Urban Area (in PLUREL terminology peri-urban area) which was the area of investigation in METROGOV.

### 1.3.1 Different views on the functioning of the multi-level governance system

One of the important questions about the urban/metropolitan areas is whether their functioning should be based on formal institutions, or remain as more informal/voluntary arrangements. In the following two approaches are confronted: the 'formal, designated' metropolitan governance model, represented by texts from METREX (The network of European metropolitan regions and areas) and, the more informal, bottom-up 'creative governance' approach, based on Balducci-Kunzmann-Sartorio, 2004.

#### 1.3.1.1 METREX and the Concept of 'Metropolitan Governance'

Detailed analysis carried out by METREX (2005) indicates that metropolitan areas need the necessary competencies (authority to adopt, implement and safeguard a metropolitan spatial strategy); capabilities (knowledge and understanding to take informed decisions); and processes (means to regularly monitor, review and update the strategy) for effective integrated economic, social, environmental and spatial planning to take place.

METREX has identified three different 'metropolitan' models currently used across Europe (NLGN, 2006):

- *The Comprehensive Model.* This comprises elected metropolitan authorities with comprehensive powers for strategic planning and implementation. It usually requires the reorganisation of existing local administrative arrangements (e.g. Landeshauptstadt Hanover).
- *The Core Power Model.* This comprises elected or appointed authorities that have the power to undertake strategic planning of a specified range of issues (e.g. Verband Region Stuttgart).
- *The Agency/Voluntary Model.* This comprises appointed metropolitan agencies or joint bodies with strategic planning responsibilities and adviser implementation functions (e.g. the Öresund Committee).

Accordingly, the tools and institutions used for metropolitan governance are also different, ranging from metropolitan government and amalgamation (Montreal), through multi-purpose or single purpose metropolitan agencies, to tax-base sharing and redistributive grants to decrease tax-competition.

Research on these models suggests that the broader the region is defined around the core city, the looser the co-operation that can be achieved. Analysis of the relationship between the metropolitan area and the administrative region of cities suggest that the best scenario is where these coincide; where the metropolitan area is split into more administrative regions inefficiencies are more likely (due to tax competition, for example).

Even where spatial co-operation is limited, smaller cities are forced towards loose working arrangements to build critical mass and thereby increase their 'weight'. The case of Leipzig, Dresden and Halle shows that these cities might have the opportunity to become competitive in Europe only through working together as the 'Saxonia Triangle'. This example also indicates that pan-regional working can be critical for success by achieving a sizeable area in order to compete internationally in a globalising world. Similar examples might be the UK's 'Northern Way', and the aspiration for "development trajectories" (Weihe-Lindenberg, 2000), as in the case of Copenhagen-Malmö-Gothenburg-Oslo.

By 2005, METREX developed, through a partnership of 32 cities from across Europe, the 'METREX Practice Benchmark' to enable regions to judge their relative position and strengths and weaknesses in relation to metropolitan governance. This defines 29 benchmarks which are grouped in the following way:

- Competence benchmarks (8): to what extent has the region the powers to approve, implement and safeguard a metropolitan strategy?
- Capability benchmarks (13): to what extent has the region the knowledge to take informed spatial planning and development decisions?
- Process benchmarks (8): to what extent has the region in place the means to monitor, review, consult on and roll forward a metropolitan strategy?

Further, METREX have also issued a political statement about the need for a European Agenda for Metropolitan Europe. This is based on the belief that urban competitiveness and cohesion can be progressed most effectively through the establishment of effective means for strategic decision making at the level of the Functional Urban Region/Area (city-region), particularly those of metropolitan significance.

### 1.3.1.2 The Theoretical Concept of "Creative City-region Governance"

This approach differs significantly from the approach of METREX, since the starting point is that top-down attempts to give unified definition to metropolitan areas usually fail and that those with flexible boundaries and arrangements (but guarantees for long-term commitment) might work better.

According to Balducci et al. (2004), government attempts to give unified definition for metropolitan areas (e.g. Italy 1990, Germany 1997) usually fail, although some positive effects from bottom-up developments might be recognized. They also note that in either approach (top-down or bottom-up) there are a number of trade-offs that might need to be made - for example, flexible boundaries might be more efficient but lack longer term stability; while democratically legitimised bodies give the opportunity for sustainability but have the danger of losing contact with people.

Further supporting the need for transparency and inclusion, Kunzmann (2004) observes, on the basis of German examples, that one of the most crucial aspects for developing creative governance in metropolitan areas is the need to build up regional information systems and plug-in all important stakeholders to achieve joint thinking. If this is done

successfully then a city-region identity and confidence is more likely to develop which will have a positive effect internally and project an important external image to investors and competitors.

In the creative governance literature, one of the key problems that has been identified with existing arrangements is the strong tendency towards a bureaucratic, and sometimes overly-administrative approach, that risks stifling innovative thinking (e.g. Kunzmann, 2004; Healy, 2004). Successful governance arrangements instead rely on the ability for creative ideas to be fed up the hierarchy rather than solely being fed downwards. Further, it is suggested that there is a need to move away from being risk averse in trying new arrangements, 'experiments fail as well as succeed' (Healy, 2004: 90), and that a more reflexive approach needs to be adopted where there is opportunity for evaluation, as well as implementation, of new ideas and structures.

Some of the suggested mechanisms that cities might adopt are:

- Allowing flexible, functional boundaries. The core city at the heart of the city-region should be proactive and dynamic in bringing the necessary stakeholders to the table. In a polycentric city-region this may involve negotiations between the different cities involved.
- The need to overcome the parochialism of established institutions.
- Development of networks of innovative regional actors, and engaging a diverse range of stakeholders in developing governance arrangements
- Increasing involvement of the 'Third Sector' in the light of a weakening public sector, and an increasingly geographically unbounded private sector, in raising regional social and environmental awareness.
- Increasing inter-regional co-operation through designing catalyst projects. A shared project can improve the potential for co-operation around a specific issue; this may facilitate relationship building whilst being able to put to one side the politics of the bigger city-region agenda.
- Sustaining momentum of the newly created and flexible arrangements, through creation of opportunities for the actors to meet, even if no concrete actions are decided and no documents are signed.
- Ensuring that the process is transparent and that there is an open-minded approach to innovative ideas of governance practice.

The creative governance approach therefore encourages flexibility and challenges the status quo; it highlights an opportunity for cities to be more inclusive and innovative in developing new working arrangements. The approach also warns against a 'one-size-fits-all' approach, and recognises local social, cultural, historical and economic context.

### 1.3.2 Basic tasks to be tackled by metropolitan areas

There are different tasks to be tackled on metropolitan level. The different types of tasks might require different territorial approaches to metropolitan (and rural-urban) areas.

On the one hand there are *positive* issues, e.g. improving competitiveness and public transport, on which it is arguably easier for partners to collaborate, as all partners might win if the collaboration works. On the other hand there are *regulatory* tasks which are much more like zero sum games, for example waste disposal. The 'positive' issues are mainly economic, and the 'regulatory' issues mainly social and environmental. In general the positive economic issues are easier to build co-operation around than the regulatory ones.

### 1.3.2.1 City-regions and Competitiveness

There is a long-lasting debate about 'location competitiveness', as some economists doubt that the notion of economic competitiveness can be applied to territorial units. However, it seems to be increasingly acknowledged that the "competitiveness of cities" makes sense and that this should refer to the whole functional area, instead of narrowly only to the city itself (Tosics, 2005b:79).

It is clear that cities are the drivers of regional change – 'the most competitive regions [in Europe] also had the most competitive cities - we found no examples of successful regions which had unsuccessful cities at their core' (Parkinson, 2004: 53). Whilst regions are seen as important, there is a growing consensus that they are too large an area to tackle economic competitiveness, whilst the administrative city is too small. Rather the city-region is seen as providing the right critical mass and expertise in order to improve economic performance.

In addition to increased freedoms and flexibilities, strong civic leadership is seen as central to success. This leadership needs to be innovative, transformational, visionary and engaged with other city-regional partners. Continuity is seen as a key for achieving success where long-term relationships give businesses confidence in investing in the city-region (e.g. Parkinson, 2006). Leadership can have an important role in building the necessary relationships amongst the different stakeholders critical to delivering on competitiveness (e.g. universities and the private sector).

The OECD has noted a paradigm shift in urban policy from a 'remedial' or passive approach towards urban management to a proactive approach where more dynamic policies have been put in place to improve competitiveness (Kim, 2006). Cities are beginning to strengthen cluster connections, mobilise innovative capacity and human capital; and, invest in their attractiveness and quality of life with the aim of improving economic performance, although there may still be a long way to go in shaking off negative images and addressing social exclusion and high unemployment (Jones et al, 2006). In order to pinpoint areas where changes can have the greatest impact, external audit has been found to have an important role (Jones et al., 2006; OECD, 2006).

### 1.3.2.2 City-regions and the Regulatory Agenda

Besides striving for more competitiveness, successful metropolitan areas also need to address the challenges of sustainable development. According to the recently adopted European Commission document Thematic Strategy on the Urban Environment (EC, 2006):

"Most cities are confronted with a common core set of environmental problems such as poor air quality, high levels of traffic and congestion, high levels of ambient noise, poor-quality built environment, derelict land, greenhouse gas emissions, urban sprawl, generation of waste and waste-water. The causes of the problems include changes in lifestyle (growing dependence on the private car, increase in one-person households, increasing resource use per capita) and demographic changes, which have to be taken into account in developing solutions. ... the most successful local authorities use integrated approaches to manage the urban environment by adopting long-term and strategic action plans, in which links between different policies and obligations, including at different administrative levels, are analysed in detail ... Obligations imposed at local, regional, national or European level (e.g. land-use, noise, air quality) can be more effectively implemented at the local level when integrated into a local strategic management framework."

Thus in the metropolitan areas as well as policies, obligations are also needed; and not only on the city, but also on higher administrative (i.e. broader territorial) levels. These should include the city-region level, which in many cases provides the most appropriate level at which to develop a strategic response to problems such as waste water, air pollution and carbon emissions caused by transport, etc.



Sustainable urban development in large urban areas is only possible on the basis of overarching public policies, related to different aspects of urban development, either directly, through sectoral policies (transport, waste, water, etc.) or indirectly, through financial equalization and taxation (Tosics, 2004:71). To achieve area-wide agreements on a joint transport policy, on waste-treatment or on tax-equalization are amongst the most difficult and highly politicised issues, much more difficult than signing agreements on joint policies towards economic competitiveness. While competitiveness is often a “win-win” agenda, ‘regulatory’ policies are usually not. To achieve such “regulatory” agreements top-down power is needed, or very wise, forward looking behaviour of municipalities, some of which have to bear short-term burdens in order to get long-term advantages.

The regulatory tasks are different for the Functional Urban Area (travel-to-work area) and for the broader Rural-Urban Area around the city. While in the FUA the main task is to orientate and coordinate development (e.g. TOD – Traffic Oriented Development – is a strategy to orientate new residential development towards areas well served with public transport), in the rural parts of the RUR the main task might be to withhold any new development. The latter usually requires more and stronger regulations and/or cooperation will from the side of the public actors.

Urban areas face particular difficulties in establishing ‘regulatory’ agreements in those countries where decentralisation and devolution of power was extensive, and local governments became very independent. When combined with the lack of culture of cooperation, almost hopeless situations might develop from the point of view of city-region cooperation – as it can be seen in some of the east-central European new member states of the European Union (Tosics, 2005a).

City-regions basically need to fulfil both the positive and the regulatory agendas for lasting success. Circumstances for that are very different across countries. While the establishment of competitiveness agreements depends in most countries on the municipalities (and other stakeholders) of the city-regions, the conditions for the regulatory agenda are very different, ranging from total independence of the local municipalities to compulsory, higher level, coordinated organization of some of the public services.

### 1.3.3 Alternative solutions to organize multi-level governance

Hooghe-Marks (2001) raise the hypothesis of two contrasting visions how multi-level governance can be organized:

- Type I governance is a dispersion of authority to a limited number of non-overlapping jurisdictions at a limited number of levels. Jurisdictions are large, relatively stable and have many tasks.
- Type II governance is a complex, fluid, patchwork of innumerable, overlapping jurisdictions. Jurisdictions operate at diverse territorial scales, are flexible and functionally specific rather than multi-task.

The regionalization trends discussed in part I of this paper remain clearly within the Type I governance. The European Union wide tendency of decentralization aims at limited number of sub-national governments to which authority can be transferred in multi-task bundles. Type I governance „... predominates in conventional territorial government up to the national level.” (ibid)

The distinctive feature of Type II governance is that it is organized across a large number of levels. „... each public good or service should be provided by the jurisdiction that effectively internalizes its benefits and costs.”

The authors see the possibilities of type II governance at the edges of Type I governance and list the following examples:

- Public-private frontier: as formal government is usually shrinking due to privatization, decentralization, outsourcing, the management of market regulations often lead to Type II governance. One example is the private provision of rail service organized on a contractual basis with central government who remains responsible for the quality of the service.
- National-international frontier: treaties agreed among states to handle mostly environment-oriented specific policy problems.
- Frontier regions of bordering states: collaborative arrangements between states, regions are usually functionally specific and are considered as ad-hoc initiatives.
- Local government interactions: there are several examples on local government cooperation to perform specific functions (called in the US as special districts). This is also a potential answer on the problem of scarce resources (e.g. lake, water basin).

The conclusion of the analysis is that „... Type I and Type II governance are good at different things and co-exist because they are complementary. The result is a large number of functionally differentiated Type II jurisdictions that are relatively self-contained ... alongside a smaller number of multi-purpose Type I jurisdictions in which coordination is made less costly by their relatively small number and their non-intersecting territoriality.” (ibid)

### 1.3.4 Potential governance systems for the FUA and the RUR areas

The METROGOV project made a distinction between the narrower and the broader urban area around the city: the first should delineate the FUA where many coordination problems have to be solved, while the latter comprise the larger economic zone around the city where win-win type economic cooperation is feasible. One of the results of the METROGOV work was the suggestion that the regulatory interventions are mainly to be used in the narrower metropolitan area (FUA) co-operation with a wide range of public services (special purpose entities in flexible or set spatial set-up) and in land use planning (mechanism to guarantee the implementation of common regional-level strategic decisions, in fixed area). The broader co-operation aims at economic planning and development, and possibly in some public services (transport, etc) in flexible bottom-up partnership. Thus the approach of the Metrex-suggested fixed boundary metropolitan governance should be discussed mainly for the territory of the FUA, while the flexible, creative governance approach should apply mainly to the larger economic zone. This conclusion should be refined by PLUREL how the specific requirements of the RUR area, which is obviously a territorial level between the FUA and the larger economic zone, can be handled.

It will be a further task for PLUREL to analyse, what kind of role Type II governance can play to handle the specific problems of the FUA and of the RUR areas. A starting point can be the observation of the Hooghe-Marks (2001) paper that „... Type II jurisdictions cluster at the edge of Type I jurisdictions.” This is especially because the costs to change Type I jurisdictions are usually very high. On the other hand, however, it is clear that there are many regulatory tasks which need strong collaboration to which Type II jurisdictions do not seem to provide the most perfect framework.



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## 2 A theoretical analysis on planning policies

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### 2.1 Introduction

Spatial planning is usually considered within the particularity of a national framework. Within this framework, several dimensions of planning are elaborated as physical planning, land use constraints, development incentives, environmental considerations, participation issues. National planning systems have been developed in Europe in relative independence from each other, but similarities and differences between them were always a subject of particular interest for theorists, and also policy makers. It was widely thought, since long ago, that countries (and in particular European countries which were developing stronger ties among them) could benefit from each other by borrowing good examples of planning policies and implementations, and avoiding the ones that failed to reach their initial expectations. In doing so, though, particular attention was recognized that had to be given to the particularities of every national context, as well as to similarities and differences between these national contexts which could facilitate or perplex planning policy transfers. The attempt to form groups of nations according to similarities or relevance of their characteristics in their planning systems became then an essential element of almost every study of planning systems in Europe. (R. H. Williams, 1984).

The present study examines the most recent classifications of planning systems / styles / concepts, investigates their relations, and assesses their applicability through time and under the most recent developments (political, administrative, and legal) in both, the old EU 15 nation-members, and the New Member States -which joined the EU later than the time of some of the examined classifications. The classifications examined below are (starting with the older ones): the one based on the concept of families of nations and developed by Newman and Thornley (1996), the one of traditions of spatial planning, described in the EU Compendium of Spatial Planning Systems and Policies (1997), the one of macro-regional perspectives on European spatial planning, analysed by Rivolin and Faludi (2005), and the most recent classifications of spatial planning that are the four-dimensional “hypercube” of territorial approach, developed by J. Farinos and described in ESPON 3.1, and the classification proposed by ESPON 2.3.2, which consists of a combination of the taxonomies produced by NORDREGIO for ESPON 3.2 project and the categorization of cases in terms of devolution of spatial planning powers produced for ESPON 2.3.2.

## 2.2 Families of Nations (Newman and Thornley)

A family has a style of formal legislation and informal social conventions, which creates a certain resemblance among its members (Castles e.a. 1993). These characteristics do not arise out of substantive rules of law, but are related to the structural and philosophical roots of the family, legally, politically, administratively, culturally and perhaps even religiously and linguistically. A family often has a recognisable parent somewhere in its genealogy that exported the system elsewhere (e.g. France, Britain, China etc.) and whose descendants have inherited many or all of its characteristics. Such processes are evidently much more visible, but not necessarily more pervasive in legal matters than in cultural matters. Therborn describes the mostly historical origins of families of nations and what sort of evolutionary reasoning underlies it:

We may distinguish between four types of families or groupings of nations. First, there is the lineage type, held together by descent from a common origin of some sort. Secondly, there are the *separated* siblings, kindred nations kept apart by state boundaries or, more concretely, non-state bound social units with significant similarities between them, irreducible to common ancestry. Then we have what might be called (elective) *affinity groups*, the *Wahlverwantschaft* connected by the process of diffusion, of imitation or avoidance (negative affinity), freely elected or established by pressure. Finally, there are the *partnerships*, the unions of deliberate co-ordination. The kinship of nations is multilinear, over layered and subject-centred. Any given member may count his or her kinship affiliation in terms of overlapping lineages, affinities and partnerships. So should the observer (Therborn in: Castles *et al.* 1993: 329).

In our quest to define “planning families” in Europe, we have to take into consideration that planning is affected by its embodiment in the legislation and regulations which form part of the legal apparatus of a particular country. At the same time, planning implementations are depended on the administrative system of each country, since mechanisms, processes and formal / informal relations between administrative sectors, shape up and enable each planning implementation. Thus, it can be claimed that planning systems can be distinguished by “variations in national legal and constitutional structures and administrative and professional cultures” (Healey and Williams, 1993:701). Consequently, planning families can be considered as been derived from legal and administrative families of nations.

Following the above, in order to reach to a classification of national planning systems in Europe, we will first investigate the two derivatives of planning systems: legal systems and administrative systems. The two reviews will then be used to create a division of countries into legal/administrative types. As Thornley points out, “within each type, one would expect considerable similarity of planning approach and, vice versa, considerable contrasts between countries of different types” (Newman and Thornley, 1996:27).

### 2.2.1 Legal families of Europe

Most authors on European legal systems end up with families of which the British common law group without written constitutions applying mostly precedent law using analogous reasoning instead of systematised codes is by far the most distinct one. The others are the Napoleonic system based on the French-Continental idea of general codification of law, the Germanic system which is also aimed at general systematisation, but phrased in more theoretical, deductive and abstract formulations, the Scandinavian system which is more systematic than the British-style system but more pragmatic than the Continental ones (thus somewhere in between) and the systems as applied in Eastern Europe which are largely in transition from Communist-Centralist to a more Continental style. Other theorists, such as Damaska, find the differences among the various Continental families relatively negligible as compared to those with Common law system and distinguish just those two systems.

Zweigert & Kötz point to the notion of 'legal families' based on origin. They also argue that the critical thing about legal systems is their style (1992:68). Style is defined by factors such as historical background, distinctive ways of legal thinking, sources of law and ideology. Based on style, they propose eight families of nations, among which, the Western countries belong to the following: the Roman, the Germanic, the Nordic and the Anglo-Saxon.

Newman and Thornley (1996) also adopt the notion of legal styles proposed by Zweigert & Kötz. They also agree that European countries fall into five categories, which are the Anglo Saxon (British), the Napoleonic (Roman, Latin), the Germanic, the Scandinavian and the East European –which is a category in transition.

A more elaborated approach has been provided by De Jong (1999). In his work, he also adopts the distinction of legal and administrative families of nations in the classic categories (Anglo Saxon, Roman, and Germanic. -In this categorisation, Scandinavian family is a subcategory of German.). He further considers legal and administrative domains as interconnected and he distinguishes the following eight characteristics as constituting a base for testing: 1) *Code or precedent as source of law*, 2) *Systematization or fragmentation of the judicial system*, 3) *Content or process*, 4) *Historical or a-historical approach to law*, 5) *Professionalism or democracy*, 6) *Power-sharing or power separation*, 7) *Federalism or unitarism*, 8) *Territorial or sectoral government*.

The categories proposed by the above theorists seem to be common for all of them, and are described below:

The British family exhibits a considerable distinctiveness compared to the rest of Europe. It has as characteristics that the British legal style has evolved from the tradition of English Common Law; a system of case law that has gradually built up decision by decision. There is an empirical slant to this approach and an emphasis on past experience and precedent. The entire application of English law breathes pragmatism and a disdain for uniformity (De Jong, 1999:12). England was the origin of this "legal style" which was spread through colonization to many countries in the world. In Ireland, the British legal style remained as such, even after the Irish independence in early twentieth century, with some adaptations to Irish reality (such as in land law). Scottish legal system, to the contrary, maintained its own identity by using many elements from Roman law -due to Scottish alliance with France- and remains until today with many mixed elements of both traditions. (Newman and Thornley, 1996:30).

The Napoleonic family, originating in France, is the one with the highest number of members in Europe, as well as with a considerable amount of internal variation. It adopts a legal style that has a tendency to use abstract legal norms. The aim is to think about matters in advance and prepare a complete system of rules based on the codification of the abstract principles. The establishment of the Civil Code in 1804 provided the model for all codes of private law within this legal family. Many countries from Continental Europe adopted the French Code. Most of them, gradually developed their own legal tradition, but in parallel, they retained the Napoleonic style. The Netherlands, Belgium, Italy and Spain are representatives of the Roman family, although local factors such as the Church in Italy and local diversification in Spain influenced the initial common style towards a gradual independence. (Newman and Thornley, 1996:32). Here it is worth mentioning, that Özücü (1996) regards the Netherlands a legal mix ('purée') of both French and German influences.

The Germanic family in its legal substance, can be considered as a distinctive branch of the Napoleonic family, in adopting a legal style elaborated, often abstract in concepts but particularly sophisticated, although clear in issues like the division of powers and responsibilities between different levels of government. The Germanic approach is considered more abstract than the French, but it is admired for its intellectual and technical merits. The Germanic family includes Germany, Austria, and Switzerland, although the differences between them are relatively large. This is not so strange when one considers that Germany and Switzerland have influenced each other conceptually but neither has copied the system of the other: both are original parents (Zweigert & Kötz

1992: 177). The Germanic approach was formulated later than the equivalent systems in most other West European countries, but it was widely adopted in Eastern Europe. Greece was also influenced by German legal style, although been a typical member of the Napoleonic family in other public domains. (Newman and Thornley, 1996:34).

The Scandinavian family includes Denmark, Sweden, Norway, and Finland. Its legal style resembles both the Napoleonic and the Germanic, and mainly the second, but it avoids the “scientification” of the Germanic family, being more pragmatic and clear in written form. It is characteristic that a complete legal code has never been formulated. One of its features is its accessibility and clear written style. (Newman and Thornley, 1996:35)

As it concerns the composition of legal families in Eastern Europe, Newman and Thornley conclude that –at the time that their book was written- Eastern European countries were still in a state of flux. In most of them, legal and administrative reforms had occurred but they often had the appearance of being transitional. It seems that most of them are influenced by the Germanic family, given their common historical roots with Austria and Germany.

Finally, Scotland and Greece are considered hybrids, originating by a mix of Roman and Anglo Saxon characteristics the former, and Roman and German characteristics the latter. (Newman and Thornley, 1996:35).

## 2.2.2 Administrative Families of Nations

Administrative families are often perceived as derivatives of the legal families. De Jong (1999) adopts this approach and among the eight characteristics constituting a base for testing membership in each family (see 1.1 above), at least four are related to administrative styles: *Professionalism or democracy, power sharing or power separation, federalism or unitarism, and territorial or sectoral government*. Then, he distinguishes three main families, the one of common law (Anglo Saxon), a Roman, and a Germanic.

Newman and Thornley (1996) on the other hand, make a clear distinction between legal and administrative families. They focus on the current structures of administration, although they recognize that these often display their historical routes (pg 28). The main concept on which they base their analysis is the balance between central and local government. They adopt a “*general agreement in the literature on these topics that European countries fall into five categories, although the names given to those categories often vary. For our purposes we will use the labels British, Napoleonic, Germanic, Scandinavian and East European*” (pg. 30).

In the British family, and particularly in the U.K., the British “unwritten Constitution” gives no special protection in law to local government. Local authorities are seen as the deliverers of services within a framework set and controlled by the central government. Central government produces regulations, laws, and controls, and has also great control of finances. The political spheres of the two levels of government are very distinct, and according to the concept of dual polity (Bulpitt 1989, Batley 1991). The principle of subsidiarity applies in that higher levels of government only become involved if the lower levels are unable to perform their function. Also, Ireland, due to its history of British domination, gives no special status to local authorities.

The Napoleonic family is the largest in Europe. Italy, Belgium, the Netherlands, Portugal, Spain and Greece became its members in various historic periods. In this family, local administration is mainly based on the local commune (Bennett, 1993) and thus, local authorities at the lowest level, until recently, tended to be numerous. Local authorities traditionally were branches of the central government, and the degree of centralization has traditionally been high. Recently, though, there has been a gradual transformation over time, which led to local administration with strong local representation, and even to “federal” structures of local government, as are now the cases with Belgium and Spain. Membership in this family, now days, is more indicative of historical tradition and developments, than contemporary characteristics. (Newman and Thornley, 1996:32).



The Germanic family is clear in issues like the division of powers and responsibilities between different levels of government. The written Constitution sets out very clearly the powers of different levels of government and any attempted change requires a constitutional amendment. Another characteristic of the Germanic family is the federal approach taken in the Constitution and an often-complex system of allocations of responsibilities and powers between the levels of administration of the federal structures. Germany appears to be the most federalized country of this family, with the most complex system of regions (*Länder*), counties (*Kreise*), communes (*Gemeinden*) and even free-standing cities (e.g. Hamburg and Bremen), while in Austria, regions have less power. (Newman and Thornley, 1996:34).

The Scandinavian family includes Denmark, Sweden, Norway, and Finland. The links between its members are reflections of the history of conquests of the Danish and Swedish Empires. Its characteristic is that local self-government is seen as a cornerstone of constitution. This family is clearly different from the Anglo Saxon one but less distinct from the other two. The strong relationship between central government and regions - central government usually has its own agency operating at the regional level- bear similarities to the Napoleonic family, while the high degree of decentralisation and the long history of local self government links them to the Germanic family. These ties made the Scandinavian family to be regarded often as a hybrid. (Newman and Thornley, 1996:35).

Finally, as is the case with legal families, it is doubtful whether an East European administrative family is still in existence as a distinct family different from the others, since the countries of the former eastern bloc are in a stage of post communist development and administrative structures in them tend to borrow policies which they consider as good practices from other EU members. So, while during the communist period administrative systems were highly centralised, now days these countries have influences from different sources, depending on their geographical position and their ties with particular EU neighbours.

From the above, it is clear that administrative families were very much related to legal families. Nevertheless, the differences in characteristics of members of the same family appear to be many more and deeper than in the legal families and phenomena of hybridism are more often met. Furthermore, representative hybrids are different that the ones recorded in the legal families (Scotland, Greece and the Netherlands in the legal, and Spain and Belgium in the administrative). (Figure 1.).

### 2.2.3 Families of Nations in Spatial Planning

Planning families are usually defined indirectly, as national planning systems in the main families and they are considered as highly influenced by characteristics of legal and administrative families. Nevertheless, they retain a high degree of independence and laxity in their characteristics.

Newman and Thornley (1996), attempt a categorization of planning characteristics of each of the four main families (British, Napoleonic, Germanic, Scandinavian), which were already distinguished according to their legal and administrative characteristics.

The British family is characteristically distinct, compared to the rest of Europe. *“The legal system of evolving case law has its parallel in a planning system in which each planning permission is considered ‘on its own merits’.”* (pg 71). In its administrative system, Britain has also remained strongly centralized with limits on local government autonomy. This is also reflected in its planning system, where the appeal system ensures central control on local decisions and guarantees conformity to national guidelines from the part of local planners. The British approach to spatial planning embodies an element of conflict in the relationship between local authority and the individual / applicant, in which the two sides are competing to win. However, there are often negotiations, particularly in larger schemes, where the concept of “planning gain” appears. (Riziotis, 2001). Another distinctive feature of the planning system in the British family is the separation of different planning functions. Healey and Williams (1993) have described

urban planning systems as having three elements: the plan making function, the developmental function involving issues such as land servicing, and the regulatory or control function. These three functions are often carried out in different departments of the planning office.

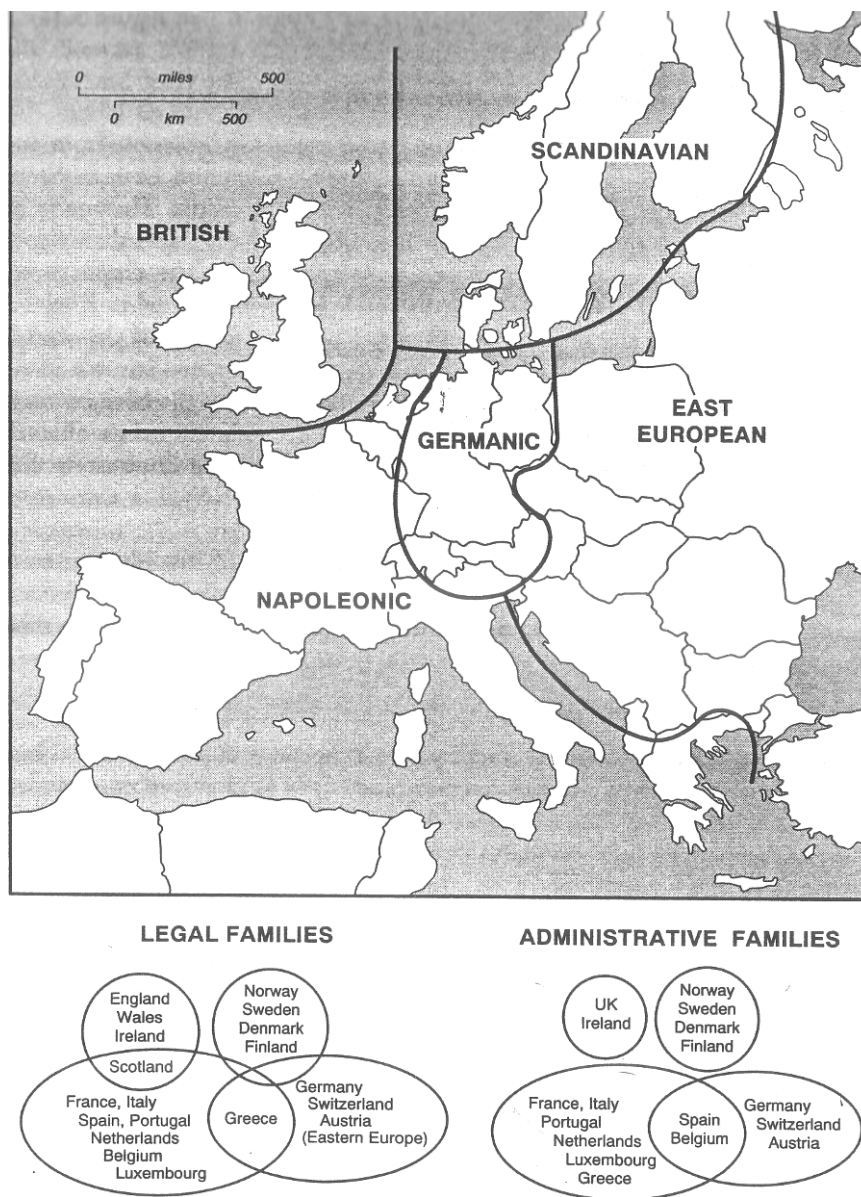
In Napoleonic family, there is a tendency to prepare a national code of planning regulations and to create a hierarchy of plans, starting from higher levels, where there is mostly expression of development policy, and going down, in more detailed plans of smaller scale and a zoning approach in land uses. This conforms to the general Napoleonic legal style. The combination of centralized control plus responsiveness to local pressures creates a complexity of interactive arrangements. The recent moves to decentralization and a greater regional presence influenced planning, which now often takes place within an array of arrangements for vertical and horizontal cooperation. The Napoleonic family is large and there are variations in planning systems of the countries – members. France and the Netherlands present a more systematic approach where planning procedures and characteristics and tasks of participants are clearly described, Belgium and Spain have embodied a federal element in their planning systems, because of pressures for regionalism, whereas in Italy and Greece, there are often phenomena of fragmentation and extreme complexity in structures and procedures.

The comprehensive codification of law in the Germanic family is expressed in the planning system by the rigorously formulated planning regulations. The strong constitution and the federal system result in a strong regional level of planning. It has its own laws and plans and guidelines and agreements in order to achieve consensus between and within levels of hierarchy. This results in considerable variation in the planning process between regions but within a strong national framework.

Finally, the Scandinavian family is probably the most decentralized system in Europe, with a national level reduced to a minimum as it concerns responsibilities and involvement in planning, a comparatively weak regional planning, and strong local planning focusing on municipalities. This is a clear influence of the administrative system and it also bears similarities to the Germanic family. Local planning involves negotiations between the municipality and the developer, as in an elaborate kind of planning permission (Newman and Thornley 1996:73). Also, members of this family exhibit a high degree of similarity in their planning systems.

De Jong (1999) also dealt with families in spatial and transport planning, investigating coherence of constitutional and institutional structures. He developed a typology of the institutional structure for spatial and transport planning, involving England and USA from the Anglo Saxon family, France and the Netherlands from the Napoleonic family, and Germany and Switzerland from the Germanic family. According to it, England's position indicate a planning system where societal groups can hardly organise veto powers against proposals by experts, and only a restricted number of proposal alternatives are set on the agenda. At the same time, the dominant position of central government, as it concerns veto power, is indicated, as well as a high degree of opportunism characterising the actions of participating actors in a planning process. The extreme opposite of England appears to be Switzerland. Germany resembles Switzerland, while France and the Netherlands also exhibit some similarities, but their differences seem somewhat stronger than the ones between Germany and Switzerland. In de Jong's analysis becomes also obvious that the countries examined show a high degree of similarity concerning characteristics of their planning systems, and of equivalent of legal and administrative nature.





**Figure 1. The legal and administrative ‘families’ of Europe**

## 2.3 Traditions of spatial planning (EU Compendium)

This typology of national spatial planning approaches is contemporary to the previous one. It was presented in the EU Compendium of Spatial Planning Systems and Policies (1997). Basic to it, is the identification of broad and interrelated factors that assist in identifying the essential characteristics of a planning system typologies. These are:

- *The scope of the system*

Includes a range of policy issues affecting the planning system.

- *The extent and type of planning at national and regional levels*

The approach of planning at the local or municipal level concerning framework plans and regulation instruments. For example, countries like Denmark and the Netherlands have explicit spatial plans at national level, whereas other countries have no ‘national planning’ of spatial dimension.

- *The locus of power*

The extent that the planning system is centralized, regionalised or localised.

- *The relative roles of public and private sectors*

The degree of spatial planning reliance on public or private economic sources, in addition the extent to which development might be characterised as plan-led or market-led.

- *The nature of the system of law*

This is a common factor with the former ‘legal style’ grouping. It includes the legal framework, the nature of interrelation of plans and policies, the existence of any constitutional or other legal rights in relation to land and property.

- *Constitutional provisions and administrative traditions*

Similarly, this factor covers the second factor (administration) of former ‘legal style’ grouping.

- *The maturity or completeness of the system*

It is the level of public acceptance of the need for planning and its regulations, the capacity to offer up-to-date policy, the degree of integration and cooperation between levels of administration, the existence of transparent and productive consultation mechanisms available to incorporate a multiplicity of interests in the planning process.

- *The distance between expressed objectives and outcomes*

The extent to which actual development is in accordance with stated spatial planning objectives and policies.

Obviously, the above factors can offer only a general categorization of the spatial planning traditions in EU. It is important to mention that some regions within some nations have their own particular characteristics and some nations may fall into more than one typology of spatial planning approach due to the complexity of the various factors and the system of planning. Nevertheless, after admitting some level of generality, albeit incisive one, the following traditions of spatial planning were proposed (map 2.1):

### **1<sup>st</sup>. Regional economic planning approach (French model)**

This approach has a broad scope and emphasises on the pursuit of wide social and economic objectives, especially in relation to disparities in wealth, employment and living conditions across the different regions of one country. The aim of it is to let regional economic development conform to some overall idea formulated by a central agency, using powers and funds at its disposal. When this approach is dominant, central government plays a managerial role in national and regional development. (CEC, 1997, p.

36). This is achieved through regional plans, national plans with a regional focus and local plans that are there to execute the regional plans (ESPON 2.3.2). Regional plans are made by either the regions or the national level. They deal with the efficient placement of infrastructure and zoning of economic activities and population for the sustainable growth of a region, they address region wide issues such as environment, social and economic concerns, and they aim in achieving a balanced spatial development in all fields.

## **2<sup>nd</sup>. Comprehensive integrated approach (German model)**

It includes a range of systematic and formal hierarchical plans, from national to local level. Their aim is to coordinate public sector activities, focusing more on spatial planning issues than in economic development. This approach usually requires the existence of a mature administrative system, responsive and sophisticated planning institutions and also considerable political commitment to the planning process.

Two sub-categories can be distinguished in this approach:

### **a. the Nordic,**

where there is a significant reliance on a rational planning approach and public sector investment. In this case local authorities have an effective role in planning, albeit sharing some responsibility with central government (e.g. Denmark and Netherlands).

### **b. the Federal,**

with typical examples Austria and Germany. In this approach, federal administrative structures play a significant role in decision-making and planning implementation. (CEC, 1997, pp. 36–37).

Comprehensive integrated approach is usually related with land use and cross-sectoral coordination. In countries which have adopted this approach, there is usually vertical and horizontal coordination between the different sectors and levels.

## **3<sup>rd</sup>. Land use management (British model)**

Land use planning is the managing of space through the development of a local plan for the future use of land through zoning laws based on the regulation and control of land, with the objective of ensuring that development and growth are sustainable. Usually, local authorities undertake most of the planning work, even though central administration retains the capacity to exercise a degree of power, either through supervising the planning system or setting strategic policy objectives. In land use planning style, there is usually a land use plan in the form of a municipal or of other type at the local level. Plans on a higher scale are not common practice. All land use plans distinguish at least three categories of land use, namely: infrastructure, urban and open land. Land use management is applied mainly in the UK, and less in Ireland and Belgium as they are in a transition towards the comprehensive integrated approach.

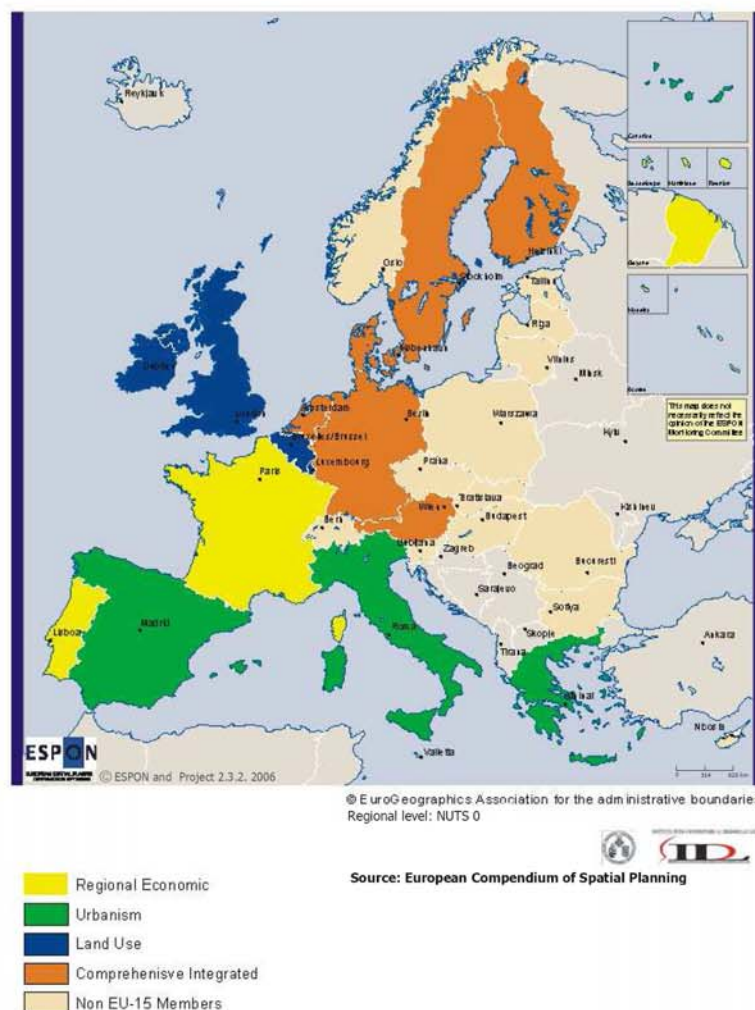
## **4<sup>th</sup>. The ‘urbanism’ tradition (Mediterranean model)**

This is a style of spatial planning, characteristic for the Mediterranean countries that focuses on the local level through building regulations. It has a strong architectural flavour and concern with urban design, townscape and building control. Regulation has been undertaken through rigid zoning and codes. There is a multiplicity of related laws and regulations, but usually there is no provision for an elaborated process to secure general public support, or attain great political priority. As a result they have been less effective in controlling development. In countries that can be classified under the urbanism tradition, spatial plans on a higher scale are usually of less importance and they are often conflictive or hard to implement.

The urbanism tradition provides sufficient answers and grip on the urban environment by managing everything on the municipal level through building permits. However the disadvantage is that space is managed through the smallest geographical unit available, the physical structures themselves. Also the dynamics of the system in case of changes

cannot be intercepted and accommodated in a proper way, due the lack of a more useful systemic approach. Those limitations can be overcome by stepping up one level in a geographical scale, and moving, thus, towards the land use planning style. This system makes possible to deal with the change of land use. It however still sees things on the local level and an overall context is lacking, an overall picture that can be found on once again a higher geographical scale, the regional scale. The regional economic approach style provides an overall view and tries to deal with problems that can be dealt with more adequately on the regional level, such as social, economic and environmental problems. Due to the higher scale it can also detect unbalances. The problems that rise with this model are that the plans that are developed are almost always sectoral, causing cross sectoral coordination problems. Furthermore the communication between the different levels of plans and institutions is mostly a one way, top down communication. Finally, the comprehensive integrated approach is more elaborated, taking into consideration all relevant sectors that have a spatial impact and creating a complex hierarchy between levels and plans.

**Map 1 Classification of the EU 15 in the four traditions of spatial planning according to the Compendium**



**Map 1 comments:** the map shows the four styles of spatial planning as distinguished in the European Union Compendium of Spatial Planning Systems and Policies<sup>29</sup> in the EU15. Furthermore it shows an additional category in which all non EU Members are classified which are analyzed further on in this annex. These countries are the New Member States + Switzerland and Norway + Bulgaria and Romania



## 2.4 Diversions from the initial categories

### 2.4.1 Mixing and the rise of hybridism in families of nations

Dominance by force was one of the first determinants of formation of families and institutional transplantation was an imposition of institutions and policies from the hegemon to the subordinate nations (Lalenis et al, 2002). At that period, exchange of policies between families was not a wide spread phenomenon and institutional transplantation from one family to the other was rare and with reduced chances of success. Gradually, international relations became more complex and not exclusive, as it concerned links between nations, family frontiers became easier to cross, and membership of nations in more than one family, either in the same or in different domains, was more often met (e.g. Belgium belongs in both, Napoleonic and Germanic administrative families, Greece belongs to the Napoleonic administrative family and to the Germanic legal family). Multiple or mixed identities give usually birth to the most interesting phenomenon of “hybrids”.

In legal families, hybridity was frequent, since legal systems seemed to change easier and faster than culture and value orientations. Hybrid behaviour was detected in Switzerland, whose legal system is much less theoretical and abstract than the German legal system, and in the Finnish system, for which qualification as ‘Scandinavian’ would oversimplify things. Also, USA, while being a typical member of the Anglo-Saxon cultural family, it is quite distinct from the rest of Anglo Saxon members in the legal domain, and can be considered as a hybrid. Finally, Özücü (1996) regards the Netherlands a legal mix (‘purée’) between French and German influences, but this is confronted by other theorists.

Administrative families are related to legal families, but the differences in characteristics of members of this family appear to be deeper and higher in number than in the legal ones. In fact, a whole family (the Scandinavian) is often regarded as a hybrid. Furthermore, representative hybrids (Spain, Belgium) are different that the equivalent in the legal families (Scotland, Greece, the Netherlands).

In spatial planning, the concept of families of nations has become rather loose and hybridism is a wide spread phenomenon, often more than in legal and administrative families. The reason for this is that, since both, administrative and legal characteristics influence planning, every change or every new phenomenon of hybridity in these domains, is directly reflected to the planning domain. Despite some general characteristics of the planning systems of each family, the differences between members of the same family are remarkable, and often surpass the differences between countries of different families. These differences are mostly recorded among the members of the Napoleonic family, but can also be found in other families (Ireland in British family, Switzerland in the Germanic family etc.). In these terms, the most homogenous planning family is the Scandinavian.

In concluding this section, it has to be restated that there is an ascertainment that a shift is occurring in recent decades towards more across-the-board hybridity. Not only countries at the periphery of cultural spheres of influence, but also all countries tend to be learning from others outside of their own family. Hybridity becomes especially apparent when looking at the institutional level of policy fields, such as spatial planning.

### 2.4.2 Movements between categories of planning styles (after the Compendium)

In the previous section it was shown that the concept of families of nations is gradually becoming inaccurate in defining groups of nations with related legal, administrative and planning characteristics, under the new conditions of globalization of contemporary society. The approach to an equivalent categorization, proposed by the Compendium in

about the same time period (mid to late 90's) is also considered as outdated in several ways. First of all it didn't include the New Member States. Furthermore, as was also shown in families of nations, there have been and still are changes taking place, such as the fading of borders between the different styles of spatial planning. In ESPON 2.3.2 these changes are distinguished, described, and shown in maps and diagrams. The New Member States are also classified for the first time within the four categories mentioned in the Compendium. This leads to an image of the movements that took place within the EU of 15 and a classification of all 29 European countries within these styles. There is also the remark that although the term "planning traditions" was used for the initial EU 15, which the Compendium dealt with, for most of the New Member it would be better to speak of planning styles and not of traditions, since they started setting up a new planning system, or at least drastically revised the old one.

- Movements that took place within the EU of 15.

In the 15 countries which were forming the EU before its enlargement, the movements between categories is much more like a convergence of planning styles, where the comprehensive integrated planning and the regional economic approach seem to prevail. More specifically, there are three movements that can be distinguished within the EU of 15. The first movement is the movement towards the comprehensive integrated approach. In this, there are the United Kingdom, Ireland, Belgium and Luxembourg coming from the land use planning style whereas France is coming from the regional economic approach. The second movement that is taking place, is towards the regional economic approach, where again the United Kingdom and Ireland are participating. In this movement, Sweden and Germany can also be observed, coming from the comprehensive integrated approach. The last movement that is taking place is towards the land use planning, with Spain coming from the urbanism tradition and Portugal from the regional economic approach. In these all cases, the above countries did not abandon their previous dominant style of spatial planning but they expanded and modified it. Finally, in the case of the Nordic countries, it seems that a very different background is exhibited, in which the local level was in most cases the planning level of real importance.

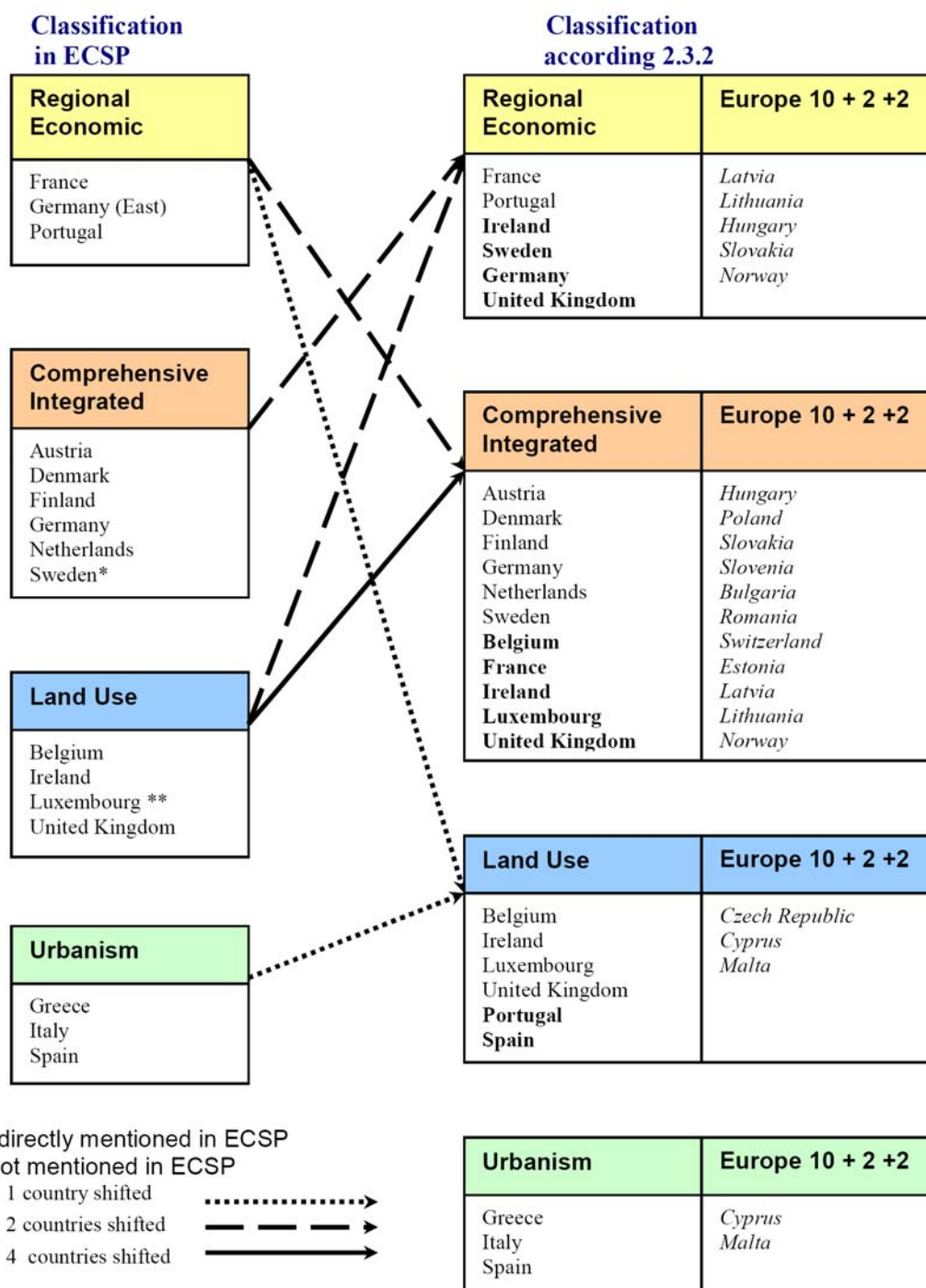
- Movements that took place in the New Member States

If one observes the case of New Member States, one can see that there are several movements taking place. In some countries the land use planning system or urban planning system is very well established and those countries, like for instance Cyprus, do not seem to be developing towards a more comprehensive style of planning. This might also be due to their relatively small size which makes all planning levels above the local one, not so significant. The New Member States however that share a common socialist past are developing in a very different way. In the first place the developments here take place at a very high pace. Secondly due to the fact that in the past these countries were highly centralized, there is in all of them now a strong movement towards decentralization and they are all struggling to create different planning levels, in accordance to this movement. In doing so they borrow ingredients from the comprehensive integrated the regional economic, and the land use planning style.

- Overall movement

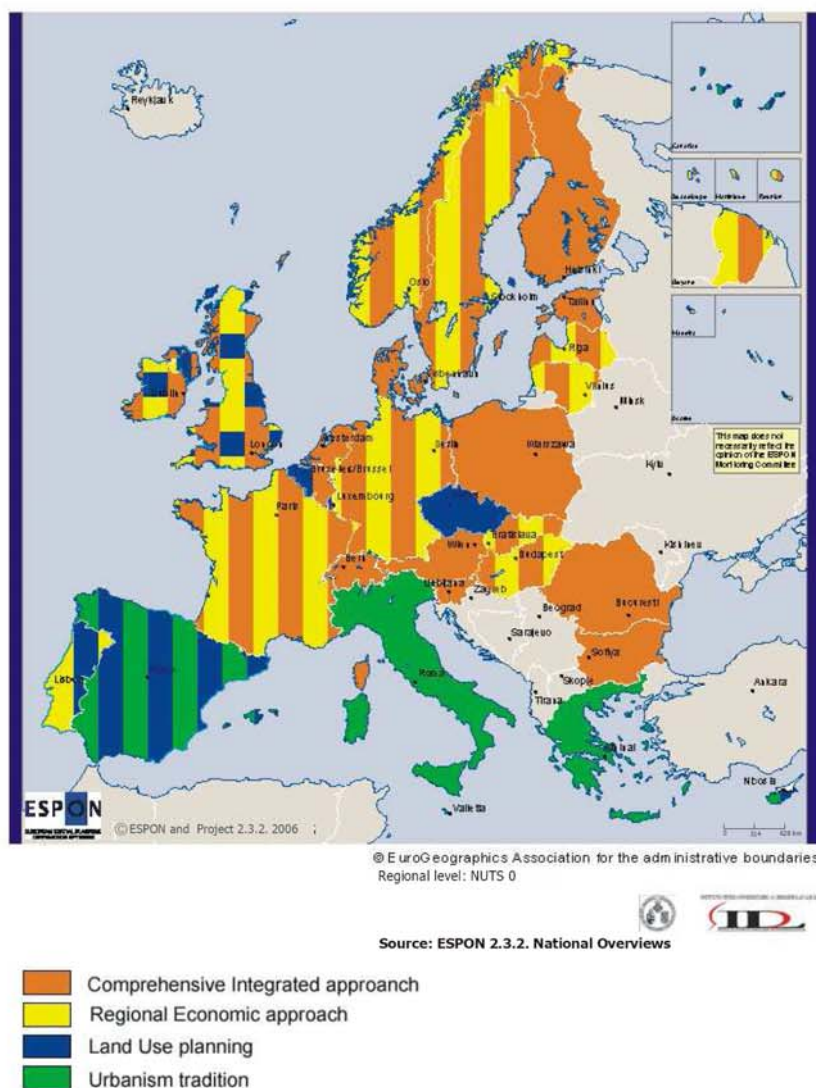
So in general, it looks as the majority of Europe is moving towards the comprehensive integrated approach and the regional economic approach. The movements that took place can be seen in figure 3.1 as well as in map 3.1. These two should be read in combination, in order to value the different planning styles correctly.

Figure 2 movement within the EU 15 between the Styles of spatial planning and the characterization of New Member States +2 +2





**Map 2 Movement within the EU 15 between the Styles of spatial planning and characterization of New Member States +2 +2**



Map 2.2.2 comments: The map represents two things. First of all it shows the movements that took place within the EU15 between the four styles of planning. Secondly it offers a first characterisation of the New Member States + Switzerland and Norway + Bulgaria and Romania.

If one compares the above map 3.2.1 with map 2.1 showing the classification of planning styles according to the Compendium, one will observe that only Finland, Italy and Greece have not moved at all. Nevertheless, as it is shown in ESPON 2.3.2, the analysis on the intra-state level shows that in these countries there are also elements of the other styles of spatial planning incorporated in their systems on different levels, but not enough to justify adjusting the overall classification.

## 2.5 Macro-regional perspectives on European spatial planning (Rivolin and Faludi)

As shown in previous chapters, nowadays, globalisation and increased communication between countries tend to diminish the old planning family borders and establish a new, global terrain, where intra influence and movements between planning styles and traditions take place. One major factor for the new trend of loss of distinctiveness of former categories/types is the increasing role of the European Union. Significant expressions of the domains of EU influence on planning styles of the member states are the development of the ESDP and other European policies such as the Structural Funds. In an attempt to make a next step after the typologies used in the families of nations concept and in the European Compendium, which would be able to encapsulate the recent dynamics of change in society, four distinctive perspectives on European spatial planning were developed in an article by Janin Rivolin and Faludi (2005), namely the: North-Western (Belgium, France, Germany, Luxembourg and the Netherlands.), British/Irish (Great Britain, Ireland), Nordic (Denmark, Finland, Sweden) and Mediterranean perspectives (Greece, Italy, Portugal, Spain). The approach adopted consists of 'macro-regional perspectives' on European spatial planning, based on the assumption that some relations, although non-linear, do occur between the ESDP application experienced and the existing planning traditions, as they are outlined particularly in the EU Compendium.

The macro-regional perspectives are used for analytical purposes only, as they do not always denote strict differences across borders. As such they should rather be viewed as denoting historical differences among the various European 'planning families' outlined above. In brief, the five macro-regional 'perspectives' on European spatial planning had following interrelation with the ESDP development (ESPON 2.3.1):

- The *North-Western perspective* spearheaded the collaborative process up until the approval of the basic political document of European spatial planning: the ESDP. Thanks to this perspective, we learn that European spatial planning may have an institutional future, based on progressive cooperation among the EU Member States and between them and the European Commission.
- The *British/Irish perspective* has cast light on the crucial and complex link between spatial planning and land use planning. Consequently, it has paved the way for a conception of European spatial planning as embedded in a multi-level governance system that could reach from the supra-national to the local level.
- The *Nordic perspective* highlights the discursive nature of European spatial planning. This may explain how such a multi-level governance system acts in practice, showing that the performing capacities of European spatial planning depend in a crucial way on the quality of interactions established between decision-makers and territorial policies, operating at the Community and at the national levels.
- The *Mediterranean perspective* suggest that, ultimately, European spatial planning takes shape by passing through the prism of progressive and complex changes in planning practices. Even if EU-led, this is an eminently local and diversified process and therefore less visible at the continental scale.
- Many of the Eastern European countries have encountered the ESDP discussion and contents. The ESDP did have an influence on the creation of new planning systems and institutions around the turn of the century. It should be seen however as providing more of a 'helping hand' within the context of the process of EU accession rather than a clear guidance document.

In short, the North-Western perspective corresponds in some way to a combination of French, German and Dutch planning approaches, and has dominated the ESDP development. The British perspective is equivalent to land use planning and is very particular among north-western European countries. In the Nordic perspective the planning systems are rooted in the municipal level, and with the exception of Denmark, lack any comprehensive national planning. Because of this they encountered European spatial planning with a certain level of difficulty. The Mediterranean perspective has emerged only recently and was called 'the hidden face of European spatial planning' by Janin Rivolin and Faludi. The roots are at the local urban level and mainly take the form of urban regeneration and local development.

A conclusion which can be extracted from the above is that the adoption of similar models of planning and action, largely under the impact of the EU, may create a semblance of uniformity and of a trend towards a style of comprehensive planning. This is partly true. In fact, real planning as opposed to that described in national planning legislation and documents, presents a wide range of variations, due to the co-existence of methods of action, particular to each country. Furthermore, it is almost certain that theoretical models as the above, usually fail to describe accurately the present, often fluid, situation even in the countries traditionally associated with them. Contradictions are likely to be nearer reality than uniformity.

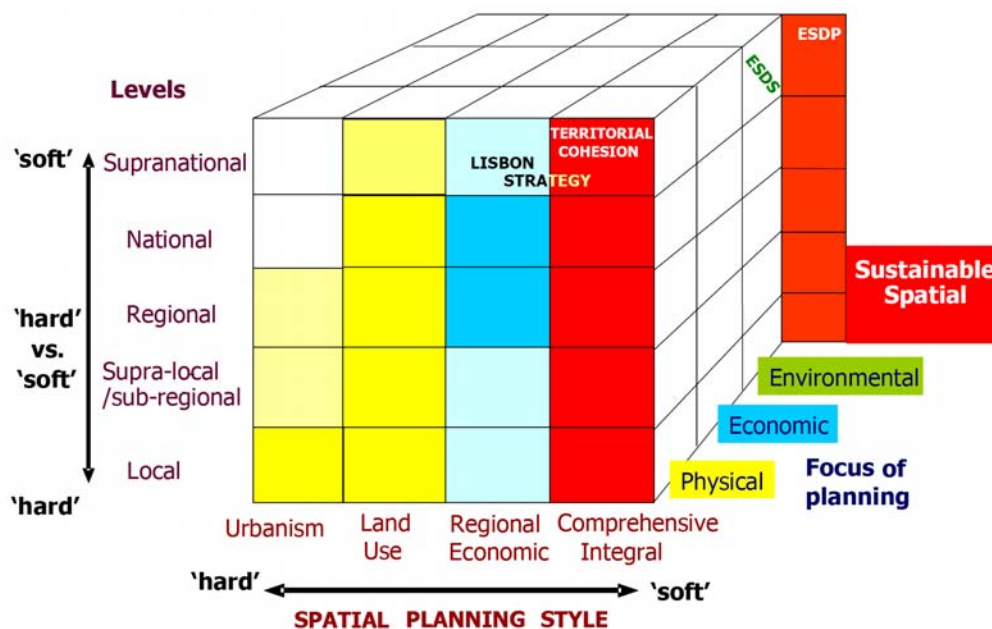
## 2.6 New classification of styles of planning

### 2.6.1 The four dimensional “hypercube” of territorial approach (ESPON 3.1, Farinos)

A different way of relating the planning styles, between states but also between political administrative levels, was first introduced in the “Crete” Guidance Paper. It is described in ESPON 3.1, and it works through a cube, the so called ‘four dimensional “hypercube” of territorial approach’. This cube makes it possible to assess results on three different geographical levels (macro, meso, micro). If one takes it as a reference and applies it to the options of spatial development, the relations can be seen between the three different dimensions such as in figure 2.2.1.

By using this cube, it becomes possible to combine the different styles of spatial planning with different ways of governance. As it can be seen in figure 5.1, every possible mix between its three scales is possible, offering a huge array of planning styles. This could be an answer to the problem of finding a way of classifying the many different planning styles and crossovers that exist nowadays. The different planning families are not necessarily mutually exclusive but very often exist next to one another and even exchange ideas and concepts between them and in doing so the borders between the different styles fade. The ESDP also played a role in this as a catalyst, facilitating a turn which was attempted, towards the comprehensive integrated approach to spatial planning.

**Figure 3 Options for Spatial Development Planning**



Source: Farinós, J. (2006): from author presentation on 'Methods of Territorial Analysis' Workshop, Department of Geography, urbanism and Spatial Planning, University of Cantabria, Santander 18 February. Adapted.

Note: The terms 'hard' and 'soft' refer to the way in which instruments and rules in spatial planning are more ('hard') or less ('less') formal and clearly (closed) established from a legislative or juridical point of view.

ESDS: European Sustainable Development Strategy.

## 2.6.2A new proposed classification (ESPON 2.3.2)

The most recent attempt to develop a typology of spatial planning styles in the EU member states, adopts in many ways the logic underlying the 'four dimensional "hypercube" of territorial approach'. State structures, decentralization processes and devolution of powers are recognized as crucial parameters in determining the style of planning of any particular country. With this in mind, a classification of styles of planning was suggested by ESPON 2.3.2 and it is described below. This classification is approached through a combination of the taxonomies produced by NORDREGIO for ESPON 3.2 project (Federal States, Regionalized Unitary States, Decentralized Unitary States, Centralized Unitary States and New EU Member-States and candidate countries) and the categorization of cases in terms of devolution of spatial planning powers produced for ESPON 2.3.2, (Administrative Regionalization, Regional Decentralization, Regionalization through existing Local Authorities, Regional autonomy or Political Regionalization, and Regionalization through Federate Authorities), (Annex B, section 20, ch. 2 of the annex). A further categorization was made of states with a strong local – municipal level, into cases with a strong or weak national state. Additional parameters were also taken into account, related to the existence of interaction and negotiation (national – regional), contracts (national – regional or regional – subregional), devolution to sub-regions within regions, regional – metropolitan authorities, and regional planning through intermunicipal cooperation. The result is shown in two tables. In the first one, the characteristics of all countries in terms of parameters used in the above taxonomies can be seen. In the second, a cross-tabulation is attempted, leading to a new clustering of countries. Inevitably, certain countries appear twice even within the same band, i.e. when different planning styles are implemented in different administrative levels.

**Table 4 Classification of characteristics determining style of planning**

Country	NORDREGIO <sup>30</sup>		ESPON 2.3.2 / NTUA <sup>31</sup>			
	A. Regionalization	B. State structure	C. Devolution to regions	D. Powerful local level	E. Inter-municipal cooperation	F. Interaction, negotiation, contracts
1. Austria	Reg/on – Federal	Fed. State	Fed./-CS,-Reg.	-CS	Yes	
2. Belgium	Reg/on – Federal	Fed. State	Fed./-CS,+Reg.			
3. Bulgaria	Admin. Reg/on	New EU memb.	Unit. / Central.			
4. Cyprus		New EU memb.	Unit. / Central.			
5. Czech Republic	Reg. Decentr/on	New EU memb.		-CS		
6. Denmark	Reg/on – LAs	Decentr. Unit.	Unit. / +Reg.	-CS	Yes	Yes
7. Estonia	Admin. Reg/on	New EU memb.	Unit. / Central.	+CS		
8. Finland	Reg/on – LAs	Decentr. Unit.		-CS	Yes	
9. France	Reg. Decentr/on	Reg/ined Unit.	Unit. / +CS	+CS		Yes
10. Germany	Reg/on – Federal	Fed. State	Fed./+CS,+Reg.		Yes	Yes
11. Greece	Admin. Reg/on	Centr. Unit.	Unit. / Central.			
12. Hungary	Reg/on – Las	New EU memb.	Unit. / Central.	+CS		
13. Ireland	Reg/on – Las	Centr. Unit.	Unit. / Central.	+CS		



14. Italy	Reg. autonomy	Reg/ined Unit.	Unit. / +CS	+CS		
15. Latvia	Admin. Reg/on	New EU memb.	Unit. / Central.	+CS	Yes	
16. Lithuania	Admin. Reg/on	New EU memb.	Unit. / Central.	+CS		
17. Luxembourg		Centr. Unit.		+CS	Yes	
18. Malta		New EU memb.	Unit. / Central.			
19. Netherlands	Reg/on – Las	Decentr. Unit.	Unit. / +CS	+CS	Yes	Yes
20. Norway	Reg/on – Las	Decentr. Unit.		+CS	Yes	
21. Poland	Reg. Decentr/on	New EU memb.	Unit. / +CS	+CS		
22. Portugal	Admin. Reg/on	Centr. Unit.	Unit. / Central.	+CS		
23. Romania	Admin. Reg/on	New EU memb.	Unit. / +CS	+CS		
24. Slovakia	Reg. Decentr/on	New EU memb.	Unit. / +CS	+CS		
25. Slovenia	Admin. Reg/on	New EU memb.				
26. Spain	Reg. autonomy	Reg/ined Unit.	Unit. / +Reg.	-CS		
27. Sweden	Reg. Decentr/on	Decentr. Unit.		-CS	Yes	
28. Switzerland	Reg/on – Federal	Fed. State	Fed./-CS,+Reg.	-CS		Yes
29. UK	Reg. Decentr/on	Reg/ined Unit.	Unit. / +CS	+CS		
<b>Column A</b>		<b>Column B</b>	<b>Column C</b>	<b>Column D</b>	<b>Column E</b>	<b>Column F</b>

#### Abbreviations

Column A: Typology of regionalization

- Admin. Reg/on: Administrative Regionalization
- Reg. Decentr/on: Regional Decentralization
- Reg/on – LAs: Regionalization through the existing Local Authorities
- Reg. autonomy: Regional autonomy (Political Regionalization)
- Reg/on – Federal: Regionalization through the Federate Authorities

Column B: Typology of state structures

- Fed. State: Federal States
- Reg/ined Unit.: Regionalized Unitary States
- Decentr. Unit.: Decentralized Unitary States
- Centr. Unit.: Centralized Unitary States
- New EU memb.: New EU Member-States and candidate countries

Column C: Devolution of spatial planning powers to regions

- Unit. / +CS: Unitary state (real power in central state)
- Unit. / +Reg.: Unitary state (real power in regions)
- Unit. / Central.: Unitary state (centralization / Dominant central state)
- Fed./+CS,+Reg.: Federal state (strong central state and regions)
- Fed./-CS,-Reg.: Federal state (weak central state and regions)
- Fed./-CS,+Reg.: Federal state (weak central state, strong regions)

Column D: Spatial planning powers: Strong local – municipal level

- +CS: Powerful local – municipal level (with equally strong central state)
- -CS: Powerful local – municipal level (with relatively weak central state)

Column E: Regional spatial planning through inter-municipal cooperation

Column F: National – regional interactive, negotiative and / or contractual approaches to spatial planning



**Table 5 Cross-tabulation of characteristics determining style of planning and country**

Devolution of spatial planning powers	Additional planning features <sup>32</sup>	Typology of regionalization				
		Admin. Reg/on	Reg. Decentr/on	Reg/on-LAs	Reg. autonomy	Reg/on-Federal
Powers to regions						
Unit. / +CS	Inter-municipal			Netherlands		
	Interactive appr.		France	Netherlands		
	Other	Romania	Poland, Slovakia, UK		Italy	
Unit. / +Reg.	Inter-municipal					
	Interactive appr.					
	Other				Spain	
Unit. / Central. <sup>33</sup>	Inter-municipal	Latvia				
	Interactive appr.					
	Other	Bulgaria, Estonia, Greece, Lithuania, Portugal, Slovenia		Hungary, Ireland		
Fed./+CS,+Reg.	Inter-municipal					Germany
	Interactive appr.					Germany
	Other					
Fed./-CS,-Reg.	Inter-municipal					Austria
	Interactive appr.					
	Other					
Fed./-CS,+Reg.	Inter-municipal					
	Interactive appr.					Switzerland
	Other					Belgium

Devolution of spatial planning powers	Additional planning features <sup>34</sup>	Typology of regionalization				
		Admin. Reg/on	Reg. Decentr/on	Reg/on-LAs	Reg. autonomy	Reg/on-Federal
Powers to local authorities						
Spatial planning: Strong local – municipal level (but +CS) <sup>35</sup>	Inter-municipal	Latvia,		Hungary, Ireland, Netherlands, Norway		
	Interactive appr.		France			
	Other	Estonia, Lithuania, Portugal, Romania,	Poland, Slovakia, UK		Italy	
Spatial planning: Strong local – municipal level (but -CS)	Inter-municipal		Sweden	Finland		Austria
	Interactive appr.					Switzerland
	Other		Czech Rep.		Spain	
Devolution of spatial planning powers	Additional planning features	Admin. Reg/on	Reg. Decentr/on	Reg/on – LAs	Reg. autonomy	Reg/on-Federal

Abbreviations: See under previous table.

## 2.7 Conclusions

In the course of European integration, borrowing of good examples of planning policies and implementations between EU countries, and avoiding policies that failed to reach their initial expectations are gaining in importance. Formation of typologies and classifications of countries within the European context were considered as an asset for guaranteeing the “goodness of fit” of such institutional transplantations (Lalenis et al, 2002) and became then an essential element of almost every study of planning systems in Europe. (R. H. Williams, 1984).

The concept of families of nations, developed by Newman and Thornley (1996), and the one of traditions of spatial planning, described in the EU Compendium of Spatial Planning Systems and Policies (1997), were two of the most widely used typologies of the end of the 20<sup>th</sup> century. Ten years later, globalisation and increased communication between nations and societies tend to diminish the old family borders and establish a new, global terrain, much bigger than the former families, where intra influence and institutional exchanges take place. The borders between the traditional families of nations are becoming less distinguishable, and the five categories described by Newman and Thornley tend to regroup in two: the Anglo Saxon and the Continental. The latter includes the Napoleonic, Germanic, Scandinavian, and East European families, which have their distinctiveness slightly fading. The distinction between Anglo Saxon and Continental families represents a trend rather than a clear and stable situation and it is based on the differences of legal tradition between English Common Law and the continental types of Civil Law. In the traditional families, there are now many countries in a transition period of changing their planning characteristics and systems, and thus, resembling to different prototypes or even moving from one family to another (the Netherlands, Spain, Belgium). There are also countries belonging to different legal and administrative families and thus, their planning characteristics are very much mixed (Greece). Furthermore, formal regulations and even more, informal codes –which become more and more inherent to planning systems- are less stable and time resistant, and more sensitive to developments, changes, and needs to adaptation in new conditions than legal systems and value orientations.

Equivalent remarks can be made in trying to assess the suitability of traditions of spatial planning described in the Compendium, to accurately classify the present planning styles in EU state members. The current situation is very different from the situation described in the Compendium. The changes that took place mainly have to do with the fact that the planning systems in the countries are not static, but borrow and mix elements from the other styles of spatial planning and thus are dynamic. This mixing and moving towards different planning styles makes the borders between the planning styles fade and creates a cross over planning style that was already noted by Janin Rivolin and Faludi (2005) in their proposed classification of macro-regional perspectives on European spatial planning. The dynamics within the system are caused by several reasons like for instance the development of the ESDP and 93 other European policies such as the Structural Funds (ESPON 2.3.1). In the old Member States the movement that took place is mainly towards the comprehensive integrated and regional economic approach. This general trend could be accepted as an overall pattern, also including the New Member States, even though in some specific areas as the Mediterranean, there are more frequent combinations of the regional economic approach with land use planning, which in turn is mixed with the urbanism tradition. The development in many of the New Member States however has not settled down yet and is still ongoing. What seems to become visible, though, is that a big part of these countries seem to adopt the comprehensive integrated and regional economic approach as well.

These steps in progressing towards a different style of spatial planning can be best seen by looking at the style of planning by level combined with the competencies by level. Here it becomes clear that in many countries already some elements were added to the old

system, but that it is still far from being able to be qualified under a new header. Most changes were also implemented quite recently and mainly exist on paper or in theory, where practice didn't show any concrete results yet.

In this context, the most recent classifications of spatial planning -that are the four-dimensional "hypercube" of territorial approach, and the classification which consists of the combination of the taxonomies produced by NORDREGIO and the categorization of cases in terms of devolution of spatial planning powers produced for ESPON 2.3.2.- have to take into consideration many factors, and thus, they have a much more complex form, which up to now has granted them comparative accountability, but they are far from being as easy to use, as the two older typologies (by Newman et al, and by the Compendium).

Another conclusion is that under the impact of the EU, one can detect a gradually increasing trend towards the adoption of similar models of planning and action in EU member states. To some extent this is true, but only partly. It would be nearer the truth to admit that real planning, as opposed to the described in national planning legislation and documents, presents a wide range of variations, due to the co-existence of methods of action, more informal than formal, which are particular to each country. Governance in the middle and lower levels of local administration seem to be much more suitable to define these characteristics, than proposed typologies at the national level.

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## 3 The creation of a joint evaluation system, bringing the government and planning aspects together

### 3.1 Introduction

In this part of the report we have to estimate the ability of the public hand (being in decision-making position regarding land-use changes) to control and regulate the competing interests of various actors in the land development market. This information will be used as a 'layer' in the model, in which the magnitude of the push for more urban land use will be estimated on the basis of economic, social, demographic variables and will differ along the four scenarios.

The decision of the public hand depends in concrete cases on many factors. In a Europe-wide model we can only take into account the two most general, nation-wide factors: the structure of government and the type of regional/spatial planning policy. In more detailed models additional factors can also be taken into account – if the information is available – which will bring the decision-making model closer to reality. (Such factors will be described in deliverables D2.2.2 and D3.3.10 in more detail.)

The **structure of government** shows the potential strength of the public hand to influence land-use changes in RUR areas. For that factor the local (municipal) government and the supra-local, higher administrative levels have to be described, regarding their role in decisions concerning land use and changes in zoning. Another important piece of information is the size of the administrative units with decision-making power over land-use changes, compared to the RUR region. We can raise the following hypothesis: the bigger share of the RUR is covered by such a decisive administrative unit and the less such administrative units cover the whole RUR, the more is the chance of RUR-level interests to be reflected in land-use change decisions. (In this regard all cases where the decisive administrative level is larger in size than the RUR region can be handled equally.)

The type of **spatial planning policy** (on supra-local, i.e. regional or national level) can range from non-interventionist, laissez-faire systems (where local governments have total freedom to take their land use change decisions) to controlled systems, where land-use changes have to be in accordance with higher level plans and/or pre-set conditions (e.g. new residential developments are only allowed along public transport axes). Here the most simple hypothesis could be the following: stronger regional/spatial policies aim at minimising the uncontrolled sprawl of urban land use, through concentrating development either on already used, e.g. brown-field areas or into compact areas of new development, usually with good public transport links.

These two factors, the structure of the formal government system and the planning system are not totally independent from each other. On the one hand, strong regional policy can in principle substitute for the missing consolidation of the local government structure. (A good example for that is the 'communauté urbaine' in France: the compulsory settlement association around cities, with its substantial planning and decision-making power, counterbalances the fact that the municipal structure of France is the most fragmented in Europe.) On the other hand, consolidation of the fragmented local governments can substitute for the weak regional planning policy.

As the outcome of this task the potential strength of public regulation over land use change has to be determined for each of the EU-27 countries. These figures will be determined on the basis of national level investigations into the formal government systems and into the regional/spatial planning policies.

In the process to estimate the value of the potential strength of public regulation over land-use change, the values of the two factors have to be estimated separately. This will be done in the following way.

- Regarding the government factor, first it has to be explored, how are land-use change (re-zoning) decisions taken, by which administrative levels of government. Then the size of the decision-making levels (the local level and the most important supra-local level) has to be compared to the size of the RUR regions (for the latter see WP2.1 of PLUREL, Loibl-Köstl-Steinocher, 2007). The outcome should be a classification of the countries into different categories along the government factor.
- Regarding the planning policy aspect (what kind of regional/spatial policies influence such decisions) the main issue is to elaborate whether any supra-local policy exists which has an influence on the land-use change decisions of the local government level. The outcome should be a classification of all the countries into the A, B, C categories based on the potential strength of these policies.

The validity of the country summaries have been cross-checked by PLUREL partners from the respective countries, as well as by other local experts.

## 3.2 Methodological considerations

The delineation of RURs (Rural Urban Regions) in the PLUREL project was created by the researchers of ARC (WP2.1 of PLUREL, Loibl-Köstl-Steinöcher, 2007). Their delineation was based on the NUTS3 administrative map, covering the whole territory of Europe. In Europe there are 1278 NUTS3 regions, while the RUR system suggested by ARC contains 904 units (2/3 of which contains one single NUTS3 unit, while 1/3 is a conglomerate of more NUTS3 units).

Incorporating the experience of the two previous research projects on European polycentricity – that of ESPON 1.1.1 and 1.4.3 – we found that for our purposes (government and spatial planning aspects around large cities) it would be more useful to work with RURs that are neither based on the administrative border system nor cover the whole territory of Europe.

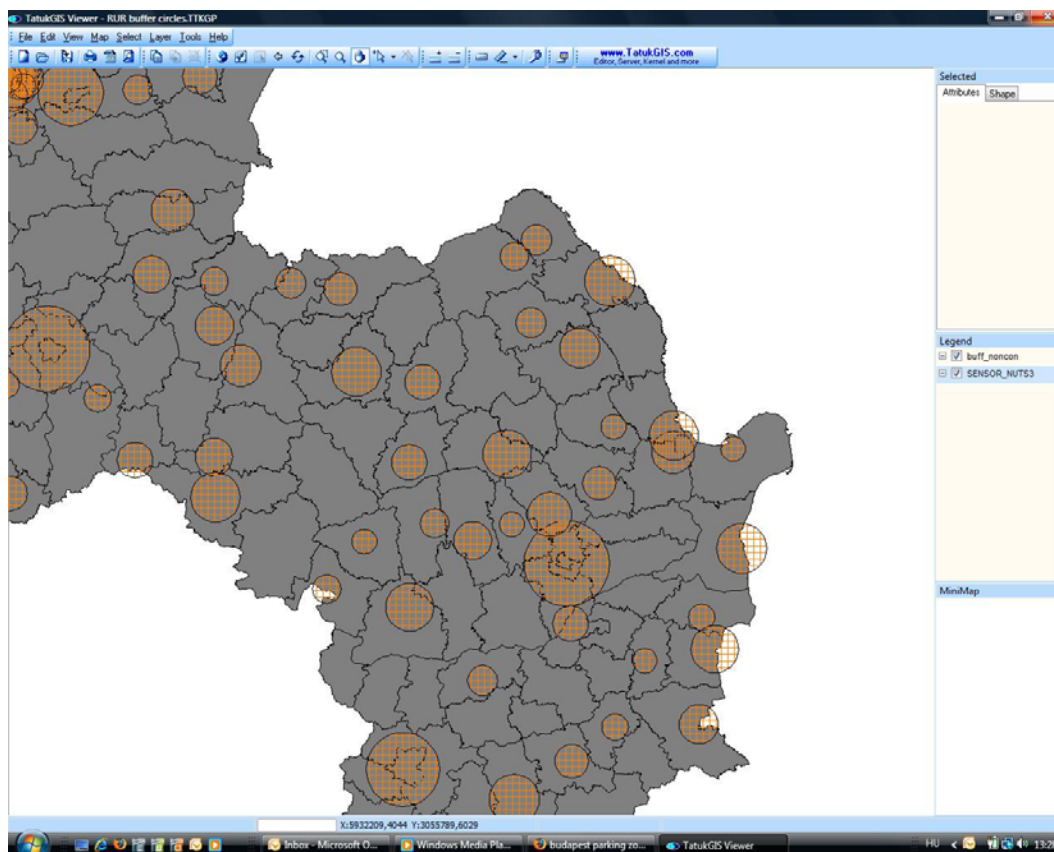
Thus for our purposes we defined RURs as such interconnected – and interdependent – rural-urban regions, where the urban core city has a population of at least 100.000. This definition emphasized the urban character of the RURs, and was tangible, applicable European-wide. This definition was based on a previous stage of development by the ARC team, where they had delineated all cities belonging to this category based on the data provided by Eurostat, and delineating the urban area around the cities with concentric circles (RUR buffer circles) around the core cities with a radius corresponding to the size of the given city. From this phase of their work good visual representation was available, enabling us to work with it.

After finding a concise and applicable definition for the RURs, our work continued on a country by country basis. Following a 5-step process we tried to determine the exact position of the RURs within the administrative and planning system of a given country, understanding how the RURs relate to that level where land conversion decisions are taken.

1. Determination of the number of RURs in a given country. Based on the map prepared by ARC (delineating the urban area around the cities with over 100 thousand inhabitants with concentric circles with a radius corresponding to the size of the given city), the determination in each country of the number of RURs.



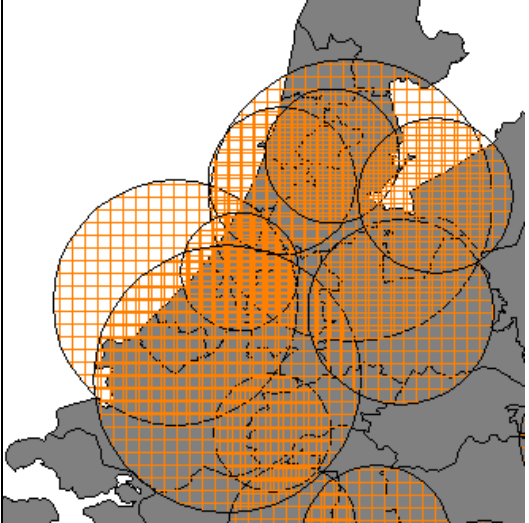
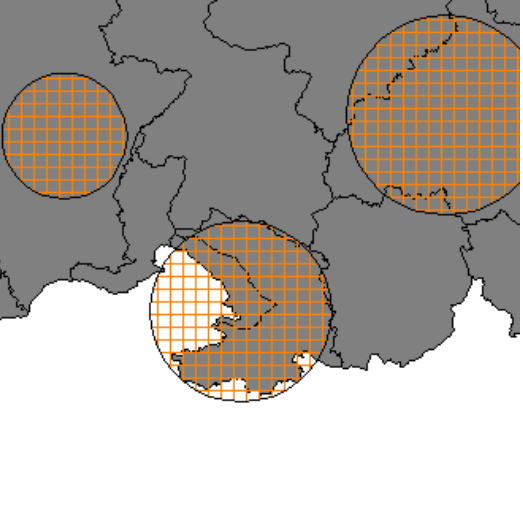
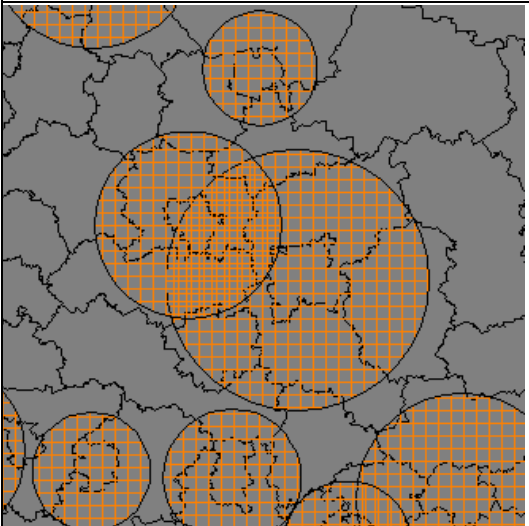
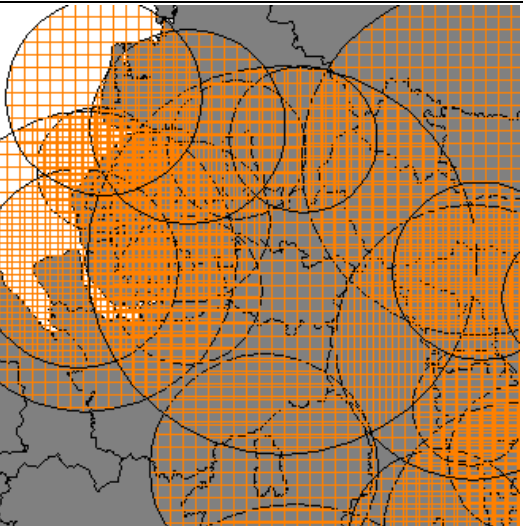
**Map 3. Part of the map, showing RUR buffer circles and NUTS3 borders in Romania and neighbouring countries**

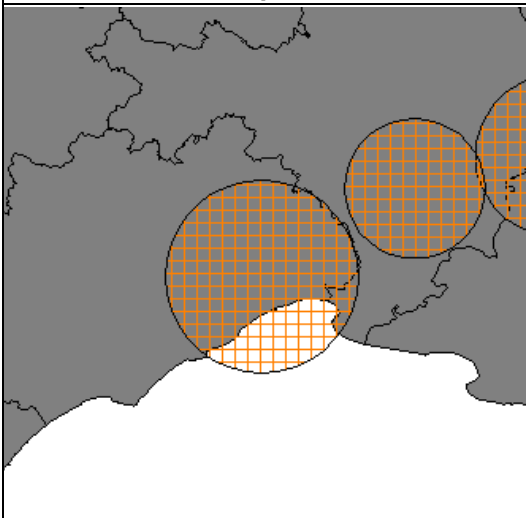
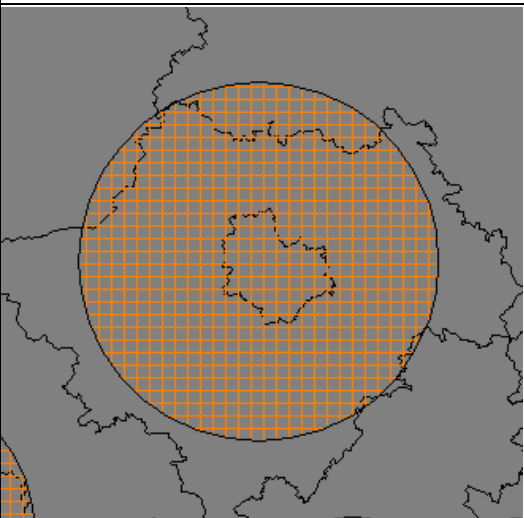


2. The description of the system of territorial governments: the size of the different units (local municipalities, supra-local entities such as counties, regions), the power that rests with them, the basic functions they perform, and the planning competencies ascribed to each NUTS level. The underlying question is which levels play the most important role in land-use changes. (In most cases the local municipalities are in major decision-making position, but the balance between the powers of the local and supra-local levels might differ across the countries.)
3. Comparison of the size (population number) of the RURs with the size of the administrative levels which have decisive role in land-use change. According to our hypothesis, the bigger share of the RUR is covered by an administrative unit and the less administrative units cover the whole RUR, the more is the chance of RUR-level interests to be reflected in land-use change decisions. If the RURs are much larger than the decision-making entities, RUR-wide considerations and interests usually fail.

The following table shows on the example of the PLUREL case study regions how this step would be working in principle:

**Table 6. Example of the case study regions**

Haaglanden	Koper
	
<p>The RUR of The Hague itself does not exceed the territory of the Province of South Holland. However, the city is part of a larger conurbation, the Randstad (also including Rotterdam, Amsterdam, Utrecht and several smaller cities), which includes large areas of more provinces.</p>	<p>Koper – because of its small population – does not form a RUR region itself, but can be seen as part of the Trieste cross-border RUR region. This covers the entire Province of Trieste of Italy and Coastal Karst statistic region of Slovenia. <i>(Croatia is not included in the map.)</i></p>
Leipzig	Manchester
	
<p>Leipzig can be seen as the main centre of the Leipzig-Halle Rural-Urban Region. It covers many districts (Kreise), and reaches into two states (Länder), but covers only small parts of each.</p>	<p>The RUR of Manchester itself covers many NUTS3 units; basically the southern part of the region North-West England, but also parts of East and West Midlands. The city forms part of a larger area also including Liverpool, Sheffield, Birmingham and numerous smaller cities.</p>

Montpellier	Warsaw
	
The Montpellier RUR covers a part of the Department Hérault.	The RUR region of Warsaw covers 2 of the 5 NUTS3 units of the Masovian Voivodeship. This means the RUR is considerably smaller than the voivodeship, but covers many of its 42 counties (powiats).

The strict implementation of this step would require the comparison to carry out for all the RURs in the country (and that for all countries). Instead of that, to simplify the procedure, we decided to use as proxy variable the combined size measure of these administrative units in the RUR region (average population numbers in parentheses):

**Table 7. Government system dimension**

		Size of the local level		
		large (>30)	medium-sized (10-30)	small (<10)
Size of the most important supra-local level (land-use change perspective)	Large (>1M)	<b>L/l</b>	<b>L/m</b>	<b>L/s</b>
	Medium-sized (0.5-1M)	<b>M/l</b>	<b>M/m</b>	<b>M/s</b>
	Small (<0.5M)	<b>S/l</b>	<b>S/m</b>	<b>S/s</b>

This simplified method means that the level of fragmentation of the administrative government system regarding land-use changes has been expressed as the function of the size of the local and those supra-local level which has a role to control such decisions. This corresponds to the simplified definition of the RUR regions, the size of which also depends on the size (number of population) of the central settlement.

- Determining the strength of the spatial planning policy by the assessment of how strong influence the supra-local levels have on land-use changes (by means of e.g. spatial planning on this level, sanctification of local plans or veto power on local decisions). The type of regional/spatial planning policy can be:

A. weak level of control

B. medium level of control

C. strong and controlled spatial policies.

5. Finally, based on the careful consideration of the issues discussed so far (and other relevant information from the country report), the territorial government system and the strength of the spatial planning policy are integrated into one evaluation system. The following table summarises the potential combinations of the above described factors, with some simplifications. (These result from the assumption, that if the supra-local levels are very weak, their size does not influence the strength of the system, while if they are very strong, the size of local authorities loses importance as their competence is limited and they are well controlled.)

**Table 8. Values assigned to the categories according to the two dimensions**

Control mechanisms from supra-local levels of the planning system	Most important supra-local level (from land-use change perspective)	Local level	Value
<b>C) strong, controlled spatial policies</b>	Large (>1M)	any	<b>7</b>
	Medium-sized (0.5-1M)	any	<b>6</b>
	Small (<0.5M)	any	<b>5</b>
<b>B) medium level of control</b>	Large (>1M)	large (>30)	<b>6</b>
		medium-sized (10-30)	<b>5</b>
		small (<10)	<b>4</b>
	Medium-sized (0.5-1M)	large (>30)	<b>5</b>
		medium-sized (10-30)	<b>4</b>
		small (<10)	<b>3</b>
	Large (>1M)	large (>30)	<b>4</b>
		medium-sized (10-30)	<b>3</b>
		small (<10)	<b>2</b>
<b>A) weak level of control</b>	any	large (>30)	<b>3</b>
		medium-sized (10-30)	<b>2</b>
		small (<10)	<b>1</b>

The values in the table reflect the potential power of the public hand to resist the push of market actors towards more urban sprawl, ranging from minimum (1) to maximum (7). The values are based on professional estimates.

This can also be displayed in the form of a matrix, where the functioning of the government system (fragmented/consolidated local and meso level) and the planning policy system (strong/weak supra-local control) are the two dimensions.

**Table 9. Values assigned to the categories in a matrix form**

	Control mechanisms from supra-local levels of the planning system		
<b>Territorial government system</b>	<b>C) strong, controlled spatial policies</b>	<b>B) medium level of control</b>	<b>A) weak level of control</b>
<b>L/l</b>	<b>7</b>	<b>6</b>	<b>3</b>
<b>L/m</b>	<b>7</b>	<b>5</b>	<b>2</b>
<b>L/s</b>	<b>7</b>	<b>4</b>	<b>1</b>
<b>M/l</b>	<b>6</b>	<b>5</b>	<b>3</b>
<b>M/m</b>	<b>6</b>	<b>4</b>	<b>2</b>
<b>M/s</b>	<b>6</b>	<b>3</b>	<b>1</b>
<b>S/l</b>	<b>5</b>	<b>4</b>	<b>3</b>
<b>S/m</b>	<b>5</b>	<b>3</b>	<b>2</b>
<b>S/s</b>	<b>5</b>	<b>2</b>	<b>1</b>

As a result, a mark is given to the country on the scale of 1 to 7, where 1 means a highly fragmented government system with little supra-local control over land-use changes via spatial planning policy, while 7, as the other extreme, a consolidated government system with high level of supra-local influence and control over land use changes via a strong spatial planning policy.

### 3.3 Results

Based on the results of the country reports (see next chapter), the countries under investigation can be classified as follows according to the two main dimensions of our analysis.

**Table 10. Classification of countries according to the two dimensions**

Control mechanisms from supra-local levels of the planning system	Most important supra-local level (from land-use change perspective)	Local level	Countries
<b>C) strong, controlled spatial policies</b>	Large (>1M)	any	
	Medium-sized (0.5-1M)	any	Portugal
	Small (<0.5M)	any	Cyprus, Greece, Lithuania
<b>B) medium level of control</b>	Large (>1M)	large (>30)	Denmark, The Netherlands, United Kingdom
		medium-sized (10-30)	Belgium, France, <sup>5</sup> Germany
		small (<10)	Italy, Spain
	Medium-sized (0.5-1M)	large (>30)	Ireland
		medium-sized (10-30)	
		small (<10)	Austria
	Small (<0.5M)	large (>30)	Sweden
		medium-sized (10-30)	Finland
		small (<10)	Estonia, Latvia, Luxemburg, Malta <sup>6</sup>
<b>A) weak level of control</b>	any	large (>30)	Bulgaria
		medium-sized (10-30)	Poland, Slovenia
		small (<10)	Czech Republic, Hungary, Romania, Slovakia

According to this table and the values assigned to each category, the potential strength of public regulation over land use change in the different countries can be quantified as follows:

<sup>5</sup> While local governments in France are very fragmented, the Urban Communities cover most cities and their agglomerations

<sup>6</sup> For Luxemburg and Malta the results may be misleading due to the small size of the country

**Table 11. Results of the evaluation**

Value	Countries
7	
6	Denmark, The Netherlands, Portugal, United Kingdom
5	Belgium, Cyprus, France, Germany, Greece, Ireland, Lithuania
4	Italy, Spain, Sweden
3	Austria, Bulgaria, Finland
2	Estonia, Latvia, Luxembourg, Malta, Poland, Slovenia
1	Czech Republic, Hungary, Romania, Slovakia

The results show a high diversity of government and planning systems in the EU countries from the perspective of land-use change. Regarding the **potential control resulting from the national government and planning systems**, Northern European countries (e.g. Denmark, the UK and the Netherlands) to show higher levels mostly because of their consolidated local government systems, while Southern European countries showing a higher potential (such as Cyprus, Greece or Portugal) have more fragmented local government systems, but stronger control by supra-local levels. Most new member states show a weak control potential, with the notable exemptions of Lithuania (where the tradition of strong planning is based on the presence of the former Western Soviet planning institutions) and Bulgaria (with a consolidated local government system).

The results show different values regarding the potential control resulting from the national government and planning systems. However, **these values don't show the real strength of the public control over land-use change**, as in practice these powers can be effectuated in different ways. Because of this, these values **should be seen as a potential resulting from the government and planning systems**. A weak potential control is hard to overcome even if the willingness is given, while a high potential may or may not be used entirely, depending on the intentions of the public bodies in power.

Studies on other factors influencing the strength of the public control can be found in deliverables D2.2.2 and D3.3.10, studying the interests of public sector and its further instruments influencing land use change (e.g. financial incentives), and the role of governance respectively.



## 4 National reports on the formal structure and functioning of the government system and spatial planning in each of the EU-27 countries

### 4.1 Introduction

The structure of the country reports has been prepared at the WP2.2 workshop in Kavala (June 2008). The reports are mostly based on existing literature and databases, but we tried to keep them as up-to-date as possible. Every country report consists of three main parts:

- Description of the government structure (from the land-use decisions perspective);
- Description of the spatial planning system;
- A summary table summarizing the main points of information and containing the evaluation according to the two dimensions described in the previous chapter.

The government part concentrates on the territorial and institutional organization and responsibilities of the local administrative level, the multi-level government structure and the trends affecting the development of the government system.

The planning part includes the style of planning, the planning hierarchy (institutions and instruments) as well as a more detailed description of the plans which influence the RUR level.

Most of the country reports have been already checked by local experts (PLUREL partners from the given country if available, or other professionals from relevant institutes), whose comments and suggestions were taken into account when updating the reports.

### 4.2 Austria

#### 4.2.1 Government

##### 4.2.1.1 The formal government structure

##### 4.2.1.1.1 The basic units: local governments

Austria is a federal republic and the responsibilities of public administration have 3 levels of territorial authorities but 4 levels of administrative authorities: i. federal government, ii. States (Länder), iii. districts and iv. municipalities. Essentially, the separation of powers has priority over cooperation. Every territorial authority, has its own administrative apparatus, the federal level is characterized by strict separation of fields of responsibility. The members of the state government are responsible for tasks defined in the rules of procedure within the single state administration of the office of the state government. The municipalities are independent territorial authorities with autonomous rights. Their sphere of activities is laid down in the constitution.

**Local level: about 2400 municipalities** (*Gemeinden*)

Local authorities

The **municipal council** (*Gemeinderat*) is the deliberative body of the municipality. Its members are elected by direct universal suffrage on the proportional representation system for a 5 or a 6-year term depending on the *land*. The municipal council appoints the members of the *Gemeindevorstand*.

The **local administrative board** (*Gemeindevorstand*) is the executive body of the municipality. It is composed of members from different political parties, proportionally to the electoral result of each party. The mayor heads the board.

The **mayor** (*Bürgermeister*) is the head of the municipal administration. Depending on the *Länder*, (s)he can be elected by the municipal council or by direct universal suffrage (in most *Länder*). The mayor manages the executive board and chairs the municipal council.

Competences:

- Social services
- Public order
- Urban planning
- Water
- Sewage
- Roads and Household refuse
- Urban transports

#### 4.2.1.1.2 The multi-level government structure

**Regional level: 9 regions/states** (*Bundesländer*)

The regions (*Länder*, *Bundesländer*) have their own constitution as well as genuine legislative power for areas of relevance to the *Land*.

Regional authorities

The **regional parliament** (*Landtag*) is composed of members elected by direct universal suffrage for a 5 or a 6-year term. It appoints the governor as well as the regional government. Some of the *Länder*'s legislative competences are exclusive to the regional level while others are shared with the national parliament.

The **regional government** (*Landesregierung*) is the executive board of the region and is headed by a governor. There are two systems for the election of the regional government: the proportional system (almost each party is represented in the regional government) and the majority system (in the process of standardisation). The **governor** (*Landeshauptmann*) is elected by the regional parliament. (S)he is in charge of external representation of the *Land* and chairs the sessions of the government.

Competences:

- Energy distribution
- State law and order
- Health
- Sport and leisure
- The environment
- Transport

### **Regional (administrative level: 99 Districts (*Bezirke*))**

The districts (*Bezirke*) are administrative units headed by the district governor (*Bezirkshauptmann*) who is not elected by the people but appointed by the state. All employees are employees from the state, the administration take over supervision duties controlling the municipalities. Supervised Issues are industrial plant licences, school- , social-, spatial planning supervision -, road traffic regulation aspects and others. Some large urban municipalities (“*Städte mit eigenem Statut*”) - usually 2-3 - per state, serving as regional capitals, have municipality as well as district competences.

National level: Federal state.

The federal state is represented by the president (*Bundespräsident*), elected by the people. His duties are more or less representative ones.

The governance power belongs to the National Council (*Nationalrat*), whose 183 members are elected by the people. The national council elects the Chancellor (*Bundeskanzler*), who builds his/her Cabinet (*Bundesregierung*) of several ministers and secretaries of state (assisting the ministers). Usually one of the ministers is Vice chancellor (*Vizekanzler*) as the chancellor’s proxy. If the cabinet is built by a coalition, the 2nd political party places the vice chancellor.

The Federal Council (*Bundesrat*) a territorial representative chamber. Of 62 members are appointed by the *Länder* Governments. The *bundesrat* has weak power aiming somehow in an “observation function”. It can accept federal laws or not. Non-acceptance has only a delay effect as the law has to be reconfirmed by the national council

Competences (partly shared with the states)

- Federal law
- Tax regulation, and tax re-distribution
- Defence and police
- Higher school - and university system
- National power grid
- Railway, River and Air transportation

The Federal Republic of Austria (*Republik Österreich*) is a Federal State composed by 9 Federate States (*Länder*), including the State-city of Vienna. The process of regionalisation has taken place through its federate authorities, where the members of their parliaments (*Landtäger*) are directly elected by universal suffrage.

The Federal Republic of Austria has a federal constitution but each Austrian state has also its own constitution. The spatial planning powers remain at the three main territorial level (national, regional and local), but the main powerful level is the local one. Finally, the Austrian Senate is a real territorial representative chamber. All of its 62 members are appointed by the *Länder* Governments. On all levels the authority normally has to bear all incurred costs on its own, but the national government makes an effort to subsidise weaker communities. As all of the Federal States, the Austrian *Länder* Governments have legislative powers.

Austrian governance system has a weak hierarchical structure. Each state and each ministry has its own responsibilities and Sectoral and regional collaboration is existing voluntarily. Each ministry has certain agencies or companies responsible to the respective ministry. Thus there is only little co-operation between agencies, departments and/or

authorities, besides there are problems of relationships between different levels. The attitudes related to the vertical co-ordination are weak but one of the priority governance objectives for the central government is the vertical one. The EU-principle of “partnership” has been accommodated through the foundation of 25 regional development organizations in Austria that also receive some financial support from the office of the Federal Chancellor. They are no official bodies but a collaboration framework to improve the co-operation of regional actors (political and private), to develop bottom-up development strategies in co-ordination with the national and regional level, and to promote regional key projects in consensus with the most relevant actors of the region. They do not have planning power. Planning co-operations are sometimes officially decided and administrated (and paid) by the *Bundesländer*.

In the spatial planning field, Austria has a moderate vertical coordination and weak horizontal coordination.

#### Multi-level structure:

Category	Performance
Model of State	Federal
Typology of regionalization	“Regionalization” through the Federate Authorities
Constitutional reconnaissance of Regional and/or local levels	Each region has an own Constitution
Allocation of Spatial Planning powers	- Strong local - Weak regional - Weak national
New Spatial Planning powers	No
National territorial chambers	two Territorial Chamber
Regular multi-level governmental meetings	No
Dependence of local governments on central government	Fairly independent
Constitutional regions	All Länder
Devolution to 1st tier local authorities	Substantial powers have been allocated to local authorities

Source: ESPON 2.3.2

#### NUTS categorization:

Austria	NUTS1		NUTS2		NUTS3	
AT	Groups of states	3	States	9	Groups of <i>Bezirks</i> (districts)	35

#### 4.2.1.1.3 Trends and dynamic processes

Joining the European Union has not replaced one or the other form of governance in Austria. Rather one can observe a co-existence of hierarchical federal structures, co-operative negotiation system, competition (between regions for example) and self-regulating markets. The “traditional” actors (members of the political executive and members of the administration) still take a central role. Additionally, they have also adopted new representative and information functions and now act as multilateral brokers as well.

Moreover, the biggest problem of decentralization is the poor co-ordination which arises from the random organization [of] spatial policies. Intensive cooperation is required in the areas of granting assistance in accordance with the rules of the EU. It will be a future challenge to harmonize the development policy and spatial planning policy measures to avoid that any of these measures induce opposing developments. Examples where harmonization would be sensible are investments in transport infrastructure, guidelines for granting the regional distribution of public facilities.

#### 4.2.1.2 The government level deciding on land development/conservation and its relation to the RUR regions.

Legislation on spatial planning and spatial development is closely connected with the decentralized structure of the Austrian state-system. This fact is reflected in the powers and competencies of the three territorial levels. In other words, spatial planning is carried out at all levels, the national government, the provinces and the municipalities. The local level is the key player in spatial planning. The states (*Länder*) regulate spatial planning with their own legislation. Spatial planning legislation differs from one state to another.

With respect to authorities that have the power of approval of new spatial plans of any kind for an entire administrative area, it must be noted that in Austria these authorities are elected (directly or indirectly) by the local / regional population.

Regarding the ideas and orientation of spatial planning, the communities are independent and keep a strong position, because the Austrian constitution entitles them to act as sovereign planners and economic bodies. As a result they have a wide range of opportunities for self-government and regional development. Above all spatial planning in Austria is carried out on local level, where the mayor acts as the building authority. But the municipalities not only have to guarantee an appropriate settlement but also economic welfare, attractive facade and surroundings, the protection of historic buildings as well as traffic planning. Also these topics would require a stronger regional or even national instrument even though some successful projects exist.

Spatial planning on national level does not exist in the strict sense. It resembles a regional development policy with sectoral government aid rather than a planning activity. The regional level works on special plans and programs that deal with geographical or sectoral aspects without claiming to be exhaustive.

Consequently, spatial planning is carried out at all three levels of government: by federal government (sectoral planning with territorial reference), the states (*Länder*) and the municipalities. Thus, since the federal government does not have competence for comprehensive planning in the sense of physical, spatial planning, no ministry for spatial planning exists at the federal level. The diverse sectoral (planning) activities with spatial implications are the competence of the corresponding federal ministries, whereby individual tasks are delegated in part to the states.

Comprehensive spatial planning is the competence of the 9 states. This is the level at which spatial planning laws are passed. Based on these laws the state government implement state development plans and sectoral state plans as well as regional development plans and sectoral regional plans in varying numbers and of differing natures. These contain objectives and the determination of locations for the corresponding state or parts of it. These plans function as the supra-local framework for the local spatial planning of the municipalities. The spatial planning laws also lay down the planning instruments of the municipalities. In addition, states have the duty to supervise municipal planning and to assist municipalities in their work.

Essentially the municipalities are the bodies that control permissible land use through the zoning plan. The zoning plan determines the permissible use of land, but it does not contain any obligation to actually implement this use (e.g. housing). Finally the municipalities have a building regulation plan that determines the use of building land. The smaller municipalities, however, hardly ever apply the building regulation plan. Local

spatial planning is one of the autonomous tasks of municipalities. The state is the supervisory authority and approves spatial planning in a municipal level according to the criteria of conformity with the spatial planning laws as well as with the supra-local plans of the state. The actual instruments of implementation of the objectives of spatial planning are contained in building laws: the building permit must comply with the zoning.

The municipalities' local planning power is often used (and defended) to stabilize or increase municipality budget by providing zoning plans and further planning regulations to attract new inhabitants or new companies establishing workplaces. One certain reason refers to the federal tax system. Most tax (except property tax, which is very little in Austria and a sort of employment tax, based on a percentage of the salaries to be paid by private employers, which is also little) is collected by the federal state, who re-distributes the money based on certain rules which are mostly depending on population number: municipalities with large population numbers receive a larger share of the federal budget.

#### Regulations and permits

Building laws contain the most important procedures for implementing spatial planning goals. The most important authority for construction in Austria is the municipality. The *Bürgermeister* (mayor) is the *Baubehörde* (building authority) and the *Gemeinderat* (municipal council) is the first instance of appeal. The construction of a building requires a building permit granted by the municipality, whereby the main part of the procedure is the building project hearing. The building permit is required for all new constructions, additions and conversions of buildings as well as for numerous other measures related to real estate that could concern neighbours or public interests.

## 4.2.2 Spatial planning

### 4.2.2.1 Style of planning

Austria belongs to the Germanic family of planning, but it must be remarked that there is no such a long tradition or prestige of spatial planning in Austria. Spatial planning at national level does not exist in the strict sense. National planning is constrained to Sectoral planning frameworks for establishing /extending the motorway, maintaining the railway network and the Danube River as ship transportation infrastructure. The high voltage power grid network and mining site maintenance is also of national concern and may overrule local planning.

It resembles a regional development policy with sectoral government aid, rather than a planning activity. The federal structure of administration is a characteristic of the Austrian Constitution, which brought a lot of advantages and autonomy on regional and local level. Strong provincial identities, that stem [from the] history of the provinces as distinct political and administrative entities with their own traditions, are still present. The strong regional identity of the provinces is present not only in people's minds but also in the settlement and housing structure. Many inhabitants identify more with their province than with the nation-state, yet there are no secessionist tendencies among the provinces. The legislation of spatial planning and spatial development is closely connected with the decentralised structure of the Austrian state and therefore arranged accordingly. It is carried out at all levels (the national level, the provincial governments and the municipalities), even though the Austrian constitution does not mention "spatial planning" explicitly. Normally the provinces have got the core competence in planning legislation, (except for some sectoral policies at national level). The main [feature] of spatial planning is the competence of the municipalities. As a result of the Austrian decentralisation, coordination and cooperation efforts, [within a] complex legal situation, are rare and such efforts tend to be based on voluntariness. For this the Austrian system of spatial planning is rather an obstacle than an appropriate instrument for spatial policy.



#### 4.2.2.2 Key institutions making planning policies in the country

Starting with the most important and most serious planning level in Austria (the local level) we can say that this level is the only key player concerning spatial planning. The municipalities are liable to planning and formal control by the territorial authority. The national government does not outline any concrete planning concepts, but is responsible for a considerable amount of sectoral planning, that in turn influences regional development in Austria. The OEROK (The Austrian Conference on Regional Planning) can be named as the national body concerning spatial planning even though the OEROK is not very powerful and is rather a co-ordination platform. All resolutions have to be decided unanimously by all members of the 9 provinces and additional members from ministries. The effect is that the resolutions are very weak to find an acceptable compromise. The provinces assume most of the planning responsibilities and regulate spatial planning with their own regional legislation. As a consequence of this autonomous concept the legislation on spatial planning differs a lot from province to province.

Every provincial government installed its own department for spatial planning; yet the provincial governments share similar guidelines such as sustainability, control of spatial consumption, land use, settlement (area consumption, urban sprawl) and preservation of resources. The work of the municipalities is based on regional legislation, as mentioned above. Since 1962 they have been autonomous on the subject of the execution or orientation of planning even though the municipalities have to take into account national or regional interests, e.g. the railway system or road network. The municipalities also work closely with private planning agencies that offer professional planning recommendations and applications. A platform for general discussion of spatial planning in Austria is OEROK. One of its achievements is the designation of the European "Objective areas", areas that have enormous influence on Austrian regional development.

#### 4.2.2.3 Policy instruments, space-related plans on the different levels

##### **Federal level**

##### i. Austrian Spatial Development Concept (ÖREK 2001)

It was created by resolution of the Austrian Conference on Regional Planning as a follow-up product to ÖRK '81 and ÖRK '91. It is addressed to federal departments, state governments and municipalities as bodies responsible for spatial planning. It serves as guideline for all planning, but is not legally binding, but a resolution unanimously adopted by all planning bodies, and has the character of a politically self-imposed obligation (comparable to a charter). It contains descriptions of the most important spatial problems of Austria from a national perspective for selected sectors (settlement trends, open space, regional economy, social infrastructure and technical infrastructure) as well as goals for action in the medium-term and a catalogue of measures. An ÖREK 2011 is decided to be developed.

##### ii. Sectoral planning of some federal ministries.

##### Federal Chancellery

Attains significant instruments at its disposal in the area of regional innovation incentives. The Scheme for the Promotion of Endogenous Regional Development supports the use of consultancy services to overcome the lack of know-how and difficulties in accessing appropriate information which is a factor that may lead to bottlenecks in the economic development of disadvantaged areas. Special attention is given to projects that include regional cooperation.

##### Ministry for Transport and Infrastructure



It is responsible for all federal roads: motorways, expressways and national roads, rivers and airports motorway maintenance is currently outsource to a private company owned by the state: ASFINAG...

The ministry is further responsible for funding of innovation and research actions which has certain spatial effects.

Ministry of Economic Affairs

The most important instrument of innovation-oriented regional policy is the subsidy scheme Regional Innovation Bonus which is mutually funded by the federal government and seven states. Its goal is to subsidise economic renewal in old industrial areas and economic growth in peripheral rural areas. Preference is given to investments in product and process innovation.

Ministry of the Environment, Agriculture, forestry and Water issues

The Environmental Assessment Impact Act was passed in 1993 and came into force in July 1994. According to this act any construction project that is expected to have considerable effects on the environment must pass an environmental impact assessment. The minimum conditions required of the environmental impact assessment statements do not make any references to spatial planning.

The goal of spatial planning related to forestry is the maintenance of forests and their four functions: forestry (economic function), protection against flooding, avalanches and wind (protective function), the balancing effect on climate and waters (welfare function), and in particularly densely populated areas its important recreational function. A large proportion of forests are owned by the Austrian Federal Forests, but privately owned forests are also open to the public. The Forest Development Plan describes the functions of forest and improvement measures that can be taken. It serves as a basis for decisions on forestry.

## **State level**

### **i. Spatial Planning Laws of the States**

Most spatial planning laws of Austria's states were passed in the 1950s and 1960s. Since then these laws have been amended and revised many times. Recently, in almost all states far-reaching modifications have been made, triggered only in part by the impending Austrian membership of the EU and expectations regarding increased settlement area demand. The spatial planning laws of Austria's states are more similar in content to each other than their application has been in planning practice. First of all, they contain standards on the general and specific goals of spatial planning. In the new versions these goals have been expanded to include the space-saving utilisation of land, restrictions on second homes and measures for attracting building land to the market. The heart of spatial planning laws is the determination of the planning instruments and their forms for the supra-local planning work carried out by the states (comprehensive and sectoral planning for the state territory and for regions) and for the planning work of municipalities (local development schemes, zoning plans, building regulations plans) as well as the regulation of obligations and procedures.

### **ii. State Development Plans**

The plans envisaged in spatial planning laws for the entire territory are comprehensive in content and are issued by the state governments as official decrees.

### **iii. Regional Development Plans**

They are set up in the form of decrees issued by the state governments.

### **iv. Sectoral planning of the states**

Spatial planning at the supra-local level by the state is established either by decree pursuant to spatial planning laws or by government resolutions.

### **Local level**

The planning instruments of the municipalities are regulated in the spatial planning laws. It follows that their forms and designations vary from state to state.

#### **i. Local development schemes**

The spatial planning laws of five states provide for a planning instrument that serves as a preparatory stage before a zoning plan is drawn up that lays down the long-term development of the municipality. It has different names in the different states and is structured in part very differently.

#### **ii. Zoning plan**

Determine the possible uses of properties. The contents and the procedures for their setting up and approval are laid down in the corresponding spatial planning laws. The binding decree comprises the plan and the written explanation. The plan is drawn up for the entire territory of the municipality. It divides the territory of the municipality into different land use categories, mainly into building land, transportation zones and green land.

#### **iii. Building regulation plan.**

It is subordinate to the zoning plan and is drawn up for building land shown in the zoning plan or for parts of it. It is drawn up only for selected areas of building land.

### **4.2.2.4 RUR related plans in more detail**

RUR area in Austria would encapsulate a regional dimension. The term 'region' in general in Austria is understood to be a spatial formation on the level between the state and the municipality. Political representative bodies do not exist on this level. So-called *politische Bezirke* (districts) serve as purely administrative entities. From the spatial plans mentioned above, RUR related plans can be considered the following:

#### **i. State Development Plans**

These are binding for the authorities themselves in implementing sectoral and regional planning, for carrying out their supervisory functions over municipalities, and finally also for the municipalities' local spatial planning activities. The state development plans cover the entire territory of the states.

#### **ii. Regional Development Plans**

They are binding for spatial planning at local level by municipalities. Usually they refer to individual districts or to several districts, they may also only be set up for part of districts.

#### **iii. Sectoral planning of the states**

These deal with spatial planning measures in a limited sector (for example shopping centres). They have different designations in the different states. The states may set up sectoral plans based on spatial planning laws for both the entire state as well as for individual regions.

### 4.2.3 Summary table

Country	<b>AUSTRIA</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Austria 6 RURs have been delineated. Most of them are comparable in size to the municipalities, while being much smaller than the regions. The only exception is Vienna, where the RUR comprises of many municipalities.
<b>Government structure factor</b>	
Average population of the local municipalities	In Austria there are <b>2399 municipalities</b> ( <i>Gemeinden</i> ). The largest one is Vienna with population of 1 550 123 (census 2001). The average population of municipalities is around 3500.
The level above the local municipalities (population, elected/delegated/appointed, functions)	On an <b>intermediary level</b> Austria consists of <b>9 regions/states</b> ( <i>Länder</i> ). The most populous is Vienna with 1 550 123 inhabitants and the least Burgenland with 277 569. The most Länader have a population number of around 300.000 – 500.000 except the largest ones with around 1 million inhabitants. The average is around 930 000.  The decision making body is the <b>regional government</b> ( <i>Landesregierung</i> ), an executive board of the region and is headed by a governor, <b>elected</b> directly.  The tasks include energy distribution, law and order, health, sport and leisure, the environment and transport.
Overall assessment	<b>M/s</b> –medium-sized supra-local level (states) and small local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	Comprehensive spatial planning is the competence of the states. This is the level at which spatial planning laws are passed. Based on these laws the state government implement state development plans and sectoral state plans as well as regional development plans and sectoral regional plans in varying numbers and of differing natures. These contain objectives and the determination of locations for the corresponding state or parts of it. These plans function as the supra-local framework for the local spatial planning of the municipalities. The spatial planning laws also lay down the planning instruments of the municipalities. In addition, states have the duty to supervise municipal planning and to assist municipalities in their work.
Ratifying of local plans: do meso or higher level authorities have veto power?	The states (Länder) have veto power to local plans, which is not often executed.
Overall assessment (A/B/C)	<b>B (medium level of control)</b>

### 4.2.4 Sources of information

- Council of European Municipalities and Regions ([http://www.ccre.org/membres\\_en.htm](http://www.ccre.org/membres_en.htm))
- ESPON 2.3.2, Final report, <http://www.espon.eu/>
- European Union (1997-2001): The EU compendium of spatial planning systems and policies, Office for Official Publications of the European Communities, Luxembourg.
- Loibl Wolfgang, Head - spatial systems department, Austrian Research Centers, Nov. 2008, updating and comments.

## 4.3 Belgium

### 4.3.1 Government

#### 4.3.1.1 The formal government structure

##### 4.3.1.1.1 The basic units: local governments

###### Municipalities (589)

Currently Belgium has 589 municipalities of which 308 are located in Flanders, 262 in Wallonia and 19 in Brussels Capital Region. The size of the municipalities varies in population from about 460.000 in the city of Antwerpen down to 100 inhabitants, with an average of around 18.300 inhabitants. Each municipality has a municipal council, consisting of councillors, the mayor and aldermen. The size of the municipal council ranges from minimum 7 to maximum 55 members depending on the population size of the municipality. Its members are directly elected every six years. The executive body of a municipality is the council of mayor and aldermen, which consists of the mayor and a number of aldermen, varying from 2 to 20 depending on the number of inhabitants. The aldermen are elected by and out of the municipal council for a fixed period of six years. The municipalities competent for all matters of municipal interest, and similar to the provinces, they must reckon with higher rule of law and act under the attentive supervision of the central (regional) government.

###### Municipal competences:

- Public order and security (local police)
- Registry office
- Urbanism, housing
- Water, sewage
- Waste
- Culture, sports, youth
- Social policy
- Local economy
- Employment
- Primary school education
- Local finance

##### 4.3.1.1.2 The multi-level government structure

The Kingdom of Belgium (Koninkrijk België in Dutch, Royaume de Belgique in French, and Königreich Belgien in German) is an asymmetric Federal State with a complex political system of government. The revision of the Constitution established since the 1993 revision of the constitution, Belgium is officially a federal country, with:

- Three language based Communities (Communautés): Flemish Community (Dutch-speaking), the French Community and the Dutch-speaking Community
- Three Regions: Wallonie, Brussels and Flanders

The government structure of Belgium, until the mid 1970s, was organised around the central State with three levels of administrative government. Besides the tight national

central government, there were two decentralised government levels: a. the province and b. the municipality. These two tiers of government were literally 'subordinate authorities' and are competent for matters of provincial and municipal interest, under the attentive supervision of the central government. However, between 1970 and 1993, the Belgian unitary State evolved towards a federal State and the administrative system was divided between the federation (national government), Regions and Communities, each with their own specific responsibilities and powers.

### **Federal level (national)**

On this level, the legislative power belongs to the Parliament, consisting of the Chamber of Representatives and the Senate. The constitutional reform of the 1993 redefined the role of the two Chambers and reviewed the number of Members of Parliament. Thus, since 1995, the Chamber is consisted of 150 members, all directly elected every four years. The Senate is consisted of 71 members of whom 40 are directly elected. In addition, 21 members are elected representing the Flemish Council and French community Council (each of 10) and the Council of the German-speaking Community (1), whereas 10 other members are co-opted

### **Communities (3) and Regions (3)**

The Belgian government system is a federal one; however, instead of one type of constituting element, there are two types: a. Regions and b. Communities (*Communautés*). Both types are each responsible for a different set of governments domains. Basically, language-related (such as culture) and person-related matters (such as welfare) are transferred to the Communities, while economic-related (such as economy and public works) and territory-related matters (such as spatial planning and environment policy) are attributed to the regions. In addition, the territory of a Region does not necessarily concur with the territory of a community. Regions and Communities cover different territories in Belgium, overlapping each other. The key element in marking out the territories of Regions and Communities is the linguistic area.

### **Linguistic areas**

In 1963 the borders between the three linguistic areas and Brussels were defined. Hence, the four linguistic zones are a. the Dutch linguistic area (provinces of West Flanders, East Flanders, Antwerpen, Limburg and Flemish Brabant), b. the French linguistic area (provinces of Namur, Hainaut, Walloon Brabant, Luxembourg and Liège except the German speaking municipalities), c. the German linguistic area (nine municipalities in the province of Liège), and d. the bilingual linguistic area (Dutch and French) that is formed by Brussels capital consisting 19 municipalities.

Since May 1995, the Flemish Council comprises 118 directly elected members. Both the council of the Walloon Region and the Council of the Brussels Capital Region comprise 75 directly elected members. Furthermore, the legislative power of the federal State is exercised by Act and the Communities and the regions by the enacting of Decrees. The decrees have force of law throughout the territory for which they are intended.

#### **Regional competences:**

- Land development
- Urbanism
- Housing
- Agriculture

- Employment
- Environment
- International relations
- External trade
- Scientific research
- Energy
- Public transport

Community competences:

- Education
- Culture
- Social affairs
- Tourism
- Sport
- International relations
- Health

### **Provinces (10)**

Since 1995, Belgium is consisted of 10 provinces: Antwerpen, East Flanders, Flemish Brabant, Hainaut, Liège, Limburg, Luxembourg, Namur, Walloon Brabant and West Flanders. There is also Brussels Capital Region which is on the same level with the other 10 provinces. Every province has a provincial council of which members are directly elected every six years. The number of members depends on the size of the province and varies between 47 and 84. The executive body of the province is the permanent deputation, which consists of the governor and six members. They are elected from and by the provincial council. The provinces are competent for all matters of provincial interest, however, they must reckon with higher rules of law. The provinces act under the attentive supervision of the central (regional) governments.

Provincial competences:

- Cultural infrastructures
- Social infrastructures and policies
- Environment
- Economy
- Transport
- Housing

### **Counties (43)**

Besides the 10+1 Provinces, there are also 43 Arrondissements (Counties) which can be categorized as the NUTS3 level in the administrative scale of Belgium.

Multi-level structure:

Category	Performance
Model of State	Federal
Typology of regionalization	"Regionalization" through the Federate Authorities
Constitutional reconnaissance of Regional and/or local levels	Local and Regional
Allocation of Spatial Planning powers	Weak local Weak sub-regional / supra-local Strong regional
New Spatial Planning powers	No
National territorial chambers	Partially Territorial Chamber
Regular multi-level governmental meetings	Conference of Presidents without authority to reach binding decisions
Dependence of local governments on central government	Fairly independent
Constitutional regions	All Regions and Communities
Devolution to 1st tier local authorities	Substantial powers have been allocated to local authorities

Source: ESPON 2.3.2

NUTS categorization:

Belgium	NUTS1		NUTS2		NUTS3	
BE	Regions	3	Provinces (and Brussels Capital Region)	11	Arrondissements	43

#### 4.3.1.1.3 Trends and dynamic processes

Belgium has a strong tradition of local involvement and co-operation. However, there is a problem of co-operation at the federal level. Some would like to go on to more federalization, which would to some extent lead to confederalism. A most difficult question in this process is the balance between solidarity and even greater autonomy.

The "non consensual" atmosphere originates in the history of Belgium, with conflicting interests, and the fact that there is not anymore one central power: All the federated entities are on a par, between them, and with the federal state. As the conflicts between French speaking and Dutch speaking *Communautés* and Regions are continuing, the prospects are not optimistic. Nevertheless, it must be recognized that Belgium has succeeded to change from a unitary state to a federal one.

Nonetheless, significant legislation trends regarding the functioning of public administration are:

- federal law on 'motivation des actes administratifs', 1991
- federal law on 'publicité de l'administration fédérale', 1994

both followed by regional laws

In addition, steps have also been taken concerning the relation between administration and citizen:

- Ombudsman (1995)



- ‘Guichet Unique’
- E-government
- ‘Reforme Copernic’ (controversial attempt to change the culture of the administration by incorporating elements from the private sector).

#### 4.3.1.2 The government level deciding on land development/conservation and its relation to the RUR regions.

There are three different planning systems as every Region (federated entity with competence in spatial planning) has gradually adopted its own planning legislation. Each of the three Regions has one basic law providing the general framework for all respective plans.

In the three spatial planning systems, the municipal and regional (central) level predominantly has the planning responsibilities and powers. As opposed to the Flemish Region, the intermediate, provincial, level plays only a limited planning role in the Walloon Region. The provincial level in the Brussels Capital Region has been removed. The federal level has no spatial competencies. However, at the federal level, some institutions like the State Council and the Court of Arbitration play a judicial and advisory role respectively.

The municipality is responsible for the design of municipal destination plans or municipal structure plans and for granting and parcelling building permits. Municipality can organise themselves in inter-municipal corporations that deal with specific technical aspects, however, without taking over the final responsibilities neither from the municipal councils nor from the councils of mayor and alderman involved.

In the Walloon Region the provincial authorities statutory cannot adopt their own destination plans. In the Walloon Region, the provincial authorities are in charge of the public inquiries related to the sub-regional plans; their role is very limited concerning municipal plans. Secondly, the province acts as an administrative appeal body against permit-related decisions of the council of mayor and aldermen. The provincial authorities also have some sort of 'technical' department. The main function of these departments is to examine permit-related appeals and to make recommendations to the permanent deputation. In the Flemish Region, the provincial level also acts as administrative appeal body. Since the 1996 Spatial Planning Act, however, the provincial level became a full planning level, with plan-making and plan-implementing competencies. Currently, the Flemish provinces are also responsible for the administrative supervision of the design of the municipal plans, such as for instance on the preparation of municipal public inquiries. The Brussels Capital Region does not form part of a province; consequently, the provincial level has been removed.

Each of the three Regions has an administration which is responsible for spatial planning, the Administration of Spatial Planning and Housing (ASPH). The tasks of these regional (central) planning administrations mainly involve policy preparation and policy implementation on the level of the Region (regional plans, sub-regional plans, structure plans, etc.), advice on appeals, plan damage, legal matters, international corporation, etc.

##### Regulations and permits

In general, a preceding and explicit permit is required to build, rebuild or demolish a fixed construction, change its destination, deforest, change the relief of the ground, cut down isolated trees, exploit or change heaths and moors, fit up a terrain as a depot for used cars or scrap, install one or more movable constructions which could be used as a residence, etc. All these actions require a building permit. These obligations apply to both private and public developers.

In principle a building permit is used by the municipal government. There are four general exceptions to that rule:

- The applicant is a public authority or public agency. In that case the procedures used to process development proposals of public institutions and authorities differ slightly from these applicable to private persons or organisations.
- The permit is requested for works of public interest that regard more than one municipality
- The applicant is not informed in time of the decision of the municipal government and request a higher delegated official to decide.
- The applicant has issued an appeal against the initial decision of the municipal government upon which a higher government has to decide.

By way of building permits government authorities control whether development proposals concur with planned destinations and building regulations.

Furthermore, the concept of good spatial planning or 'good local planning' is an important element in the Belgian permit granting systems. The legislation of all three Regions refers at this principle.

### 4.3.2 Spatial planning

#### 4.3.2.1 Style of planning

Belgium was a unitary state until the 70's, and then began to evolve towards federalism. Following this evolution, planning went from a mainly central state/municipalities frame to a regionalised frame. The national state does not have any more any competences in spatial planning, a competence which was one of the first to be transferred to the Regions. This is a very specific case in Europe. The Regions then reinstalled a "Napoleonic" scheme, with their government as the central state, and municipalities still as the basic building block of local administration. Municipalities have elected Councils, and some financial autonomy. They are also competent in spatial planning, under the covering strategic and mandatory plans of the Regions (with one more level in the Flemish region, the Province).

#### 4.3.2.2 Key institutions making planning policies in the country

As a result of the federalization process, there is no spatial planning at the national level. Spatial planning has been allocated to the Regions along with the economy and the environment among others, while *Communautés* are responsible for culture, education and matters linked with individuals. Municipalities (Communes) are responsible for permit delivery. The federal state is involved only in large transport infrastructures.

#### 4.3.2.3 Policy instruments, space-related plans on the different levels

##### **National level**

Since the 1980-93 constitutional reforms, the federal level no longer has competencies related to spatial planning, so that Belgium does not actually have a national plan. Merging the spatial plans of the three Regions, whose contents and presentation are substantially different, only provides a patchwork.

##### **Regional level**

The 1962 Spatial Planning Act contained provisions for regional planning plans. Initially 20 planning regions were established. Later the number was reduced to seven. In Flanders five such planning regions were established, one of each province. In both

Wallonia and Brussels there was one planning region. Despite extensive preparation no plans for these planning regions ever were adopted.

In 1991 the Brussels Capital Region introduced two kinds of regional plans in its statutory planning system: the regional development plan (balances and sets spatial planning goals and priorities in light of economic, social, cultural, transport and environmental considerations and interests. Also identifies the means required to realise the goals and the changes to be introduced by lower tier plans) and the regional destination plan (contains a detailed description of the existing use of land). Regional destination plan further identifies the general destination of the different areas of the Brussels Capital Region and the applicable instructions. It also deals with the construction of new roads, specific areas requiring special protection and can contain requirements concerning the location and size of buildings. Both plans are legally binding. In 1996 the Flemish planning legislation introduced the regional structure plan (focuses on four main elements: i. urban areas, ii. regional employment areas, iii. open space, and iv. infrastructure. Two central priorities: i. the preservation of the open space, and ii. the revaluation of the urban area) and regional implementation plans. In 1997 the Walloon Region introduced in its planning legislation a regional structure plan (content: i. the promotion of the Walloon cities, including an appropriate balance between the cities and a revitalisation of the urban fabric, ii. the adequate definition of a territory and a way of life for the rural areas, including promotion of the territory's own resources and safeguarding of the quality of the living environment, iii. the definition of development projects for each one of the five dynamic areas identified on the Walloon territory) which will form the framework for future decisions.

### **Sub-regional level (sub-regional plan)**

A sub-region is a planning entity situated between the territory of a municipality and a province, characterised by among others specific socioeconomic relations that exist between municipalities that form part of it. Its average surface is approximately 625 Km<sup>2</sup>, with wide variations. The sub-regional planning area does not represent a political-administrative entity, however, the provisions of a sub-regional plan are binding and regulating in the sense that the plan regulations have binding powers both on the government authorities and citizens. Initially, the sub-regional plans -both in form and content- are regarded as instruments for checking further deterioration of the environment. They are essentially zoning plans and determine the use of the whole territory by precisely indicating the allowed activities in each type of zone.

### **Provincial level (provincial spatial structure plan)**

The provincial spatial structure plan contains binding regulations, indicative elements and an informative part. The plans linked to a legislature, but remains in force until it has been replaced.

### **Local level**

In the three Belgian planning systems there are distinct types of local plans. The different plans are shown below:

Region	Covering the entire municipality	Covering part of the municipality
Flanders	Municipal spatial structure plan	Municipal destination plan
Wallonia	Municipal structure plan	-Particular destination plan -Guiding structure plan
Brussels Capital	Municipal structure plan	Particular destination plan

*Source: EU compendium of spatial planning systems and policies: Belgium*

#### 4.3.2.4 RUR related plans in more detail

The legislative body of the regions is the regional council. It is entitled to determine freely the spatial planning in its region by issuing Decrees (Flemish and Walloon Region) or Ordinances (Brussels capital Region). The executive power is the regional government. At this level (sub-regional / provincial and regional), the related plans are according to Regions:

##### Flemish region

Regional level: Spatial structure plan (*Ruimtelijk Structuurplan Vlaanderen*), a type of structure plan and Spatial implementation plans (*Ruimtelijk uitvoeringsplannen*), which is a type of land-use plan

Provincial level: Provincial structure plan (*Provinciaal Structuurplan*), a type of structure plan and Provincial implementation plan (*Provinciale uitvoeringsplannen*), which is a type of land-use plan

##### Walloon region

Regional level: Walloon regional structure plan (*Schéma de Développement de l'Espace Régional*), a type of structure plan

Sub-regional level: Sub-regional plan (*plan de secteur*), which is a type of land-use plan

##### Brussels capital region

Regional level: Regional development plan (*Gewestelijk ontwikkelingsplan/ plan Régional de development*), a type of structure plan and Regional destination plan (*Gewestelijk bestemmingsplan/ plan Régional d'affectation du sol*), which is a type of land-use plan.

### 4.3.3 Summary table

Country	<b>Belgium</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Belgium 7 RURs have been delineated. Most of them have a size greater than the municipalities.
<b>Government structure factor</b>	
Average population of the local municipalities	In Belgium there are <b>589 municipalities</b> . The largest one is Brussels-Capital Region with population of 1,031,215. The average population of municipalities is around <b>18 300</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	Belgium consists of <b>3 regions</b> with an average population of around 3 580 000. On the intermediary level Belgium consists of <b>10 provinces plus Brussels Capital Region</b> . The most populous is Antwerp with 1,682,683 inhabitants. The average population is around <b>980 000</b> . The decision making body is the provincial council of which members are directly <b>elected</b> every six years. The tasks include cultural infrastructures, social infrastructures and policies, environment, economy, transport and housing.
Overall assessment	<b>L/m</b> – large supra-local level (regions) and medium-sized local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	In the Walloon Region the provincial authorities statutory cannot adopt their own destination plans. In the Walloon Region, the provincial authorities are in charge of the public inquiries related to the sub-regional plans; their role is very limited concerning municipal plans. Secondly, the province acts as an administrative appeal body against permit-related decisions of the council of mayor and aldermen. The provincial authorities also have some sort of 'technical' department. The main function of these departments is to examine permit-related appeals and to make recommendations to the permanent deputation. In the Flemish Region, the provincial level also acts as administrative appeal body.
Ratifying of local plans: do meso or higher level authorities have veto power?	Meso level authorities have veto power in the Flemish regions while higher level authorities have veto power in the Walloon regions.
Overall assessment (A/B/C)	<b>B (medium level of control)</b> - the types of regional/planning policies differ between Flemish and Walloon regions.

### 4.3.4 Sources of Information

- ESPON 2.3.2
- Council of European Municipalities and Regions ([http://www.ccre.org/membres\\_en.htm](http://www.ccre.org/membres_en.htm))
- European Union (1997-2001): The EU compendium of spatial planning systems and policies, Office for Official Publications of the European Communities, Belgium.

## 4.4 Bulgaria

### 4.4.1 Government

#### 4.4.1.1 The formal government structure

##### 4.4.1.1.1 The basic units: local governments

Bulgaria consists of 264 municipalities. The average population of the municipalities is around 28 800. The most populous municipality is the capital Sofia with 1.173.988 inhabitants and the smallest one is Treklyano with 1144 inhabitants. Before 1959 the number of municipalities in Bulgaria was 2142. The 1957 reform reduced this number to 1377, and again a new reform in 1979 reduced their number to 291. After 1979, this number was gradually reduced to 264.

The main actors of decision making on the municipal level are the following:

The **municipal council** (*obchtinski savet*) is the deliberative body of the municipality. Its members are elected by direct universal suffrage for a four-year term. Members of the municipal council (between 11 and 51 councillors) elect the chair from among themselves. The president convenes and chairs the council, and coordinates the commissions' work.

The **mayor** (*kmet*) is the executive of the municipality. He/she is elected by direct majority universal suffrage for a four-year term. His/her role is to manage, coordinate, and implement policies adopted by the municipal council. The mayor is also responsible for the administration and represents the municipality.

There are local governments also below the municipality level. City districts can be established in cities with more than 100.000 inhabitants. Furthermore, there are more than 5000 settlements in Bulgaria. As an average, the municipalities include 20 settlements. 4-5 settlements in a municipality form a mayoralty. Mayoralties have their own mayor. City district mayors are elected by the municipal council, mayors of mayoralties are elected by the population of the respective mayoralty.

The sphere of activity of local authorities is regulated by the Local Self-Government and Local Administration Act (Article 11) and embraces the powers and regulations on issues mainly to do with:

- the planning and development of the territory of the municipality and its constituent settlements;
- environmental protection, control and rational utilisation of natural resources of municipal importance;
- protection and conservation (maintenance) of cultural, historical and architectural monuments of municipal importance;

##### 4.4.1.1.2 The multi-level government structure

Between 1987 and 1999 Bulgaria consisted of nine regions (*oblasti*, singular *oblast*); since 1999, Bulgaria has 28 administrative regions, or **districts**. All take their names from their respective capital cities. The most populous district is the Sofia city with 1.231.622 inhabitants and the smallest one is Vidin with 117.809 inhabitants.

The district is a de-concentrated state administration unit responsible for implementing the government's policy at regional level. There is no elected district government. The district administrations are part of the State organisation and are financed from the State budget. Its competences are mainly to supervise the legal decisions of the local authorities and to participate in the preparation of regional development plans. It is headed by a governor appointed by the Bulgarian government.

The districts correspond to the NUTS 3 unit.

For the purpose of the regional analysis and planning Bulgaria has 6 NUTS 2 regions (rayons). The most populous region is the South West with 2 112 000 inhabitants and the smallest one is the North Central region with 963 000 inhabitants. The average population of a region is 1 296 000.

These **NUTS 2 regions** have no administrative competences; it has been established for the sole purpose of regional planning and development as a result of the application of the European Commission Regulation No. 1059/2003. The Regional Development Councils in the NUTS2 regions have a lot of functions in regional planning and OP "Regional Development" operation. The members of the councils are representatives of ministries, the district governors and representatives of the municipalities from the respective region, as well as NGOs.

Regional Development Agencies are non-profit organisations without own budget, they have no official role in the allocation of EU Funds.

#### 4.4.1.1.3 The dynamic processes

A lot of studies and proposals for establishment the second level self government have been prepared – but these are only at design stage.

#### 4.4.1.2 The government level deciding on land-use changes and the RUR regions

The preparation of master development plans and local land use regulations is the competence of the municipalities. These master plans of municipalities and towns should provide a basis for the overall spatial planning of the areas of municipalities.

The number of NUTS2 regions is 6. It means that in most NUTS2 regions is a RUR but their size is substantially smaller than the regions.

Central government and district administration have some competencies concerning spatial planning and land use in the municipalities. Although, master plans are approved by municipal councils, they should be preliminary coordinated with the concerned central and territorial administrations, and - if necessary – with specialized controlling authorities and operating companies. The concordance takes place by a simplified procedure of presentation of written opinions or participation of representatives of the appointed administrations in the meeting of the expert board on spatial planning. Master plans of towns with population exceeding 30 000 inhabitants, of the Black Sea coastal municipalities and of settlement structures of national importance are approved by the National Expert Board on spatial planning, which decisions are mandatory. This requirement is due to the fact that these towns and structures play a role which exceeds their local significance and makes them centres of the national settlement network. There are 33 cities and towns in Bulgaria, which have more than 30.000 inhabitants.

### 4.4.2 Spatial planning

#### 4.4.2.1 Style of planning

The current experience of the country under the new socio-economic conditions is hard to characterize, since it is fragmentary. Higher level plans are not real plans, but schemes. It means that though the control on the spatial planning and land use regulations of lower



levels is strict and strong, but it is not based on higher level plans, but on the work experience and knowledge of the Expert Board members.

The new legislation on spatial planning is based on the following principles: · The use of spatial planning tools for attaining more balances and sustainable development and the pattern of growth with the aim of acquiring better life conditions for people; · Integration of spatial planning into development policy and planning at all levels (national, regional, local); · Activation and mobilization at all planning levels (local, regional, national) and all parts of the national territory because of their interdependence.

#### 4.4.2.2 Key institutions making planning policies in the country

The guiding principles of spatial planning policy are determined by the Council of Ministers.

The Ministry of Regional Development and Public Works (MRDPW) is the key ministry as far as spatial planning is concerned. The minister is assisted by an important body, the National Expert Board of Spatial Planning and Regional Policy. The Ministry is responsible for preparing the National Integrated Spatial Development Scheme. The Regional Development Councils of NUTS2 regions are consultative bodies, without genuine decision-making powers. Territorial government at sub national level is in the hands of non-elected District Governments, which are “a kind of territorial deconcentration of the central government”, Municipal authorities have extensive planning powers.

Nevertheless, national and district spatial plans are called schemes, and not plans. That means that these plans are prepared on larger scales and proper land use changes are not planned in these documents. A large part of these schemes, prescribed in the Spatial Planning Act is not prepared so far at all. It also means that they are not binding for the lower levels of government. Expert boards which are deciding on master plans of larger cities do not use these schemes as the basis of their decisions. Their decisions are based on their specific knowledge and experiences.

#### 4.4.2.3 Policy instruments, space-related plans on the different levels

The National Spatial Development Scheme is approved by the Council of Ministers. The Minister RDPW approves the Regional Spatial Development Schemes and certain specific spatial development schemes. The spatial plans of municipalities and the master plans of larger cities are approved by the municipal councils. A special procedure applies to the city of Sofia.

Name	Basic objectives	Planning object	Legal impact	Production obligation
National Integrated Spatial Development Scheme	Specify the necessary means for attaining the objectives and tasks of spatial planning on national level, contingent on the overall sustainable social-economic development.	Whole country	Non-binding	obligatory
District Development Scheme	<ul style="list-style-type: none"> <li>– requirements as to spatial planning in accordance with the plans for regional development;</li> <li>– general spatial structure of the region, the general assignment to different areas and requirements to their use, protection and spatial planning;</li> <li>– location and future development of the sites and physical infrastructure networks of national and regional importance;</li> <li>– development of the human settlements network in the region and the centres of national and regional importance;</li> <li>– measures for protection and amelioration of the environment, for prevention or mitigation of harmful environmental and public-health impacts.</li> </ul>	District/region	Non-binding	obligatory
Master development plans for the territories of municipalities and towns	Overall spatial planning of the areas of municipalities, or parts thereof	Municipality and towns	Binding	obligatory
Detailed development plan	particularize the spatial planning and building development of settlement territory and plots.	Municipality and towns	Non-binding	obligatory

#### 4.4.2.4 RUR related plans in more details

Explicitly, there are no plans for RUR type areas in the system of spatial planning, codified in the Spatial Development Act modified in July 2008.

**A master plan for dispersed settlements of national importance** shall be approved by an order of the Minister of Regional Development and Public Works after consultation with the Municipal Council.

Master plans shall be subject to public debate prior to the submission thereof to the expert boards on spatial development.

Draft master plans shall be adopted by the municipal expert board.

By resolution of the Municipal Council, draft master plans of the spatial-development areas and other draft master plans may furthermore be submitted for adoption by the administrative-regional expert board or by the National Expert Board. The master plan shall be approved by the Municipal Council on a report by the municipality mayor.

Detailed development plan for a part of the urbanized territory, where the scope of the plan exceeds three blocks is approved by a municipal council decision on the basis of a report by the municipal mayor after submission of the draft plan to the expert board. The detailed plan whose scope is up to three blocks or concerns the lots outside the boundaries of the human settlements is approved with a municipal mayor's ordinance. Before their approval the detailed development plans have to be adopted by a municipal expert board.

The special rules and standard specifications for the planning and building development of the spatial- development area of the Sofia Municipality shall be established by a separate law.

A new master plan of the Sofia Municipality, as well as modifications of the effective master plan, shall be adopted by the Council of Ministers according to the procedure established by this Act in conformity with the rules and standard specifications for planning and building development as determined by the Sofia Municipality Planning and Building Development Act.

The regional development schemes for territories with a scope exceeding one district are assigned and approved by the Minister of Regional Development and Public Works while with a scope of up to one district - by the relevant district governor.

District development schemes give solutions to the:

- requirements as to spatial planning in accordance with the plans for regional development;
- general spatial structure of the region, the general assignment to different areas and requirements to their use, protection and spatial planning;
- location and future development of the sites and physical infrastructure networks of national and regional importance;
- development of the human settlements network in the region and the centres of national and regional importance;
- measures for protection and amelioration of the environment, for prevention or mitigation of harmful environmental and public-health impacts.

#### 4.4.3 Summary table

Country	<b>BULGARIA</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Bulgaria, 10 RURs have been delineated. The number of NUTS2 regions is 6. It means that in most NUTS2 regions is a RUR but their size is substantially smaller than the regions. The 10 RUR areas are somewhat larger than the municipalities (NUTS5), which are the most important level of land-use planning.
<b>Government structure factor</b>	
Average population of the local municipalities	Bulgaria consists of 264 municipalities. The most populous municipality is the capital Sofia with 1.173.988 inhabitants and the smallest one is Treklyano with 1144 inhabitants. The average population of the municipalities is around <b>28 800</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	The meso level (NUTS3) is the district in Bulgaria. The district is a de-concentrated state administration unit responsible for implementing the government's policy at regional level. There is no elected district government. The district administrations are part of the State organisation and are financed from the State budget. The most populous district is the Sofia city with 1.231.622 inhabitants and the smallest one is Vidin with 117.809 inhabitants. The average population of the districts is around <b>270 000</b> . Its competences are mainly to supervise the legal decisions of the local authorities and to participate in the preparation of regional development plans. It is headed by a governor <b>appointed</b> by the Bulgarian government.
Overall assessment	<b>L/I</b> – large supra-local level (national level) and large local level (municipalities) units. The 10 RUR areas are somewhat larger than the municipalities (NUTS5), which are the most important level of land-use planning
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	A master plan for dispersed settlements of national importance shall be approved by an order of the Minister of Regional Development and Public Works after consultation with the Municipal Council. All other municipal master plans are approved by the municipal council. The districts do not have spatial planning responsibility, they can't influence local plans.
Ratifying of local plans: do meso or higher level authorities have veto power?	Only the master plans larger municipalities and of settlement structures of national importance are approved by the National Expert Board on spatial planning, which decisions are mandatory. In these cases, the national level (and not the meso level) has veto power. In all other cases, neither the meso level, nor the national level has veto power in ratifying the local plans.
How is a decision taken about a land-use change, i.e. re-zoning (non-urban area into urban) claim in the metropolitan region around the capital city? Which level decides, and what control mechanisms exist?	A new master plan of the Sofia Municipality, as well as modifications of the effective master plan, shall be adopted by the Council of Ministers according to the procedure established by this Act in conformity with the rules and standard specifications for planning and building development as determined by the Sofia Municipality Planning and Building Development Act.
Overall assessment (A/B/C)	<b>A (weak level of control)</b> : municipalities have the competence to plan land use. National bodies may control and correct their decisions in some specific cases.

#### 4.4.4 Sources of information

- Compendium of spatial planning system in the Republic of Bulgaria [www.coe.int/t/dg4/cultureheritage/Source/Policies/CEMAT/CompendiumBG\\_en.pdf](http://www.coe.int/t/dg4/cultureheritage/Source/Policies/CEMAT/CompendiumBG_en.pdf)
- Municipalities of Bulgaria, Statoids, <http://www.statoids.com/ybg.html>
- CCRE, [http://www.ccre.org/bulgarie\\_en.htm](http://www.ccre.org/bulgarie_en.htm)
- Structure and operation of local and regional democracy, Council of Europe national report, <http://www.loreg.coe.int/database/structure/bulgaria.doc>
- ESPON 2.3.2 final report

## 4.5 Cyprus

### 4.5.1 Government

#### 4.5.1.1 The formal government structure

##### 4.5.1.1.1 The basic units: local governments

Cyprus is a unitary State composed of municipalities, villages and districts.

Local level: 33 municipalities and 350 villages

There are two types of local authorities, Municipalities and Communities, which are governed by separate laws. In principle, Municipalities constitute the form of local government in urban and tourist centres while communities constitute the local structure in rural areas.

#### **Municipalities**

In October 1985, a new comprehensive law on local government, the Municipalities' Law 111 of 1985 was passed by the House of Representatives. The Law provided for the establishment of new municipalities. According to this Law, any community may become a municipality by local referendum, subject to the approval of the Council of Ministers, provided it has either a population of more than 5.000, or has the economic resources to function as a municipality.

The corporate structure of municipalities is defined by the 1985 comprehensive Law. **Mayors** are elected directly by the citizens on a separate ballot, for a term of five years and are the executive authority of the municipalities. The Mayor represents the municipality in a court of Law and before any state authority, and presides over all Council meetings, Administrative Committee meetings and any other municipal committee. He executes the Council's decisions and heads all municipal services which he directs and supervises.

**Municipal councils**, which are the policy-making bodies of the municipalities, are elected directly by the citizens for a term of five years, but separately from the Mayor. The Council appoints the members of the Administrative Committee. The latter's duties include the preparation of the municipality's budgets and annual financial statements, the provision of assistance and advice to the Mayor in the execution of his duties, co-ordination of the work of other committees appointed by the Council and the carrying out of any other duties entrusted to it by the Council or the Mayor. The Council may also set up ad-hoc or standing committees which have an advisory role.

According to the Law, the main **responsibilities** of municipalities are the construction, maintenance and lighting of streets, the collection, disposal and treatment of waste, the protection and improvement of the environment and the good appearance of the municipal areas, the construction, development and maintenance of municipal gardens and parks and the protection of public health. The Municipal Council has the authority to promote, depending on its finances, a vast range of activities and events including the arts, education, sport and social services. In addition to the Municipalities Law, there are several laws giving municipalities important powers other than those already mentioned. Such laws are the Streets and Buildings Regulation Law, the Town Planning Law, the Civil Marriages Law and the Sewerage Systems Law.

The main sources of **revenue** of municipalities are municipal taxes, fees and duties (professional tax, immovable property tax, hotel accommodation tax, fees for issuing permits and licences, fees for refuse collection, fines, etc.), as well as state subsidies. Taxes, duties and fees represent the major source of revenue while state grants and subsidies amount to only a small percentage of the income. The central government,

however, usually finances major infrastructure projects undertaken by the municipalities, but this is dependent very much on each individual project. The yearly budgets of the municipalities are submitted to the Council of Ministers for approval and their accounts are audited annually by the Auditor General of the Republic. Municipal loans also need to be approved by the Council of Ministers.

### **Communities**

The functions of Communities are generally similar to those of municipalities, although structurally different. The residents of the community elect the President of the Community and the **Community Council** for a term of five years. With the exception of some communities which are financially better off, the Central Government provides essential administrative and technical assistance as well as most of the necessary services to most communities, through its District Offices. The revenue of Communities consists of state subsidies as well as taxes and fees collected from the residents of the area.

Competences:

- Public health
- Urbanism
- Protection of the environment
- Water supply
- Land development
- Household refuse

#### 4.5.1.1.2 The multi-level government structure

Regional level: 6 districts

### **District administration**

For the purpose of administration, Cyprus is divided into six districts. Each district is headed by a District Officer, who is a senior civil servant appointed by the Government as its local representative. The District Officer is the chief co-ordinator and liaison for the activities of all Ministries in the District and is accountable to the Ministry of Interior. The district Offices are not elected local or regional authorities, but are part of the civil service.

Authorities of the district

The **improvement board** is composed of members who are elected for a five-year mandate. The commissioner of the district heads the improvement board.

The **commissioner of the district** is appointed by the government as its local representative in the district. He heads the improvement board and is responsible for the coordination between central government ministries and the district. The commissioner is accountable to the ministry of interior.

Competences:

- Public health
- Construction and maintenance of roads
- Collection and disposal of waste
- Trade
- Promotion of the district



The Republic of Cyprus (*Kypriakí Dimokratía*, in Greek, and *Kıbrıs Cumhuriyeti*, in Turkish) is a Centralised Unitary State where there is not any process of regionalisation because its small size. But there are 6 District Officers which apply the Central government policies at regional level.

The spatial planning powers remain only at national level.

The central government is the only public financial player in this country and there is not any region with legislative powers. The local authorities do not have many competencies. Because the small size of this country the vertical relationships are almost inexistent.

#### Multi-level structure:

Category	Performance
Model of State	Centralised Unitary
Typology of regionalisation	No regionalisation
Constitutional reconnaissance of Regional and/or local levels	No
Allocation of Spatial Planning powers	Strong national
New Spatial Planning powers	No
National territorial chambers	No
Regular multi-level governmental meetings	No
Dependence of local governments on central government	Dependent
Constitutional regions	No
Devolution to 1st tier local authorities	Relatively powerless local authorities

Source: ESPON 2.3.2

#### NUTS categorisation:

Cyprus	NUTS1		NUTS2		NUTS3	
CY	-	1	-	1		1

#### 4.5.1.1.3 Trends and dynamic processes

Creation of new government departments and or institutions to respond to the principles of governance is gradually processing. The following offices have been so far established in line with EU policies and governance principles:

- The Office of the Ombudsman (Commissioner of Administration).
- The Office of the Commissioner for the Protection of Data of Personal Character.
- The National Organisation for the Protection of Human Rights.
- The Service for the Revision and Unification of the Cypriot Legal System.
- The Council for the Study of Planning Departures (Ministry of Interior) 22

The creation of the “Environmental Service” within the Ministry of Agriculture, Natural Resources and Environment, is a good example instigated to promote environmental awareness, sustainability of development projects and sensitivity towards environmental issues among the government departments and the private sector.

On the whole a criticism levelled against the current progress is the slow pace of change. According to the national overview, it is a fact, that change and adjustment of policies and behaviours towards governance principles, is taking place. This change however is gradual, slow and constant, though it can not clearly be defined as to when a change has been fully materialised and whether it is entirely within the context of governance principles. The absence of a new mentality, both in the body of citizens but even more so in the administration, is another source of complaint.

In a discussion of progress towards governance principles, the following extract is of interest: Most problems are observed in effectiveness. Although a conscious effort is been made towards a thorough clarification and statement of objectives, certain problems, in the timely and effective implementation of policies and or plans concerned, have not as yet been avoided. It must be recognised though, that effectiveness is consciously aimed at within the context of the new governance. However progress is slow and the ability for adjustment is demonstrated in the private rather than in the public sector.

The problem of resources is also mentioned. Many departments in their functions do not have the means to secure adequate income to perform their duties. In these cases the government through the budget allocates to these departments and or agencies the necessary funds. The intention however is to make every department or agency, financially independent as far as possible. In many cases the intention is to make them self sufficient.

The Republic of Cyprus was admitted to the European Union in May 2004. The expected impact of EU policies will be felt gradually. As to the other factors which will play a role in the future, one should not overlook the unique situation of the island, which is forcibly divided. The reunification of the island has not taken place to this day and therefore terms like “transition”, “political imperatives” and “decentralisation” take a special meaning, as long as this situation continues. The exact constitutional arrangements which will emerge, hopefully in the near future, will determine issues like that of regional and local powers.

Regional devolution is intimately linked to the particular political problem of Cyprus and to the constitutional arrangements which will regulate the governance of the island in the future. The planning of the capital, Nicosia, is a special case.

#### 4.5.1.2 The government level deciding on land development/conservation and its relation to the RUR regions.

Cyprus has adopted the British system of planning. Planning is operating under a basic Town and Country Planning law.

Approval of plans is essentially a central government competence, held by the Ministry of the Interior and its Department of Town Planning and Housing. For the preparation of local plans, the Minister has delegated powers to a body called the Planning Board.

The Sector of Development Control and Planning Implementation of the Department of Town Planning and Housing is responsible for controlling and guiding the implementation of the ambitions of the Local Plans (Schedia Anaptyxis). This control of development is performed through the process of approving or not planning application. The guidance of development is similarly performed through the decision making of Planning Authorities by informing and guiding a planning application. The Planning Control and the Implementation of Local Plans is performed by the Planning Authorities which are the Local Councils of Lefcosia, Lemesos, Larnaca and Pafos, the Director of the Sector of Department of Town Planning and Housing and the Community Commissioners

(Eparhiaki Leitourgoi) of the Department of Town Planning and Housing of Lefcosia, Lemesos, Larnaca and Pafos.

## 4.5.2 Spatial planning

### 4.5.2.1 Style of planning

Planning in Cyprus follows in general the British system. The Legal Instruments introduced follow the same pattern and the Town Planning Law has, as a source of origin, the relevant English 1960s legislation. According to the Town Planning Law, planning in Cyprus is envisaged to take place on three levels, National, Regional and Local. The National Plan has been indefinitely postponed for it cannot be implemented in a divided territory. However a system pursuing indicative economic planning has been adopted. Therefore, since 1990 (the year the law was enacted) Planning in Cyprus is performed on the Regional and Local levels, as a Country Site Policy, local Plans and Area Schemes.

According to the Law, Regional and Local Planning are the duties of the Minister of the Interior. In performing his duties, the Minister utilises the services of the Town Planning Department which operates within the Ministry of the Interior. Local Plans have been prepared for the main urban regions of Cyprus as well as other smaller urban areas. The development in the other areas of the island (predominantly rural) is guided and controlled through the “Policy Statement”(the country site statement), which is a statement of a set of policies to guide and control the development in those areas of the country where no Local Plan has been prepared and no plan is in force. However lately in the course of decentralisation of the services of the department of Town Planning the right to prepare Local Plans has been delegated to a number of municipalities who were capable to undertake this task. The key word for Planning in Cyprus is “development” for which Planning permission is required.

A three-tier hierarchy of development plans is based on the concepts of the “Island Plan,” which refers to the national territory and the regional distribution of resources and development opportunities, the “Local Plan,” which refers to major urban areas or areas undergoing intensive development pressures and rapid changes, and the “Area Scheme,” at the lower end of the hierarchy. Area Schemes refer to areas of a smaller scale and are more detailed and specifically project oriented, gradually becoming indispensable tools for addressing sustainability issues and enabling the implementation of planning policy. A set of regulations based on the Streets and Buildings Law, controlling setbacks, access, drainage etc., as well as uniform standards of construction, including earthquake and fire safety requirements, are commonly applied to all new development. Furthermore, in areas within Local Plans published under the Town and Country Planning Law, locally specific sets of provisions and guidelines govern a series of factors, including building height, volume and density, the subdivision of land, provision of public amenities, parking requirements, interventions in sensitive historic areas etc.

### 4.5.2.2 Key institutions making planning policies in the country

The key institution is the Ministry of the Interior and its Town Planning and Housing Department, which has a dominant role. Mention should be made, at central government level, of the new Environment Service of the Ministry of Agriculture, Natural Resources and the Environment, and, because of the importance of tourism, of the Cyprus Tourism Organisation, supervised by the Ministry of Commerce, Industry and Tourism. The central government has district offices, while municipalities and communities have elected relevant Councils.

#### 4.5.2.3 Policy instruments, space-related plans on the different levels

Planning in Cyprus follows in general the British system. The Legal Instruments introduced follow the same pattern and the Town Planning Law has, as a source of origin, the relevant English 1960s legislation. According to the Town Planning Law, planning in Cyprus is envisaged to take place on three levels, National, Regional and Local. The National Plan has been indefinitely postponed for it cannot be implemented in a divided territory. However a system pursuing indicative economic Planning has been adopted. Therefore, since 1990 (the year the law was enacted) Planning in Cyprus is performed on the Regional and Local levels, as a Country Site Policy, local Plans and Area Schemes.

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#### 4.5.2.4 RUR related plans in more detail

The “Local Plan,” which refers to major urban areas or areas undergoing intensive development pressures and rapid changes, and the “Area Scheme,” at the lower end of the hierarchy. Area Schemes refer to areas of a smaller scale and are more detailed and specifically project oriented, gradually becoming indispensable tools for addressing sustainability issues and enabling the implementation of planning policy. A set of regulations based on the Streets and Buildings Law, controlling setbacks, access, drainage etc., as well as uniform standards of construction, including earthquake and fire safety requirements, are commonly applied to all new development. Furthermore, in areas within Local Plans published under the Town and Country Planning Law, locally specific sets of provisions and guidelines govern a series of factors, including building height, volume and density, the subdivision of land, provision of public amenities, parking requirements, interventions in sensitive historic areas etc.<sup>7</sup>

Also, the Nicosia Master Plan is undertaken by a bicommunal team under the auspices of the United Nations with the objective of facilitating the revitalisation of the divided city of Nicosia, through a series of sustainable policies and projects.

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<sup>7</sup> [http://www.cyprusnet.com/content.php?article\\_id=2808&subject=standalone](http://www.cyprusnet.com/content.php?article_id=2808&subject=standalone)

### 4.5.3 Summary table

Country	<b>Cyprus</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Cyprus 2 RURs have been delineated.
Government structure factor	
Average population of the local municipalities	In Cyprus there are 33 <b>municipalities</b> . The largest one is Nicosia with population of 104.958. The average population of municipalities is <b>21.319</b> (Census 2001). In addition <b>350 villages</b> exist. The average population of the municipalities is around <b>2100</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On an <b>intermediary level</b> Cyprus is divided into six districts. The most populous is Nicosia with 249.601 inhabitants. The average population is <b>140.705</b> . The decision making body is the council of the community which members are directly <b>elected</b> for a five-year term. The tasks include public health, urbanism, protection of the environment, water supply, land development and household refuse.
Overall assessment	<b>S/s</b> – small supra-local level (districts) and small local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	Approval of plans is essentially a central government competence, held by the Ministry of the Interior and its Department of Town Planning and Housing. For the preparation of local plans, the Minister has delegated powers to a body called the Planning Board.
Ratifying of local plans: do meso or higher level authorities have veto power?	Authorities at the national level have veto power.
Overall assessment (A/B/C)	<b>C (strong, controlled spatial policies)</b>

### 4.5.4 Sources of information

- ESPON 2.3.2
- Council of European Municipalities and Regions ([http://www.ccre.org/membres\\_en.htm](http://www.ccre.org/membres_en.htm))
- [http://www.cyprusnet.com/content.php?article\\_id=2808&subject=standalone](http://www.cyprusnet.com/content.php?article_id=2808&subject=standalone)
- <http://www.cyprus.gov.cy/>
- <http://www.moi.gov.cy/>
- <http://www.eukn.org/cyprus/urban/planning/index.html>

## 4.6 Czech Republic

### 4.6.1 Government

#### 4.6.1.1 The formal governmental structure

##### 4.6.1.1.1 Basic units: Local governments

The Czech Republic has 10,2 million inhabitants. These inhabitants live in altogether 6249 municipalities (obec). The size of these local governments varies extensively, from very small ones, having only 200-500 inhabitants or less to the capital city of Prague with approximately 1,18 million inhabitants. According to the data released by the Czech Statistical Office, in 2006 25,8% of the local governments had 200 inhabitants or less, whereas only 22 had more than 50 000 (0,4%). Besides the marked unevenness in size, there is an unevenness in their dispersion, with a lot of small municipalities – having 500 inhabitants or less – concentrating in Western Moravia and Southern Bohemia.

Municipal local governments represent the NUTS5 level in the Czech administrative system. The Czech Constitution, in article 99 calls them the fundamental territorial self-governing bodies. In accordance with the spirit of the Constitution, these local governments enjoy a lot of freedom and have a wide range of responsibilities in almost all aspects of local life.

The most important of these competences and responsibilities include:

- Municipal budget
- Local development
- Agriculture and forest management
- Municipal police
- Water supply and public sewerage
- Municipal waste
- Primary education
- Housing
- Social services
- Spatial planning
- Cooperation with other municipalities and regions
- Municipal public transport

Each municipality is administered by the Municipal Assembly; other bodies of the municipality are the Municipal Council, the Mayor and the Municipal Authority. In a city, the function of the Municipal Assembly is to be performed by the City Assembly; other bodies of the city are the City Council, the Lord Mayor and the City Authority.

The **municipal council** (*zastupitelstvo obce*) is composed of members elected by universal and direct suffrage for a four-year term. This assembly appoints the members of the municipal committees which are deliberative bodies for the municipal council. The council consists of 5-55 counsellors, proportionate to the size of the municipality

The **municipal board** (*rada obce*) is composed of members elected by and within the municipal council for a four-year term. The mayor and vice-mayors are always members of the municipal board. This executive body can form specific commissions which are deliberative or executive bodies for the municipal board. The board consists of 5-11 persons.

The **mayor** (*starosta*) or lord mayor (*primátor*) is elected by and within the municipal council for a four-year term. The mayor heads the municipal board and administration and represents the municipality. In municipalities with fewer than 15 councillors, the mayor ensures the executive authority by himself.

A special case of local self administration is represented by the statutory cities. Statutory cities are granted extended execution of transferred competence by the state administration due to their size, economic, cultural and social importance. In a statutory city, the function of the Municipal Assembly is to be performed by the City Assembly; other bodies of the statutory city are the City Council, the Lord Mayor and the City Authority. In statutory cities which are divided into city areas or city districts, each city area or city district shall have its own Assembly; other bodies of a city area are the City Area Council, the Mayor and the City Area Authority; other bodies of a city district are the City District Council, the Mayor and the City District Authority.

Statutory cities divided in this manner have to arrange their internal relations by means of a generally binding regulation (constitution). The following cities have a special statutory status in the Czech Republic: Kladno, České Budějovice, Plzeň, Karlovy Vary, Ústí nad Labem, Liberec, Hradec Králové, Pardubice, Jihlava, Brno, Zlín, Olomouc, Ostrava, Opava, Havířov and Most.

#### 4.6.1.1.2 Multi-level government structure

The second cornerstone of the Czech local administration and territorial self government is the region (*kraj*). Article 99 of the Constitution calls them superior self-governing territorial divisions. These higher territorial self governing units were introduced into the system in 2001 in accordance with the European principles of self government and decentralization. There are altogether 14 such regions covering the whole territory of the Czech Republic, they represent the NUTS3 level of the Czech administration. The size of the regions varies, the smallest one, the Karlovarský region having approximately 304 000 inhabitants in 2006, whereas the largest one, the Moravskoslezský region having approximately 1,25 million inhabitants.

The most important bodies of the region are the regional assembly and the regional board:

The regional assembly (*zastupitelstvo kraje*) is composed of members who are elected by universal, equal and direct suffrage for a four-year term. It monitors the regional budget and subventions given to municipalities. It can also submit draft laws to the House of Representatives.

The regional board (*rada kraje*) is the executive body of the region. It is composed of a chief executive officer of the regional authority (*hejtman*) and vice-chiefs. Together with the other members of the regional board they are elected by and within the regional assembly for a four-year term. The board is the executive body can be assisted by regional services (*krajský úrad*) headed by a director.

Most important competences of the regions include:

- Secondary education
- Road networks
- Social services
- Environment



- Regional public transport
- Regional development
- Health
- Founding regional companies
- Regional budget

Among the regions a special case is represented by Prague, which is both a municipality and region with only one assembly and one board. Prague is divided in metropolitan districts. Each of them has its own elected local councils. The assembly of the capital is composed of members who are elected by universal and direct suffrage for a four-year term. Councillors of the assembly appoint the lord mayor of the city as well as the members of the executive municipal board of the city.

Above the regions one can find the cohesion regions, which form the NUTS2 level of the Czech public administration. There are 8 of them, and unlike in case of the NUTS3 and NUTS5 levels, an evenness can be observed among the distribution of their population. All the regions have a population between 1,2 and 1,6 million inhabitants. These regions are not territorial self governing bodies, rather their focus is territorial development.

NUTS4 level in the Czech administrative system is represented by the districts (*okres*). There are 91 districts (76 and the 15 districts of Prague), which are solely administrative districts with no self governing power whatsoever. The importance of districts diminished after the introduction of regions in 2001, leading to their cessation by 2003. Before that districts used to be an independent tier in the administrative system of the Czech Republic, which served as an intermediate body of decentralization performing some of the rights and duties of the Czech public administration. It was never elected directly. Since 2003 its powers have diminished extensively and solely some state administration on supra-local level is attached to the administrative districts.

#### 4.6.1.1.3 The dynamic process

Two parallel processes can be observed in the field of Czech local administration: on the one hand there is a marked shift towards more decentralization from the level of the state, and on the other hand the slow strengthening of the regional – supra-local – level. The two processes are indivisible and both processes are accentuated by the 2001 introduction of the regions and the gradual change of the district system. Formerly, the supra local level was represented by the districts that were important administrative centers, however were not self-governing bodies and were not directly elected. Their function was replaced by that of the regions, which are not only elected directly, but whose responsibilities are more far reaching than administration. The 14 regions that have been created became self-governing territorial bodies. After 2003 the districts – which were smaller units than the regions – have diminished greatly in significance, but have retained some administrative significance. Nevertheless, it is important to note that they have no responsibility in planning and development.

#### 4.6.1.2 The government level deciding on land-use changes

There are four major authorities at three different levels of the Czech public administration that are responsible for building and planning: they are the local municipalities, the regional municipalities and on the level of the government the Ministry for Regional Development and in special cases the Ministry of Defense. It is the Building Act that creates the framework for the regulations of building, territorial planning and land-use change. A new Building Act was passed in 2006 (183/2006) and has been effective since January 2007.

According to the official communication of the Ministry for Regional development, the reason behind the new Building Act “is strengthening legal security of citizens and

developers in proceedings...and enabling the municipalities and regions to make decisions on development in their territories in mutual co-operation. The quite new procedures and processes stipulated in the act, should contribute to this aim, above all.” Besides these, a motivation behind the new Act was to enable municipalities and regions to work in a closer cooperation with regard to territorial development.

Another basic legislation determining spatial planning and land-use changes in the Czech republic is the Spatial Development Policy of the Czech Republic, which was passed as a government decree in 2006. (561/2006). It is being revised and updated currently, in compliance with the Building Act. This is a document that serves particularly for the coordination of spatial development at the national level, and thus for the coordination of the spatial planning activities of regions. The document The Spatial Development Policy of the Czech Republic determines requirements for the concretization of the spatial planning tasks in the national, international, supra-regional and cross-border contexts, determines the strategy and basic conditions for fulfilling these tasks and specifies the national priorities of spatial planning to ensure the area sustainable development. In the Spatial Development Policy of the Czech Republic, there are also delimited the areas with higher requirements on change in the territory, the importance of which surpasses the territory of one region, as well as equally significant areas having specific values and specific problems and, further on, corridors and areas for transport and technical infrastructures.

In the framework created by the above mentioned legislation, the main task of determining land-use and territorial development rests with the local municipalities. They are the authorities, who can issue – among other things – the permission to change land use. However, the spirit of the Building Act suggests that supra-local self-governing bodies – such as regional municipalities - should have a more influence in determining territorial development. This however is an influence, which is restricted for issues of regional importance, as they can intervene only in cases stipulated by the law and of supra-local importance. At every instance they should proceed in coordination with municipal authorities. Thus regional authorities, who are entrusted with providing protection and value development of the region, have the function of control.

With regard to the RUR areas, it can be safely said that planning and territorial development belongs to the local municipalities that are in most cases much smaller then the RUR regions. In the Czech Republic there are 13 RUR areas in comparison to the 6249 local municipalities and the 14 regions. The RUR areas are often similar, sometimes are equivalent of the self-governing administrative regions – like in the case of Karlovarsky kraj. However, in the most cases RUR areas function as territories including an important city and its surroundings. These cities – with the exception of Prague, which enjoys a special status – are all statutory cities.

## 4.6.2 Spatial Planning

### 4.6.2.1 Style of planning

The ESPON 2.3.2 project characterized the Czech Republic’s style of planning as belonging to land use planning category, however it was emphasized that it is not possible to create a clear-cut characterization, and all countries are sharing a mix of approaches. With regard to comprehensiveness – or the movement towards the comprehensive integrated approach - it was found that in the Czech Republic there is cooperation horizontally, but very little vertically.

Planning styles have changed quite considerably during the last 18 years. In the first half of the 1990s, just after the political change, was characterised by a minimalist involvement of governments in urban and regional development. The decisions of both the central government as well as local politicians were grounded in a neo-liberal approach, which saw free, unregulated market as the mechanism of allocation of resources that would generate a wealthy, economically efficient and socially just society. Politicians perceived the state and public regulations as the root of principal harms to

society and the economy in particular. Urban and regional planning and policy was perceived as contradictory to the market. Short-term, ad hoc decisions were preferred to the creation of basic rules of the game embedded in a long-term plan, strategy or vision of development. Only towards the end of the 1990s, strategic plans of cities and regional development attempted to formulate more complex views of urban and regional development and governance. The local governments learned the main principles of governance, policy and planning in democratic political system and market economy. The physical planning system was kept in operation and thus helped to regulate smoother development in cities. The procedures used in the EU significantly impacted on urban and regional planning, policies and programmes including their implementation and evaluation and urban governments now use benchmarking to monitor and assess the results of their own policies.

Municipal governments have high autonomy concerning their own urban planning and policies. After the turbulent transition years, some local governments are realising that a long-term, holistic and complex vision of urban development can be a backbone for the city stability and prosperity. In the decision-making processes, short-term, mostly economic aspects usually outweigh strategic long-term considerations.

The reform of the planning system has not been completed yet, but the passing of the new Building Act in 2006 and the Spatial Developmental Policy also in the same year can be regarded as important steps. Still, the current situation is characterized by the devolution of spatial planning powers to municipalities and weak regional planning.

#### 4.6.2.2 Key institutions making planning policies in the Czech Republic

The powers of planning is entrusted by the Building Act to three major authorities: the local municipal authorities, the regional authorities and Ministry of Regional Development. (As a special case the Ministry of Defence can exercise the planning rights over the military training areas). At the national level, the Ministry of Regional Development is responsible for planning legislation. The background work is carried out by the Institute for Spatial Development, which is directly managed by the Ministry. Its field of work cover a large area, most importantly spatial planning, building regulations, regional policy, housing and housing policy, programs of spatial development, regeneration of settlements and their parts, tourism, care of historical monuments and country renewal. It is also in charge of monitoring existing physical plans of municipalities and the regions.

Municipality and region authorities execute the town and country planning activity as a delegated authority. Municipal governments have high autonomy and power concerning their own territorial planning. This local level of public administration is the most influential in territorial development. Regional authorities provide protection and value development of a region. They can intervene in the municipality authority activities only in the cases stipulated by law and only in hyper-local importance matters.

On the municipal level the most important decision making institutions are the building office and the planning office. In the sphere of town and country planning the building office:

- issues planning permissions, unless stipulated otherwise by the Building Act, and planning approval,
- provides information for procurement of planning materials or planning documentation.

The planning office:

- performs the position of affected administrative office in the planning permission proceedings unless the office itself issues planning permission,

- in delegated competence procures local plan, regulatory plan, planning materials (planning study and planning analytical materials and delimitation of the developed area.

#### 4.6.2.3 Policy instruments, space-related plans on the different levels

The current legal framework for territorial development and planning is created by the Building Act of 2006. This Act paved the way for the introduction of more comprehensive planning in the Czech Republic, trying to foster strategic thinking and regional cooperation of the different actors and sectors involved in territorial planning. The recently introduced planning tools – such as the spatial development policies and spatial development principles – also serve to create a more strategic territorial planning system.

Name	Basic objectives	Planning object	Legal impact	Production obligation
Spatial development policy	Strategic document that sets out national priorities to ensure the sustainable development of the country A new type of plan that did not exist before Designates development areas, development axes and specific areas	national	binding	Obligatory (It was passed for the first time in 2006, Act. 183/2006, it is currently undergoing revision)
Spatial development principles	The principles specify and develop planning objectives and tasks in hyper-local context according to spatial development policy, determine the strategy for their fulfilling and coordinate the municipality planning activities.	regional	binding	Obligatory
Local plan	It sets out the basic conception of municipal development, protection of its values, area and spatial layout, landscape disposition and public infrastructure concept. The plan also specifies built-up areas, areas for further development and areas for public works.	Municipal: It is procured and issued for the whole area of a municipality, military training area or for determined area of the capital of Prague.	binding	Optional
Regulatory plan	Sets out detailed conditions for ground use, location of buildings and their spatial arrangement, for protection of territorial values and character and for favourable environment formation Furthermore: – sets out conditions for ground determination and use, – sets out conditions for localisation and spatial arrangement of public infrastructure buildings, – defines public works.	Procured for identified spots	binding	Optional

#### 4.6.2.4 RUR related plans in more details

There is no planning on the level of RURs in the Czech Republic. Planning is carried out on the regional and the local level, and closer to the RUR is the regional level. This level is only interested in supra-local issues, by definition comprising cities, towns and villages in itself. The Spatial Development Principle, created on this level and accepted by the regional assembly is a binding document for any municipal plan – local and regulatory - but most important land use issues – like the change of land use – are nevertheless decided locally.

Spatial development principles set out basic requirements for efficient and economical area organisation and determine areas or corridors of hyper-local importance, especially

for public works and set out requirements for their use. Sustainable development impact assessment is also a part of spatial development principles.

Unlike the rest of the country, a special case is presented by Prague, which is not only a city municipality but a region in itself. Consequently, the metropolitan area of Prague is divided into more regional spatial development principles as the settlements around Prague belong to a different region.

#### 4.6.3 Summary table

Country	<b>CZECH REPUBLIC</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	There are nine RUR regions in the Czech Republic. These RURs are smaller than the regions – regions represent the NUTS3 level in the Czech administrative system – with the exception of Prague, which is a region itself and forms a RUR region with its surrounding settlements. The Brno and Ostrava RURs stand out as the second most important ones after Prague, nevertheless their size is not comparably to an administrative region. The RURs are relatively evenly distributed in the country, nevertheless not every region has a RUR as there are 14 regions to 9 RURs. The size of the smaller RURs is relatively close to the NUTS5 level.
<b>Government structure factor</b>	
Average population of the local municipalities	There are 6249 local governments, 25% of which have a population of less than 200 persons. The average municipality size is around <b>1700</b> inhabitants.
The level above the local municipalities (population, elected/delegated/appointed, functions)	The regional (NUTS3) level is the meso level in the Czech administrative system. It is a level that after the administrative reforms has become an <b>elected</b> self-governmental level. The average population of the regions is around <b>750 000</b> . Its most important functions include: secondary education, maintenance of road networks, social services, environmental protection, regional public transport, regional development, health services, founding regional companies, regional budget
Overall assessment	<b>M/s</b> – medium-sized supra-local level (regions) and small local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	Municipal governments have high autonomy and power concerning their own territorial planning. This local level of public administration is the most influential in territorial development. Regional authorities provide protection and value development of a region. They can intervene in the local authority activities only in the cases stipulated by law and only in hyper-local importance matters, like infrastructure development or natural protection.
Ratifying of local plans: do meso or higher level authorities have veto power?	Only in case local plans do not abide by the framework of the regional spatial development principles or the national spatial development policies can higher level authorities intervene.
Overall assessment (A/B/C)	<b>A (weak level of control)</b> – strong local planning competency

#### 4.6.4 Sources of information

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## 4.7 Denmark

### 4.7.1 Government

#### 4.7.1.1 The formal government structure

##### 4.7.1.1.1 The basic units: local governments

In Denmark there are 98 municipalities. The most populous is the capital Copenhagen with 509 861 inhabitants, the smallest is Læsø with 2003. The average population of the municipalities is around 56 200.

The main decision-making actors on the municipal level are the following:

The **municipal council** is composed of members elected for four years by a system of proportional representation, with vote splitting (electors can compose their own list by choosing candidates from different lists). This deliberative body appoints members of the executive commissions.

The **executive commissions** are in charge of local administration. Permanent commissions assist the municipal council in the preparation of its decisions. The municipal council is obliged to set up a financial committee but may also set up special committees.

The **mayor** is elected for four years by the council. The mayor heads the whole administration and the municipal council.

In principle the Danish municipalities have independent powers of taxation. However, at the moment an agreement between the central government and the association of municipalities sets limits to this independence to prevent high tax rates.

The municipalities are legally responsible for the following tasks related to building, land use and development:

- Collective transport and roads
- Nature, environment and planning
- Sewers, wastewater treatment and water supply
- Other public services such as schools and recreational facilities

##### 4.7.1.1.2 The multi-level government structure

On the regional level Denmark consists of 5 regions.

The most populous is Hovedstaden region with 1 645 825 inhabitants, the smallest is Nordjylland with 578 839. The average population of the regions is around 1 100 000.

The **regional council** is the governing body of the region. It is composed of 41 members directly elected for four years periods.

The **regional council chairman** is the head of the regional council. He is elected by the regional council.

The **executive committee** is elected by the regional council. It is composed of 11-19 members. The regional council can decide to establish ad-hoc committees to assist and advise the council in its work.

The tasks of the regions include health care, operation of social and special education institutions, and regional development. Related to building, land use and development they have the following tasks

- Regional development
- Development in remote areas and in rural districts
- Public transport

The regions cannot levy taxes directly; they are financed through contributions from the state and the municipalities. The economy of the regions is divided into three separate parts: health; social services and special education; regional development.

The 5 regions correspond to the NUTS 2 level.

#### 4.7.1.1.3 The dynamic processes

An administrative reform was implemented in Denmark on January 1, 2007. Prior to the reform the country had been divided into 13 counties and 3 regional municipalities at regional level, and into about 270 municipalities at the local level. As a result of the reform, five regions replaced the counties and the number of municipalities was reduced to 98.

The reform changed also the spatial planning system. The municipal plans have a new role as the key plan for development and land use. National planning also has been strengthened. The regional councils are developing regional spatial development plans, a new type of plan.

#### 4.7.1.2 The government level deciding on land-use changes and the RUR regions

National level planning provides guidelines for spatial planning. Every 4 years the Minister for the Environment publishes an overview of national interests in municipal planning. The Planning Act (PA) has special regulations for retail trade, coastal areas and Greater Copenhagen. The PA divides Denmark into urban, summer cottage and rural zones. The strict delineation helps to prevent uncontrolled development and sprawling.

The Ministry of Environment also publishes a document called 'Overview of national interests in municipal planning', which has to be taken into account in municipal planning. The general 12 year planning horizon which predicts the amount of land necessary to be transferred to urban land for each municipality, which sets a limit for the local governments. If needed the minister may overrule the municipalities, but in practice there is a dialog where planning is adapted to state interests.

The reform of the local government structure in 2007 has elevated the municipal plan to be the most important type of plan. The Ministry of the Environment is required to veto municipal plan proposals that contradict national interests. Regional councils may veto municipal plan proposals that contradict the regional spatial development plan. Municipalities may also object neighbouring municipalities' (in the Greater Copenhagen area all other municipalities') plans if the proposal has important impact on their development.

Besides the planning powers and general municipal tasks, they also have the right to pursue targets on their own initiative. They may for instance run certain type of businesses, engage in business development, or buy land to promote a desired type of

urban development. Municipalities are major land owners in many cases. This combination of planning competences, municipal tasks and the established right to pursue targets on their own and promote a desired development locally suggests that municipalities have a strong influence on their own course of development.

According to the above, the government level deciding on land use is the local municipality, but there are control mechanisms for the regional and national level.

## 4.7.2 Spatial planning

### 4.7.2.1 Style of planning

According to ESPON 2.3.2, the style of planning in Denmark is classified as comprehensive integrated approach.

### 4.7.2.2 Key institutions making planning policies in the country

The key national institutions are the Ministry of the Environment and the Spatial Planning Department, which ranks below the Ministry of the Environment, as a part of the Danish Forest and Nature Agency. Other departments with interest in the field of spatial planning include the Ministry of Housing and Urban Affairs, the Ministry of Industry and Trade, the Ministry of Agriculture, the Ministry of Transport and the Energy Agency (which is a part of the Ministry of Environment and Energy).

The regional councils prepare the regional spatial development plan, which is legally binding for the municipal planning.

At the municipal level municipal planning departments handle the municipal and local plans. The reform of the local government structure in 2007 has elevated the municipal plan to be the most important type of plan.

### 4.7.2.3 Policy instruments, space-related plans on the different levels

At the national level, the spatial planning policies of the Government are mainly expressed in the mandatory National Planning Report. The objective of the national planning report is to provide guidance in a persuasive way to the counties and municipalities. Every 4 years the Minister for the Environment publishes an overview of national interests in municipal planning.

The regional spatial development plans present strategic visions of the development of each region. They are a collective project between the municipal councils, businesses, the regional council and the other actors in each region. A regional spatial development plan comprehensively describes a desired future spatial development for each administrative region's cities and towns, rural districts and small town (peripheral) regions. A map will illustrate the general content of the plan. The regional council may make proposals for municipal and local planning in the administrative region. Municipal plans must be in accordance with the regional spatial development plan. Regional plans, however, are not likely to be of high importance concerning land-use change in practice.

In the capital region a special instrument exists: the 'Fingerplan 2007'. This plan sets a fixed framework for land-use changes in the capital region, and assigns all urban growth to areas within a certain distance from the rail network. It is included in the law on planning, and is maintained and surveyed by the Ministry of Environment. In practice it is a strong instrument.

The municipalities have a central role in planning. The main principle is solving the local problems locally. The plan comprises the necessary link between national and regional planning and preparation of local plans on the use of each individual property. Municipal

plans include a general structure and the framework for local planning (policies, maps and land use regulation for the total municipal area). The municipalities also have the right and duty to prepare binding local plans (including plans with maps and detailed land-use regulations for a minor neighbourhood area) and to ensure their implementation.

<b>Name</b>	<b>Basic objectives</b>	<b>Planning object</b>	<b>Legal impact</b>	<b>Production obligation</b>
Landsplanredegørelse; National Planning Report	Governments vision for the spatial development of the country	Entire country; thematic focus on regions	guiding	Obligatory
Oversigt over statslige interesser i kommuneplanlægningen; Overview of national interests in municipal planning	national policies and guidelines for county and municipal planning	Entire country. Supplementary guidelines for parts of the country or specific themes	national policy issues to be addressed in county and municipal planning	Obligatory
Fingerplan 2007: Landsplandirektiv for hovedstadsområdets planlægning	Coordination of urban structure and infrastructure in the capital area	Capital area	Binding for municipal planning incl. spatially explicit criteria	Obligatory
Regional spatial development plan	strategic visions of the development of the region; proposals for municipal and local planning	Entire region	Binding for municipal planning but not spatially explicit	obligatory
Kommuneplan – municipal plan	general structure with overall objectives for development and land use in the municipality; guidelines for land use; framework for the content of local plans for the specific parts of the municipality.	entire municipality	binding for local plans	obligatory
Local plan	rules on how land may be developed and used; gives property owners the right to develop and use property in accordance with the local plan	A district, a specific property or a theme	Legally binding for property owners	Obligatory for major developments

### 4.7.3 Summary table

Country	<b>DENMARK</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Denmark 4 RURs have been delineated. Most of them are comparable in size to the municipalities, while being much smaller than the regions. In the case of the Capital area the extent of the RUR is comparable to the capital region delineated in 'Fingerplan 2007' (larger than Hovedstaden region).
<b>Government structure factor</b>	
Average population of the local municipalities	In Denmark there are 98 municipalities. The most populous is the capital Copenhagen with 509 861 inhabitants, the smallest is Læsø with 2003. The average population of the municipalities is around <b>56 200</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On the regional level Denmark consists of 5 regions. The most populous is Hovedstaden region with 1 645 825 inhabitants, the smallest is Nordjylland with 578 839. The average population of the regions is around <b>1 100 000</b> . The decision making body is the regional council, which is <b>elected</b> directly. The tasks of the regions include health care, operation of social and special education institutions, regional development, development in remote areas and in rural districts and public transport.
Overall assessment	<b>L/I</b> – large supra-local level (regions) and large local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The regional spatial development plans are a collective project between the municipal councils, businesses, the regional council and the other actors in each region. A regional spatial development plan comprehensively describes a desired future spatial development for each administrative region's cities and towns, rural districts and small town (peripheral) regions. A map will illustrate the general content of the plan. The regional council may make proposals for municipal and local planning in the administrative region. Municipal plans must be in accordance with the regional spatial development plan.
Ratifying of local plans: do meso or higher level authorities have veto power?	Regional councils may veto municipal plan proposals that contradict the regional spatial development plan. Municipalities may also object neighbouring municipalities' (in the Greater Copenhagen area all other municipalities') plans if the proposal has important impact on their development.
Overall assessment (A/B/C)	<b>b (medium level of control)</b> – weak physical planning on the regional level, but a certain level of state control and strong cooperation culture. In the capital region Fingerplan is a strong control from the national level.

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## 4.8 Estonia

### 4.8.1 Government

#### 4.8.1.1 The formal government structure

##### 4.8.1.1.1 The basic units: local governments

In Estonia there are 227 municipalities, of which 33 towns and 194 rural municipalities. The most populous is the capital Tallinn with 397 617 inhabitants, the smallest is Ruhnu with 71 (an isolated island community). The average population of the municipalities is around 5900. Most rural municipalities have 1500-3000 inhabitants and most urban ones 5000-20 000. Average population density of the country is about 30 /km<sup>2</sup>, while in most areas it does not exceed 10/km<sup>2</sup>.

The main decision-making actors on the municipal level are the following:

The **municipal council** (*volikogu*) is composed of members elected by direct universal suffrage for four years. It appoints and may dismiss the chair of the council as well as the mayor. This deliberative body is composed of a variable number of councillors, depending on the municipality demographic size. The council is assisted by sector-based commissions. The mayor cannot be the chair of the municipal council.

The **government** (*valitsus*) represents the executive board of the municipality. The government is composed of the mayor and of members appointed by him, after approval by the council. Members of the municipal government cannot sit on the municipal council.

The **mayor** (*linnapea* in cities, *vallavanem* in rural municipalities) is appointed by the municipal council for a four-year term. He/She is the representative of the municipal executive board. The mayor cannot hold the position of chair of the council simultaneously. The mayor and the chair of the council may be removed from office by the council, via a vote of no-confidence.

All local governments are equal in their legal status.

The municipalities are responsible for the following tasks related to building, land use and development:

- Spatial planning (detailed planning and comprehensive planning)
- Building permits and building control
- Provision of water supply and sewage
- Maintenance of streets and parks
- Provision of social housing
- Public transport

##### 4.8.1.1.2 The multi-level government structure

On the regional level Estonia consists of 15 counties.

The most populous county is Harju with 523 277 inhabitants (including the capital and its suburbs outside the city border), the smallest is Hiiu with 10 118 (lying on an island in the Baltic Sea). The average population of the counties is around 90 000, while most of them have 35 000 – 60 000 inhabitants.



The **governor** is appointed by the central government, on the minister for Regional Affairs' recommendation and after consultation with the representatives of local authorities. The governor is appointed for a five-year term and is in charge of the administration of the county.

The task of the county administration is the management and administration of the state responsibilities at the county level. In cases where the public service is provided by another institution, the county government has to supervise it.

The tasks of the county administration include:

- Regional development
- Traffic
- Spatial planning

The counties are smaller than the 5 NUTS 3 units of the country.

#### 4.8.1.1.3 The dynamic processes

According to the Territory of Estonia Administrative Division Act local councils or the Government of the Republic may initiate changes to the administrative division of the territory of Estonia.

The current 227 municipalities are the result of a merger of 22 units, entered into force in October 2005. Mergers have been common for the last decade: before 1996 there were 255 local governments. In fact these mergers have been a very slow process, considering the fact that small municipalities have difficulties to fulfil the tasks delegated to them.

#### 4.8.1.2 The government level deciding on land-use changes and the RUR regions

According to the Nature Conservation Act, limited management zones and building exclusion zones are assigned to the shorelines of water bodies.

The Estonian planning system is at the same time hierarchical (a lower-level plan should be compliant with those at higher levels) and flexible (it is possible to amend a higher-level plan while preparing one at a lower level). The county plans are also dealing with the green network, which is a means of preserving them for the future. The plans are supervised by the upper-level authorities, but this concerns only the legal aspect of them, including their conformity with other legally valid plans. Supervision of the county plans is exercised by the Minister of Internal Affairs, while supervision of the comprehensive plans by the county governor. A plan cannot be adopted as far as it is not approved by the supervising authority.

Decisions concerning comprehensive plans, detailed plans and building permits are as a rule taken by the local authority. Normally the municipalities and the county administration cooperate during the planning process.

### 4.8.2 Spatial planning

#### 4.8.2.1 Style of planning

According to ESPON 2.3.2, the style of planning in Estonia is classified as comprehensive integrated approach.

#### 4.8.2.2 Key institutions making planning policies in the country

At the national level, the Ministry of Internal Affairs and especially its Planning Department is of primary importance.

Administration and supervision of planning activities at national level is within the competence of the Ministry of the Internal Affairs (it has been transferred from the Ministry of Environment in 2004), while administration and supervision of planning activities in a county is within the competence of the county governor.

Administration of planning activities within the administrative territory of a rural municipality or city is within the competence of the local government.

#### 4.8.2.3 Policy instruments, space-related plans on the different levels

The Estonian planning system is at the same time hierarchical (a lower-level plan should be compliant with those at higher levels) and flexible (it is possible to amend a higher-level plan while preparing one at a lower level). According to the Planning Act, different types of plans do not have strict differences in their territorial coverage: it is possible to prepare a joint comprehensive plan for more municipalities, or a county plan for a part of the county. They have however different legal power, are differently detailed and also the planning process differs.

At the national level there is no land-use planning: the national spatial plan is more of a spatial development strategy. It is followed by an Action Plan giving tasks to state government institutions (such as ministries and county governments), but non-governmental institutions (such as county associations of municipalities) are not directly affected.

At the municipal level, the most important part of the comprehensive and detailed plans is the land use map. For the land owners the most detailed plan is mandatory, that means the detailed plan if available, and the comprehensive plan if there is no detailed planning for the area.

Name	Basic objectives	Planning object	Legal impact	Production obligation
Üleriigiline planeering	main principles of spatial development; balancing of economic, social and environmental interests; balancing of settlement system	whole country	ministries; county Governments	upon necessity whenever decided by the Government
Maakonnaplaneering – county plan	integration of spatial and economic planning; balancing of state and local interests; guidelines for sustainable development; location of principal roads and technical networks; determination of rural/urban areas	whole county or part of it; several counties or their parts; theme planning	enforced county plan is the binding basis for comprehensive planning; no direct impact on legal bodies	upon necessity(law required completion of first county plans by 22/06/98)
Uldplaneering – comprehensive plan	principles of sustainable territorial and economic development; functional zoning and location of main roads and technical networks; determination of monuments and natural reserves; basic land use and building principles	whole municipality or part of it; several municipalities or their parts	in urban areas binding basis for detailed planning; in rural areas binding for all legal bodies	Obligatory
Detailed plan	Determining detailed land use and building provisions; dividing land into plots; determining the building rights of a plot	Part of the municipality	Legally binding	Mandatory as the basis for the construction of buildings (excl. small buildings) and for the division of land into plots

### 4.8.3 Summary table

Country	<b>ESTONIA</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Estonia 2 RURs have been delineated. They comprise more municipalities. Tartu RUR is considerably smaller than the county, while Tallinn RUR covers a significant part of it. Daily commuting across county borders is however common in both cases.
<b>Government structure factor</b>	
Average population of the local municipalities	In Estonia there are 227 municipalities, of which 33 towns and 194 rural municipalities. The most populous is the capital Tallinn with 397 617 inhabitants, the smallest is Ruhnu with 71. The average population of the municipalities is around <b>5900</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On the regional level Estonia consists of 15 counties. The most populous county is Harju with 523 277 inhabitants, the smallest is Hiiu with 10 118. The average population of the counties is around <b>90 000</b> . The governor is <b>appointed</b> by the central government and is in charge of the administration of the county. The task of the county administration is the management and administration of the county.
Overall assessment	<b>S/s</b> – small supra-local level (counties) and small local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The Estonian planning system is at the same time hierarchical (a lower-level plan should be compliant with those at higher levels) and flexible (it is possible to amend a higher-level plan while preparing one at a lower level). The Planning Act does not draw a clear line between different types of plans: it is possible to prepare a joint comprehensive plan for more municipalities, or a county plan for a part of the county. The county plans are also dealing with the green network, which is a means of preserving them for the future.
Ratifying of local plans: do meso or higher level authorities have veto power?	The plans are supervised by the upper-level authorities. Supervision of the comprehensive plans by the county governor. A plan cannot be adopted as far as it is not approved by the supervising authority. However, supervision only concerns the legal conformity (e.g. with other valid plans).
Overall assessment (A/B/C)	<b>B (medium level of control)</b> – physical planning on the regional level and necessity of approval by supervising authorities – but this is only about legal conformity

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## 4.9 Finland

### 4.9.1 Government

#### 4.9.1.1 The formal government structure

##### 4.9.1.1.1 The basic units: local governments

In Finland there are 348 municipalities. The most populous is the capital Helsinki with 568 531 inhabitants, the smallest is Sottunga with 116. The average population of the municipalities is around 15 300.

The main decision-making actors on the municipal level are the following:

The **municipal council** (*kunnanvaltuusto*) is composed of members elected every four years at the proportional representation system. This deliberative body appoints the executive board and the mayor.

The **executive board** (*kunnanhallitus*) is composed of members appointed by the municipal council. It is responsible for running the municipal administration and for its finances. The executive board may be assisted by sector-based committees.

The **mayor** (or municipal manager) is elected by the municipal council. (S)he can be elected for an indefinite or fixed term of office. This local government officer heads the administration and prepares the decisions to be adopted by the executive board.

The municipalities have similar rights and obligations independently of their size.

The Finnish municipalities have independent powers of taxation.

The municipalities are responsible for the following tasks related to building, land use and development:

- Land use planning and supervision of building
- Maintenance of the technical infrastructure and the environment (streets, energy management, water and sewage works, waste management, harbours, public transport)

##### 4.9.1.1.2 The multi-level government structure

On the regional level Finland consists of 6 provinces, which are divided further into 20 regions. One of the provinces (and the same time a region), Åland has a special autonomous status: it has its own parliament, legislation and independence also in spatial planning issues.

The most populous region is Uusimaa with 1 388 964 inhabitants, the smallest is Åland with 27 153. The average population of the regions is around 270 000.

The **provincial state office** (*lääninhallitus*) is headed by the **governor** (*maaherra* or *landshövding*). It is part of the central government's executive branch. The governor is appointed by the president of the Republic after a proposal by the cabinet and is in charge of the management of the administrative offices of the province.

The provinces have administrative competences exclusively.

The **regional council** is a statutory joint local authority. It is composed of members elected by the municipalities of the region and is supported in its tasks by a civil service.

The regions are responsible for the following tasks related to building, land use and development:

- Regional development and policies
- Regional planning
- Preparation and execution of programmes co-financed by the Structural Funds

The 20 regions correspond to the NUTS 3 level.

#### 4.9.1.1.3 The dynamic processes

There was a change in the administrative system in 1997, when the number of provinces was reduced from 12 to 6. There is a plan to abolish provinces by 2010.

The number of municipalities is constantly changing, because of the mergers of municipalities. The number has decreased from 452 in 1997 to 415 in June 2008, but with further mergers the number of municipalities has become as low as 348 by the beginning of 2009.

The Act on Regional Self-Government Experiment in Kainuu introduced a Regional Council elected by a direct ballot (2005) and widened the responsibility of the Kainuu Region to include social and welfare and health care services and a partial responsibility for education.

#### 4.9.1.2 The government level deciding on land-use changes and the RUR regions

A municipality can expropriate unbuilt land if the municipal council has decided to make a plan for it. Expropriation takes place usually with market value compensation for the owner. Policy instruments for a strong local land policy exist, but they have not been used very often because of political reasons, and the compensation system makes them expensive for the local economy.

There are national programmes for the protection of the architectural heritage, landscapes, flora and fauna and groundwater areas. These are mainly implemented by purchasing land for the state or by exchanging it between the state and landowners. The regional land-use plans and joint local masterplans have to be sanctioned by the Ministry of the Environment.

According to the Nordic trend, the very independent Finnish municipalities gained a planning monopoly in 1968, and have since played an important role in local planning and building issues. In 1989 and 1990 their independent right to make decisions on local plans was further increased. However, the regional plans are binding for the local authorities after being sanctioned by the state. The Land Use and Building Act of 2000 changed the old tradition of plans needing ratification from upper administrative levels, and the rights of local authorities to decide on the control and guidance of their own spatial planning and development were further extended. The Regional Environmental Centres may appeal decisions of the municipalities, if they contradict to the national land use guidelines or other laws.

According to the above, the government level deciding on land use is the local municipality, even if there is a certain level of supervising from higher levels.

## 4.9.2 Spatial planning

### 4.9.2.1 Style of planning

According to ESPON 2.3.2, the style of planning in Finland is classified as comprehensive integrated approach.

### 4.9.2.2 Key institutions making planning policies in the country

At the national level, Ministry of Environment is the highest supervising authority in spatial planning, and in charge of national level issues in environmental policy, environmental protection, land use, housing and building. The Ministry prepares spatial planning legislation. Ministry of Interior is responsible for e.g. the issues of regional development, Ministry of Agriculture and Forestry for e.g. rural development.

State guidance and, to a certain extent, supervision of regional and local land use issues belong to the Regional Environment Centres, which belong to the State organisation. Their main task in land use issues is twofold: first, they act as a state authority offering advice and expert help related to land use planning. Second, they are in charge of supervising that the national land use guidelines, other goals pertaining to land use and building, and provisions concerning the management of planning matters and building activities are taken into account in planning, building and other land use, as provided in the Land Use and Building Act.

Regional Councils are responsible for the general development and planning of their regions. An important part of the tasks of Regional Councils is regional planning, including regional land use planning. Statutory regional planning consists of a regional development strategy, a regional development programme and a regional land use plan.

According to the Nordic trend, the very independent Finnish municipalities gained a planning monopoly in 1968, and have since played an important role in local planning and building issues. In 1989 and 1990 their independent right to make decisions on local plans was further increased.

### 4.9.2.3 Policy instruments, space-related plans on the different levels

The Building Act does not include a national land-use plan. The Ministry of Environment can give national guidelines for specific planning issues of national importance. Important tools for the Ministry are subject-specific programmes.

There is no spatial planning at the province level. State guidance and supervision of regional and local land-use issues belong to the regional environmental centres. They may appeal decisions of the municipalities, if they contradict to the national land use guidelines or other laws.

The regional land use plan is one of the four statutory instruments of the land use planning system in Finland, and hierarchically the highest level statutory land use plan. Drafting and approving the plan is the charge of the Regional Council. The main task of the regional land use plan is to set out the principles of land use and urban structure, and to designate areas as necessary for regional development. Regional land use plans define a general framework for the more detailed local plans (local master plan and local detailed plan) drawn up by the local authorities. Regional land use plans are legally binding with regard to municipal planning and the activities of other authorities. However, according to their fairly general nature, they leave plenty of scope for local authorities to resolve local land use and development issues.

The Building Act gives urban and rural municipalities the right to make decisions on local land use and building issues. At the local level there is the master plan and different types



of detailed plans. In dense settlement areas it is mandatory to make a land-use plan and build public infrastructure.

In the countryside, in dispersed settlements the land owner has the basic right to build on his own land, which is a specific Finnish feature.

Name	Basic objectives	Planning object	Legal impact	Production obligation
Maakuntakaava	optimal regional and settlement structure, ecologically sustainable land use, transport and technical infrastructures and use of resources; favourable conditions for business - protection of landscapes, natural and cultural heritage; good availability of recreation areas; implementation of national guide-lines and international cooperation	entire region or part of it 1:100 000 – 1:250 000	must be taken into account in local planning	mandatory for all regions of the country
Yleiskaava – master plan	framework for municipal spatial structure, main locations of housing, services, traffic and energy networks, waste management; management of natural resources, landscapes and cultural heritage	entire municipality or part of it; supplements can be made for parts and themes; municipalities can produce joint plans	binding for detailed planning	obligatory but flexibility in type
Detailed plans: Asemakaava – town plan; rakennuskaava – building plan; rantakaava – shore plan	Control the formation of dense settlements	Municipality – only parts of the territory	Binding	

### 4.9.3 Summary table

Country	<b>FINLAND</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Finland 5 RURs have been delineated. Most of them comprise about half a dozen municipalities, and are considerably smaller than the regions. Helsinki RUR includes more municipalities, and is comparable in size to its region.
<b>Government structure factor</b>	
Average population of the local municipalities	In Finland there are 348 municipalities. The most populous is the capital Helsinki with 568 531 inhabitants, the smallest is Sottunga with 116. The average population of the municipalities is <b>15 300</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On the regional level Finland consists of 6 provinces, which are divided further into 20 regions. One of the provinces (and the same time a region), Åland has a special autonomous status. The most populous region is Uusimaa with 1 388 964 inhabitants, the smallest is Åland with 27 153. The average population of the regions is around <b>270 000</b> . The provinces are part of the state administration, and their governors are appointed by the head of state. The regional council is a statutory joint local authority, composed of members <b>delegated</b> by the municipalities. The provinces have administrative competences exclusively. The regions are responsible for regional development and policies, regional planning and preparation and execution of programmes co-financed by the Structural Funds.
Overall assessment	<b>S/m</b> – small supra-local level (regions) and medium-sized local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The main task of the regional land use plan is to set out the principles of land use and urban structure, and to designate areas as necessary for regional development. Regional land use plans define a general framework for the more detailed local plans. Regional land use plans are legally binding with regard to municipal planning and the activities of other authorities. However, according to their fairly general nature, they leave plenty of scope for local authorities to resolve local land use and development issues.
Ratifying of local plans: do meso or higher level authorities have veto power?	The Land Use and Building Act of 2000 changed the old tradition of plans needing ratification from upper administrative levels, and the rights of local authorities to decide on the control and guidance of their own spatial planning and development were further extended. The Regional Environmental Centres may appeal decisions of the municipalities, if they contradict to the national land use guidelines or other laws.
Overall assessment (A/B/C)	<b>B (medium level of control)</b> – physical planning on the regional level

### 4.9.4 Sources of information

- [http://www.kunnat.net/k\\_peruslistasivu.asp?path=1;29;348;4827;50631](http://www.kunnat.net/k_peruslistasivu.asp?path=1;29;348;4827;50631)
- Statistics Finland, <http://www.stat.fi/>
- Compendium FI
- CCRE, [http://www.ccre.org/finlande\\_en.htm](http://www.ccre.org/finlande_en.htm)
- <http://vasab.leontief.net/countries.phtml>
- [http://commin.org/upload/Finland/FI\\_Country\\_and\\_Planning\\_System\\_Engl.pdf](http://commin.org/upload/Finland/FI_Country_and_Planning_System_Engl.pdf)

- [http://www.espon.eu/mmp/online/website/content/projects/243/374/file\\_2186/fr-2.3.2\\_final\\_feb2007.pdf](http://www.espon.eu/mmp/online/website/content/projects/243/374/file_2186/fr-2.3.2_final_feb2007.pdf)
- [http://en.wikipedia.org/wiki/Provinces\\_of\\_Finland](http://en.wikipedia.org/wiki/Provinces_of_Finland)

## 4.10 France

### 4.10.1 Government

#### 4.10.1.1 The formal government structure

##### 4.10.1.1.1 The basic units: local governments

France is a decentralized unitary State. It is therefore necessary to draw a distinction between State responsibilities and those accruing to local authorities before indicating the distribution of competences between the different levels of local authorities. The municipality, the department and the regions are local self-government authorities of the same nature (decentralization).

Local level: 36.778 municipalities

Municipal authorities

The **municipal council** (*conseil municipal*) is composed of councillors elected by direct universal suffrage for a six-year term. The Mayor heads this deliberative assembly.

The **Mayor and his/her deputies** (*maire*) represent the executive power of the municipality. The mayor is elected by and within the council. (S)he is in charge of the municipal administration.

Competences:

Traditional competences

- Registry office
- Electoral functions
- Social policy
- Education
- Maintenance of the municipal roads
- Land development and planning
- Public order

Devolved competences

- Urban planning
- Education
- Economic development
- Housing
- Social affairs
- Culture

Notes

Municipalities may create inter-communal structures. These have limited competences but can exercise certain responsibilities allocated to the regional and general Councils for these communities.

Paris is both a department and a municipality.

#### 4.10.1.1.2 The multi-level government structure

##### **Intermediary level: 96 departments and 4 overseas departments**

###### Authorities of the department

The **general council** (*conseil général*) is the deliberative body of the department. The council is composed of members elected by direct universal suffrage for a six-year term and half of it is renewed every three years. The council appoints the president among its members. The general council is composed of specialized committees.

The **president of the council** (*président du conseil général*) is the executive arm of the department. (S)he is elected by the council for three years and is assisted by a permanent committee within which vice-presidents are elected.

###### Competences:

- Social and health action
- Urban planning and equipment
- Education, culture
- Economic development
- Environment

###### Notes

The chief administrator of the department (*préfet*) is the representative of the Prime minister and of other ministers in the department. The chief administrator is in charge of the police and public order, and monitors the legality of the local authorities' acts.

Since 2004, the general councils have acquired new competences. They may, as an experiment, manage European structural funds.

##### **Regional level: 22 regions and 4 overseas regions (ROM)**

###### Authorities of the region

The **regional council** (*conseil régional*) (*assemblée territoriale* in Corsica) is the deliberative body of the regions. The council is composed of councillors elected by direct universal suffrage for a six-year term. The council appoints the president of the region.

The **permanent committee** (*commission permanente*) is a deliberative board that may assist the council in the execution of some of its competences. It is composed of the vice-presidents of the region.

The **president** (*président*) is elected by the regional council for a six-year term. (S)he has executive power in the region and is the head of the regional administration. The president's functions are similar to those of the president of the department.

###### Competences:

- Economic development
- Land development
- Transport
- Education, job training programmes and culture
- Secondary schools construction and maintenance
- Health

###### Notes

Since 2004, the regional councils have acquired new competences. They may, as an experiment, manage European structural funds.

The *Préfet de région* is responsible for the services devolved to the regions by the national state. Other competences include relaying the government's policy on big public projects, monitoring the legality of the region's acts and the respect of budgetary rules, preparing policies for the economic, social and land development of the region.

Corsica has a specific status and specific institutions (Corsican Assembly, Executive Council).

There are three types of overseas collectivities

- Overseas departments and regions
- Overseas collectivities
- New Caledonia and the Terres australes et antartiques françaises.

The French Republic (*République française*) is a Regionalised Unitary State divided into 26 Regions: 21 metropolitan regions, 1 region with “special status” (Corsica) and 4 overseas regions. The metropolitan regions (97 % of the French population) are involved in a Regional Decentralisation process and the rest, i.e. Corsica and the overseas regions (Guiana, Martinique, Guadeloupe and Réunion), which involve almost 3 % of the population, are in a process of Regional Autonomy (political regionalisation).

Multi-level structure:

Category	Performance
Model of State	Regionalized Unitary
Typology of regionalization	-Regional decentralization -Political Regionalization (Corsica, Guiana, Martinique, Guadeloupe and Réunion)
Constitutional reconnaissance of Regional and/or local levels	Regional and local
Allocation of Spatial Planning powers	-Strong local -Weak sub-regional / supra-local -Weak regional -Strong national
New Spatial Planning powers	14 Communautés Urbaines (indirectly elected Assembly)
National territorial chambers	Totally Territorial Chamber
Regular multi-level governmental meetings	No
Dependence of local governments on central government	Fairly independent
Constitutional regions	No
Devolution to 1st tier local authorities	Substantial powers have been allocated to local authorities

Source: ESPON 2.3.2

NUTS categorization:

France	NUTS1		NUTS2		NUTS3	
FR	ZEAT	8	Regions	22	Départements (departments)	96
	Overseas departments	1	Overseas departments	4	Département d'outre-mer	4

#### 4.10.1.1.3 Trends and dynamic processes

The administrative structure which is related to regional and local authorities has gone through important changes since the beginning of the 1980s. These do not imply a decreasing role for the central state. The regional level of State administration has obtained an important role in the bargaining process of the planning contracts at the regional level as well as in the management and administration of EU Structural Funds. To a certain extent the State can be considered as a partner of the local and regional authorities. This is a trend parallel to a gradual increase of tasks and duties delegated to local and regional authorities by means of a decentralization process recently re-launched by the Government. While the central state reinforced its role and arguably became more active in territorial governance, new legislation aims at taking better account of regional and local diversity and at strengthening lower administrative levels.

A clear progress has been made in the way local projects are planned and implemented through new forms of combining local resources, by securing improved vertical and horizontal coordination. The local territory has become the place where central state and local policies are coordinated and organized. Evaluation of policies is a new practice, which has been established to deepen participation and transparency in policies building processes. A variety of urban agencies have been created since the beginning of the 1980s. A good example (urban and rural) is the "Conseils de développement". The so-called Time Agencies (*Bureaux du Temps*), which exist in some urban areas and are generally focused on transport issues, can also be mentioned here.

The decentralization process which started in the early 1980s has been an important element in favour of the indirect adoption of governance approaches, notably through the use of contractual procedures. The role of the European Structural Funds was also crucial, as well as the mutual influence of the idea of polycentrism (ESDP) and the regional policy.

In more detail, it is difficult to understand the rationale of the French planning and development system without taking into account the major shift toward decentralisation started in 1983 and confirmed by subsequent reforms in the urban-planning field (including the Urban renewal and solidarity (SRU) law voted 13 December 2000 and the recent Urbanisation and Habitat (UH) law voted in 2003) and the emergence of a new form of territorial organisation based on intercommunal structures.

These planning rules bring into play a wide array of players (State agencies, elected officials, local-government entities, environmental and other associations, building and planning professionals, etc.). They are based on the principle of **negotiation** (in the form of meetings and debates between the various players prior to decisions) and that of financial **incentives** (signalling the preference of government authorities for delegating the initiative to others) for public or semi-public organisations, as well as for the private sector. **Contractual procedures** and the early involvement of civil society in programs are increasing.

So, the legislative framework for territorial development and management has undergone profound change. Though the very diverse intercommunal structures up until the changes were the means to collaborate on technical issues ("cooperate on the pipes"), intercommunal policy at the start of the new century is presented as a means to correct territorial fragmentation (as you underlined it more than 36 000 *communes* in France) and, in particular, to avoid urban sprawl. In 1999 and 2000, three major laws were voted on intercommunal cooperation, in view of encouraging the rapid creation of a new territorial organisation.



The LOADDT (25 June 1999) underlines that land management can not be justified only with a national policy ; the regional level is recognised as a level of coherence for this type of action. The law introduces a major change introducing an ascending approach claimed for a long time by local actors, to direct and adapt State policies and regional policies at local levels. The LOADDT law targets sustainable development and is based on territorial projects encouraged by territorial contracts in the framework of the CPER (*Contrat de plan État-Région* / State-Region planning contracts)<sup>8</sup>. In addition to the rural dimension that already existed, the law added the urban dimension with the urban-area contracts. In addition to administrative perimeters, global approaches toward territories are recognised, notably the *pays* (a territory for shared sustainable-development projects over ten-year periods, with guidelines established in a charter, launched by local players in view of maintaining complementarity and solidarity between urban and rural areas), the urban-area projects and the regional nature parks.

The Chevènement law (12 July 1999), targeting the reinforcement and simplification of intercommunal cooperation, deals primarily with the management of urban zones. It simplifies cooperation in the form of three structures (or EPCI, *Établissements publics de coopération intercommunale* / Public entities for intercommunal organisation), the *communautés de communes* (CC), the *communautés d'agglomération*, and the *communautés urbaines*. The reorganisation of these structures covers two aspects, legal (they have mandatory and optional responsibilities) and fiscal.

And The SRU law (30 December 2000) deals with urban planning, city policy, housing and transport in setting up an approach to urban zones based on solidarity and urban renewal.

The goal of these three laws is to encourage the emergence of "relevant" territories, sized to take into account the "spatial contexts of current problems", in view of the development of a territorial characterised by the voluntary participation of *communes* in EPCIs. However, their different political, technical and financial approaches can result in blocked situations when attempting to make adjustments between the various territories.

More, there is a very clear link between **local urban planning and territorial development**, established by the SRU law and the LOADDT. Consequently, they give the rules and instruments making up the general planning and regulation system for land use. This system comprises two subsets. The first is drawn from urban-planning legislation and constitutes the basic elements; the second (with links to the first) is drawn from other legislation containing guidelines or rules on land use.

Finally, in this new context, **the regions (Nuts 2 level, local-government entity) have become the leading figures in territorial-planning policies**, with the *pays* and urban areas acting as the partners of the State and regions in their territorial policies. The territorial section of the CPERs is the means to distinguish the budgets specific to the territorial contracts. These budgets are variable because they are set up depending on the territorial priorities of the region and negotiated with the State.

This trend of decentralisation confers upon urban planning a very local component, yet channelled by the national guidelines. Indeed, the double process of decentralisation and territorialisation of public policies has elicited a large amount of debate concerning the future role of the State. The highly centralised French State, as perceived until now, would appear to be undergoing significant change. The State as a business entrepreneur has renounced the instruments used for economic intervention, the welfare State continues to ensure solidarity between citizens, but is gradually transferring operations to the local-government entities. The central State would seem to have lost much of its substance, due to competition (both desired and undesired) from above (the European Union) and below (the local-government entities).

<sup>8</sup> State-Region planning contracts are established for five-year periods.

Paradoxically however, whereas it has increasingly transferred to the local-government entities the responsibility of creating and implementing public policies, the central State remains the primary contact with the European Union. Even though it no longer has the means to control all the "cards" in the game, on the European level, the central State remains the unique entity capable of ensuring implementation of European directives.

Study of urban planning and the contractual policies in favour of the environment perfectly illustrates this paradox which explains the occasionally ambiguous position of the central State on these issues. Less present a certain moments yet more vigilant at others, the State would appear to be attempting to redefine its role and it is precisely this repositioning process that determines how the studied policies are implemented.

The State is a partner and arbitrator (checks on the legality of operations). It is also the initiator of major planning documents defining the State's point of view on national issues and/or setting guidelines for planning documents on lower levels (namely the Territorial Planning Directives (DTA) and the collective-service plans laid out in the *Guideline law on sustainable development of territories* (LOADDT) voted in 1999).

Furthermore, the incentive in favour of greater integration takes two forms, the transfer of responsibilities to the "relevant" territory governed by the intercommunal structure and the financial means granted. Financial incentives depend on the degree of integration selected by the *communes*. Territorial-planning policy is implemented via a tiered contractual system covering all territorial levels from Europe down to the local intercommunal structures. The funds allocated come from different sources, depending on the policies involved (e.g. FNADT, *Fonds national d'aménagement et de développement du territoire* / National territorial planning and development fund). To encourage fiscal solidarity on the part of intercommunal structures with autonomous taxes, the law allows for a special professional tax with a single rate (TPU, *Taxe professionnelle à taux unique*) for all the *communes* in the intercommunal structure. This option is not widely used in that only 298 structures with autonomous taxes out of 1849 had switched to the TPU at the start of 2000 (Goze, 2000).

Despite recent laws and processes for decentralization, the central State keeps an important role and, according to some analysts, even reinforces it. However, the facile impression of extreme centralization which has become a cliché must be tempered by the reality of a gradual post-war process of influence exercised by regional – local political cultures on governance and spatial planning policy. This process was one of constant interaction between regional – local initiatives and national policies, which is one of the features of the French tradition of governance. The decentralization process had a serious impact on the administration of spatial planning and on vertical relations across administrative levels. Evidence of this impact is provided by the multitude of local development methods which have become standard practice.

#### 4.10.1.2 The government level deciding on land development/conservation and its relation to the RUR regions.

Spatial planning processes and competences are regulated by two basic bodies of legislation: (1) Legislation concerning the structure of territorial administration and (2) Legislation devoted to planning instruments. Reference must be made here mainly to two 1999 laws, i.e. the Law on the Orientation of Spatial Planning and Sustainable Territorial Development (*Loi d'orientation pour l'Aménagement et le Développement Durable du Territoire*) and the Law of Solidarity and Urban

Renewal (*Loi Solidarité et renouvellement Urbain*).

The ministry which has the responsibility for spatial planning makes national level decisions and provides guidance on general issues. The role of CIADT, DIACT and CNADT has been explained in section 14. The Prefect of Region and the Regional Council define priorities and implement them through the CPER, a planning contract between central State and the regions (*Contrat de Plan Etat – Région*). Local plans are a matter of municipal or inter-municipal responsibility, but there is also a range of instruments which are the joint responsibility of regional and local authorities. Instruments form a nesting hierarchy, to ensure coherence of documents of different nature: PLU (spatial planning) – SCOT (spatial planning) – *Contrat d’agglomération* (development project) – CPER (development project) – SRADT (i.e. the long horizon *Schéma régional d’aménagement et de développement durable du territoire*).

In operational terms, the territorial-planning system is built up on two levels.

- **At a local level, two levels of urbanisation documents** have co-existed since the outline law on land voted in 1967:

a supra-communal (and infra-regional) level for planning and guidelines (that are nonetheless binding), in the form of the urbanisation and development plan (SDAU) created in 1967 and the coherent territorial plan (SCOT) created in 2000;

a communal regulatory level<sup>9</sup> comprising zoning documents (POS) created in 1967, followed by the new local urbanisation plan (PLU) created in 2000. Though a vast majority of the PLUs (which replaced the POSs) are drafted under the responsibility of a *commune*, it should be noted that the SRU law and the recent Urbanisation and Habitat (UH) law promote intercommunal PLUs, which require a transfer of urban-planning responsibilities from the *communes* to the intercommunal structures.

One exception, the PSMV (*Plan de sauvegarde et de mise en valeur* / Safeguard and valorisation plan) is a special urban-planning document for areas protected, elaborated by the State but in concentration with communal authorities concerned.

- **On the territorial-planning level**, in the regional framework of the SSC (*Schémas de services collectifs* / Collective service plans) and the SRADT (*Schémas régionaux d’aménagement et de développement du territoire* / Regional territorial planning and development plans).

#### Regulations and permits

Generally speaking, the act of building and by extension the majority of land uses which involve the acquisition of the modification of a particular area are subject to a preliminary authorisation procedure. This procedure needs to ensure that urban planning prescriptions and construction regulations are adhered to. Permits under special urban planning powers are granted by the mayor as the municipal authority where a POS is in force, except for works undertaken for the State or a public authority which are granted by a State authority. In all cases, permits are subject to appeals to the administrative court by any person affected. Some minor works do not need a permit, but simply a declaration, giving right to the planning authority to oppose. The different permits are:

- building permit
- subdivision permit
- demolition permit
- authorisation to cut and fell trees
- permit to build enclosures
- authorisation for various installations and building works

<sup>9</sup> France stands out for the extremely small size of its elected local government entities which are in charge of determining how land should be used. There are over 36 000 *communes* in France (Nuts 5) for a total national territory of 549 000 square kilometres.

- authorisation to develop camping and caravan sites
- authorisation required for mechanical ski-lifts or to develop ski slopes
- administrative consent for new business locations in the Parisian region
- authorisation to open major commercial retail areas, necessary before obtaining the building permit
- authorisation to build a classified installation
- authorisation relative to works or developments affecting a listed monument.

## 4.10.2 Spatial planning

### 4.10.2.1 Style of planning

France was classified, in the EU Compendium of Spatial Planning Systems and Policies, as belonging to the category of countries with a regional economic planning approach. In other sources it is considered as the prototype of the Napoleonic tradition. However, because of changes in the post-war period, especially since the 1980s, the situation has become more complex. From the post-war period, it can be said that spatial planning in France is a State business. The creation of DATAR in 1963, placed under the responsibility of the Prime Minister, was one major achievement to pilot the policy of spatial planning in France. Even before that, given the need to rebuild the country, the governments of the Fourth Republic had already put in place a set of policies in order to achieve this objective and provide central impetus. It was only after the mid-50s that the question of a better balanced development became a central concern. Different methods were applied to counterbalance the weight of Paris particularly in economic terms (settlement restriction in the Paris region, subsidies to help firms to settle in the Province). From that point of view, it can be said that even if the policies were centralized their aim was to counterbalance the effect of centralization. Meanwhile, regional and local initiatives taken by regional and local leaders in that period were incorporated in national frameworks. Even if it cannot be denied that the French style of spatial planning is a centralized one, the reality of the relations is more subtle (initiatives, methods, influence, power) in the sense of a bottom up influence.

After a period of doubt about the place and role of the central State in spatial planning issues, mainly in the 80's, due to an ideological shift, the economic crisis, the decentralization process, the increasing influence of the European structural funds, a new involvement of the State in spatial issues became evident, at the beginning of the 90's, with a new general legal framework. From a structural point of view, even if the State evolves towards a more decentralized approach with increasing powers given to regional and local (mainly inter-municipal) authorities, the role of the State is still important. The decentralization process has given way to active relations organised by the State where local and regional authorities are involved in a kind of permanent bargaining process. It can also be argued that local initiatives had an influence on the actual framework of spatial planning. The new orientations of the 1999 law show clearly the influence of local development (bottom-up, participation, use of local resources...) methods, which have been incorporated in the law.

To a certain extent it can be said that this constitutes a step towards governance as defined in the White Paper: openness to civil society in terms of information, participation and accountability; care about coherence and effectiveness – territorial coherence, project synergy. To sum it up, it can be said that the French style of planning is State-run, but with permanent interactions with local / regional authorities, and legally structured, but influenced by regional and local initiatives developed out of the formal government system.

#### 4.10.2.2 Key institutions making planning policies in the country

At the national level key agencies are: (1) State Secretariat for Spatial Planning, (2) CIADT (Inter-ministerial organ with decisional competences), (3) DATAR (an Inter-ministerial organ preparing, promoting and coordinating the actions of the State in the field of spatial planning by adopting an inter-sectoral perspective, (4) CNADT (a purely consultative agency making suggestions and recommendations to the Government. At the Regional and Local level there are joint responsibilities of Prefects (appointed) and Presidents (elected) of Regions and Local level Councils respectively.

#### 4.10.2.3 Policy instruments, space-related plans on the different levels

##### **National level**

##### i. National Economic and Social Development Plan

The plan sets the strategic choices and objectives and defines the means by which these can be implemented. The regions are involved in their formulation.

##### ii. National infrastructure schemes

In accordance with the National Guidance Act on Domestic Transport, the State establishes with local authorities national infrastructure schemes. The purpose is to ensure the long-term coherence of transport networks and to fix priorities relating to their modernisation, adaptation and extension.

##### iii. National Roads Scheme

It is the third Scheme to be established on the basis of the National Guidance Act on Domestic Transport after these of 1986 and 1988. It is in the form of a map which shows intended links, accompanied by a file setting out the objectives of the national infrastructure schemes, the list of the links to be created, the retained development proposal and indications on the immediate profitability of those links which are prescribed by the National Roads Scheme for the benefit of the local authority concerned.

##### iv. Map of higher education and research facilities.

State services for higher education should contribute to the realisation of planning and development objectives 'through the location and development in the regions of senior scientific teams'.

##### **Regional level**

##### i. Regional plan

It determines the medium-term objectives of the economic, social and cultural development of the region for the length of the application of the plan. It defines the development policies of productive activities by seeking a greater coherence of the regional economic pattern and by mobilising small and medium-size enterprises and the plans of major public and private companies.

##### ii. State-region plan convention

Between the State and the region, is in principle designed to be an implementation tool of the national plan, has effectively become an instrument of joint and negotiated planning. The formulation is not compulsory; in practice though, all the regions have for each set periods agreed a state-region plan convention, even in the absence of a National Economic Development Plan.

##### iii. Principal sectoral planning instruments produced by the regions

The regions also produce sectoral planning instruments of which the following are of particular interest: a. Regional Transport Plan, b. Provisional Structure Plan on the location of secondary school and vocational training facilities, c. Regional Plan on vocational training facilities of young people.

iv. Principal sectoral planning instruments produced by the departments

The departments produce sectoral planning of which the following are worth noting: a. Sectoral planning scheme on infrastructure provision, b. Departmental Transport Plan, c. Aid Programme on Infrastructure Provision in Rural Areas.

v. Sectoral planning documents drawn or approved by the prefect.

Key sectoral planning documents drawn and approved by the Prefect includes: a. Plan setting out those areas exposed to potentially high noise levels in the vicinity of airports, b. Departmental quarries scheme, c. Sectoral Scheme on the development and management of water resources, d. Plan on the disposal of household and industrial waste.

vi. Physical planning instruments of regional significance.

Physical planning instruments with a regional coverage and a statutory nature only exist in the following regions: Ile-de-France, Corsica and Overseas Departments.

vii. Coastal Planning Scheme

It is a document which can be used in coastal areas for the protection, the management and the development of the coastline.

viii. Directive on the conservation and enhancement of natural landscapes

Such directives can be imposed by the State in relation to outstanding areas given the beauty of their landscapes and which are defined as such in consultation with the local authorities.

### **Intercommunal level (*intercommunalité*)**

Denotes several forms of co-operation between communes, which band together in intercommunal consortia for the provision of such services as refuse collection and water supply. Suburban communes often team up with the city at the core of their urban area to form a community charged with managing public transport or even administering the collection of local taxes.

There are two types of intercommunal structures:

Those without fiscal power. This is the loosest form of intercommunality. Mainly in this category are the traditional syndicates of communes. Communes gather and contribute financially to the syndicate, but the syndicate cannot levy its own taxes. Communes can leave the syndicate at any time. Syndicates can be set up for a particular purpose or to deal with several matters. These structures without fiscal power have been left untouched by the Chevènement law, and they are on a declining trend.

Structures with fiscal power. This is what the Chevènement law was concerned with. The law distinguishes three structures with fiscal power: the Community of Communes (*communauté de communes*), aimed primarily at rural communes; the Community of Agglomeration (*communauté d'agglomération*), aimed at towns and middle-sized cities and their suburbs; and the Urban Community (*communauté urbaine*), aimed at larger cities and their suburbs.

These three structures are given varying levels of fiscal power, with the Community of Agglomeration and the Urban Community having most fiscal power, levying the local tax on corporations (*taxe professionnelle*) in their own name instead of those of the communes, and with the same level of taxation across the communes of the community. The communities must also manage some services previously performed by the



communes, such as garbage collection or transport, like the old syndicates, but the law also makes it mandatory for the communities to manage other areas such as economic planning and development, housing projects, or environment protection. Communities of Communes are required to manage the least number of areas, leaving the communes more autonomous, while the Urban Communities are required to manage most matters, leaving the communes inside them with less autonomous power.

### **Local level**

#### **i. Framework plan (*Schéma directeur*)**

It is a forward land-use planning document. It provides the principal planning and development guidelines for an area taking account of the necessary balance of objectives. It prescribes the general land-use of areas and in particular the nature and the location of major infrastructure works. It consists of a report and graphic documents, whose scale is generally between 1/10.000 and 1/25.000.

#### **ii. Area plan**

The *schéma directeur* can be supplemented by area plans.

#### **iii. Local land-use plan (PLU, *plan locaux d'urbanisme*)**

#### **iv. Urban planning documents serving as a POS**

Two urban planning documents may be used instead of a POS: the area development plan (*plan d'aménagement de zone-PAZ*) in the context of a planning and development zone (*Zones d'aménagement concrete-ZAC*), and the detailed local plan specifying conservation policies (*plan de sauvegarde et de mise en valeur-PSMV*).

#### **v. Local regulation for the application of the national urban planning rules**

Aside from the areas covered by a POS or a document used instead, building rights outside of urbanised areas are strictly limited and subject to the provisions of Chapter I of Book No.1 of the *code de l'urbanisme* or on regulations based on these provisions. These represent the general rules of urban planning which are issued by decree under consultation of the *Conseil d'Etat* and codified under Articles R.111-1 to 27 of the *code de l'urbanisme*.

#### **vi. Local housing programme**

Defines the objectives and the principles of a policy intended to answer housing needs and to ensure between *communes* and the areas of a *commune* a balanced and diversified distribution of housing supply.

#### **vii. Urban Transport plan**

Defines the general principles surrounding the organisation of transport, traffic flows and parking within the urban transportation perimeter.

#### **viii. Intercommunal Charter on Planning and Development**

Define the medium-term perspectives for their economic, social and cultural development, determine the corresponding action programmes and specify the conditions surrounding the organisation and the management of infrastructure provision and facilities as well as public services.

### **4.10.2.4 RUR related plans in more detail**

The Framework plan (*Schéma directeur*), is a forward land-use planning document. It provides the principal planning and development guidelines for an area taking account of the necessary balance of objectives. It prescribes the general land-use of areas and in particular the nature and the location of major infrastructure works. It consists of a report



and graphic documents, whose scale is generally between 1/10.000 and 1/25.000. It is drawn by a group of *communes* which have common economic and social interests. The duration is not fixed in law but it can be revised at any point in time and under the same conditions applicable for this formulation or modifications as legally prescribed; in practice, it is in force for 20 years. The formulation is undertaken by a local government joint authority (*établissement public de coopération intercommunale*).

#### Directive Territorial d'Amenagement

State-region plan convention (*Contrat de Plan Region-Communaute CPER*), is a plan between the State and the region, is in principle designed to be an implementation tool of the national plan, has effectively become an instrument of joint and negotiated planning. The formulation is not compulsory; in practice though, all the regions have for each set periods agreed a state-region plan convention, even in the absence of a National Economic Development Plan.

### 4.10.3 Summary table

Country	France
Our definition of the RUR, how it compares to NUTS and other administrative levels	In France 62 RURs have been delineated. Most of them are comparable in size to the municipalities, while being much smaller than the regions. The only exception is Paris, where the RUR comprises of many municipalities.
<b>Government structure factor</b>	
Average population of the local municipalities	In France there are <b>36.778 municipalities</b> . The largest one is Paris with population of 2,125,246 (census 1999). The average population of municipalities is <b>around 1800</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On an <b>intermediary level</b> France consists of <b>96 departments and 4 overseas departments</b> . The most populous is Nord with 2,550,000 inhabitants and the least Lozère with 74,000. The average population is <b>623 370</b> . On the regional level France consists of 26 regions (22 national and 4 overseas departments). The largest region is Île-de-France region with 10,952,011 inhabitants; the smallest is Guyane with 157,213. The average population is <b>2 320 906</b> . The decision making body is in the departments the general council ( <i>conseil général</i> ) and for the regions regional council ( <i>conseil régional</i> ), which are both elected directly. The tasks for the departments include social and health action, urban planning and equipment, education, culture, economic development and environment. The tasks of the regions include health care, land development, transport, economic development, land development, transport, education, job training programmes and culture, secondary schools construction and maintenance.
Overall assessment	<b>L/m</b> – large supra-local level (regions) and small local level (municipalities) units, but the latter counterbalanced by the existence of Urban Communities covering most cities and their agglomerations
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The Prefect of Region and the Regional Council define priorities and implement them through the CPER, a planning contract between central State and the regions ( <i>Contrat de Plan Etat – Région</i> ). Local plans ( <i>Plans locaux d'urbanisme</i> or PLU and SCOT) are a matter of municipal or inter-municipal responsibility, but there is also a range of instruments which are the joint responsibility of regional and local authorities. Instruments form a nesting hierarchy, to ensure coherence of documents of different nature: PLU (spatial planning) – SCOT (spatial planning) – <i>Contrat d'agglomération</i> (development project) – CPER (development project) – SRADT (i.e. the long horizon <i>Schéma régional d'aménagement et de développement durable du territoire</i> ).
Ratifying of local plans: do meso or higher level authorities have veto power?	Regional councils may veto municipal plan proposals that contradict the regional spatial development plan.
Overall assessment (A/B/C)	<b>B (medium level of control)</b> – physical planning on the regional level

### 4.10.4 Sources of Information

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- ESPON 2.3.2
- Council of European Municipalities and Regions ([http://www.ccre.org/membres\\_en.htm](http://www.ccre.org/membres_en.htm))
- European Union (1997-2001): The EU compendium of spatial planning systems and policies, Office for Official Publications of the European Communities, France.

- [http://en.wikipedia.org/wiki/Communes\\_of\\_France](http://en.wikipedia.org/wiki/Communes_of_France)

## 4.11 Germany

### 4.11.1 Government

#### 4.11.1.1 The formal government structure

##### 4.11.1.1.1 The basic units: local governments

The government structure of the Federal Republic of Germany comprises three main levels:

- Federal government (Bund)
- State government (Länder)
- Local government (Kommunal)

#### **Local level: about 14,000 municipalities and cities (*Städte und Gemeinden*)**

There are two types of local structures depending on the legal system of the *Land*: The magistrate system (*Magistratsverfassung*) and the council system (*Süddeutsche Ratsverfassung*).

The **council system** exists in all German regions (*Länder*) except Hessen. In this system the council is elected by universal direct suffrage, generally for five years and the mayor (*Bürgermeister*) is elected by universal direct suffrage for a mandate that can vary between four and nine years. This also applies to Hessen. The mayor chairs the local council and heads the municipal administration.

The local council (*Gemeinderat*) is the central body within the municipality. It is elected at the universal direct suffrage for a mandate that can vary between four and six years. This legislative body takes most decisions and has a monitoring function.

In the **magistrate system**, the executive branch consists of the mayor and his deputies (*Magistrate*). There are civil servants appointed by the local council for a mandate that generally lasts four years. The magistrate represents the municipality and runs the daily administration. It implements the local council's decisions. This system only exists in one *Land* (Hessen).

Compulsory competencies:

- Urban planning
- Water management
- Social aid and youth
- Building and maintenance of schools

Note: Besides compulsory competencies, there are facultative competencies in the area of energy, economic development, infrastructures, culture and sport.

##### 4.11.1.1.2 The multi-level government structure

#### **Intermediary level: more than 300 districts (*Kreisen*)**

The **district assembly** (*Kreistag*) is elected by universal direct suffrage for a mandate that can vary between four and six years. Its mandate varies from one *Land* to another. It is the legislative body.

The **President of the district** (*Landrat*) is elected either by the assembly or by direct universal suffrage varying from one *Land* to another. Its mandate varies from five to eight years. As an elected civil servant, (s)he chairs the district assembly.

The **district office** (*Landratsamt*) is the executive body consisting of civil servants recruited by the district itself or by the *Land*.

Compulsory competencies:

- Construction and maintenance of roads
- Social services and youth
- Collecting and managing household refuse

Note: Besides compulsory competences, there are facultative competencies in the field of culture, promotion of economy and tourism, building and managing of libraries, managing universities.

### **Regional level: 16 federate States (*Länder*)**

The **parliament** (*Landtag*) is the legislative body. It consists of members elected by universal direct suffrage for a four-year mandate. It elects the minister-president of the *Land*.

The **government** (*Landesregierung*) is the executive body. It is elected by the parliament for a four-year mandate. It elects the minister-president.

The **minister-president** (*Ministerpräsident*) chairs the government. (S)he has the exclusive power to designate and sack the ministers of the *Land*.

Exclusive competencies:

- Culture
- Education
- Environment
- Police / Emergency management (*Gefahrenabwehr*)

Note: Competences are shared with the central government in the field of justice, social policy, civil law, criminal law and labour law.

The Federal Republic of Germany (*Bundesrepublik Deutschland*) is a Federal State made up of 16 *Länder*, including the 3 State Cities (*Stadtstaaten*): Berlin, Hamburg and Bremen. The process of regionalisation is going on through the Federate Authorities, all of them elected by universal direct suffrage. In the same way as the majority of the Federal States, the German *Länder* has their own Constitutions.

The territorial levels of Germany, besides the Federal State and the *Länder*, are the *Landkreise* at the 2nd tier of local level, and the municipalities (*Städte*). Spatial planning powers remain in all levels and in this country the crosscurrent effect (all the levels must being connected) has been established for the mechanisms with regard to spatial planning. Moreover, new spatial planning powers at supra- local or sub-regional level is taking place since the middle of the 90's. We are referring to the set up of metropolitan regions with powers in spatial planning and, in some cases, political legitimacy and own directly elected assembly. Three German urban agglomerations work in this way: Stuttgart (Verband Region Stuttgart), Hannover (Region Hannover) and Frankfurt

(Ballungsraum Frankfurt – Rhein Main). The two first ones, involving 4.5 % of the German population, have directly elected by universal suffrage parliaments, and the latter (2.6 % of the population) composed by the majors of the municipalities and the governors of the Rural Districts involved.

The *Länder* play an important role in the national making decision process. Thus, the German Senate (*Bundesrat*) is a real territorial chamber where the *Länder* are represented. Furthermore, there are regular Conferences of Presidents, where the Prime Minister and the Presidents of the *Länder* meet, with authority to reach binding decisions at national level.

About 75% of the overall sources is collected centrally and distributed according to indicators. All of the *Länder* have a wide range of legislative powers in the matters which they have competencies.

#### Multi-level structure:

Category	Performance
Model of State	Federal
Typology of regionalization	"Regionalisation" through the Federate Authorities
Constitutional reconnaissance of Regional and/or local levels	Each region has its own Constitution
Allocation of Spatial Planning powers	-Strong local -Weak sub-regional / supra-local -Strong regional -Strong state ( <i>Länder</i> ) -Weak national (federal level)
New Spatial Planning powers	-Frankfurt (indirectly elected Assembly) - Stuttgart, Hannover (directly elected Assembly)
National territorial chambers	Totally Territorial Chamber
Regular multi-level governmental meetings	-Conference of Presidents with authority to reach binding decisions -Innovative forms of permanent multi-level territorial contacts
Dependence of local governments on central government	Fairly independent within the framework set out by the federal state
Constitutional regions	All <i>Länder</i>
Devolution to 1st tier local authorities	Substantial powers have been allocated to local authorities

Source: ESPON 2.3.2

#### NUTS categorization:

Germany	NUTS1		NUTS2		NUTS3	
DE	States ( <i>Länder</i> or Bundesländer)	16	Regierungsbezirke	41	Districts ( <i>Kreise</i> )	439

#### 4.11.1.1.3 Trends and dynamic processes

The co-operative federalism has come under pressure in the recent past, especially due to political blockade in the law making process. The government at the federal level was obstructed by the coalitions in the *Bundesrat*. This led to the installation of a commission on federalism which delivered its first report in December 2004. The main result was that it failed to fulfil its remit, mainly due to unbridgeable conflicts in the question of university regulations. Here, the *Länder* want to keep the federal government out

(currently, a framework legislation is provided by the federation to assure a ‘standard’). Recently, there is a reform of federalism in Germany. The respective laws and regulations are in practice at the national level, and are integrated into the state (Länder) laws stepwise (e.g. currently the Saxon planning code, SächsLPlG is adjusted to the correspondent national law, the GeROG). In other words – the reforms are completed nationally and are currently put to practice in the states (Länder). The reform of federalism is celebrated as “work of the century” in the popular press, which most certainly isn’t the case; the reform furthermore doesn’t contribute much to deregulation. To appropriately describe current reforms the qualitative difference between *Rahmengesetzgebung* – themes and issues in the legislative responsibility of the national state and *konkurrierende Gesetzgebung* – themes and issues in the legislative responsibility of both the national government and the states – must be set out.

The situation in Germany is quite complex compared to other countries in the EU. Some of the features of governance are already built into the German system, e.g. with respect to participation and co-ordination. Currently, efficiency debates are in prominence, e.g. in the commission on federalism mentioned already. The social democratic government has propelled a number of changes in the German system (e.g. reforms of the health sector and of social security systems), which reduce the role of the state as main actor and transfer responsibilities to other sectors.

Furthermore, the unification of the country in the 1990s was clearly both a political and an economic factor. It caused a general reorientation of federal policy, especially concerning the economy and regional development. The volume of resources directed to the new *Länder* was bound to affect the overall well being in the country.

In order to make regional planning more effective and coherent with respect to the neighbouring municipalities, agglomerations have started to establish their own planning or municipal association.

#### 4.11.1.2 The government level deciding on land development/conservation and its relation to the RUR regions.

The Regional Planning Act (*Raumordnungsgesetz*) and the Federal Building Code (*Baugesetzbuch*) formulate the main policy principles and measures for spatial planning in Germany.

Since 1960, when the Federal Building Act (now Federal Building Code or *Baugesetzbuch*) was adopted for the first time, the Federal level assumes responsibility for planning legislation. In 1965, the Federal Spatial Planning Act (*Raumordnungsgesetz*) was adopted for the first time, regulating supra-local spatial planning. In the 1970s, there was the much renowned *Bundesraumordnungsprogramm* (federal spatial development programme), complemented by further, related efforts later on. These efforts have to be appraised in the context of the generally weak role of the national government in spatial planning. Furthermore, the national government made use of its professional qualifications and of information media (e.g. the BBR, the Federal Office for Building and Regional Planning as a think tank of sorts). Since the beginning of the 1990s, guidelines for spatial planning formulate the operational framework for spatial development objectives on federal level. Each of the German states has its own State regional planning act, fulfilling the provisions of the Regional Planning Act. Furthermore each state provides a spatial development programme and a state development plan, which is normally specified on a larger scale, e.g. the district or an association of municipalities. The states are free to organize their own regional planning activity. Regional development plans are prepared for the sub-Länder level in Saxony, i.e. for the *Regierungsbezirke*. The procedures of spatial planning at the local level are regulated by the Federal Building Act, but must take into account the aims and regulations of the respective regional plan.

Regulations and permits



The building permission is the main instrument of building control in the Federal Republic of Germany. It is regulated by the *Baugesetzbuch* (federal building code) and the individual State building regulations, the so called *Landesbauordnungen*, which differ between the states, in spite of the existence of an exemplary building regulation or prototype. A building permission is required for all new buildings, extensions, alterations to buildings, changes in the use of buildings and demolition.

## 4.11.2 Spatial planning

### 4.11.2.1 Style of planning

As its neighbouring country of Austria, Germany belongs to the Germanic planning family, providing strong traditions in the Roman law and a high importance of written constitutions. Thus, Germany has strong legal frameworks and decentralised decision-making structures, well visible by the important role district and State planning activities play for the system of governance and spatial planning. Since the beginning of the 1990s, guidelines for spatial planning formulate the operational framework for spatial development objectives on federal level. At the moment the federal level works towards scenarios and visions covering the entire nation state. A 'vision' or 'Leitbild' is needed, to integrate the ever more flexible approaches towards planning, urban and territorial policies. There are now two important planning institutions in Germany: the Academy of Spatial Research and Planning (ARL) and the Federal Office for Building and regional Planning (BBR). The Academy of Spatial Research and Planning published in 2001 a statement on the German central places planning approach, basically stating that it is a) a bit out of time and b) could nevertheless in a more open and procedural dimension still be useful to achieve more sustainable spatial structures. The examples of newly established regions and city networks, programmes supporting 'innovation regions' or 'regions of the future' all point into a direction of a more flexible approach towards territorial and urban policies, allowing for interactive and stakeholder - oriented practice. However, as some observers emphasise, it is important in this context of a basically open urban society, which is characterised by ever more project-based decision making processes, following more individual interests and orientations, that planners develop a 'standpoint' – to be able to decide, defend or develop. It is not simply a question of universal consensus to unbinding values, so just a planner's role as moderator. *Leitbilder* are increasingly important in this context.

### 4.11.2.2 Key institutions making planning policies in the country

The Federal level only gives the framework and guiding principles for spatial planning, whereas the States (Länder) are constitutionally responsible for the implementation of spatial planning, usually carried out by the State Ministry for Spatial Planning or Spatial Development. The Regional Planning Act obliges the Federal States to set up an overall plan or programme for the whole state. Planning documents on municipal level follow the principles formulated in the State and Federal planning acts. Two main spatial planning policy instruments exist for local spatial development, both explained in detail in the Federal Building Code:

- Preparatory land use plan (*Flächennutzungsplan*)
- Binding land use plan (*Bebauungsplan*)

The preparatory land use plan is issued by the municipality, a communal planning association or an association of smaller municipalities.

Ministries relevant to planning at the federal level are the Federal Ministry of Economics and Labour, the Federal Ministry of Transport, Building and Housing the Federal Ministry of Environment, Nature Conservation and Nuclear Safety and the Federal Ministry of Consumer Protection, Food and Agriculture. In addition to the federal ministries, there are a number of research and service agencies providing sectoral and

inter-sectoral expertise. For the field of spatial planning, two major institutions are to be named on federal level with advising roles, namely the standing conference of ministers for spatial planning (*Ministerkonferenz für Raumordnung*) and the spatial planning advisory council (*Beirat für Raumplanung*).

#### 4.11.2.3 Policy instruments, space-related plans on the different levels

##### **Federal/national (*Bund*) policy instruments**

i. The spatial planning policy instruments at this level comprise the following:

a. Federal spatial planning act (ROG)

It is the federal 'framework' legislation for supra-local spatial planning in Germany, which is carried out by the *Länder*. *The ROG defines (i) the broad aims and guiding principles of spatial planning and (ii) the organizational rules and procedures for the carrying out the spatial planning by the Länder.*

b. Guidelines and operational framework for spatial planning

Provide a general outline for spatial development in Germany, based on the principles contained in the ROG, and are addressed to decision-makers at the *Bund, Länder and Gemeinde levels*.

c. Federal spatial planning report

It is a statutory requirement of the ROG and it is published at regular intervals (usually every four years) by the BMVBSBau (Federal Ministry of Transport, Building and Urban Affairs).

d. Sector plans and sector acts

They are prepared by the *Bundesministerien* and adopted by the *Bundestag*, in accordance with their responsibilities under the constitution.

e. Federal building code (BauGB) and associated ordinances

It is the most important act in relation to local land use planning. It combines the former federal building act 1960 and the promotion of urban development act 1971. The main contents include: the regulations covering the contents and procedures for the preparation of the local land use plans and the rules for the assessment of whether a development proposal is permissible or not.

##### **State/Regional (*Länder*) level**

The *Länder* are the authorities constitutionally responsible for the implementation of spatial planning, which is carried out by the State Ministry of Spatial Planning or Development.

i. State development plan or programme

It includes comprehensive, State-wide, spatial planning objectives and also functions as documents for the coordination of all policies and decisions with a spatial impact in the *Land*.

ii. Regional plan

It is a supra-local plan which groups all sectors of spatial planning together for a single region.

iii. Spatial planning procedure

It is an internal coordination procedure for public authority. It serves as an instrument to examine large-scale public and private development proposals.

##### **Municipal / Local level**

The main spatial planning policy instruments at local government level are:

i. the preparatory land use plan (F-plan)

Includes County-free town or Communal planning association and must be prepared for the entire administrative area of the *Gemeinde*.

ii. the binding land use plan (B-plan)

It forms the second level of the local land use plan hierarchy and provides the basis for the detailed and legally binding control of building development. It can be applied to virgin land to open it up for first-time development, or equally it can be prepared to cover areas already developed or to be redeveloped, where this is considered to be necessary in the interest of planned urban development. It must be developed out of the F-plan and are generally not prepared for the whole area of a *Gemeinde*, but only for specific small areas where building development is to take place.

#### 4.11.2.4 RUR related plans in more detail

i. State development plan or programme

As mentioned above, it includes comprehensive, State-wide, spatial planning objectives and also functions as documents for the coordination of all policies and decisions with a spatial impact in the Land. It comprises concrete spatial and sectoral objectives presented at a scale of 1:500.000 (sometimes smaller) and covering the entire territory of the *Land*.

ii. Regional plan

It is a supra-local plan which groups all sectors of spatial planning together for a single region. As opposed to the state development plan, it is spatially explicit, i.e. assigns land-uses to specific areas (Leipzig analysis report, p. 41)

iii. Spatial planning procedure

It is an internal coordination procedure for public authority. It serves as an instrument to examine large-scale public and private development proposals, such as for the location for a new airport, a new holiday village or a new waste disposal facility, and to see whether they: a. comply with the principles and aims of the ROG and of State spatial planning, and b. fit in with the requirements of other plans (such as regional plans).

### 4.11.3 Summary table

Country	<b>Germany</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Germany around 72 RURs have been delineated. Many of them are comprise more than one municipality in size. The Leipzig RUR exceeds the district level (NUTS3) and cuts across NUTS 2 and NUTS 1 boundaries, due to its location in two federal states. In Saxony, the RUR covers part of the Region Westsachsen and in Saxony-Anhalt, part of the planning region Halle. The Saxony-Anhalt boundaries of the RUR match the boundaries of the district Saalekreis (NUTS 3) exactly.
<b>Government structure factor</b>	
Average population of the local municipalities	In Germany there are <b>about 14,000 municipalities and cities</b> ( <i>Gemeinden und Städte</i> ). The largest is Berlin with population of 2,125,246 (census 1999). The average is <b>around 5900</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On an <b>intermediary level Germany consists of more than 300 districts</b> ( <i>Kreisen</i> ). On the regional level Germany consists of <b>16 federate states</b> ( <i>Länder</i> ). The largest is North Rhine-Westphalia with 18,075,000 inhabitants and the smallest is Bremen with 663,000. The average population of the regions is around 5 130 000. The decision making body is the <b>parliament</b> ( <i>Landtag</i> ), which is <b>elected</b> directly. The tasks of the parliaments include culture, education, environment and police.
Overall assessment	<b>L/s</b> – large supra-local level (states) and small local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The Regional Planning Act ( <i>Raumordnungsgesetz</i> ) and the Federal Building Code ( <i>Baugesetzbuch</i> ) formulate the main policy principles and measures for spatial planning in Germany. Each of the German states has its own State regional planning act, fulfilling the provisions of the Regional Planning Act. Furthermore each state provides a spatial development programme and a regional development plan, which is normally specified on a larger scale, e.g. the district or an association of municipalities. The states are free to organize their own regional planning activity. Here, the regional level – i.e. the Regierungsbezirke have to be mentioned. There is a qualitative difference between the federal state spatial development plan and the regional development plan in terms of areas of implementation and spatial explicitness. The procedures of spatial planning at the local level are regulated by the Federal Building Act, but must take into account the aims and regulations of the respective regional plan. In the meso level, the existing categories of regional plans are: Landesentwicklungsplane, which cover the sector of planning between the Landen and the Region, Regionalplane, which refer mainly to the region, and the Flächennutzungsplan, which refer to the land use planning in the whole of the administrative area of the municipalities. Plans which refer to the upper levels of the administrative hierarchy in Germany, influence local plans, and can protect areas.
Ratifying of local plans: do meso or higher level authorities have veto power?	On the local level there is mainly urban and physical planning. They are in accordance to the Baugesetzbuch (Federal Building Code) and they have to obey to the restrictions, regulations, guidelines of the plans of the upper (meso) level.
Overall assessment (A/B/C)	<b>B (medium level of control):</b> Substantial powers have been allocated to local authorities

### 4.11.4 Sources of Information

– ESPON 2.3.2

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## 4.12 Greece

### 4.12.1 Government

#### 4.12.1.1 The formal government structure

##### 4.12.1.1.1 The basic units: local governments

Greece is a Centralized Unitary State composed of regions (peripheria), departments/prefectures (nomos) and municipalities (dimos). Few rural municipalities (koinotita) have remained as such from the previous administrative system, mainly for historic reasons.

#### **Local level: more than 900 urban municipalities (*dimoi*) and 133 rural municipalities (*kinotites*)**

Municipal authorities in urban areas

The **municipal council** (*dimotiko simvoulío*) is elected by direct universal suffrage for a four-year term. 3/5 of the seats are from the majority list and the remaining 2/5 are shared proportionally between the other lists. This deliberative assembly is the decision making body of the municipality.

The **municipal committee** (*dimarchiaki epitropi*) is composed of members elected for two years by the council. It is responsible for establishing the budget and for auditing accounts. The mayor heads the committee.

The **mayor** (*dimarchos*) is the leader of the winning list. (S)he is assisted by the municipal committee and is responsible for implementing the municipal council's and the municipal committee's decisions. The mayor attends council meetings but has no vote.

Municipal authorities in rural areas

The **municipal council** (*simvoulío*) is composed of members elected for a four-year term by direct universal suffrage. This deliberative assembly, headed by the president of the council, is the decision making body of the municipality.

The **president of the council** (*proedros kinotitas*), the majority list leader, heads the administration and the council. (S)he is responsible for implementing the council's decisions and represents the municipality.

Competences:

- Culture
- Public transport
- Socio-economic promotion
- Gas and water supply
- School buildings maintenance

##### 4.12.1.1.2 The multi-level government structure

#### **Intermediary level: 54 departments / prefectures (*nomos*)**

Departmental authorities

The **council of the prefecture** (*nomarchiako simvoulío*) is elected by direct universal suffrage for a four-year term (under the same conditions as for the municipalities). This deliberative assembly can establish up to six departmental committees.

The **prefectural committees** (*nomarchiaki epitropi*) are elected from among the council. The prefect heads the committees and may be assisted by a vice prefect.

The **prefect** (*nomarchis*) is the head of the winning list. (S)he is responsible for implementing the council's and the committees' decisions and represents the department.

Note: There are three enlarged prefectures (*hypernomarchies*): Athinon-Pireos, Evrou-Rodopis, Dramas-Kavalas-Xanthi

Competences:

- Development of the department
- Local authorities services management
- Urbanism
- Health
- Green areas
- School buildings construction

### **Regional level: 13 regions (*periphéria*)**

Regional authorities

The **regional council** is composed of all the department presidents, the secretary general, a representative of each urban municipality and rural municipality in the region, and of representatives of socio-professional interested organisations. It is headed by the secretary general.

The **secretary general** is appointed by the central government and is assisted by the regional council. (S)he is the head of all the region's services and can be considered the executive body of the regional administration as well as being the representative of the central government in the region.

Competences:

- Regional economic and social development
- Vertical coordination of economic policies

The Hellenic Republic (*Ellinikí Dhimokratía*) is a Centralised Unitary State where an Administrative Regionalisation process is taking place. This country is composed by 13 Regions (*Periphéria*), which are decentralised State bodies, and each of their Regional Councils (*Peripheriako Simvoulío*) comprise the prefects (*Normarchis*) of the Prefectures (*Nomoi*), a representative of the local unions of municipalities and communes and representatives of professional organisations or chambers. The chairman of each Regional Councils is the Secretary-General of the Region (*Genikos Grammateas*) who is appointed by the Central Government.

The local governments are recognised by the Basic Law as self-governmental territorial levels. Besides, a special self-administrative status is recognised for the peninsula of Athos which depends of the direct jurisdiction of the Ecumenical Patriarchy. A range of spatial planning powers was transferred in the past to the prefectures (2nd tier of local government), but according to a recent decision of the Council of State (supreme administrative court) all planning powers have to remain in the domain of the central government, since spatial planning, according to the Constitution is an exclusive responsibility of the State, and the prefectures, since they were elected, they were considered as legal entities, independent of the State, and thus, without spatial planning responsibilities.



The sub-national Greek governments have a relative lack of self-financing resources and competencies. There are not Constitutional regions in Greece. Decentralization is gradually happening, leading to better vertical co-ordination. Constitutional problems and the rulings of the supreme administrative court (Council of State) are serious obstacles. In all these areas progress is painfully slow, due to bureaucratic inertia, ineffectiveness, secretiveness and resistance to change. Although progress towards vertical or horizontal co-operation and partnerships is slow, important steps have been made by strengthening regional authorities and enabling local development companies and municipal associations. The procedure for the spatial planning field is not an exception and the coordination is weak in both directions.

**Multi-level structure:**

Category	Performance
Model of State	Centralised Unitary
Typology of regionalization	Administrative regionalisation
Constitutional reconnaissance of Regional and/or local levels	Two Local levels
Allocation of Spatial Planning powers	-Weak sub-regional / supra-local -Strong national and regional
New Spatial Planning powers	No
National territorial chambers	No
Regular multi-level governmental meetings	No
Dependence of local governments on central government	Dependent
Constitutional regions	No
Devolution to 1st tier local authorities	Relatively powerless local authorities, mainly due to financial dependence from the central state

(Source: ESPON 2.3.2)

**NUTS categorization:**

Greece	NUTS1		NUTS2		NUTS3	
GR	Groups of development regions	4	Peripheries	13	Prefectures	51

#### 4.12.1.1.3 Trends and dynamic processes

The reason one has to speak only of intentions is not so much because there are no concrete steps in the direction of governance, but rather because implementation of the reforms which have been undertaken is still slow and often subject to reversals. According to the national overview, one is bound to recognize that governance is still a rather weak concept in the Greek social and political institutions and processes and that a lot remains to be done. International influence is of crucial importance. A direct way for the introduction of new processes is through the implementation of European Initiatives, such as URBAN or LIFE, the Habitat Agenda, etc. An indirect way is through changes in the national legislation, such as the changes regarding decentralization and empowerment of local authorities over the last decade. This is sadly a process which has become entangled in negative rulings of the Council of State, the supreme administrative court. Considerable progress has been made towards more open government, the protection of citizens' rights (e.g. the institution of the Ombudsman), the protection of personal data, and the opportunities for partnership formation, especially at the level of local government, the formation of public – private partnerships for project construction and the participation of regional authorities in cross-border cooperation initiatives.

Criticism of present government processes emanates increasingly from national and local NGOs and citizens' groups. It concerns mainly the lack of consultation and the violation of sustainability principles. Poor vertical, horizontal and intra-departmental co-ordination and labyrinthine procedures, as well as lack of transparency, corruption and patronage are targets of criticism. As mentioned in the overview, the processes and the operations of the Greek state are generally considered by the average citizen static, unchangeable, obscure and chaotic. Long and complicated processes and poor co-ordination are also recognized as the main reasons for the notorious ineffectiveness of Greek spatial planning. Although considerable progress has been made in the direction of reallocation of powers in favour of the regions, there is still a lot to be done particularly in strengthening the role of local authorities, which suffer from inadequate funding and human resources. The operation of local development companies is a promising experience.

The influence of the EU goes far beyond its governance policy, because the whole array of legal rules, policies and structural fund procedures are impacting on the everyday practice of government and administration, enforcing novel ways of planning, monitoring, deliberating and making decisions. Internal political imperatives, themselves affected by EU membership, are associated mainly by the growing emancipation of the regions, especially those in the north of the country, centred on the city of Thessaloniki. Economic pressures originate in the private business sector, especially its most advanced, internationally oriented section, which experiences the effect of global competition.

There is a consistent trend towards devolution of powers to the regions, which are still part of the central state. A policy of transfer of powers to 1st and 2nd tier local authorities in the 1990s has foundered on the objections of the supreme administrative court (Council of State) on constitutional grounds.

The new political / administrative institutions – regional and elected prefectural authorities and the enlarged municipalities – have gone through a transitional stage in the late 1990s, which to a large extent is continuing, particularly if we take into account the unfinished business of their competences and the likelihood of a new reform. This process coincided with major modifications and revisions of the spatial and environmental planning system. The powers of the new authorities are still far from clear because of legal complications. Whatever the outcome, the administrative system in general and that of spatial planning remains highly centralized. The basic levels of the administration pyramid (central state, regional authorities, local authorities) are still governed by hierarchical relations. This is expressed in administrative supervision and in resource allocation. Essentially, policy making remains the responsibility of the higher echelons of government, while lower tiers, especially local authorities, are limited to implementing decisions and operating controls ... In comparison to past practice, regional administrations have more substantial policy-making powers as a result of restructuring of sub-national administration”.

#### 4.12.1.2 The government level deciding on land development/conservation and its relation to the RUR regions

Although three laws, on the extension of town plans and urban development (1983), on sustainable urban development (1997) and on spatial planning and sustainable development (1999), plus the general building code, can be considered as the basis of planning legislation, there is a proliferation of additional legal statutes which render the legal planning landscape pretty chaotic. This becomes the breeding ground for endless disputes and official corruption. The basic laws on spatial planning are the 1997 act on sustainable cities and the 1999 act on regional spatial planning and sustainable development.

The so called Regional and Special Frameworks of Spatial Planning and Sustainable Development are approved by the central government. The equivalent national framework is approved by Parliament. General Development Plans of municipalities and

other important instruments were approved in the past by the central government, responsibility was then transferred to prefects (2nd tier local government) or even mayors, but the constitutional and legal complications which arose with respect to their competencies resulted in a transfer of powers exclusively to regional secretaries appointed by the central government.

#### Regulations and permits

The centrepiece of spatial development control in Greece is the building permit (*oikodomiki adeia*).

##### a. Building law

It regulates the erection of buildings and other structures on parcels of land. The main statute of building law is the *genikos oikodomikos kanonismos* (general building regulations law -GOK). GOK defines the terms, restrictions and conditions for the development of any construction. It includes town planning regulations and building construction regulations.

##### b. Town planning regulations

Applies to within-the-plan areas and includes:

- the control of requirements that buildings and other installations must comply with
- the role of the committees of town planning and architectural control (EPAE)
- the designation and control of settlements (*oikismoi*) of historic or architectural and aesthetic importance as traditional.

##### c. Building conditions

The GOK provides general guidance on building conditions. This is refined and rendered more specific in individual town plans (*schedio poleos*) or, in the case of out-of-plan areas, in statutes of general application.

## 4.12.2 Spatial planning

### 4.12.2.1 Style of planning

In terms of the classification adopted in the synthesis volume of the EU Compendium of Spatial Planning Systems and Policies, Greece, as a Mediterranean country, would be classified under the Urbanism tradition, in spite of the fact that its legal, administrative and planning systems have been historically influenced by French and German models, with more recent influences from the Anglo-saxonic tradition. However, apart from the fact that a lot has changed since the Compendium this classification can be utterly misleading, because a number of forces have produced radical, albeit unequal, changes. The main external influence is of course the European Union and its policies, but it not the only one. The country's administrative culture and Greek society in general have opened up in the last quarter century to admit a global influence arising from international processes of change.

The spatial planning system, particularly as manifested in town planning legislation, remains of course predominantly focused on land use, with only minor attention to strategic and development dimensions. Change takes place elsewhere, especially in government action, which bypasses the established land use system, as in the case of large projects, e.g. for the Olympic Games, in economic development policy, in the emergence of ad hoc agencies, in local initiatives, in citizen mobilization and growing awareness, and in the rising consciousness of hitherto neglected issues, e.g. environmental problems. The end-result is a rather patchy picture, in which the official land use planning system is the most backward piece of the puzzle... The divorce between spatial planning in the narrow sense and development policy, but also between land use planning and cultural policy and to a large extent environmental policy, remains, at least for the time being. It is here that

governance priorities, such as coherence and effectiveness, suffer. The future direction of the planning system depends not only on innovations in the content of planning, important though they are, but also on innovation in government structures. A good start has been made with [a number of] reforms. But a lot is still to be done, especially in the crucial field of devolution of powers to regionally and locally elected authorities and of closer cooperation with the social (non-government) sector, the private sector and civil society, i.e. horizontally. The traditional public - private nexus, ruled in the past by patronage, mediation, secrecy and graft, makes horizontal governance processes extremely difficult and easy to undermine.

The conclusion is that if there are key words which best describe the current style of planning and its trends, these are transition, patchiness and fluidity. To borrow a term from an old planning textbook, it is a system in a state of turbulence, still dominated by a traditional “urbanism” and land use planning model, but full of pockets of innovation, resistance and occasional breakthroughs. A trend has been set, which it will be impossible to reverse. This does not necessarily mean that the Greek style of planning will inevitably end up being North European, but rather that it will hopefully emerge as a distinct version of planning, with its Mediterranean character, but at the same time imbued with values of an open society and culture.

#### 4.12.2.2 Key institutions making planning policies in the country

The Ministry for the Environment, Spatial Planning and Public Works is undoubtedly the key player in the planning game. Important powers are being devolved to non-elected regional secretariats, while 1st and 2nd tier local authorities (municipalities and prefectures) have limited powers, in spite of government intentions to the contrary, because of legal interpretation, endorsed by the supreme administrative court (Council of State), that they are not part of the state, which, according to the Constitution, has the monopoly of these powers. Important is the role of the master plan organizations of Athens and Thessaloniki, although they remain under full control of the central government. The role of agencies operating under private law and in charge of various types of public real estate is growing. The Ministry of Economy and Finance is in charge of economic planning and of all the procedures linked to EU structural funding. The Ministries of Development (incl. industry, tourism, energy and technology), Rural Development (incl. forests), Interior (incl. decentralization), Transport, Culture (monuments) and Merchant Marine (ports) pursue policies with serious spatial impact.

#### 4.12.2.3 Policy instruments, space-related plans on the different levels

##### **National level**

National economic and social development plans (*ethnika schedia oikonomikis kai koinonikis anaptyxis*), usually five-year plans, and is approved by parliament. They contain only broad directions on regional development and spatial planning. The responsibility for their production belongs to the Ministry of National Economy, whereas technical work is carried out in the Centre of Planning and Economic Research. Regional development plans with national and regional components, were produced for the purpose of negotiating with the European Commission the Community support frameworks. Recently, the National Planning (*Ethniko Chorotaxiko*) Document has been approved by the Parliament, together with three sectoral *Regional Plans* (*Eidika Chorotaxika*) concerning Industry, Tourism, and Renewable Sources of Energy.

##### **Regional level**

It includes a complete hierarchy of economic development programmes (*anaptyxiaka programmata*). They are produced erratically and their content is not binding. Moreover,

regional spatial plans (*chorotaxiko sxedio*) was introduced in 1996 and is a set of maps and documents expressing general principles and directions of spatial policy, in the context of social and economic development plans. The plan is accompanied by a regional spatial programme (*chorotaxiko programma*), indicating necessary actions, development phasing and sources of funding. These plans are national, regional and social, in the sense that they concern particularly sensitive areas in need of environmental protection. Plans below the national level are the responsibility of YPECHODE (Ministry of the Environment Spatial Planning and Public Works), but the only plans currently being produced are the type of special regional spatial study (*eidiki chorotaxiki meleti*), especially for environmentally vulnerable areas, to protect the environment and high-quality agricultural land. Most of these studies focus on ecologically sensitive areas in mountains, islands, coastal zones or near inland waters and wetlands. The instrument used in these studies is the Zones of land development control (*zoni oikistikou elenchou-ZOE*).

Master plan (*rythmistiko schedio*)

Master plans or, if literally translated, ‘regulatory’ plans, are strategic plans, produced and approved by law for metropolitan agglomerations. The objectives of these plans can be summarised under the following headings:

- urban spatial structure
- environmental protection
- protection of areas of natural beauty
- protection of historic and cultural heritage
- pollution abatement
- upgrading of declined areas

## **Local level**

i. General Development plan (*geniko poleodomiko schedio-GPS*)

It is a plan of general guidance, setting the basic directions of a settlement’s future development. The town plan (*poleodomiki meleti*) that follows must adhere to these directions and all the provisions of the GPS of the area. A GPS covers at least the area of one municipality or commune. The GPS’s objectives are:

- to set the planning framework for the development of the urban area concerned and for its equipment with utility and production infrastructure
- to define land uses and average planning regulations
- to indicate special zones within the plan area, which are later approved by presidential decree.

ii. Town plan (*poleodomiki meleti*)

It is a generic term which covers a variety of plans, all of which are detailed zoning plans, local in their geographic coverage, drawn on a topographic map (scale 1:500 or 1:1000). These plans determine street alignments (*rymotomikes grammes*), building lines (*oikodoikes grammes*) and land-use designations, and are accompanied by a statement of building conditions (*oroi domisis*). These conditions include minimum plot size and plot dimensions, maximum plot ratios, and the crucial floor-area ratio, known as *syntelestis domisis* (floor-area ratio).

iii. Implementation act (*praxi efarmogis*)

The implementation act means act or deed of implementation of the town planning scheme (*poleodomiki meleti*). It is a plan drawn on a land registration map, which includes property adjustments, to take account of land contributions (*eisfores gis*).

#### iv. Special urban zones

They are designated in a GPS and either signify a particular mode of development (e.g. through regulation of building conditions, land readjustment or operational planning) or provide the framework for the offer of development incentives. Another example of special zone are the zones of controlled development (*zones elenchomenis anaptixis-ZEA*), for controlling the development of areas of economic activity in urban and non-urban areas.

#### v. Rural zones

Development in rural zones is possible under a land use plan and relative regulations.

#### vi. Non-plan procedural policy instruments

These are instruments devised to further the realisation of policies which do not take the form of a plan regulating a specific geographical area. Such is the case of the procedure of transfer of development rights, i.e. of the possibility to transfer from one property to another the unused increment of the floor-area ratio (*syntelestis domisis*), when the use of this increment is not permitted, e.g. to protect a listed building.

### 4.12.2.4 RUR related plans in more detail

RUR areas are areas ranging in size between municipalities and prefectures, being closer to the former than to the latter (with the exception of RUR areas of Athens and Thessaloniki which are bigger in size and comprises of many municipalities). RUR related plans can be considered the General Development Plans of the municipalities which include all the area within the administrative borders of the municipalities, and consist of urban and rural areas. The General Development Plan consists of plans in scales 1:5000 for urban areas, and 1:25000 for rural areas, and text containing the analysis part (A phase: description of the current status, SWOT analysis, formulation of alternative plans, participation procedures, evaluation, and preliminary proposal), and the synthesis part (B1 and B2 phases: detailed proposals, participation procedures, assessment of proposals, detailed structure plan, ratification of General Development Plan by the General Secretary of the Region).

In the cases of Athens and Thessaloniki the RUR areas consist of many municipalities, and the RUR related plan is the Master Plan or Regulatory Plan of the equivalent area. The implementation of Master Plan and the management of spatial planning within this area is the responsibility of an organization (public body but independent from the central ministries) called Organization of the Master Plan. In the recent planning law about urban planning and sustainable development of 1997 (L. 2508/1997) there is provision for the preparation of Master Plans and the establishment of Organizations of the Master Plans in six more cities in Greece, besides Athens and Thessaloniki, considered as the most dynamic ones in terms of development perspectives. These new Master Plans are still in a stage of preparation.



### 4.12.3 Summary table

Country	<b>Greece</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Greece 6 RURs have been delineated. Most of them are comparable in size to the municipalities, while being much smaller than the regions. The only exception is Athens and Thessaloniki, where the RUR comprises of many municipalities.
<b>Government structure factor</b>	
Average population of the local municipalities	In Greece there are <b>more than 900 urban municipalities (<i>dimoi</i>) and 133 rural municipalities (<i>kinotites</i>)</b> . The largest is Athens with population of 745,514 (census 2001). The range of the population size of the municipalities is quite big. The average is <b>around 10 900</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On an <b>intermediary level Greece consists of 54 prefectures (<i>nomoi</i>) and 13 regions (<i>periphéria</i>)</b> . The largest prefecture is Attica with 2.805.262 inhabitants and the smallest is Lefkada with 21.888. The average population is around 210 000. On the regional level, the largest is Attica with 3.894.573 inhabitants and the smallest is Ionian Islands with 209.608. The average population of the regions is 841.084. The decision making body is both the <b>council of the prefecture (<i>nomarchiako simvoulío</i>)</b> , which is <b>elected</b> directly and the <b>regional council which is not elected, but</b> headed by the secretary general appointed by the central government. The tasks of the prefecture include development, local authorities services management, urbanism, health, green areas and school buildings construction. The tasks for the regions include regional economic and social development, as well as vertical coordination of economic policies.
Overall assessment	<b>S/m</b> – small supra-local level (prefectures) and medium-sized local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The so called Regional and Special Frameworks of Spatial Planning and Sustainable Development are approved by the central government. The equivalent national framework is approved by Parliament. General Town Plans of municipalities and other important instruments were approved in the past by the central government, responsibility was then transferred to prefects (2nd tier local government) or even mayors, but the constitutional and legal complications which arose with respect to their competencies will probably result in a transfer of powers exclusively to regional secretaries appointed by the central government. According to a recent decision of the Council of State (supreme administrative court) all planning powers have to remain in the domain of the central government.
Ratifying of local plans: do meso or higher level authorities have veto power?	Yes, regions and prefecture, or other institutions, like the department of archaeology, have veto power.
Overall assessment (A/B/C)	<b>C (strong, controlled spatial policies)</b>

### 4.12.4 Sources of Information

- ESPON 2.3.2
- Council of European Municipalities and Regions ([http://www.ccre.org/membres\\_en.htm](http://www.ccre.org/membres_en.htm))
- European Union (1997-2001): The EU compendium of spatial planning systems and policies, Office for Official Publications of the European Communities, Greece.
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## 4.13 Hungary

### 4.13.1 Government

#### 4.13.1.1 Formal governmental structure

##### 4.13.1.1.1 Basic units: local governments

Hungary's surface area is 93,000 km<sup>2</sup> and it accommodates 10 045 000 inhabitants. They live predominantly in urban areas – 67% (6.737.000 people) – opposed to the 33% (3.308.000 people) living in rural areas. The largest city by far is the capital Budapest, which has a population of 1,699,000. A particular developmental structure and a series of historical decisions have led to an essentially uneven city structure and consequently an uneven population distribution in Hungary. Apart from Budapest, 8 cities have more than 100,000 inhabitants and another 14 have more than 60,000. These 22 form together a relatively solid core of middle-sized cities. The country's second largest city – Debrecen – approximately houses one ninth of the capital's population, namely 204,000 people live, whereas in Miskolc, the third largest city, the number of inhabitants reaches only 173,000.

From the 3152 settlements altogether 299 have a city status whereas the remaining 2863 are rural ones. Cities vary quite extensively both in their size and their population, the smallest ones barely surpassing three-four thousand inhabitants. Villages also vary in population size, but usually house a couple of thousand inhabitants.

All settlements have their own elected municipal governments, a result of the 1990/LXV Act on Local Government. Although it has been modified during the last 18 years, its founding principles have remained the same, which created an extremely decentralized system in the Hungarian public administration, meaning a high level of independence and very important tasks to look after at the level of local government.

The Act differentiates between four settlement types for the local governments: village, city, capital and district. This latter one is only valid in the capital. The spirit of the Act is derived from the Constitutional changes of 1990, supporting the assertion that eligible voters have the right to a local self governing body with decision making powers in all aspects of local life. Local governments represent the NUTS5 level in the Hungarian administrative system. After 1990, they were delegated all the planning and decision making competencies above their territory and they were transferred many of the former state assets – ownership of housing, the former state enterprises and the ownership of the utility companies. Parallel with their powers, their responsibilities also grew enormously, as they became responsible for providing a wide range of public services on their territory, creating a very strong power center at the local level with manifold and important obligatory tasks. The most important ones include: planning and management of the settlement – with the right of supplying building provisions - maintenance of the sewage system and those of the local roads, housing management, provision of local transportation, supply of basic educational services - this includes nurseries, kindergartens and primary education – health and social services. Its other tasks include maintaining a local cemetery, keeping the public areas clean and well-lighten, and making sure that minorities can exercise all their rights in connection with their minority status. Local governments can exercise their rights within the territorial limits of their settlement.

##### 4.13.1.1.2 Multi-level governmental structure

Next in the level of the administrative system come the county governments. There are 19 counties in Hungary and all have their own county governments and county assemblies. The size of the counties varies, the largest, Pest county being 1,196,000 head strong,

whereas the smallest, Nógrád county having only 210,000 inhabitants. It is important to note that Pest county covers the territory encircling Budapest, and its relative population density is partly connected to the growing agglomeration belt around the capital. The second most populous county – Borsod-Abaúj-Zemplén – only has 710.000 inhabitants.

Counties represent the NUTS3 level at the administrative system of Hungary. Counties – just like local governments – have directly elected assemblies, but have no directly elected leader. The position of the leader is filled by the president of the assembly, who is elected by the assembly itself. Nevertheless, the direct vote for the assembly suggests a strong political legitimacy, which is in contrast with the fact that counties have relatively few financial means and limited political power. Furthermore, their responsibilities are also limited. County governments are in charge of the provision of secondary education and health services exceeding the basic level on their territory, the maintenance of county museums and generally cultural heritage and finally of the coordination between the different settlements in questions of building and planning.

Despite their limited political power, counties have relative strong mental presence in people's mind. County names evoke popular connotations, and people regularly differentiate between affluent and poor counties.

There are two special cases in the system of local governments, where local and county rights are both present in the same territorial unit: the capital and the cities with county rights. The special status of the capital derives – among other things - from the fact that Budapest has a unique size – both in spatial and population terms – and economic power compared to other Hungarian cities. Budapest is not incorporated into any county, and has a very decentralized two-tier local government system. The lower level is represented by the 23 districts – all with an elected assembly and a directly elected mayor - whereas the upper level is represented by a city municipality, also with a directly elected mayor and an assembly

The second case of exceptions is represented by cities with county rights. Just like the capital, their local administration also combines the powers and the tasks of both governing bodies – that of the local and the municipal – but unlike the capital it is a single body that unites both levels. The Act on Local Government automatically declares all county seats cities with county rights, and allows the Parliament to give the status to any city with more than 50.000 inhabitants. Currently there are 23 such cities.

A relatively new development in the system of local administration is the strengthening of micro-regions and that of the regional level. There are 7 regions in Hungary, which were formed first optionally in 1996, and were made compulsory in 1999. Their role has become with accession to the European Union, and especially after 2006, when the financial means allocated to them have increased substantially. Regions – which represent the NUTS2 level in Hungary - function as cohesion not as administrative regions, headed by a development council. Members of the council are not directly elected, rather they are representatives of fairly divers local and national bodies, among other things the government and different ministries, and representatives from cities with county rights, representatives from the development council of the micro-regions and the president of the Regional Tourism Committee. In case of the Central Hungarian Region special regulations apply, as it comprises the capital.

Micro-regions– just like the regions themselves – are primarily not administrative, but cohesion units. There are 168 micro-regions in Hungary representing the NUTS4 level. Their function is regulated by the Law on territorial development (1996/XXI), and they are primarily developmental/statistical units. However, in case participating local governments form a so-called multi-purpose (többcélú) micro-region, which takes on responsibilities with regard to administrative and public services that normally belong to local governments, then extra funding is available. Such a multi-purpose micro region, although not directly elected, can exercise rights normally assigned only to local governments, thus can be partially defined as an administrative micro-region. Such a multi-purpose micro-region also takes up administrative and public services tasks besides the usual developmental ones. In case they engage in creating joint educational, social

and health services, or they engage in joint territorial development, then such a micro-region gets additional funding.

#### 4.13.1.1.3 Dynamic process

Although the extreme decentralization of the local governmental system of Hungary has been regarded as a problem by many professionals as well as by many politicians for a while, a deep structural reform amending the basic conditions has yet to come. Such a reform, given the framework of the political system, would require a 2/3 majority in the Parliament, a prerequisite that will make its occurrence very unlikely in the near future. In 2006 there was talk about imminent change and a far-reaching administrative reform, but the political antagonisms have obstructed so far any attempt to carry out any reform.) Furthermore, it is not only the missing close cooperation of the government and the opposition, which makes this amendment unlikely, but among the MPs many are now or later aspire to be local mayors, which makes them uneager to trim the right local governments can exercise. Finally, even without personal interests, cutting back local self-determination could anger the local party bases, which further dissuades the main parties to tackle the issue.

Despite the seeming stability of this decentralized system, small steps have been taken in the direction of trying to strengthen the middle level both in the questions of territorial development and in administrative matters. The introduction of multi-purpose micro-regions in 2004 can be regarded as one such an attempt. It aims to reinforce the power of the middle level – in this case the NUTS4 level – by allocating additional subsidies for municipalities willing to cooperate and share the responsibilities.

#### 4.13.1.2 The government level deciding on land-use changes

In 2003 the Hungarian Parliament passed the Law on spatial planning (Országos Területrendezési Terv, Act XXVI of 2003) , which on the one hand serves as a national master plan creating the framework for other, lower level territorial plans, but also lays down the system of national infrastructural networks and ecological „corridors”, areas of natural and cultural heritage. Besides this general plan, codified in law only two regional master plans exist – their necessity was spelt out in the Act XXI on Spatial Development and Spatial Planning (1996/XXI-es törvény a területfejlesztésről és a területrendezésről) in 1996- that of the Lake Balaton area (Act CXII/2000) and the Agglomeration area of Budapest (Act LXIV/2005). This codification means special protection for these areas, and land-use changes not permitted by the Acts are not possible to carry out.

Otherwise, deciding on construction and matters of demolition and changes regarding land use belongs to the power of local governments. Nevertheless, these land-use changes have to comply with the usually loose framework of the county – and in case of Budapest the city level – master plan. As it has been spelt out above, the complex and far-reaching power of the local governments is based on Act LXV from 1990, this delegates almost exclusive planning rights to the local governments with regard to their own territory. Demonstrating its strength is the fact that the authority issuing building permits is part of the bureaucratic structure of local governments. As such, it can be subjected to political influences from the municipal assembly or its elected officials. Moreover, the conflict of interest with other, larger scale planning is inherent to this system.

So the right of planning mostly rests with NUTS5 level in Hungary. This is much smaller than the Plurel designated RUR regions. These RUR regions – altogether 19 in Hungary – comply almost totally with NUTS3 level units. In exactly 16 they are quasi equivalent of the counties, whereas in the remaining three instances – in the cases of Budapest, Debrecen and Miskolc – they function as an urban center and its agglomeration area.

## 4.13.2 Spatial Planning

### 4.13.2.1 Style of planning

ESPON 2.3.2 characterized Hungary as a country with a mix of planning approaches, more specifically the integrated comprehensive planning approach and the regional economic approach. However it has to be stressed – and it comes out also in the national case studies written for the ESPON project – that comprehensiveness is only in the budding phase and land use planning has also remained very important in Hungary. Furthermore, Hungary mixes up a strong tradition and practice of centralisation – whereby the vertical relations are strong and the horizontal ones are weak – with a strong decentralisation, due to the very strong powers of the local level.

It is due to this mix of traditions and the legal framework that the spatial planning system can be characterised as highly fragmented in Hungary. Co-operation, co-ordination are loose, formal and occasional both horizontally (between spatial physical and development planning, among the various stakeholders, and especially among the governmental departments) and vertically (among the spatial levels). The legal specifications are, in general, formally met only. These problems are in mutual causal relationship with the fact that the spatial planning process itself is fragmented. Planning itself rather resembles a plan making process, where three, sharply distinctive phases occur:

First there is a technical phase of plan preparation, when professionals, governmental officials and in some cases also the NGOs have the opportunity to co-operate in a rather effective manner.

Secondly, sharply different and separated from the former, is the often longer formal consultation phase, which is highly politicised, and very often leading to the loss of most of the concepts devised and approved with consensus in the previous phase.

Thirdly, at the national and regional level monitoring systems of spatial trends are in operation, but the findings are not used as feedback, and are taken into account (if at all) only at the time of the following period of plan making.

### 4.13.2.2 Key institutions making planning policies in Hungary

The central government authority responsible for spatial (regional and local) planning was moved from one ministry to the other and has been reorganised several times during the last 18 years. Its position in the central governments is unstable and over-politicised. Currently territorial planning belongs to the Ministry for Local Government. The most important national planning institution is the VATI Non-Profit Company (Hungarian Regional Development and Urbanistic Non-Profit Company), which is the support institution of the national planning and building authorities, with a broad sphere of activity including regional development, spatial planning, local (urban) planning and design, architectural design, landscape management, as well as the associated research and development activity. Since 1995 VATI has been the implementation body of EU sponsored spatial development programmes. Its regional offices work side by side and in close co-operation with the Regional Development Agencies. Other important institutions and planning agencies include the Centre for Regional Studies of the Hungarian Academy of Sciences, various university departments and private institutions and think-tanks.

#### 4.13.2.3 Policy instruments, space-related plans on the different levels

Name	Basic objectives	Planning object	Legal impact	Production obligation
National Territorial Regulatory Plan (OTRT)	Sets out the framework of territorial development for the whole country, designates areas of natural protection and of infrastructural development	national	binding	obligatory
Balaton Act	Passed by the Parliament, the objective of this law is to create a coordinated territorial development for the Balaton area, protecting the area's current ecological quality	Balaton area	binding	obligatory
Agglomeration Act	Passed by the Parliament the Act aims to create a balance between growth and sustainability for the settlements in the agglomeration of Budapest	Agglomeration area and Budapest	binding	obligatory
County Regulatory Plan (megyei területrendezési terv)	Sets out the framework of territorial development for the county, designates areas of natural protection and of infrastructural development	county	binding	obligatory
Settlement Structure Plan (Település szerkezeti terv)	It defines the underlying structure of a settlement, characterizing the possible use of its different parts.	local	binding	obligatory
Budapest Master Plan (Szabályozási Keretterv)	Gives the overarching framework for the district settlement master plans, sets out the basic parameters of land use in Budapest	the territory of Budapest	binding	obligatory
Settlement Master Plan (Szabályozási Terv)	Within the framework of a local structure plan it spells out in details in exactly what ways a certain territory can be used	local	binding	Obligatory in cases defined by the law
Local building regulations (Helyi építési szabályzat)	It lays down the building regulations of the different zones	local	binding	Obligatory only in instances specified by the law
Settlement Development Concept	To create a strategic plan that incorporates both spatial and sectoral dimensions of development. Its time span varies, usually between mid-term and long-term	local	Non-binding	optional

Source: 1997/LXXVIII, Building Act

#### 4.13.2.4 RUR related plans in more details

The Building Act passed in 1997 regulates the basic characteristics of territorial planning in Hungary. It clearly designates land use planning to the local level, giving it the most strength in determining the territorial development of a settlement. Upper levels – such as the county and national level – have territory regulatory plans that serve as a framework for local planning. Despite their binding nature their level of detail stops at

designating important ecological protection areas and areas necessary for infrastructural development. On a regional level there is no real territorial planning, rather the strategic plan is a comprehensive development plan, which has its focus on the different sectoral questions.

Closest to the RUR level is the county level, which – as mentioned above – has a planning authority, even if it is on a vaguer scale. Nevertheless, if we look at it in more detail, and try to find the functional RUR zones - meaning an actual metropolis/city and its agglomeration area – we find that mutual territorial planning is not a practice. The capital and its agglomeration is partly as exception, as due to the Agglomeration Act passed by the Parliament (Act 2005/LXIV) there is a common regulatory framework specially designated for the area – otherwise they would belong to two counties – that is fairly detailed and tries to stop the conversion of agricultural land into designated construction areas and developmental zones. Furthermore, there is an agglomerational development council (BAFT), however, it has no territorial planning rights.

In size a micro-region could be close to a functional RUR region, however, it mostly lacks the essential functional characteristics - that of an urban center with the surrounding settlements. A micro-region can only take up territorial regulatory duties in case each settlement which physically belongs to the micro-region enters this alliance.

### 4.13.3 Summary table

Country	<b>HUNGARY</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	There are nine RUR regions in Hungary. A RUR region comprises of a city (over a 100 000 inhabitants) and its surrounding settlements and agricultural areas primarily providing its labour pool and functioning in a close cooperation with the city. In case of Hungary, although they vary in size, RUR regions are larger than the municipalities (NUTS5), but smaller than the counties (NUTS3). In case of Budapest the size of the RUR is similar to that of the capital and Pest county together. RUR regions do not necessarily abide by borderlines, just as the case of Szeged shows whose RUR is partly reaching into the territory of Rumania. As RUR regions are functional, these nine regions only cover a fraction of the Hungarian territory.
<b>Government structure factor</b>	
Average population of the local municipalities	In Hungary there are <b>3152</b> local municipalities. The average population is around <b>3200</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	The size of the counties is rather variable, as it changes between 210 000 and 1,2 million. However, between these two extremities the average population size is around <b>500 000</b> . The county assembly is <b>elected</b> by the people, but the president of the assembly is elected by the assembly itself. Main responsibilities: County governments are in charge of the provision of secondary education and health services exceeding the basic level (most notably hospitals), the maintenance of county museums and generally cultural heritage and finally of the coordination between the different settlements in questions of building and planning. They also devise a county regulatory plan that sets out the framework for territorial planning on the municipal level.
Overall assessment	<b>M/s</b> – large supra-local level (states) and small local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The regulatory plan at the county level serves as a framework for territorial planning on the lower level. It can designate areas of protection that are important from an ecological or infrastructural point of view. However, land use changes belong to the competency of the local municipal level.
Ratifying of local plans: do meso or higher level authorities have veto power?	No, as long as local governments abide by the regulations of higher level regulations. These higher level regulations are usually framed loosely
Overall assessment (A/B/C)	<b>A (weak level of control)</b> very strong local planning competency

### 4.13.4 Sources of information

- 1996/XXI Law on territorial development, [www.oth.gov.hu/u/law/73/1996\\_vi\\_XXI\\_t\\_rv\\_ny\\_2004\\_szept\\_1\\_t\\_l\\_hat\\_lyos\\_v\\_ltozata.pdf](http://www.oth.gov.hu/u/law/73/1996_vi_XXI_t_rv_ny_2004_szept_1_t_l_hat_lyos_v_ltozata.pdf)
- The rules of forming and operation a multi-purpose micro-region are spelt out in the law of 2004/CVII.
- Law on multi-purpose micro-regions, 2004/CVII



- 1997/LXXVIII, Building Act
- 1996/XXI Law on territorial development,  
[www.oth.gov.hu/u/law/73/1996](http://www.oth.gov.hu/u/law/73/1996). vi XXI. t rv ny 2004. szept. 1 t l hat  
lyos v ltozata.pdf

## 4.14 Ireland

### 4.14.1 Government

#### 4.14.1.1 The formal government structure

##### 4.14.1.1.1 The basic units: local governments

Ireland is a unitary State composed of municipalities (towns and boroughs), counties and cities, and of regions. County/city councils are important as they have statutory powers to make development plans followed by councils of smaller towns.

Local level: 114 composed municipalities (29 county councils, 5 city councils, 5 borough councils and 75 town councils)

#### Town authorities

The **town council** (or **borough council**) is elected by direct universal suffrage for a five-year term. The council appoints the mayor and is responsible for making development plans of the municipality.

The **town clerk** for smaller urban areas is the executive head of the council. This civil servant is responsible for the municipal administration.

The **mayor** is elected every year by the elected councillors from among the municipal council. He chairs the council.

#### Competences:

- Road construction and maintenance
- Housing
- Leisure Facilities
- Statutory planning

Note: Town authorities comprise borough councils and town councils (formerly called borough corporations, urban district councils and town commissioners). The town and borough councils do not cover the entire territory of the state. Only 80 towns in total have their own town/borough council – these cover some 14% of the national population.

#### Intermediary level: 29 county and 5 city councils

The intermediary level in Ireland is composed of 29 county councils and 5 city councils. These are the “primary” units of local government in Ireland, and between them cover the entire area and population of the country.

#### Local authorities

The county council (or city council) is elected by direct universal suffrage for five years, using proportional representation and is the policy-making arm of the local authority, who act by what are termed ‘reserved functions’. Reserved functions are defined by law and specified across a whole range of enactments. The number of councillors varies and is set by national legislation. The council elects a mayor/chairperson from amongst its members for one year. It is assisted by policy committees for local policies, made up of both local elected members of the council and various local interests, such as business, environmental groups and the community and voluntary sector. The elected council

exercises what are known as reserved functions, which include the adoption of the main policies of the local authority. These include major policy documents, plans and strategies of the council, as well as local bye laws and the annual budget. The elected council also oversees the administration of these policies.

The **county** or **city manager** heads the administration and has a number of responsibilities related to the internal management of the local authority, and implementation of policy. In particular, the manager exercises and oversees executive functions (staff management, public agreements, revenue collection, planning permissions, and housing allocation).

The **mayor/chairperson** of the council is the ceremonial head of the local authority. (S)he is elected each year by members of the council. The mayor/chairperson chairs meetings of the council and represents the city or county.

Competences:

- Urban planning
- Road infrastructures
- Water supply and treatment
- Waste Management and Environment
- Housing
- Fire services and civil defence
- Libraries
- Local arts, culture and leisure facilities
- Coordination of public services across different agencies operating locally

Note: There is at least one council for each county. Dublin county has 3 councils.

#### 4.14.1.1.2 The multi-level government structure

Regional level: 8 regional authorities and 2 regional assemblies

The regional authority

The **regional authority** is composed of nominated members from the county and city councils composing the region. Each regional authority is headed by a chairperson. The regional authority is assisted by an operational committee composed of the members whose members are those of the authority, as well as county and city managers, and other officials of public agencies operating locally.

The **chairperson** is elected from among the regional assembly. The chairperson presides over meetings of the regional authority.

Competences:

- Coordination of public services
- Supervision and monitoring of the European Union structural and cohesion fund implementation

The regional assembly

The **regional assembly** is composed of nominated members from the regional authorities composing the assembly area. Each regional assembly is headed by a chairperson. The regional assembly is also assisted by an operational committee

composed of the members, as well as county and city managers, and other officials of public agencies operating locally.

The **chairperson** is elected from among the regional assembly. The chairperson presides over meetings of the regional authority.

Competences:

- -Coordination of public services
- -Supervision and monitoring of the European Union structural and cohesion fund implementation
- Advising on regional dimension of the national development plan
- -Managing of regional operational programmes under the national development plan

The Republic of Ireland (*Poblacht na Éireann*) is a Centralised Unitary State where there is an ongoing process of regionalisation through the existing Local Authorities. There are 8 regional bodies composed of councillors, who are elected members appointed by the constituent county councils and county boroughs. These bodies are responsible for the co-ordination and implementation of EU regional funding, but they do not have any legislative powers.

With regard to the field of spatial planning, competency is predominantly vested in Central Government, but the local level also has powers. Finally, the Irish Parliament is made up of two chambers: the House of Representatives (*Dáil Éireann*) and the Senate (*Seanad Éireann*). The latter chamber does not have a territorial chamber because none of its 60 members represents regional or local governments.

Multi-level structure:

Category	Performance
Model of State	Centralised Unitary
Typology of regionalization	Regionalisation through the existing Local Authorities
Constitutional reconnaissance of Regional and/or local levels	No
Allocation of Spatial Planning powers	-Strong local -Weak sub-regional / supra-local -Strong national
New Spatial Planning powers	No
National territorial chambers	Existence of a Senate but not representing territories
Regular multi-level governmental meetings	No
Dependence of local governments on central government	Fairly independent
Constitutional regions	No
Devolution to 1st tier local authorities	Substantial powers have been allocated to local authorities

Source: ESPON 2.3.2

NUTS categorization:

Ireland	NUTS1		NUTS2		NUTS3	
IE	-	1	Regions	2	Regional Authority Regions	8

#### 4.14.1.1.3 Trends and dynamic processes

According to the national overview, all three levels of government are steered in the direction of better regulation. Since the 1990s there has been, however, a gradual lessening of the responsibilities allocated to the local level, with the establishment of new national agencies, such as the Environmental Protection Agency and a National Roads Authority, on the one hand, and a strengthening of the regional level, largely as a mechanism for administering EU funding, on the other. According to findings of the ESPON 2.2.1 project, significant influences on governance in the country were due to the receipt of Structural Funds.

A predominant characteristic of Ireland is a strong, centralised system of government and administration, with a relatively narrow range of functions performed by local government. Nevertheless, spatial planning is one of the functions that are mainly carried out at the local government level.

The EU has had considerable indirect impact on spatial planning through its impact on environmental and agricultural policies, and the wide range of EU directives in the environment are which have a major influence on national and local policies.

#### 4.14.1.2 The government level deciding on land-use changes

There are basic laws regulating development. At the local level there are 88 planning authorities, comprising all the directly elected local authorities with the exception of the 26 boards of town commissioners. Among their tasks is to prepare and revise development plans and determine spatial planning and land-use policy. The regional level is weak in terms of planning competences, although as a result of the Planning and Development Act 2000, they now have a new important role in relation to spatial planning – that of the preparation of regional planning guidelines. In 2009 there are further legislative changes proposed which will strengthen the influence of Strategic Planning Guidelines

##### Regulations and permits

In the Irish planning system, the development plan prepared by the planning authority provides the basis for determining development rights. Each planning authority is required to publish notice of its intention to review its plan, not later than 4 years after the making of a development plan. A new plan must be made every 6 years (ie. 2 years after the notice of the intention to review the plan has been published). The plan states the authority's policies for land use and for development control and promotion in its area. The plan covers the functional area of the planning authority and all land within this functional area.

All development requires planning permission, either express or implied, with the exception of development which, in the opinion of the Ministry for the Environment, is required for the purposes of public safety, the administration of justice or national security. There is also provision for small scale development such as agricultural developments and residential extensions to be exempted if it complies with regulations. Express permission is sought by means of planning application made to the planning authority. Implied permission arises when the development complies with the statutory requirements for exempted development. Development control is an executive function of the planning authority and is not a function of the elected representatives. The manager is responsible for all executive decisions made by the local authority.

Certain types of activities may be subject to further regulation and requires licensing of emissions to the environment. If the proposed developments a potential polluter, a license is required before commencement.

Three control systems are implemented in Ireland that regulates development. The three systems are those concerned with:

- planning control
- pollution control
- building control

The main permission required is planning permission.

#### 4.14.2 Spatial planning

##### 4.14.2.1 Style of planning

The style of spatial planning that exists in the Irish republic can be categorised, following the example adopted in ESPON 1.1.1, as belonging, together with the UK, to the British style. The British legal style evolved from English Common Law and the principle of precedent. This system is based on the accumulation of case law over time. Another key distinction between the British/Irish system and the rest of Europe relates to the powers given to local government. Bennett (1993) describes the administrative system in Britain and Ireland as a dual system in which central government sets legal and functional constraints for local authorities and then plays a supervisory role.

The main features of the planning system are:

- making development plans
- the need for planning permission
- exempted development
- appeals against planning decisions
- planning enforcement.

##### 4.14.2.2 Key institutions making planning policies in the country

The main government department with responsibility for spatial planning is the Department of the Environment, Heritage and Local Government. At the regional level there are 8 regional authorities, 2 regional assemblies and 2 regional development agencies.

##### 4.14.2.3 Policy instruments, space-related plans on the different levels

###### **National level**

The Republic of Ireland operates a National Development Plan (2000-2006) and a National Spatial Strategy. The Development pan underpins a number of key national objectives such as:

- Continuing sustainable national economic and employment growth,
- Consolidating and improving Ireland's international competitiveness,
- Fostering balanced regional development, and
- Promoting social inclusion.

The National Spatial Strategy addresses the future spatial structure of Ireland in the context of sustainable development. The Government has mandated the Department of the Environment and Local Government to prepare a National Spatial Strategy. This will be completed within two years and will translate the broad approach to balanced regional development into a more detailed framework for longer-term spatial development over a twenty-year horizon. The National Development Plan is a specific programme for investment and national competitiveness over the period 2000 – 2006. The National Spatial Strategy, in turn, will build upon the Plan's initiatives and set out a broader and more strategic framework that will structure the long-term strategic and spatial development of the State.

In particular the National Spatial Strategy will:

- Identify broad spatial development patterns for areas and set down indicative policies in relation to the location of industrial development, residential development, rural development and tourism and heritage, and
- Develop and present a dynamic conception of the Irish urban system, together with its links to rural areas, which recognises and utilises their economic and social interdependence.

In addition, each government department and most State bodies undertake investments which have a spatial dimension and have definite planning implications at local level.

While the Department of the Environment has the power to issue national planning policies, planning directives and guidelines, physical planning has remained largely a local activity in the hands of the individual planning authorities.

#### i. Derelict Sites Act, 1990

It provides local authorities with more effective powers for responding to and preventing dereliction. The Act is applicable nation-wide and is mandatory.

#### ii. Building Control Act, 1990.

It provides a modern legal basis for making and administering building regulations. The purpose of the building regulations is to promote good practice in the design and construction of buildings in the interest of health, safety and welfare of the people in and about such buildings. The building regulations set out the basic requirements to be observed in design and construction, which apply to new buildings and to extensions and alterations.

#### iii. Environmental legislation and regulations.

There is an increasing range of environmental legislation in Ireland deriving from EU directives, the enactment of domestic legislation, and the formulation of environmental regulations under both the environmental and planning legislation. The most important environmental legislation relating to the planning system is that relating to pollution control, the Air Pollution Act 1987, Water Pollution Acts 1977 and 1990, and the Environmental Protection Agency Act 1992 and that relating to Environmental Impact Assessment.

### **Regional level**

Inter-regional policy was of diminishing importance during the 1980s. While sub-regional reports were prepared as an input to the National Development Plan, 1994-1999, three documents had no independent role, nor do they influence local planning. While many government departments and agencies have regionalised some of their activities, there was little by way of horizontal coordination at regional level. The eight regional authorities established on 1994, were required to prepare regional reports by the end of 1995. Such reports represent the beginnings of a coordinated regional spatial analysis of the activities of the various development agencies within the country.

At this level, very important role have the Regional Planning Guidelines (RPGs). The National Spatial Strategy (NSS) sets out the policies on spatial planning adopted by the



Government at national level. At regional level, a key policy bridge between national development priorities and local planning has been put in place with the adoption in mid 2004 of Regional Planning Guidelines (RPGs). RPGs put in place policies to translate the overall national approach of the NSS into policies at regional and local level. While working within the national framework of gateways, hubs, other towns, villages and rural areas, the RPGs provide more detailed regional level guidance, assisting planning authorities in framing County, City and Local Area Development Plans. As well as overseeing the implementation of RPGs, the Department monitors the preparation of County, City and Local Area Development Plans to ensure that they are consistent with the objectives of the NSS. The RPGs, which are statutorily valid for a period of 6 years, are due to be reviewed by 2010.

### **Local level**

#### **i. The development plan**

It is the most important policy instrument at the disposal of the planning authority. Its aim is to promote and encourage sustainable development, to conserve, protect and improve the environment and to make the best possible use of resources. The development plan consists of maps and written statements and must include certain objectives.

#### **ii. Action area plans produced by planning authorities**

In cases where a planning authority wishes to expand part of its development plan to provide greater detail in an area where it anticipates significant development, the authority may prepare an action area plan. This will indicate in more detail how the area may be developed.

#### **iii. Financial incentives, urban renewal or tax incentives**

Most incentives to encourage development take the form of tax incentives.

### **4.14.2.4 RUR related plans in more detail**

#### **Regional Planning Guidelines (RPGs)**

The 2000 Planning and Sustainable Development Act require that all Regional Authorities shall at the direction of the Minister make Regional Planning Guidelines. There are 8 Regional Authorities in Ireland, which were set up in 1994 under the Local Government Act 1991 (Regional Authorities) Establishment Order 1993.

The main functions of a Regional Authority are:

To promote co-ordination, co-operation and joint action among the public services and local authorities;

To prepare Regional Planning Guidelines

To review of the overall needs and development requirements of the region;

To review local authority's Development Plans;

To monitor spending and progress of the National Development Plan and EU Funds.

The Regional Planning Guidelines for the Greater Dublin Area combines two Regional Authority areas - the Dublin Regional Authority and the Mid-East Regional Authority for the purposes of Regional Planning. This approach is provided for in the Planning Act where required by the Minister.

The Regional Planning Guidelines were prepared over a one year time-frame, which involved a public consultation period of eight weeks from the 3rd of July 2003. As part of this process an issue paper was published outlining the key issues for the Regional Planning Guidelines, and all prescribed organisations (official organisations set out under legislation that the RPG office is required to contact) were contacted and invited to make

a submission. In total 73 submissions were received from a wide range of people and organisations.

Prior to the adoption of the Regional Planning Guidelines, the 7 Councils and the 2 Regions, in association with the Department of Environment and Local Government had prepared a non-statutory regional planning guidance document- the Strategic Planning Guidelines for the Greater Dublin Area, in 1999. The SPGGDA were given statutory recognition in the 2000 Planning Act. The SPGGDA are now superseded by the 2004 Regional Planning Guidelines.

#### 4.14.3 Summary table

Country	<b>Ireland</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Ireland 2 RURs have been delineated.
<b>Government structure factor</b>	
Average population of the local municipalities	In Ireland there are <b>114 composed municipalities</b> . The largest is Dublin with population of 1 187 176 (2006).
The level above the local municipalities (population, elected/delegated/appointed, functions)	On an <b>intermediary level Ireland</b> is composed of 29 county councils and 5 city councils. Also, Ireland is composed of <b>8 regional authorities and 2 regional assemblies</b> . The average population of the regions is around 560 000. The largest county is Dublin with 1,186,159 inhabitants and the smallest is Leitrim with 25,799. The decision making body is the <b>county council</b> (or <b>city council</b> ) is <b>elected</b> by direct universal suffrage for five years, using proportional representation). The tasks include: urban planning, road infrastructures, water supply and treatment, waste Management and Environment, housing, fire services and civil defence, libraries, local arts, culture and leisure facilities, coordination of public services across different agencies operating locally.
Overall assessment	<b>M/I</b> – medium-sized supra-local level (regional authorities) units and large local level (composed municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The regional level is weak in terms of planning competences, although as a result of the Planning and Development Act 2000, they now have a new important role in relation to spatial planning – that of the preparation of regional planning guidelines.
Ratifying of local plans: do meso or higher level authorities have veto power?	Yes they do.
Overall assessment (A/B/C)	<b>B (medium level of control)</b>

#### 4.14.4 Sources of Information

- ESPON 2.3.2
- Council of European Municipalities and Regions ([http://www.ccre.org/membres\\_en.htm](http://www.ccre.org/membres_en.htm))
- European Union (1997-2001): The EU compendium of spatial planning systems and policies, Office for Official Publications of the European Communities, Ireland.
- <http://www.rpg.ie/about.html>

- <http://www.cso.ie/statistics/popofeachprovcountycity2006.htm>
- <http://www.environ.ie/en/LocalGovernment/>
- Williams Brendan, Senior Lecturer and Vice President, Department of Planning and Land Use, University of Dublin, June 2009, updating and comments.

## 4.15 Italy

### 4.15.1 Government

#### 4.15.1.1 The formal government structure

Italy is a regionalized unitary state composed of communes, provinces and regions.

##### 4.15.1.1.1 The basic units: local governments

###### **Local level: 8.102 municipalities** (*comuni*)

Each commune is attached to a province but has direct access to its region and to the central state. Communes are called cities if the head of state grants them this title.

###### Local authorities

The **local council** (*consiglio*) is elected by direct universal suffrage for five years. It is the legislative and the main decision-making body. It votes the budget.

The **executive committee** (*giunta*) is the executive arm. It implements the decisions taken by the council. Its members are designated by the mayor who delegates some of his/her competences to it.

The **mayor** (*sindaco*) is elected by direct universal suffrage for five years. (S)he designates the deputies (*assessori*) who are the members of the executive committee. The mayor is the head of the local civil service.

###### Competences:

- Social services
- Urban planning
- Economic development
- Public services
- Land development
- The environment
- Culture

##### 4.15.1.1.2 The multi-level government structure

###### **Intermediary level: 101 provinces** (*provincia*)

###### Provincial authorities

The **provincial council** (*consiglio provinciale*) is elected by direct universal suffrage for five years. It decides on the province's broad policy lines and votes the budget.

The **executive committee** (*giunta provinciale*) is designated by the president of the province. Its members cannot be members of the council. The executive committee implements the council's decisions.

The **president** (*presidente*) is elected by universal direct suffrage for five years. (S)he designates the members of the executive committee.

###### Competences:

- The environment
- Civil protection

- Culture
- Waste collection
- Employment
- Education (professional education)
- Infrastructures

### **Regional level: 20 regions (*regione*)**

Five of the twenty regions have a special status (Valle d'Aosta, Trentino Alto Adige/Südtirol, Friuli Venezia Giulia, Sardegna, Sicilia); and two have the status of autonomous province (Trento, Bolzano).

#### Regional authorities

The **regional council** (*consiglio regionale*) is the legislative body. It is composed of thirty to eighty councillors; some are elected by universal direct suffrage, others are drawn from the president's list. The council elects the president from within its ranks. It can present bills to the national parliament and can dismiss the president of the executive committee.

The **executive committee** (*giunta*) is the executive body. It is made of the president and the regional councillors. The councillors are designated by the council or the president. They have a five-year mandate. The *giunta* must resign if it loses the confidence of the council. The executive committee has overall administrative competences; it can propose regional bills. It prepares and implements the regional budget, and implements the council's decisions.

The **president** (*presidente*) is elected by direct universal suffrage for five years. (S)he designates and dismisses the members of the *giunta*. The president represents the region and directs the region's policies. The president enacts regional laws and regulations; (s)he assumes the administrative functions that the state delegates to the regions and must, in this matter, follow the government's directions.

#### Competences:

- International relations with other regions and with the EU
- External trade
- Health
- Land development/Protected areas/Regional landscape planning (according to European Landscape Convention)/sustainable development (sustainable building)
- Social /welfare
- Transport/infrastructures
- Production and delivery of energy
- Urbanism
- Agriculture

The Italian Republic (*Repubblica Italiana*) is a Regionalised Unitary State subdivided into 20 regions (*regioni*). All of them have adopted their own statutes and have legislative powers. Five of these regions (Valle d'Aosta, Friuli-Venezia Giulia, Sardegna, Sicilia and Trentino- Alto Adige / Südtirol, this latter comprising the Autonomous Provinces of Bolzano and Trento) with 15.6 % of the Italian population, enjoy a special autonomous

status that enables them to enact legislation on some of their specific local matters. Therefore, in Italy the process of Regionalisation has been Political.

Italy is one of the Unitary States with more powerful regions, as well as Spain, and it is reflected at the high degree of autonomy constitutionally guaranteed. The members of the regional chambers are elected by universal direct suffrage and the Constitution talks widely about the legislative, executive, administrative and financial functions of them in its Title V (Art. 114-133). Mainly, the Article 117 gives exclusive regional powers, but since the 2003 constitutional reform (Law 131/2003) those powers are more limited.

In the field of spatial planning the levels where the main powers remain are the local and the national ones, but the Regions and the Provinces have also competencies in this matter. Furthermore, a new planning framework is taking place in the Province of Bologna (1.6 % of the Italian population), where the members of its assembly are directly elected. It is the Spatial Plan of Provincial Coordination (PTCP, in Italian) and there is being put into practice Spatial Agreements signed by the Associations of Municipalities with the purpose of the elaboration jointly the Structural Plans.

The Italian Senate is not a Territorial Chamber because 315 of its 321 senators are directly elected by universal suffrage (from the others, 5 are appointed by the President of the Republic and the rest are former Presidents of the Republic, which are senators by right and for life). But there is an important structure in the field of intergovernmental permanent meetings. Since 1983 the State – Regions Conference was established by DPCM, the Permanent State – Cities and Local Autonomies was established by DPCM on 1996, and the Joint Conference (State – Regions Conference plus Permanent State – Cities and Local Autonomies) was established by Legislative Decree 281/1997 under Article 9 of Law 59/1997. By anyone of these Conferences of Presidents have authority to reach binding decisions.

#### Multi-level structure:

Category	Performance
Model of State	Regionalised Unitary
Typology of regionalization	-Political regionalisation -Political regionalisation with special status (Valle d'Aosta, Friuli-Venezia Giulia, Sardegna, Sicilia and Trentino-Alto Adige / Südtirol)
Constitutional reconnaissance of Regional and/or local levels	Regional and local
Allocation of Spatial Planning powers	-Strong local -Weak sub-regional / supra-local -Weak regional -Strong national
New Spatial Planning powers	Province of Bologna (directly elected Assembly)
National territorial chambers	Existence of a Senate but not representing territories
Regular multi-level governmental meetings	Conference of Presidents without authority to reach binding decisions
Dependence of local governments on central government	Fairly independent
Constitutional regions	All Regions
Devolution to 1st tier local authorities	Substantial powers have been allocated to local authorities

Source: ESPON 2.3.2

NUTS categorization:

Italy	NUTS1		NUTS2		NUTS3	
IT	Groups of regions	5	Regions	20	Provinces	110

#### 4.15.1.1.3 Trends and dynamic processes

Institutional reforms regarding the competences and relations of the different levels of government since 1990's:

- Organisation of local autonomies (new roles as part of the territorial planning for provinces, creation of “metropolitan cities”, with the status of provinces)
- Direct election of the mayor, the province president and the municipal and provincial council;
- Government delegation of functions and competencies to the regions and local bodies, for administrative simplification;
- Urgent measures for the streamlining of administrative activities and decision-making and control procedures;
- Assigning of functions and administrative tasks of the State to the regions and local bodies;
- Regulations for autonomy and organisation of local bodies;
- “Single Text on the organisation of local authorities”, according to the principles dictated by the constitution; The new version of chapter five of the Italian Constitution (2001) gives legislative powers to regions, especially in territorial policy.

In addition, two weaknesses can be observed:

- Weak national responses: Until today there is still no official territorial reorganization strategy at the national government level.
- Obstacles to strategic planning: The recent strengthening of competencies and resources for regions has not been accompanied by a parallel process of strengthening of the role of local government in the regional framework. Second, new competencies for the regional level have been translated in a process of strengthening of sectoral policies, thus compromising the added value of strategic plans in terms of an integrated vision of territorial planning.

Moreover, the movement towards a progressive decentralisation of administrative and political action is inspired by the “key principles” of the EU policy approach. Growing importance is assumed by particular local authorities, usually in order to place their city or territory within the context of international competition, by developing a strategic approach that takes into consideration different fields of action.

There is a paradox in the situation of the regions. After 20 years since the adoption of the regional level of government, it is still characterized by ‘strong localisms and weak regionalisms’. This framework radically changed in the 90s. Provinces and municipalities have autonomous constitutions, regulations, organisation and administration and laws for co-ordinating public sector funding.

#### 4.15.1.2 The government level deciding on land development/conservation and its relation to the RUR regions.

The Italian planning system, concerning processes and competences, is regulated by the “Urbanistic Law” n° 1150 of 1942. An important reform was made in 1970, when Regions



were created, with a corresponding decentralization of responsibilities. During the 1990s, innovative legislation changes have brought more effectiveness at the regional and provincial levels of planning and in vertical relationships. A progressive simplification of the normative policy and legal system is occurring in the last years with dedicated “Single Text laws” (i.e. on the organisation of local authorities)

There are 3 main levels of planning (regional, provincial, and municipal), that must produce planning instruments within the limits of general principles laid down by the laws of the State:

- -regional level: *Piano Territoriale Regionale* (territorial regional plan)
- -provincial level: *Piano Territoriale di Coordinamento Provinciale* (territorial plan on provincial co-ordination)
- -municipality: *Piano Regolatore Generale* (Land use plan)

All three authorities are directly elected by the population.

#### Regulations and permits

The regulation of urban development is the responsibility of the municipal administrations, and is determined by the regulations set out in the PRG (*Piano Regolatore Generale*). The basic law governing planning instruments is Law No 1150 of 17 August 1942, which had been amended subsequently to speed the production of new plans. Most of Italian *comuni* has now a PRG which elaborated on the basis of a common model. In each PRG, the municipal territory is subdivided into areas which contain: the areas endowed with a historical character; the areas that are either totally or partially built up; areas for new housing developments; areas for agricultural purposes; and areas set aside for structures of public interest. The PRG consists of drawings (normally 1:2000 scale or 1:5000, and 1:10000 for large cities such as Rome) which indicate zoning and all the restrictions, and the technical regulations for implementation, where both the general guidelines and the special indications to be followed, for each area of the zoning, are explained.

A building permit is necessary for any private work. It may cover works on a small residence or a simple building in an agricultural area or larger-scale operations or works involving a number of different types of purpose. A public work of local interest executed by public administrations or agencies also requires building permits except when the work has been approved by a resolution of the municipal council responsible for the territory.

## 4.15.2 Spatial planning

### 4.15.2.1 Style of planning

The EU Compendium of spatial planning systems and policies lists the Mediterranean states, including Italy, under the “urbanism” approach, the fourth and last tradition there mentioned. This has a strong architectural flavour and concern with urban design, townscape and building control and is also reflected in regulation undertaken through rigid zoning and codes... Indeed, Italy’s planning tradition took shape rather recently... as the result of a struggle between different disciplines to rule over town planning, which architects finally won around the 1930s. It would not be misleading to summarise the subsequent evolution of planning culture in Italy as a permanent oscillation of planners’ attention between the administrative duty of land use regulation ... and the search for new poetics for urban design... Of course, this explains also the prevailing attitude to “conforming” planning and current difficulties to establish an effective territorial governance system... However, the impact brought about by the EU key principles (subsidiarity, integration, partnership, sustainability etc.) on the technical and administrative culture of local authorities is remarkable. This apparently led to overcoming a sectoral and hierarchical orientation that has traditionally characterised public policies in Italy, through new forms of co-operation, collaborative and negotiated

activities between the various sectors and levels of public administration. In particular, the involvement and participation of voluntary committees, associations and citizens in the development of action programmes, allowing fuller use of social resources available for urban policies and a strengthening of the legitimacy and effectiveness of the actions taken, has had important implications. Further, EU urban programmes have generated specific practices which produce definite effects. For example, the emphasis on distinct areas of the city or territory (run-down neighbourhoods, deprived urban areas, places of excellence etc.) has intensified a process of deconstruction of monolithic concepts like “urban system” or “city planning”. Of course, this also means that the relation with the comprehensive and a-temporal character of standard planning tools is problematic. Another example is the promotion of thematic networks and programmes.

Thus, new institutional actors, social practices and operators are now crowding the stage of Italian planning. As things are, the risk of confusion and distortion is counterbalanced by the advantages of the solutions experimented with, the models of action invented and/or the occasions triggered for genuine product and process innovation in the methods and styles of urban and territorial governance. In this perspective, urban planners have become involved in the design and implementation of innovative “plans”, not only in the sense of a new interpretation of the urban planner’s traditional work. These changes are linked, based on emerging paradigms of urban and territorial governance, to the rise of planning practices as formulating ‘local development strategies’, instead of, as has traditionally been the case, being always and exclusively an administrative task or a design project.

In brief, during the past decade we have seen a progressive shift of technical focus from city plans (and their designers) to urban policies (and to the cities). So, over the last three to four years a dozen Italian towns of large and medium size... have started to adopt “strategic plans”, adding to, substituting or integrating the statutory local plans. A great debate on this new “planning season” is now open in Italy and the fact that the new plans show themselves to be so very different from each other in terms of their aims, methods and styles in itself suggests that many opportunities exist for integrating “urbanism” traditions, regulatory requirements and the strategic dimensions of planning.

#### 4.15.2.2 Key institutions making planning policies in the country

The State Ministries are responsible for guidance and co-ordination, and formulate framework laws. The Ministry of Infrastructures and Transportation is the most important national government department with competences related to planning. We should mention also the Ministry of Heritage and the Ministry of the Environment. Real planning acts are the exclusive competence of Regions and provinces that are supposed to define the orientation of territorial transformation of their respective territories, and of Municipalities, which prepare more implementation-oriented planning acts and elaborate land use plans.

#### 4.15.2.3 Policy instruments, space-related plans on the different levels

##### **National level**

On a national level, the *Government* performs the function of guiding and coordinating urban planning, through instruments that are not considered plans in the strict sense of the word. These instruments, rather, take the form of resolutions on general objectives or objectives relating to specific sectors. In addition, the national government is responsible for identifying the fundamental guidelines to be applied into the territory and for formulating the concrete programmes for nation-level action in the specific sectors. These instruments may be applied to the entire national territory or just to the specific sectors of action, and they have in preset duration; their validity may be indefinite, or the plans may be made effective for a certain period of time.

#### i. *Programmi di Riqualificazione Urbana (PRU)*

It is the latest-generation instrument (1992) and is strictly linked to the granting of State public funding activated with procedures of competition among *comuni*, and assigned by the Ministry of Public Works. It applies to those areas, within the larger *comuni* or those *comuni* hit by the effects of metropolitan growth or industrial development/crisis, that have already been developed and are now in a state of decay. The objectives are: a. to renew urban areas characterised by structural, urbanistic or environmental decay and that are strictly residential, b. activate private resources, with public resources being assigned the guiding role, and c. intervene with an operational style, thereby eliminating the downtime that ordinarily results between the planning of a project and its realisation, generally at the expense of urban quality.

### **Regional level**

#### i. *Piano Territoriale di Coordinamento (PTCR- it is not the right term (for me) –in many Regions it is called “Territorial Regional Plan”or “Strategic regional Plan”*

It contains prescriptions and indications on land-use effective in relation to lower tier authorities (*province, comuni*) and planning instruments (province structure pan, PRG). This plan is prepared and approved by the *regione*. The plan may cover all or part of the regional territory.

#### ii. *Piano Territoriale Paesistico (PTP)*

This landscape plan contains indications, prescriptions and restrictions relating to protection and exploitation of the landscape, and is effective in relation to lower tier authorities and their planning instruments as well as the private sector. The plan is prepared by the *regione*, or by the *provincial* on its behalf. The plan may cover the whole territory of the *regione* or part of it.

### **Local level**

#### i. *Piano Territoriale di Coordinamento Provinciale (PTCP)*

It contains prescriptions and indications on land-use which local authorities and public administrations must conform to in the exercise of their respective competences. The plan is prepared and adopted by the *provincia*. The procedures for its approval are established by regional law. The plan covers all the territory of the *provincial*. There are no time limits.

#### ii. *Piano Regolatore Generale (PRG)*

It provides indications for land-use at the general level, defining land-use for the area of the *commune*. Usually, it requires an executive plan for implementation. However, PRGs often provide for the possibility of direct implementation by owners through building permits (e.g. for agricultural zones, for completion of building zones, etc). The PRG is prepared on the instructions of the *giunta comunale*, adopted by the *commune* council and approved by the *regione*, or by the *provincial* acting on its behalf. The zoning plan must cover the whole territory of the *commune*.

Many Regions (Emilia Romagna, Lombardia, Basilicata, etc) have adopted owns special regulations that introduce a new Municipal Plan, divided into two main components (called plans):

- a *Strategic Plan*- managing the most important structural land use (geomorphologic, water resources, vegetation, cultural heritage, protected areas, main infrastructures)
- an *Operative Plan* (also called Major Plan)- strictly linked to the administrative committee/council development activity during five-year mandate.

This new Municipal Plan was an afford to better managing land use increasing cost, trying to influencing high cost of urban transformation activity, introducing a new land use managing instrument called *perequazione*.

iii. *Piano di lottizzazione (PDL)*

This is based on an imitative by private owners.

iv. *Piano per l'Edilizia Economica e Popolare (PEEP)*

This is prepared to implement policies for social housing through the finding and making available to the builders (firms, cooperatives, local or national housing authorities, etc) of areas where low-cost building is possible by means of either low-cost loans or capital grants.

Implementation and managing of this plans were very difficult in these last 15 years, because of the less financial support to popular building policy and mostly for the expensive land cost (lack of a new national regulation about land use management (see the new regional regulations on municipal land use plans).

v. *Piano per gli Insediamenti Produttivi (PIP)*

This is conceived to implement policies for the development of industry, crafts and services, specifically by the finding and making available to businesses of low cost sites with facilities.

vi. *Piano di Recupero (PDRE)*

This is prepared to recover and reuse decayed areas of town centres and of existing built – up areas in general.

#### 4.15.2.4 RUR related plans in more detail

i. *Piano Territoriale di Coordinamento Regionale (PTCR)*

It contains prescriptions and indications on land-use effective in relation to lower tier authorities (province, comuni) and planning instruments (province structure pan, PRG). This plan is prepared and approved by the regione. The plan may cover all or part of the regional territory.

ii. *Piano Territoriale Paesistico (PTP)*

This landscape plan contains indications, prescriptions and restrictions relating to protection and exploitation of the landscape, and is effective in relation to lower tier authorities and their planning instruments as well as the private sector. The plan is prepared by the regione, or by the provincial on its behalf. The plan may cover the whole territory of the regione or part of it.

The PTP defines environmental and landscape implications of possible physical or land-use transformations and provides guidelines for construction of new landscapes. It is taken as an obligatory reference in preparation of planning instruments at the various levels and individual public and private sector actions must comply with its prescriptions.

The PTP is used by the regione, or more precisely, by the authority to whom the regione entrusts the responsibilities for environmental protection, to:

- a) guide the formulation and issuing of the opinions (nulla osta) that are required for the approval of construction projects in areas that are subject to vincolo paesaggistico, either as a result of express legislative acts or because of objective conditions cited in the law (areas characterized as costal, mountain, archaeological, etc)
- b) direct the formulation of new urban planning instruments and oversee the modifications of those already established.

### 4.15.3 Summary table

Country	<b>Italy</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Italy 53 RURs have been delineated.
<b>Government structure factor</b>	
Average population of the local municipalities	In Italy there are <b>8.102 communes</b> ( <i>comuni</i> ). The largest is Rome with population of 2,546,804 and Morterone (province of Lecco) is the smallest by population, with only 33 inhabitants. The average is <b>around 7400</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On an intermediary level Italy is composed of <b>101 provinces</b> ( <i>provincia</i> ) and <b>20 regions</b> ( <i>regione</i> ). The largest region is Lombardy with 9,642,000 inhabitants and the smallest is Aosta Valley with 126,000. The <b>average population of the regions is around 3 000 000, that of the provinces is around 590 000</b> . The decision making body is regional council ( <i>consiglio regionale</i> ), composed of thirty to eighty councillors; some are elected by universal direct suffrage; others are drawn from the president's list. The tasks include: international relations with other regions and with the EU, external trade, health, land development, transport, production and delivery of energy, urbanism and agriculture.
Overall assessment	<b>L/s</b> – large supra-local level (regions and provinces) units and small local level (communes) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	There are 3 main levels of planning (regional, provincial, and municipal), that must produce planning instruments within the limits of general principles laid down by the laws of the State: -regional level: <i>Piano Territoriale Regionale</i> (territorial regional plan) -provincial level: <i>Piano Territoriale di Coordinamento Provinciale</i> (territorial plan on provincial co-ordination) -municipality: <i>Piano Regolatore Generale</i> (Land use plan)  All three authorities are directly elected by the population.
Ratifying of local plans: do meso or higher level authorities have veto power?	Yes, they have veto power
Overall assessment (AB/C)	<b>B (medium level of control)</b>

### 4.15.4 Sources of Information

- ESPON 2.3.2
- Council of European Municipalities and Regions ([http://www.ccre.org/membres\\_en.htm](http://www.ccre.org/membres_en.htm))
- European Union (1997-2001): The EU compendium of spatial planning systems and policies, Office for Official Publications of the European Communities, Italy.
- Monica Bocci, PhD, urban and regional planner, Feb. 2009, updating and comments.

## 4.16 Latvia

### 4.16.1 Government

#### 4.16.1.1 The formal government structure

##### 4.16.1.1.1 The basic units: local governments

In Latvia there are 530 municipalities, of which 444 rural municipalities, 53 towns, 7 cities (which also have the competences of a district) and 26 amalgamated municipalities. The most populous is the capital Riga with 722 483 inhabitants, the smallest is Kalncempji with 272. The average population of the municipalities is around 4300. The number of local municipalities is planned to be reduced in 2009.

The main decision-making actors on the local municipal level are the following:

The **local council** (*dome* or *padome*) is the legislative body. Its members are elected by universal direct suffrage for four years. The council elects the chairperson from among the councillors, and the standing committees.

The **committees** prepare draft decisions for the council.

The **chairman/mayor** (*mers*) is elected by the council for four years. He/she chairs the local council and the finance committee.

The 7 cities have broader competences than the other municipalities, as they have at the same time the competences of a local municipality and a district municipality (at regional level).

The local municipalities are responsible for the following tasks related to building, land use and development:

- Public-use forests and waters
- Assistance to residents in resolving issues regarding housing
- Facilitation of economic activity, to be concerned with reducing unemployment
- organise public transport services
- Activities related with immovable properties (acquire and alienate immovable property, privatize facilities owned by local governments, manage the local government immovable property rationally and efficiently, carry out projects included in the State investment programme)
- introduce local fees and determine their magnitude, decide on tax rates and relief from paying taxes
- prepare and implement a spatial development programme and the administrative supervision of spatial planning, in accordance with the municipal spatial to determine land utilisation and procedures for its development
- to ensure in their relevant administrative territory the lawfulness of the construction process
- keep archives (including building information and spatial plans documentation)

Both local and regional governments have a number of voluntary functions.



#### 4.16.1.1.2 The multi-level government structure

On the regional level Latvia consists of 26 districts and 7 cities (the same time a municipality and a district). In addition, 5 planning regions were created in 2002. The districts will be abolished in 2009.

The most populous district is the capital city of Riga with 722 483 inhabitants, the smallest is Ventspils district (not to be confused with the city of Ventspils) with 13 945. The average population of the districts is around 69 000.

The **district council** (*rajona padome*) is the decision-making body consisting of chairpersons of municipal councils of the district.

Any member of the council may nominate a candidate for chairperson of the council from among the chairpersons of local governments of respective district territory. The chairperson of the council is elected by secret ballot.

The districts are responsible for the following tasks related to building, land use and development:

- Public transport services
- District spatial plan and economic planning

Both local and regional governments have a number of voluntary functions.

The decision making body of the region is the **planning region's development council** (*pānošanas reģiona padome*). It is elected by the general meeting of the chairmen of the municipalities. Its decisions are adopted if more than one half of the participants of the general meeting have voted for it and the voters represent at least one half of the inhabitants of the respective planning region. The Chairman of the Planning Region Development Council is elected from the elected members of the council.

The 26 districts and 7 cities correspond to the LAU 1 level, while the regions correspond to the NUTS 3 level.

#### 4.16.1.1.3 The dynamic processes

By the influence of the accession process European Union regions were created in Latvia. Firstly in 1999 5 statistic regions were established on NUTS 3 level for needs of statistics.

Secondly, in the period of 2002-2003 – initially by voluntarily decisions of local municipalities, later in accordance with the Regional Development Law of 2002 – 5 planning regions were established for the development planning purpose. The areas covered by the planning regions differ from the statistic regions.

The territorial administrative reform proposes to have approximately slightly more than one hundred local municipalities, and the government is planning to finalize the reform in 2009.

For more than ten years there are political discussions on possible liquidation of the district administration level. The district level municipalities will be abolished in 2009, and their existing responsibilities will be transferred to the five planning regions.



#### 4.16.1.2 The government level deciding on land-use changes and the RUR regions

The Agriculture Law of 1996 stated that transformation of land used for agriculture and forestry is acceptable only with the permission of the Ministry of Agriculture.

This law is replaced in 2004 with the Agriculture and Rural Development Law that continues the policy on agriculture and forestry land-use transformation. There are special governmental regulation on this issue the regulations No.619 of 20.07.2004 “Procedure How Land Used for Agriculture is Transformed to Non-Agricultural Land Use and Land Transformation Permissions” and regulations no.806 of 28.09.2004 “Forest Land Transformation Procedures”. Although local level spatial plans and detailed spatial plans are the most influential instrument to control land-use changes. Preparing lower level spatial plans in Latvia the higher level spatial plan’s binding parts and national legislation on the use of particular areas (nature and environmental protection, flooded, coastal, nature and culture monuments, etc.) are observed. In accordance with the Spatial Planning Law mutually harmonized spatial plans are prepared on the different levels.

### 4.16.2 Spatial planning

#### 4.16.2.1 Style of planning

According to ESPON 2.3.2, the style of planning in Latvia is classified as a mix of comprehensive integrated approach and regional economic approach.

#### 4.16.2.2 Key institutions making planning policies in the country

The Ministry of Regional Development and Local Governments is the main institution in charge of spatial planning, regional policy, and local government affairs. The allocation of SF is the responsibility of the Ministry of Finance. There is also a State Regional Development Agency subordinated to the Ministry of Regional Development and Local Governments. The National Regional Development Council evaluates the National Spatial Plan and the spatial plans of planning regions.

There are also Planning Region Development Councils (one for each of the 5 regions) formed by local governments.

#### 4.16.2.3 Policy instruments, space-related plans on the different levels

The National Spatial Plan is spatial planning of national level representing interests of the state as well as requirements in using and developing the state territory. The National Spatial Plan constitutes a set of documents including: 1) Spatial Development Perspective of Latvia, 2) binding parts of national planning, 3) National Planning Guidelines.

The planning region spatial plan is considered as a structural spatial plan. It defines spatial development opportunities, directions and restrictions of the planning region. It covers entire territory of the planning region. Components of the spatial planning are the following: description of spatial structure in the planning region, planning region’s spatial development perspective, guidelines for spatial planning and a report on preparation of spatial planning.

The district municipality’s spatial plan is considered as a comprehensive land utilization plan. It depicts existing land utilization and defines planned (permitted) land utilization and usage restrictions

Local municipality spatial plan is developed for the whole administrative territory of the local municipality; detailed plans are developed for parts of the local municipality; and

land organization (allotment) plans are being prepared and adopted for areas where detailed plans are not scheduled.

<b>Name</b>	<b>Basic objectives</b>	<b>Planning object</b>	<b>Legal impact</b>	<b>Production obligation</b>
Nacionalais planojums	main principles of spatial development; balancing of economic, social and environmental interests; balancing of settlement system	whole country	binding basis for regional and district planning; no direct impact on legal bodies	obligatory
Regiona planojums	integration of spatial and economic planning; balancing of state and local interests; guidelines for sustainable development; location of principal roads and technical networks; determination of urban/rural areas; requirements for use of the territory and resources; in issues which exceed the competence of one municipality; specifying of demands of the national physical plan	planning region	enforced regional planning are binding basis for comprehensive planning; no direct impact on legal bodies	obligatory
Rajona planojums	integration of spatial and economic planning; balancing of state and local interests; guidelines for sustainable development; location of principal roads and technical networks; determination of urban/rural areas; requirements for use of the territory and resources; in issues which exceed the competence of one municipality; specifying of demands of the national physical plan	whole district 1:20 000	enforced district planning are binding basis for comprehensive planning; no direct impact on legal bodies. After reform of 2009 will become an appendix of respective planning region spatial plan	obligatory
Vietejas pasvaldības teritorijas planojums - generalplans	principles of sustainable territorial and economic development; functional zoning; location of roads and technical networks; basic land use and building regulations	2 types: 1) comprehensive plan that covers whole local municipality 2) detail plans – covers a part of local municipality 1:10 000 (1:5000 or 1:2000 where needed)	enforced comprehensive plan is the binding basis for detailed planning; contains regulation for legal bodies (physical persons and legal entities)	comprehensive plan that covers all municipality is obligatory There are the list of cases when detailed plan is obligatory, in other situations it is voluntary

### 4.16.3 Summary table

Country	<b>LATVIA</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Latvia 3 RURs have been delineated. They include many municipalities, so they all surpass the small territory of the cities, but cover generally only part of the surrounding district. The only exemption is Riga RUR, which covers the territory of two cities (Riga and Jurmala) and more or less also the surrounding Riga district. (The functional urban region also extends to the city of Jelgava and parts of Jelgava and Ogre Ogre districts.
<b>Government structure factor</b>	
Average population of the local municipalities	In Latvia there are 530 municipalities, of which 7 cities (which also have the competences of a district). The most populous is the capital Riga with 722 483 inhabitants, the smallest is Kalncempji with 272. The average population of the municipalities is around <b>4300</b> . <sup>10</sup>
The level above the local municipalities (population, elected/delegated/appointed, functions)	On the regional level Latvia consists of 26 districts and 7 cities (the same time a municipality and a district). In addition, 5 planning regions were created in 2002. The most populous district is the capital city of Riga with 722 483 inhabitants, the smallest is Ventspils district with 13 945. The average population of the districts is around <b>69 000</b> . <sup>11</sup> The <b>delegated</b> decision-making body is the district council consisting of the chairpersons of local municipal councils. The districts are responsible for public transport services. They also have a number of voluntary functions.
Overall assessment	<b>S/s</b> – small supra-local level (districts) units and small local level (municipalities) units (Riga being a big one and some other medium-sized – large contrasts in size)
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The planning region spatial plan defines spatial development opportunities, directions and restrictions of the planning region. It covers entire territory of the planning region. Components of the spatial planning are the following: description of spatial structure in the planning region, planning region's spatial development perspective, guidelines for spatial planning and a report on preparation of spatial planning. The district municipality's spatial plan is considered as a comprehensive land utilization plan. It depicts existing land utilization and defines planned (permitted) land utilization and usage restrictions.
Ratifying of local plans: do meso or higher level authorities have veto power?	The minister of Regional Development and Local Authorities has veto power. The meso level can complain to the minister, play an active role during planning preparation process for comprehensive local plans, but this is more difficult for detailed plans prepared at local level. In practice the minister usually is involved.
Overall assessment (A/B/C)	<b>B (medium level of control)</b> – physical planning on the regional level, but it is considered not strong enough

### 4.16.4 Sources of information

- Latvijas Statistika, <http://www.csb.gov.lv/>
- <http://vasab.leontief.net/countries.phtml>
- [http://commin.org/upload/Latvia/LV\\_Country\\_and\\_Planning\\_System\\_in\\_English.pdf](http://commin.org/upload/Latvia/LV_Country_and_Planning_System_in_English.pdf)

<sup>10</sup> Valid until August 2009

<sup>11</sup> Valid until August 2009

- [http://www.espon.eu/mmp/online/website/content/projects/243/374/file\\_2186/fr-2.3.2\\_final\\_feb2007.pdf](http://www.espon.eu/mmp/online/website/content/projects/243/374/file_2186/fr-2.3.2_final_feb2007.pdf)
- CCRE, [http://www.ccre.org/lettonie\\_en.htm](http://www.ccre.org/lettonie_en.htm)
- Law on Self-Governments  
[www.ttc.lv/index.php?&id=10&tid=59&l=LV&seid=down&itid=13757](http://www.ttc.lv/index.php?&id=10&tid=59&l=LV&seid=down&itid=13757)
- Zaiga Krišjāne, Head of the Chair of Human Geography –Department of Geography, University of Latvia, Nov. 2008, updating and comments.

## 4.17 Lithuania

### 4.17.1 Government

#### 4.17.1.1 The formal government structure

##### 4.17.1.1.1 The basic units: local governments

In Lithuania there are 60 municipalities. The most populous is Vilnius city municipality with 554 419 inhabitants, the smallest is Neringa with 3132. The average population of the municipalities is 55 800.

The main decision-making actors on the municipal level are the following:

The **municipal council** (*savivaldybės taryba*) is elected by the universal direct suffrage for a four-year term. It is the legislative and decision-making body; it adopts the budget, and may establish lower territorial units (wards/*seniunija*).

The **director of administration** (*administracijos direktorius*) is in charge of the executive tasks. The director is nominated by the municipal council and is directly and personally responsible for the implementation of laws, and government and municipal council decisions in the municipality.

The **mayor** (*meras*) is elected by the municipal council from its members. He/she is the head of the municipality and chairs the meetings of the municipal council.

The municipalities are legally responsible for the following tasks related to building, land use and development:

- Environment protection, environmental and public sanitation
- Public services and municipal property management
- Spatial planning

##### 4.17.1.1.2 The multi-level government structure

On the regional level Lithuania consists of 10 counties.

The most populous is Vilnius county with 847 754 inhabitants, the smallest is Telsiai with 174 573. The average population of the counties is around 330 000.

The **regional development council** (*regiono plėtros taryba*) sets out development policies' guidelines, and consults the central government on regional development issues. It is composed of the representatives of county's municipalities and the county governor.

The **county governor** (*apskrities viršininkas*) is nominated by the government with the task of executing central government's functions at the local level.

The counties are legally responsible for the following tasks related to building, land use and development:

- Implementation of state policies at the regional level
- Setting out general development guidelines

The 10 counties correspond to the NUTS 3 level.

#### 4.17.1.1.3 The dynamic processes

Currently there are no significant changes.

#### 4.17.1.2 The government level deciding on land-use changes and the RUR regions

The Lithuanian municipalities may have properties, but they have very little right of ownership of land: only the land where there buildings stay may belong to them. State-owned land stock is managed by the county authorities.

The Law on Land lays the foundation of the land use categories in planning, by dividing land use into 5 categories (agricultural, forestry, water, conservation and other purposes). Protected territories – (of natural and cultural heritage) is an inevitable element of master and detailed plans, as well as most of special ones. In theory, there exists a strong idea focusing mainly on protecting the nature framework of the State and its (the State) ecological “backbone” territories in Lithuania. Territorial elements of the nature framework are indicated in the General Plan of the Territory of the Republic of Lithuania. Trends of activities are pointed out in the said elements to a certain extent: it is designated where one has to protect the present condition, to change it, or to restore natural conditions.

The General Plan of Lithuania is approved by the Parliament. The county governor organizes the general and special planning of the county territory; these plans are approved by the government. County administration and the Ministry of Environment perform supervision of the prepared planning documents of lower level. Municipal administration directors shall be the organisers of general, and in some cases, detailed and special planning at the level of local government.

### 4.17.2 Spatial planning

#### 4.17.2.1 Style of planning

According to ESPON 2.3.2, the style of planning in Lithuania is classified as a mix of comprehensive integrated approach and regional economic approach.

#### 4.17.2.2 Key institutions making planning policies in the country

Core responsibility for territorial planning, formulation of national policy and supervising implementation lies with the Ministry of Environment. The Architects Association of Lithuania (AAL) is mentioned also as a key institution.

Other characteristic bodies with role in the planning process are the county and the municipality.

#### 4.17.2.3 Policy instruments, space-related plans on the different levels

The following types of plans can be distinguished in the system of Lithuanian planning: general (comprehensive), special (sectorial) and detailed. This is not a mistake – the Law treats the detailed plan not as the level of planning, but as the type.

General territorial planning is a comprehensive planning for establishing the territorial spatial development policy, the priorities in the use and protection of a territory as well as the principal means of its management. Special territorial planning is planning of means related to spatial organization, management, use and protection of a territory necessary for separate types of activities. Detailed territorial planning is planning of parts of the municipality territory for determining the limits of a land plot as well as for establishing,

changing or abolishing the conditions for using a land plot and developing an activity in it.

The master plan of the territory of Lithuania comprises a textual part and maps. The textual part describes the key problematic state areas and states the main objectives of the territorial development strategy. Then follows the guidelines of activity in separate sectors. In the graphical part all sectoral strategies together with their integration are illustrated on maps.

The master plan of the county territory prepared in two stages. At first, the concept of the plan is formulated; the strategic assessment of its solutions is prepared, then the solutions of the concept are detailed. The project of the solutions of the master plan consists of drawings reflecting the solutions and a text. The drawings must be illustrated in 1:100 000.

The master plan of the municipality territory is also prepared at two stages. The master plan of the municipality comprises the explanatory note and drawings. The Law on Territorial Planning does not only foresee a possibility of territorial planning of the whole municipality territory, but also of separate towns.

The detailed plan comprises the explanatory note, the drawings related to requirements for the regime of the use and management of the territory and procedural documents.

Name	Basic objectives	Planning object	Legal impact	Production obligation
Bendrasis (salies teritorijos) planavimas	main principles of spatial development; balancing of economic, social and environmental interests; balancing of settlement system	whole country	binding basis for regional and district planning; no direct impact on legal bodies	obligatory
Bendrasis (apskritis teritorijos) planavimas	implementation of national policies; balanced territorial development; preconditions for county development plans and municipal planning; development of urban and rural areas and infrastructure; prudent use and protection of natural resources and cultural heritage; harmonising of interests of all parties; promoting of investments	territory of one or several counties 1:100 000	Comprehensive plan is binding basis for municipal comprehensive and special plans	obligatory, changes upon necessity
Bendrasis planavimas	balanced territorial development; preconditions for detailed plans; development of residential areas and infrastructure, land use regulation; prudent use and protection of natural resources cultural heritage; harmonising of interests of all parties; promoting of investments	territory of municipality or its part 1:100 000 and 1:50 000 for the whole municipality; 1:25 000 and 1:10 000 or 1:10 000 and 1:5 000 for parts (depending on size)	the enforced municipal comprehensive plan is binding basis for detailed planning	obligatory, changes upon necessity



### 4.17.3 Summary table

Country	<b>LITHUANIA</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Lithuania 6 RURs have been delineated. They usually cover about two municipalities: those of the city and the one around it. They are smaller however than the counties.
<b>Government structure factor</b>	
Average population of the local municipalities	In Lithuania there are 60 municipalities. The most populous is Vilnius city municipality with 554 419 inhabitants, the smallest is Neringa with 3132. The average population of the municipalities is around <b>55 800</b>
The level above the local municipalities (population, elected/delegated/appointed, functions)	On the regional level Lithuania consists of 10 counties. The most populous is Vilnius county with 847 754 inhabitants, the smallest is Telsiai with 174 573. The average population of the counties is around <b>330 000</b> . The counties are headed by the governor, who is <b>appointed</b> by the government. The counties are legally responsible for the implementation of state policies at the regional level and setting out general development guidelines.
Overall assessment	<b>S/I</b> – small supra-local level (counties) units and large local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The master plan of the county territory prepared in two stages. At first, the concept of the plan is formulated; the strategic assessment of its solutions is prepared, then the solutions of the concept are detailed. The project of the solutions of the master plan consists of drawings reflecting the solutions and a text. The drawings must be illustrated in 1:100 000. Protected territories – (of natural and cultural heritage) is an inevitable element of master and detailed plans, as well as most of special ones. In theory, there exists a strong idea focusing mainly on protecting the nature framework of the State and its (the State) ecological 'backbone' territories in Lithuania.
Ratifying of local plans: do meso or higher level authorities have veto power?	County administration and the Ministry of Environment perform supervision of the prepared planning documents of lower level.
Overall assessment (A/B/C)	<b>C (strong, controlled spatial policies)</b> – physical planning on the regional level and necessity of approval by supervising authorities

### 4.17.4 Sources of information

- Statistikos Departamentas, <http://www.stat.gov.lt/>
- <http://vasab.leontief.net/countries.phtml>
- CCRE, [http://www.ccre.org/lituanie\\_en.htm](http://www.ccre.org/lituanie_en.htm)
- [http://commin.org/upload/Lithuania/LT\\_Country\\_and\\_Planning\\_System\\_in\\_English.pdf](http://commin.org/upload/Lithuania/LT_Country_and_Planning_System_in_English.pdf)
- [http://www.espon.eu/mmp/online/website/content/projects/243/374/file\\_2186/fr-2.3.2\\_final\\_feb2007.pdf](http://www.espon.eu/mmp/online/website/content/projects/243/374/file_2186/fr-2.3.2_final_feb2007.pdf)

## 4.18 Luxembourg

### 4.18.1 Government

#### 4.18.1.1 The formal government structure

##### 4.18.1.1.1 The basic units: local governments

Luxembourg is a unitary State composed of municipalities.

Local level: 116 communes

Communal authorities

The **communal council** is the legislative body. It is composed of councillors elected for six years under the proportional or first-past-the-post system, depending on the size of the municipality. It represents the commune and is chaired by the mayor.

The **board of the mayor and aldermen** is the executive body of the commune. It is made of the mayor and the aldermen; their number varies according to the size of the municipality. Aldermen in cities are designated by the Grand-Duke while their counterparts in the other cities are designated by the Home Secretary. In reality, the majority within the council puts forward names for the functions of mayor and aldermen, and the designating authorities follow their proposals.

The board is both a local body (managing the local administration) and a State body (implementing laws, regulations and decrees from the Grand-Duke and the ministers - with the exception of the police minister).

The **mayor** is designated by the Grand-Duke from the council members of Luxembourg nationality, for six years. (S)he chairs both the board of the mayor and aldermen, and the council. The mayor can act both as a body of the commune and a body of the state (S)he is for instance in charge of implementing laws and police regulations).

Competences:

- Land planning
- Social assistance
- Culture and sport
- Pre-primary and primary education
- Environment
- Water management
- Waste management
- Police
- Emergency services
- Road maintenance and traffic management

##### 4.18.1.1.2 The multi-level government structure

The Great Duchy of Luxembourg (Grand-Duché de Luxembourg, in French; Großherzogtum Luxemburg, in German; Groussherzogtum Lëtzebuerg, in Luxembourgish) is a State with a Centralised Unitary structure. It is the unique country where there is not any regional level; therefore there is not any process of regionalisation.

The Constitution recognises the municipalities (communes) and their competencies in its Chapter IX (Art. 107-108). Those municipalities have high level of municipal autonomy, with wide-ranging powers in all fields relating to the municipal interest, such as in the field of spatial planning. The Central Government has also strong powers in this field.

Municipalities have a high degree of autonomy, both in general and in terms of resources, although central support is still quite important. They have a structure of co-operation (*syndicat de communes*) but not in a decentralised framework.

Due to the inexistence of a regional tier of government in Luxembourg, there are not Constitutional regions in this country.

In terms of vertical relationships Luxembourg has the handicap of its size and that the system of planning is centralised, but great part of the efforts are focused to the improvement and good achievement of this governance objective. Due to its size, this country is classed in a medium score with regard to the coordination on spatial planning field.

#### Multi-level structure:

Category	Performance
Model of State	Centralised Unitary
Typology of regionalization	No regional level
Constitutional reconnaissance of Regional and/or local levels	Local
Allocation of Spatial Planning powers	- Strong local - Strong national
New Spatial Planning powers	No
National territorial chambers	No
Regular multi-level governmental meetings	No
Dependence of local governments on central government	Fairly independent
Constitutional regions	No
Devolution to 1st tier local authorities	Expecting or in process to devolution

Source: ESPON 2.3.2

#### NUTS categorization:

Luxembourg	NUTS1		NUTS2		NUTS3	
LU	-	1	-	1	-	1

#### 4.18.1.1.3 Trends and dynamic processes

There is a certain amount of ambivalence in the current situation: “In Luxembourg, it seems that everybody is meeting currently, there are a lot of formal and informal dialogue between authorities of different level... Since 1988, when a new municipalities Act was drafted, it is possible to have referenda and public consultations at local level. Apart from that important step, the new Act is not changing a lot, but is supposed to ensure more democracy in the running of local councils. Municipalities were also given the right to appeal administrative decision”. There has been no real administrative reform, but there has been a continuous adaptation to evolution. Because of size and distance, administrations are never out of reach from citizens.

Luxembourg is a small, rich country, with no decentralization, although municipalities have important autonomy. This leads to a peaceful “governance” model, without big risks. The situation would become more interesting if the process towards more shared governance was to continue. There is an ongoing debate about sharing of competences between the central state and municipalities.

Finally, there are no regional authorities. The only political subdivision of the country is the commune (municipality). The commune is a legal entity. It manages its assets and raises taxes through local representatives, overseen by the central authority represented by the Minister of the Interior.

#### 4.18.1.2 The government level deciding on land development/conservation and its relation to the RUR regions.

There are 3 existing basic national spatial planning laws. Several sectoral plans and 6 regional plans are in the process of production.

The Programme *Directeur d'Aménagement du Territoire* (national planning programme) defines the basic goals of the spatial development in the country. The Plan *directeur sectoriel* (sectoral plan), is a national co-ordination instrument linking all spatial development authorities. The Plans *directeurs sectoriels* are binding. Regional plans (development and land use) are mandatory, and land occupation decisions are superior to municipal decision. 6 regional plans will be elaborated, including development and land use. They are mandatory and land use decisions prevail over those of municipalities. Regional plans will be elaborated by ministers, administrations and municipalities. At municipal level there are development plans and precise land occupation plans (mandatory). The central government can intervene. Municipalities also have to elaborate a strategic development plan, which is implementing the national strategies at local level.

##### Regulations and permits

Permits and regulations, which are directly or indirectly related to planning, are relatively numerous and of diverse significance. As a strictly legislative level, this represents all those based on the 1937 and 1947 Act. In a wider sense, this also encompasses first the 1982 and the 1990 Act (relating to factories causing nuisances for people and the environment, and risks for safety) and then the 1993 Act, relating to the conservation and the protection of sites and monuments, etc.

Amongst all permits used, however, the building permit is the most significant. No construction related to economic activities (agriculture, mining, industry, commerce, tourism, etc.), housing or for any other purpose can be started without it. It represents the main document to be obtained and also the last, because no permit can be granted if some of the preliminary authorizations required are not obtained. This last rule is generally applied, as far as any granting of authorizations is concerned.

#### 4.18.2 Spatial planning

##### 4.18.2.1 Style of planning

Luxembourg belongs to the Napoleonic family of styles of planning.

##### 4.18.2.2 Key institutions making planning policies in the country

Luxembourg is a country where the main level for deciding about spatial planning is the national one. A *Direction de l'Aménagement du Territoire et de l'Urbanisme*, with a spatial planning and urbanism department (DATUR) was created in the Ministry of the Interior in 1999, integrating spatial planning for the national territory and municipal spatial planning. This new department will take care of implementing the three

fundamental spatial planning laws. Municipalities have an important role in spatial planning decisions, especially in issuing planning permits.

#### 4.18.2.3 Policy instruments, space-related plans on the different levels

##### **National level**

There are two categories. The National Planning Programme and the Sectoral or comprehensive development plans:

##### i. National Planning Programme

The significance of the National Planning Programme and the fact that it is unique require special attention. It has a political status. The purpose is to define the priority objectives for planning and development and the measures necessary for their implementation.

##### ii. Sectoral or comprehensive development plans

These plans specify the contents of the National Planning Programme, where relevant. They can be land-use plan or strategies. A plan can have both characteristics. The plans concerned may be partial within their sphere of application; that is to say, relating to one particular aspect of planning such as the determination of an industrial site or of a road outline, the definition of prohibited activities within a tourist area, etc.

##### **Municipal level**

The municipal development plans are legally bound and have a regulatory status. All these instruments have a local coverage. They are predominantly used by the municipalities and private individuals.

#### 4.18.2.4 RUR related plans in more detail

Sectoral or comprehensive development plans (*plans d'aménagement partiel ou global*)

These plans specify the contents of the National Planning Programme, where relevant. They can be land-use plan or strategies. A plan can have both characteristics. The plans concerned may be partial within their sphere of application; that is to say, relating to one particular aspect of planning such as the determination of an industrial site or of a road outline, the definition of prohibited activities within a tourist area, etc.

With regards to the status of these plans, they may be binding by statute issued by the Grand Duke. The implementation of development plans which have been declared binding is of public interest. However, a legal procedure is in place to allow the relevant municipalities and third parties to become involved in the plan formulation process before plans are made binding. The geographical coverage is variable and their lifespan is relatively long, though they are subject to revisions on details.

### 4.18.3 Summary table

Country	<b>Luxembourg</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Luxembourg 1 RUR has been delineated.
<b>Government structure factor</b>	
Average population of the local municipalities	In Luxembourg there are <b>116 municipalities (communes)</b> . The largest is Luxembourg with population of 76,420 and the smallest one is Neunhausen with only 253 inhabitants. The average is <b>around 4300</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On an intermediary level Ireland is composed of 12 cantons. The largest canton is Esch-sur-Alzette with 140,061 inhabitants and the smallest is Vianden with 3,962. The decision making body is the <b>communal council, which is elected</b> for six years. The tasks include: land planning, social assistance, culture and sport, pre-primary and primary education, environment, water management, waste management, police, emergency services, road maintenance and traffic management.
Overall assessment	<b>S/s</b> – small supra-local level (national level) units and small local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The Programme <i>Directeur d'Aménagement du Territoire</i> (national planning programme) defines the basic goals of the spatial development in the country. The Plan <i>directeur sectoriel</i> (sectoral plan), is a national co-ordination instrument linking all spatial development authorities. The Plans <i>directeurs sectoriels</i> are binding. Regional plans (development and land use) are mandatory, and land occupation decisions are superior to municipal decision. 6 regional plans will be elaborated, including development and land use. They are mandatory and land use decisions prevail over those of municipalities. Regional plans will be elaborated by ministers, administrations and municipalities. At municipal level there are development plans and precise land occupation plans (mandatory). The central government can intervene. Municipalities also have to elaborate a strategic development plan, which is implementing the national strategies at local level.
Ratifying of local plans: do meso or higher level authorities have veto power?	a legal procedure is in place to allow the relevant municipalities and third parties to become involved in the plan formulation process before plans are made binding.
Overall assessment (A/B/C)	<b>B (medium level of control)</b>

### 4.18.4 Sources of Information

- ESPON 2.3.2
- Council of European Municipalities and Regions ([http://www.ccre.org/membres\\_en.htm](http://www.ccre.org/membres_en.htm))
- European Union (1997-2001): The EU compendium of spatial planning systems and policies, Office for Official Publications of the European Communities, Luxembourg.

## 4.19 Malta

### 4.19.1 Government

#### 4.19.1.1 The formal government structure

##### 4.19.1.1.1 The basic units: local governments

Malta is a unitary state composed of communes and regions.

Local level: 68 local authorities

Local authorities

The **local council** is elected by universal direct suffrage under the proportional representation system. It has a three-year mandate. The number of councillors varies according to the size of the commune.

The **executive secretary** is designated by the council for a three-year period. (S)he is the executive, administrative and financial head of the commune. The local council can designate other staff members to assist the executive secretary.

The **mayor** is the councillor who obtained the highest number of votes within the political party that got the overall majority at the local election. (S)he is elected for a three-year mandate and chairs the local council's meeting. (S)he is at the head of the political arm of the commune and represents the local council.

Competences:

- Maintenance of public spaces (parks, sports centres, leisure centres)
- Maintenance of road infrastructure
- Education
- Health
- Preserving public order
- Administrative duties

##### 4.19.1.1.2 The multi-level government structure

Regional level: 3 regions

Malta's regions are administrative bodies made of several communes. The three regions are Gozo (14 local councils), Malta Majjistral (29 local councils) and Malta Xlokk (25 local councils).

The Republic of Malta (*Repubblika ta' Malta*) is a small-sized Centralised Unitary State. Because of its size (as Cyprus and Luxembourg) there is not any process of regionalisation, but is composed of three regions which are purely administrative territorial entities grouping a number of local districts. The members of the regions are the mayors of the local councils.

The Constitution does not recognise explicitly the local levels, although makes reference to the members of local governments in some of its articles. Finally, with regard to the spatial planning powers, the Central State is the only body with competencies on this field. Central Government allocates funds to local councils on the basis of a formula based



on the number of inhabitants and the area within the confines of locality as stipulated by the Local Councils Act (1993).

Because of the small size of this country the regional level is inexistent and any sub-national territory has legislative powers. Malta is classed in a medium term for the coordination in spatial planning.

#### Multi-level structure:

Category	Performance
Model of State	Centralised Unitary
Typology of regionalization	No regionalisation
Constitutional reconnaissance of Regional and/or local levels	No
Allocation of Spatial Planning powers	-Weak local -Strong national
New Spatial Planning powers	No
National territorial chambers	No
Regular multi-level governmental meetings	No
Dependence of local governments on central government	Dependent
Constitutional regions	No
Devolution to 1st tier local authorities	Relatively powerless local authorities

Source: ESPON 2.3.2

#### NUTS categorization:

Malta	NUTS1		NUTS2		NUTS3	
MT	-	1	-	1	Islands	2

#### 4.19.1.1.3 Trends and dynamic processes

Reforms concerning “bipolarization” were made by the government. The first attempt to redress the issue was the Public Service Reform. This reform has slowly brought about a change within the public sector, through the introduction of a service charter, customer care lines, better services and efficiency in the provision of services offered. The introduction of e-government made the public sector less remote from the public. The 1992 White Paper on Local Councils and subsequently the Development Act (1993) were aimed at giving more voice to the people. During 2001-02 plans were made to use Structural funds for areas pertaining to governance. Various ministries worked with their counterparts and identified areas under the EU Structural Funds.

There are further examples, cited below, of implementation of governance through decentralization, subsidiarity, devolution, privatization and the implementation of Public Private Partnerships:

- Decentralization: Local Councils extended the right to formulate by- laws, to manage and administer public areas
- Privatization led to a more competitive system of development and transformed public entities into Authorities or Corporations, thus making them more open to public scrutiny processes and transparent (MEPA, ADT, ENEMALTA,

MALTACOM, Water Services Corporation). It also forced upon the local culture the tendency of limiting monopolies.

- The Private Sector involvement came to the fore with the development of hybrid PPPs in the implementation of Redevelopment Projects (National Projects) and currently for Landscaping Consortia and the Care for the Elderly sector.
- The benchmark for 2008 for the privatization of Public Transport is being implemented.

Governance concepts outlined by the Lisbon Agenda are seen as a model for the future. The positive views presented by a number of documents are a clear indication of this; however there are still a number of issues that need to be tackled. These include the role of NGOs within Maltese Society. Although very active, NGOs are not seen as legal entities and therefore they are perceived as having low accountability, transparency and insufficient evaluation procedures.

However NGOs are represented in various decision making bodies, namely:

- Heritage Malta Board, Malta Environment and Planning Authority Board (Heritage related)
- KMPD (Committee for the Disabled) is a legalized consultative body within the MEPA Permit Application vetting process.
- Lately Charitable institutions were given a regular legal status which was not recognized fully in normal circumstances (tax, VAT etc.)

Pressures are caused by the need to deal with the problem of limited resources. The problem lies with the lack of resources, both human and mineral. Pressures are still felt today especially with the limitations and closure of Urban Scheme Areas and are also connected with the closure of stone quarries. Sitting of a second 'Golf Course' has been met with intense criticism, which shows a greater consciousness of the loss of public space.

#### 4.19.1.2 The government level deciding on land development/conservation and its relation to the RUR regions.

There are basic laws regulating development. Other regimes in regional development are developing with reference to Structure Plan Policy, or beyond it, e.g. MMA Great Harbour Master Plan and MUDR/ADT Transport Strategy.

Planning occurs only at the national level. Planning in Malta is regulated by the MEPA Board. MEPA is responsible for Spatial Planning and environment protection. Its role is Regulatory (land and sea development). It issues guidelines for development. Other agencies which have competences in planning are the Lands Department (Administration of state owned property), the Malta Resources Authority, the Malta Tourism Authority and several others. The Local Councils make recommendations to competent authorities. They have limited participation.

### 4.19.2 Spatial planning

#### 4.19.2.1 Style of planning

The change in economic activity (from one based on military and naval base to an economy dependent on tourism and construction) has also changed the whole perspective of development. According to a commentator, planning and development in Malta have shifted from a philosophy of economic development to one of land-use development. In a short span of time Malta's urban sprawl increased to encompass more and more virgin land, leading to public outcries and protests. However, one could argue that the regime of planning in Malta was always strategic and military based from the Knights of the Order

period to the British Colonial epoch. There was no radical shift in the development regime. It was all centred round the implementation of major projects directed at spurring the local industry and therefore the economy. It was an artificial cycle and this continues even with other branches of the tertiary sector (i.e. Tourism) coming to the fore. The building industry was connected to employment and therefore to appeasement of the local population at one point by foreign governance regimes in the post-Independence period, taking indigenous forms. The major shift in style came with the implantation of the Planning Authority in the 1990s, in the place of the previous Planning Services.

Generally, there are two main 'camps' regarding planning issues in the Maltese Islands. There are those people who have welcomed the idea of planning regulations. On the other hand, there are those (very often the developers) who try their utmost to use the rules and regulations to fit their own needs. Hence the need for a national strategic development plans that incorporates within it a binding chart for development for the coming years. According to another author, there is a question of whether the system takes into account the cultural context of the Maltese Islands. One view is that planning rarely took into consideration the social or development input and that what we witness is the institutionalisation of physical planning as a reaction to the exploitation of land. Planning culture in Malta is very young, moreover planning is not considered a profession as yet and this may lead to the prevalent perception of how planning and development 'should be'.

#### 4.19.2.2 Key institutions making planning policies in the country

Planning in Malta is regulated by the MEPA Board (Malta Environment and Planning Authority). Its role is regulatory. Planning occurs only at the national level. All projects of both public and private nature have to be vetted by the MEPA board. At the local level there are local councils which make suggestions to MEPA regarding the improvement of their areas. The MEPA Board decides on major projects and policy. It is appointed by the President of Malta following recommendations of the Prime Minister. The Board consists of fifteen members: eight independent members, including the chairman, a representative of each of the two parties in parliament; and five civil servants.

#### 4.19.2.3 Policy instruments, space-related plans on the different levels

The following provisions and developments are worth noting:

- -The Development Planning Act, regulated by MEPA, with some similarities to the Planning Act in the UK. Subtle differences are however crucial;
- -The Act's integration with the Ancient Monuments Act and the Environment Protection Act;
- -MEPA's obligation to develop plans on;

a. A National level (Structure Plan)

b. A Local level (Local Plan Levels – District/Regional – Grand Harbour, North Harbours, Central etc.)

- Introduction of a more integrative process and of Inter-Ministerial Committees;
- -Merger of old agencies into MEPA.

#### 4.19.2.4 RUR related plans in more detail

Structure plan

The essential issue which must be confronted in the Structure Plan is how best Malta can use its resources to further its social and economic development over the next two decades. The Structure Plan has three major goals:

1. To encourage the further social and economic development of the Maltese Islands and to ensure as far as possible that sufficient land and support infrastructure are available to accommodate it.
2. To use land and buildings efficiently, and consequently to channel development activity into existing and committed urban areas, particularly through a rehabilitation and upgrading of the existing fabric and infrastructure thus constraining further inroads into undeveloped land and generally resulting in higher density development than at present.
3. To radically improve the quality of all aspects of the environment of both urban and rural areas.

#### 4.19.3 Summary table

Country	<b>Malta</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Malta 1 RUR has been delineated.
<b>Government structure factor</b>	
Average population of the local municipalities	In Malta there are <b>68 local authorities</b> . The largest is Malta with population of 372,986 and the smallest one is Mdina with only 258 inhabitants. The average is <b>around 6100</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On an <b>intermediary level Malta</b> is composed of 3 regions. The decision making body is the <b>local council, which is elected</b> . The tasks include: maintenance of public spaces (parks, sports centres, leisure centres), maintenance of road infrastructure, education, health, preserving public order, administrative duties.
Overall assessment	<b>S/s</b> – small supra-local level (national level) units and small local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	Planning occurs only at the national level. Planning in Malta is regulated by the MEPA Board. MEPA is responsible for Spatial Planning and environment protection. Its role is Regulatory (land and sea development). It issues guidelines for development. Other agencies which have competences in planning are the Lands Department (Administration of state owned property), the Malta Resources Authority, the Malta Tourism Authority and several others. The Local Councils make recommendations to competent authorities. They have limited participation.
Ratifying of local plans: do meso or higher level authorities have veto power?	Public consultation is necessary for future reviews of the Structure Plan, Subject Plans, Action Plans, and Briefs, and also on development permit applications.
Overall assessment (A/B/C)	<b>B (medium level of control)</b>

#### 4.19.4 Sources of Information

- ESPON 2.3.2
- Council of European Municipalities and Regions ([http://www.ccre.org/membres\\_en.htm](http://www.ccre.org/membres_en.htm))
- [http://www.mepa.org.mt/planning/index.htm?pln\\_fbk\\_str\\_pln.htm&1](http://www.mepa.org.mt/planning/index.htm?pln_fbk_str_pln.htm&1)

## 4.20 [The] Netherlands

### 4.20.1 Government

#### 4.20.1.1 The formal government structure

##### 4.20.1.1.1 The basic units: local governments

The Netherlands is a decentralized unitary state made of municipalities and provinces.

Local level: 467 municipalities (*gemeenten*)

Local authorities

The **municipal council** (*gemeenteraad*) is the deliberative body of the commune. The councillors are elected for four years under the proportional representation system. The council takes the main decisions in the municipality and has the power to pass bye-laws. The council is chaired by the mayor (who cannot take part in any vote).

The **college of mayor and aldermen** (*burgemeester en wethouders*) is the executive body. The college prepares and implements the council's decisions. Aldermen are elected for a four-year mandate. Their number depends on the size of the municipality.

The **mayor** (*burgemeester*) is the chair of the college. His/her vote can be decisive in the executive. He/she is formally appointed by the government on proposal by the local council and has a six-year mandate.

Competences:

- Urban planning
- Housing
- Tourism
- Public works
- Transport
- Health
- Primary education
- Social welfare
- Law and order
- Culture and sport

##### 4.20.1.1.2 The multi-level government structure

Intermediary level: 12 provinces (*provincies*)

Provincial authorities

The **provincial states** (*provinciale staten*) are the legislative body. Their members are elected at the universal direct suffrage for a four-year mandate. The provincial states have the power to pass bye-laws. They are chaired by the queen's commissioner (who cannot take part in a vote).

The **provincial executive** (*gedeputeerde staten*) consists of three to nine members designated by the provincial states from within the states and of the queen's commissioner.

The **queen's commissioner** (*commissaris van de koningin*) chairs the executive and can have a decisive vote. (S)he is appointed for a six-year term by the government upon proposal by the provincial states.

Competences (mostly shared with the national government):

- Welfare homes
- Regional planning
- Environmental protection
- Culture
- Leisure and sports
- Transport
- Energy
- Tourism

The Kingdom of the Netherlands (*Koninkrijk der Nederlanden*) is a decentralised unitary state where the regionalisation process is going on through the existing local authorities, due to the powerful local level within this country.

The country is divided into 12 Provinces and their assemblies are composed of members directly elected by universal suffrage, and chaired by a Queen's Commissioner (*Commissaris van de Koningin*), who is appointed by the Central Government.

The Provinces and the municipalities (as well as the Water Boards, i.e. sub-regional bodies with authority in matters concerning water management) and their functions are explicitly recognised by the Dutch Constitution in its Chapter VII (Art. 123-136).

As a country with powerful local governments, the spatial planning powers remain both at local and national level, but the Provinces have also competencies in this field. The Dutch Senate is the only among the unitary states that represents territorially the regional level, since all of its 75 senators are elected by the members of the regional councils.

Municipalities are allowed to raise local property taxes and some other local taxes and charges, but the most important local tax, the property tax is calculated according to standard rules, and the major part of their revenues derives from central government grants.

There are no Constitutional regions in The Netherlands.

Multi-level structure:

Category	Performance
Model of State	Decentralised Unitary
Typology of regionalization	Regionalisation through provinces, municipalities and city regions
Constitutional reconnaissance of Regional and/or local levels	Regional and local
Allocation of Spatial Planning powers	-Strong local -Weak regional -Strong national
New Spatial Planning powers	No
National territorial chambers	Totally Territorial Chamber
Regular multi-level governmental meetings	Yes, all over the place
Dependence of local governments on central government	Dependent
Constitutional regions	Provinces have a constitutional basis
Devolution to 1st tier local authorities	Substantial powers have been allocated to local authorities

*Based on ESPON 2.3.2, modified based on local expert knowledge*

NUTS categorization:

Netherlands	NUTS1		NUTS2		NUTS3	
NL	Landsdelen	4	Provinces	12	COROP regio's	40

#### 4.20.1.1.3 Trends and dynamic processes

Several reforms, particularly from the 1980s onwards, have contributed to changes in the direction of governance, while others are on the way. Successive governments during this period pursued the goal of governance, which was politically defined in terms of liberalization, privatization and deregulation. Institutional arrangements and instruments introduced in that period include public – private partnerships and various forms of participation, contracts, covenants and agreements, linking levels of government in a vertical sense and public agencies and / or the private sector and the citizens in a horizontal sense. In the last 3 years the government emphasis on deregulation took the form of a negative attitude to the principles of consensus a consociational democracy, which also explains a relative hostility to the regulatory and restrictive character of spatial policy and the provisions of the revised Spatial Planning Act, which is available since 2008.

This revision involved changing Section 19 to include an independent project procedure for local authorities. This has led to the establishment of a law that provides for many eventualities but has also become extremely complicated and confusing in practice. The Council of State has even compared it to a 'patchwork quilt'; the Second Chamber of the Netherlands parliament concurs with this opinion and because of this the government has decided to fundamentally revise the act.

Criticism since the early 1980s against the existing system of governance, especially in the field of spatial policy, a system which was already at an advanced stage of development, came in a sense from the central government itself. The identification of “better governance” with deregulation, more transparency and privatization was the ideological basis for the criticism that the government was carrying out tasks that should be sourced out for reasons of efficiency. The consensus model came under attack. As pointed out in



the national overview, “for many supporters of the present cabinet and some cabinet members themselves as well, the concept ‘polder model’ has become synonymous to a lethal disease”. The restrictive nature of planning regulations was particularly questioned. But the dominant planning discourse was also criticized by academics as tantamount to a “rule and order” regime. Therefore, progress towards (or retrogression from?) governance must be judged according to the conception of governance. Naturally, the reforms now under way cannot be judged uniformly as progressive or retrogressive, given the complexity of the situation.

The main force operating in favour of governance approaches is no doubt the country’s own government and administration tradition, most notably in involving officially recognized stakeholders in decision making. As mentioned in the national overview, the Dutch constitution itself “has given comparatively weak opportunities for unilateral, top-down central steering and central control. The most important principle is that of autonomy and co-governance... It means that provinces and municipalities have veto and blocking power as well as a general right to rule their own affairs. This is the autonomy part of the principle, which is complemented by a structure that constitutes a system of interdependence and co-production of policy among various levels of government (co-governance). The institutional set-up of the system provides ample opportunity to challenge, modify, redefine, renegotiate and relocate national decisions”.

Given this tradition, the European Union did not create a major impact on the system of governance, but because of the sheer amount of EU legislation now incorporated in national law there was a clear impact on policy implementation. The EU has also influenced practices and methods of government and administration, as e.g. in the case of the extensive use of benchmarking. The need to enhance competitiveness has obviously played a role as demonstrated by the insistence of the governments of the last 20 years on deregulation and privatization.

The country, both in spatial planning and with respect to most policies, is to a high extent centralized. Officially it is considered as a “decentralized unitary state”, but there are those who argue that gradually, after the 2nd World War, it became more “unitary” and less “decentralized”. But to classify it as a country in which powers have not been devolved to the regions (provinces) would be an error, if we take account the operation of the Dutch governance system and the degree of consultation between central and provincial levels, the range of policy fields in which the provinces have competences (transport infrastructures, environment, spatial planning, culture, economy, social policy) and the fact that the provinces seem currently to be gaining ground in the field of spatial planning. A similar argument is in order in the case of the municipalities. Both provinces and municipalities have ample room for action, albeit within limits set by the central government.

#### 4.20.1.2 The government level deciding on land development/conservation and its relation to the RUR regions.

The basic statute regulating spatial planning is the 1965 Spatial Planning Act (*Wet op de ruimtelijke ordening* or WRO), revised several times and last revised in 2008. Mention should be made of the 1985 Decision on Spatial Planning and the 1984 Urban Renewal Act (revised in 2003), but there are several other statutes on environmental protection, housing, infrastructures, building construction, monuments, compulsory purchase etc. Currently the WRO has gone through a fundamental revision. As indicated in the national overview, it had become increasingly unwieldy and unsuited to modern needs. The decentralized structure of planning responsibilities was not well equipped to deal with large-scale developments and conflicting local and national interests. Other bottlenecks were the growing number of developments involving both spatial planning and environmental policies, and the changing relations between government and private parties, particularly in the land market. The new WRO provides the framework of spatial planning policies and is designed on the basis of 3 principles, (a) decentralization, (b)

deregulation and (c) orientation to implementation. It has the character of a “procedural act” and of a “policy integration act”. In general the effect is supposed to be that regions (provinces) will become a more central actor in planning and development and will have more competences. Arguably the most crucial difference is that the national and provincial governments will get hold of a binding land use planning competence, which they may exercise for interests of national and provincial importance respectively. The regional spatial structure plan will disappear and be replaced by a less obligatory Structure Vision.

The basic spatial planning institutions and the National Spatial Planning Strategy. The most important instrument at the national level is the “Key Planning Decisions”, which are issued by VROM and occasionally by other ministries and approved by Parliament. The KPDs fall into 3 categories (spatial visions, structure schemes and other policy documents) and they are binding for lower government levels. At the provincial level, Regional Spatial Structure Plans incorporate the KPDs and all other regional policies (transport, environment, water) with a territorial impact. The new WRO will not contain the instrument of KPD’s anymore, which will be replaced by national structure visions. The policies formulated in the context of regional plans are operationalized in local (municipal) zoning plans (*bestemmingsplan*), the only spatial plans which are binding for individual citizens, as well as public authorities. Municipalities also have the competence of granting building permits, arguably the crux of the planning system.

#### Regulations and permits

The main permit for controlling directly changes to the spatial environment is the building permit. It is regulated by the housing act. The application for a building permit always has to be tested against the provisions of the national and the municipal building regulations. When the application is for development on land not covered by a building permit or a living conditions ordinance, then the building permit has the nature of a broadly based technical permit (safety, health, utility of the proposed building works). When the application concerns land which is covered by one or more of the legally binding spatial plans, then the provisions in those plans must be applied as well as the provisions of the building regulations. The building permit then is a combination of a technical permit and a planning permission. The building permit can also be used to regulate changes to historic buildings and sites. Other permits and regulations which are used directly to influence changes to the spatial environment are:

- construction permit
- demolition permit
- permit to withdraw a building from residential use
- permit to occupy a dwelling
- permit to divide one dwelling into several
- directive to improve facilities in a building
- declaration that a building is unfit for human habitation
- permit to fell trees
- permit to dispose of waste
- permit to extract minerals
- integral environmental permit
- environmental permits in general
- environmental impact assessment

Most of these are processed by the municipality.

## 4.20.2 Spatial planning

### 4.20.2.1 Style of planning

Officially the Netherlands administrative system is being referred to as a 'decentralised unitary state'. A major characteristic of Dutch public governing is the large share of deliberating between stakeholders during the stages of policy development and implementation. Hence, consulting and involving possible stakeholders during the various stages of policy development and implementation have become intrinsic parts of Dutch administrative culture. In order to organise a well-functioning consensus democracy a vast web of advisory and discussion bodies has been created. The governance system, within which this web of bodies and the decentralised powers have been developed, finds its origin in the constitution that puts forward a number of principles. Many principles concern the relation between the three administrative layers. The constitution has given comparably weak opportunities for unilateral, top down central steering and central control. The most important principle is that of autonomy and co-governance. It means that provinces and municipalities have veto and blocking power as well as a general right to rule their own affairs. This is the autonomy part of the principle, which is complemented by a structure that constitutes a system of interdependence and co-production of policy among various levels of government (co-governance).

As in general with most policies in The Netherlands, also spatial planning is to a high extent centralised. Although they have room for manoeuvre, provinces and municipalities have to stay within the framework set by the national government (note however, that provinces and large and medium sized municipalities are being consulted during the preparation of national spatial planning policies). For municipalities count the same as they have to remain within the provincial framework. Obviously, in some cases provinces and municipalities want more flexibility, whereas the national government would like to have more competencies in the case of large projects of national importance. The new Spatial Planning Act foresees such flexibility and case specific requirements.

### 4.20.2.2 Key institutions making planning policies in the country

The most important spatial planning institution is the Ministry of Housing, Spatial Development and the Environment, known as VROM, part of which is the National Spatial Planning Agency (*Directoraat-Generaal Ruimte*). The National Spatial Planning Agency advises the Minister of Housing, Spatial Planning and the Environment in fulfilling responsibility for establishing and implementing cohesive government policy for the Netherlands's spatial development. It monitors and strengthens the quality of the country's spatial organisation. Of importance for spatial planning matters are also the Ministries of Economic Affairs, Transport – Public Works – Water Management, Agriculture – Nature – Food Quality, and Interior. The National Spatial Planning Strategies, the fifth of which since 1960 has been adopted in 2006, are the responsibility of VROM, but the current one is the product of the work of a joint team of all these ministries, which all have policies with a spatial impact. The National Spatial Strategy has shifted the emphasis in the policy of National Spatial Planning Agency from "imposing restrictions" to "promoting developments". The ability to develop is the central consideration. It translates into less detailed regulation by central government, fewer barriers and greater latitude for other levels of government, members of the public and market parties. Several sectoral policy documents accompany the strategy, among which, is the implementing agenda. The agenda is a new instrument to link the objectives contained in the policy document to current and planned implementation tracks. The matters addressed in the agenda include central government's investment priorities, the effects of policy on local planning and zoning schemes and the use of implementing instruments. Actors worth mentioning, at the national level, are the National Spatial Planning Committee or RPC, the Council for Spatial Planning and the Environment or RROM and the Netherlands Institute for Spatial Research or RPB. Below the national

level, that of the provinces, administration is entrusted to the elected Provincial Councils and the Provincial Executives, headed by a commissioner appointed by the central government. The provincial organization resembles that of the central government. At the municipal level there are also elected councils and executives, with an appointed mayor. The municipal administration system is more or less similar to that of the provinces.

#### 4.20.2.3 Policy instruments, space-related plans on the different levels

##### **National level**

The Dutch Government has recently adopted the National Spatial Strategy (Nota Ruimte). Although this new spatial planning policy is based on the Fifth National Policy Document on Spatial Planning and the Second National Structure Plan for the Rural Areas, the new Government has revised the content to reflect its own priorities and the whole tenor of the document has changed. The economy now plays a greater role and the Government wants to create more space for development. This gives greater responsibility for action to other actors: the provincial and municipal councils, the institutions of civil society, and not least to individual citizens.

##### **Spatial planning key decision**

The Council of Ministers can determine aspects of national policy for spatial planning. This policy can concern:

- planning issues (e.g. urbanisation) important for national policy, national structure plan for a broad aspect of spatial policy for part or whole of the country
- locational aspects of another policy field such as transport
- a particular project of national importance

A spatial planning key decision is usually indicative, not legally binding. The geographical coverage is dependent on the nature of the decision.

With the new Spatial Planning Act and the Land Development Act the municipalities, provinces and central government now have the tools in place to be able to fulfill their roles in spatial development.

This factsheet covers the Land Development Act. The Ministry of Housing, Spatial Planning and the Environment is responsible for the national spatial structure and coordinates the implementation of projects of national importance. The ministry gives other governmental levels and the private sector the freedom to be able to take their own responsibilities. Locally where possible is the motto of the National Spatial Strategy. The ministry provides the legislative tools and powers for this purpose. With the new Spatial Planning Act and the Land Development Act the municipalities, provinces and central government now have the tools in place to be able to fulfil their roles in spatial development. This factsheet covers the Land Development Act.

The act is into operation together with the new Spatial Planning Act since 1 July 2008.

##### **Regional level**

##### **The regional plan**

It is indicative rather than binding. The limits within which the province may depart from the regional plan have to be specified in that plan. Decisions which have been designated as 'essential' cannot be departed from by the provincial executive. If the province wants to depart from an 'essential decision' it must first revise the regional plan.

The legislation allows for a regional plan to be made for all or a part of the provincial territory.

## **Local level**

### **i. The structure plan**

It is an indicative plan rather than legally binding, but it can have important legal consequences. A structure plan may cover all or a part of the municipal territory. The spatial planning act allows adjacent municipalities to produce one structure plan for the joint territory.

### **ii. The local land use plan**

It is required that a municipality must make a local land use plan for the territory outside the built-up areas. It has many legal consequences; in particular it is legally binding when a building permit is being decided upon. The geographical coverage is not regulated. For the territory outside the built-up areas, some municipalities make one huge local land use plan, where others cover the territory with several plans.

## **4.20.2.4 RUR related plans in more detail**

### **1. Development Planning**

Development Planning is a method that makes the implementation of spatial plans, visions and projects the central consideration. Features of development planning are adopting an area-dedicated approach that improves spatial quality in the entire area. The area could be a restructured residential district, a major conurbation or rural community, for example;

- co-operating and agreeing firm arrangements with stakeholders;
- carrying out various projects cohesively, by such means as an implementation programme or 'projects envelope'.

The objective of development planning is to allow initiatives by the public, companies, community organisations and authorities to be carried out more often and in a better way. This is achievable by making earlier allowance during planning for the actual implementation of the plans. It also means giving centre stage to the opportunities that exist in an area rather than making rules and procedures the dominant consideration.

Anybody involved in preparing and carrying out spatial plans can adopt the development planning approach. Central government facilitates development planning by creating good conditions in legislation and public administration. Not infrequently central government plays an active role in carrying out spatial plans, among other things because of its responsibility for government buildings, national roads and state-owned land.

Initiatives by municipalities, provinces, the public, companies and community organisations are essential for the implementation of spatial plans.

### **2. Randstad Holland towards 2040 - perspectives from national government**

Central government faces complex spatial issues in the northern and southern wings of the Randstad (the highly urbanised western part of the Netherlands), in the country's 'Green Heart' and in southeast Brabant. Public government of Randstad Holland is shared between the state (i.e. at least five ministries), four provinces, two hundred of municipalities (including the four major cities of the Netherlands), and a dozen water management boards, while public transport is taken care of by a mix of municipal, private and state transport companies and infrastructure providers.

The vision is a Dutch metropolis without the agglomeration disadvantages and other drawbacks of classic metropolises such as Paris. The new vision starts with the assertion that this collection of city regions is not equal to metropolises in its functioning. It concerns daily urban systems that do lie close to one another and form a morphologic network, but do not form a strong functional entity. Most relations between businesses, in as far as they occur within the Randstad, play out in and around the municipalities and their environments, while the relations between the cities seem to be dominated by

Amsterdam in many respects. Although there is an indication of a network, it is not strongly integrated with specialised components.

Planning: local and regional scale

There are two main issues in terms of the green-blue network: protecting the differentiation of landscape and offering the cities a green quality impulse, partly to support the intensification of the urban areas. So-called buffer zones, a legacy from the 1950s, are currently situated between the large cities and are increasingly serving as recreational areas for the most part rather than a 'green belt' to keep the cities apart. The need for outdoor recreation is still great and increasingly forming part of the primary factors determining the quality of life. The 'metropolitan parks' model will serve to strengthen the recreational character; more parks will be realised and others will be expanded. Naturally, this will include links to the national landscapes. The development of larger expanses of water will be accompanied by the highly desirable living environments in lower-density areas.



### 4.20.3 Summary table

Country	<b>[The] Netherlands</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In the Netherlands 16 RUR has been delineated. Most of them comprise more than one municipality.
<b>Government structure factor</b>	
Average population of the local municipalities	In the Netherlands there are <b>467 municipalities</b> ( <i>gemeenten</i> ). The largest is Amsterdam with population of 747,993 and the smallest one is Schiermonnikoog with 949 inhabitants. The average is <b>around 35 300</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On an intermediary level the Netherlands is composed of 12 provinces ( <i>provincies</i> ). The largest is South Holland with 3,453,000 inhabitants and the smallest is Drenthe with 482,300. The average population is around 1 370 000. The decision making body is the <b>municipal council</b> ( <i>gemeenteraad</i> ), <b>which is elected</b> . The tasks include: urban planning, housing, tourism, public works, transport, health, primary education, social welfare, law and order, culture and sport.
Overall assessment	<b>L/I</b> – large supra-local level (provinces) units and small local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The basic spatial planning institutions and the National Spatial Planning Strategy. The most important instrument at the national level is the “Key Planning Decisions”, which are issued by VROM and occasionally by other ministries and approved by Parliament. The KPDs fall into 3 categories (spatial visions, structure schemes and other policy documents) and they are binding for lower government levels. At the provincial level, Regional Spatial Structure Plans incorporate the KPDs and all other regional policies (transport, environment, water) with a territorial impact. The new WRO will not contain the instrument of KPD’s anymore, which will be replaced by national structure visions. The policies formulated in the context of regional plans are operationalized in local (municipal) zoning plans ( <i>bestemmingsplan</i> ), the only spatial plans which are binding for individual citizens, as well as public authorities. Municipalities also have the competence of granting building permits, arguably the crux of the planning system.
Ratifying of local plans: do meso or higher level authorities have veto power?	Article 7 of the spatial planning act gives the municipal council the right, but not the obligation, to adopt a structure plan. This plan is indicative rather than legally binding, but it can have important legal consequences.
Overall assessment (A/B/C)	<b>b (medium level of control)</b>

### 4.20.4 Sources of information

- ESPON 2.3.2
- Council of European Municipalities and Regions ([http://www.ccre.org/membres\\_en.htm](http://www.ccre.org/membres_en.htm))
- European Union (1997-2001): The EU compendium of spatial planning systems and policies, Office for Official Publications of the European Communities, [The] Netherlands.
- <http://www.vrom.nl/pagina.html?id=37393>
- [http://www.vrom.nl/docs/internationaal/ENG\\_2008-ISOCARP%20Randstad%202040%20visie%20V4.pdf](http://www.vrom.nl/docs/internationaal/ENG_2008-ISOCARP%20Randstad%202040%20visie%20V4.pdf)



## 4.21 Poland

### 4.21.1 Government

#### 4.21.1.1 The formal government structure

##### 4.21.1.1.1 The basic units: local governments

In Poland there are 2500 municipalities (*gmina*). Since 1972, when it replaced the smaller *gromada*, the *gmina* has been the basic unit of administrative division. There are three types of *gmina* (commune) in Poland:

- **urban *gmina*** (*gmina miejska*) - consists of just one city or town
- **mixed (urban-rural) *gmina*** (*gmina miejsko-wiejska*) - consists of a town and its surrounding villages
- **rural *gmina*** (*gmina wiejska*) - consists only of villages

The most populous *gmina* among the urban communes is the capital, Warsaw with 1,697,597 inhabitants, among the rural communes is *Gmina Chełmiec* with 24,344 inhabitants and among the urban-rural communes is *Gmina Piaseczno* with 61,525 inhabitants. The smallest municipality among the urban communes is *Krynica Morska* with 1,364 inhabitants, among the rural communes *Gmina Cisna* with 1,663 inhabitants and among the urban-rural communes *Gmina Nowe Warpno* with 1,559 inhabitants.

The main actors of decision making on the municipal level are the following:

The **municipal council** (*rada gminy*) is composed of members elected by direct universal suffrage for a four-year term. In addition to its legislative powers, this assembly votes the municipal budget and determines local taxes.

The **executive board** (*zarząd gminy*) is composed of the mayor and its deputies. The mayor appoints his deputies. The board implements the decisions taken by the council.

The **mayor** is elected by direct universal suffrage for a four-year term. (S)he is the official representative of the municipality and is assisted by deputies elected by the council. The mayor is called *wójt* in rural municipalities, *burmistrz* in urban ones and *prezydent miasta* in towns of more than 100,000 inhabitants.

The **head of the municipal administration** (*sekretarz gminy*) is appointed by the council, upon proposal of the mayor.

Tasks of the municipality are defined in the Act on Local Self-government of 8 March 1990, which states that the jurisdiction of the local council extends to all matters falling within the terms of reference of the municipality unless stipulated otherwise by separate legislation. Two basic types of responsibilities are distinguished: obligatory functions and those delegated by the state administration. Obligatory tasks may be assigned only by parliamentary acts; those regarding land use and land development are under the jurisdiction of municipalities included:

- land use, local development and environmental protection;
- local roads, streets, bridges and traffic control, public transportation
- housing.

#### 4.21.1.1.2 The multi-level government structure

On an intermediary level, Poland consists of 379 counties (in Polish *powiat*). The more important towns and cities function as separate counties in their own right, with no subdivision into *gminas*. These are called *city counties*. The other, true *powiats* are called *land counties*. Thus, the capital city, Warsaw, is also a county and is divided in districts. There are 314 land counties and 65 city counties.

The most populous county is Poznan with 274.970 inhabitants, the smallest is Sejny with 22.179 inhabitants. The average population of the counties is 82.800 inhabitants.

The main actors of decision making on the county level are the following:

The **county council** (*rada powiatu*) is composed of members elected by direct universal suffrage for a four-year term. This deliberative assembly appoints members of the executive committee as well as the president of the county.

The **executive board** (*zarzd powiatu*) is composed of the president and her/his deputies elected by and among the council for four years. This body is in charge of implementing the council's decisions.

The **president / head of the county** (*starosta*) is elected for a four-year term by the council. (S)he is the official representative of the county and is assisted by deputies elected by the council.

*Powiats* may also conclude agreements with government organs concerning the performance of public tasks falling within the competence of the state administration. In cases specified by law, appropriate government organs may require *powiats* to perform certain tasks, particularly in order to eliminate direct threats to security and public order, reimbursing them for the costs incurred.

*Powiats* perform supra-municipal public tasks, as stipulated by law, in the following areas regarding land use and land development:

- transport and public roads;
- culture and conservation of cultural assets;
- property management and supervision of building work;
- water management, environmental and nature conservation;
- protection against floods, fire and other exceptional threats to human life and safety or to the environment;

The 379 *powiats* are grouped into **45 NUTS 3 level units**.

A *powiat* is part of a larger unit or province called a **voivodeship**. The voivodships are the so-called historical regions of Poland, which correspond to **NUTS 2 level**. Poland consists of 16 voivodships. The most populous voivodship is Mazovia with 5.068.494 inhabitants, and the smallest voivodship is Lubuskie with 1.019.695 inhabitants. The average population of a voivodship is around 2 380 000 inhabitants.

The regional (voivodeship) authorities are the following:

The **regional council** (*sejmik województwa*) is composed of members elected by direct universal suffrage for a four-year term. This assembly elects the president (*marszalek*) of the regional executive committee.

The **executive board** (*zarzad województwa*) is composed of members and of a president (*marszalek*) who is elected by the council for four years. It implements the decisions taken by the regional council.

The **governor** (*wojewoda*) is appointed by the prime minister upon proposal by the minister responsible for public administration. The governor represents the prime minister of the Republic of Poland as well as the central government at regional level. (S)he also supervises the activities of the regional government.

Voivodeships perform tasks of regional scope, as stipulated by law, in the following areas related to building, land use and development:

- culture and conservation of cultural assets;
- modernisation of rural areas;
- physical planning;
- environmental conservation;
- water management;
- public roads and transport .

Voivodeships are grouped into **6 NUTS 1 regions**.

From PLUREL point of view the Polish multi-level governance system could be categorized as decentralized unitary country with strong regional level.

#### 4.21.1.1.3 The dynamic processes

In Poland the introduction of 12 metropolitan areas (Białystok, Bydgoszcz, Gdańsk, Katowice, Kraków, Lublin, Łódź, Poznań, Rzeszów, Szczecin, Warsaw and Wrocław) is under discussion. The law will facilitate taking sensible actions on territories larger than cities and smaller than voivodships. The decision of joining the metropolis will be taken by the town and commune councils. The main task thereof will comprise of issues related to municipal and country spatial planning, land development as well as environment protection, transport, public safety and infrastructure. These are spatial systems consisting of a big city and surrounding areas which are functionally linked with it. Metropolitan associations are to coordinate and perform tasks which will considerably satisfy the needs of the residents of a metropolis. First of all, it concerns tasks related to spatial planning as well as mass transport and road management. An assumption was made that a metropolitan association should include at least one city with *powiat* rights and municipalities which meet the criteria of functional and urban affiliation with the association. These criteria include, inter alia: the nature of the municipality, population density and minimum population necessary to establish a metropolitan area, high degree of urbanisation, distance from the main centre, functional connections (communications).

The members of the association would jointly implement, inter alia, undertakings in the field of environmental protection, as well as waste and wastewater management, manage in crisis situations and take joint actions in the field of education, health care and culture. Such intentional associations of municipalities could also promote the metropolitan area and acquire the EU funds.

The government proposal assumes that the association of municipalities and towns with *powiat* rights forming the metropolis will be obligatory, but it would not be the next level of local government. Administrative units which do not see any benefits in being a member of the association will be able to withdraw from it. The Metropolitan Act will determine the rules of forming a new association, enrolling new members and resigning from membership.

The tasks of the metropolitan areas will include, inter alia:

- Adopting metropolitan planning act,
- Making out plans on sustainable development of public transport,
- Managing the most important roads in the area.

The government proposes the implementation of a pilot programme which will test in practice the functioning of the metropolitan associations. It may be carried out in Upper Silesia and the Tri-City (Gdansk-Gdynia-Sopot).

From PLUREL point of view this pilot programme is of extreme importance as it aims to create entities around large cities which are the closest in their territorial delimitation to the notion of the Rural-Urban-Region (RUR).

#### 4.21.1.2 The government level deciding on land-use changes and the RUR regions

The basic regulatory instrument of spatial planning in Poland is the “Spatial Planning and Land Management Act of 27<sup>th</sup> March 2003”. It specifies the rules of spatial policy on different administrative levels, the range and scope of land-use management. Even though in Poland there are 4 administrative levels, the Polish planning system is based on 3 levels: national, regional and local, which is stated in the Spatial Planning and Land Management Act. Detailed regulations concerning the way of preparing spatial plans are mentioned in the directives of the respective ministries.

The Municipalities in Poland have real “planning sovereignty”, a power which is expressed by means of legally granted freedom in planning policy formulation. Local Spatial Plans include obligatory:

- norms concerning the protection of land, environment, nature, landscape and culture;
- architectural parameters of building and detailed conditions of land use;
- boundaries of protected areas;
- norms of the development of technical infrastructure.

On the other hand, the higher levels establish solely the general principles of the economy of space and determine broad directions of development programmes. For instance, the basic instruments at the national level are the “concept of Spatial Development” (elaborated by the Government Centre of Strategic Studies) providing only general guidelines and the National Development Plan. They are both approved by the Cabinet.

In the Polish planning system municipalities are the basic units responsible for preparing local level documents. They prepare and approve such documents as Local Development Strategy, Study of Conditions and Directions in Spatial Planning and local Spatial Plan. Local Spatial Plans are not obligatory documents. In the absence of such character, there are two kinds of administrative decisions: Decision of Development Conditions (Planning Permit), and Decision of Capital Investments Serving Public Purposes. The first document is prepared for plots on which investors want to have a building permit; this decision is given only if there are five conditions fulfilled. They are as following:

- At least one neighbourhood plot should be built up.
- Plot has access to public road
- Plot has existing or projected technical infrastructure

For the given plot, special kind of permission is not required to change agricultural or forest areas into other form of land-use

There is no conflict with special legislation e.g. National Park or closed area.

### 4.21.2 Spatial planning

#### 4.21.2.1 Style of planning

In the light of the Act on spatial planning and spatial development, spatial planning in Poland is carried out at three levels: national, regional (voivodship) and communal. The

role of powiat's (county) self-government with respect to territorial management is very limited. Simultaneously with the establishment of the basic level of the territorial self-government – the commune (municipality, gmina) – the lawmakers envisaged the possibility of joint execution of the public tasks by these units in the form of inter-communal associations. The 2003 law on spatial planning and development defines the obligation of putting together the plans for the metropolitan areas, i.e. of large cities and the functionally linked surroundings, as stipulated in the document “Concept for the spatial development of the country”. All the provinces, after having elaborated and adopted the “spatial development plans of the provinces”, started to elaborate the plans for the metropolitan areas within their territories. These areas are usually composed of several dozen communes.

According to ESPON 2.3.2, the style of planning in Poland is classified as a comprehensive integrated approach.

#### 4.21.2.2 Key institutions making planning policies in the country

The basic instrument by means of which the state conducts the national policy for spatial development is the Concept of Spatial Development Plan at the national level. The document is elaborated and updated by the Government Centre for Strategic Studies and is approved by the Polish government. It is not a plan of physical structures, but rather a type of open strategic document, which determines the spatial policy of the state for the next 25 years. The concept includes: natural, cultural, social and economic conditions, moreover gives objectives of the state spatial policy and indicates metropolitan areas. The Council of Ministers approves both the Concept of Spatial Development Plan at the national level and the periodic reports on the state of the country as regards spatial development matters. Key ministries interested in spatial planning include furthermore the Ministry of the Environment and the Ministry of Interior and Administration.

Spatial planning in Poland embodies particular duties of regional self-government in the voivodship (regional assembly) and comprises two different processes and documents: a strategy for regional development has to be prepared and adopted in each voivodship by its self-government authorities. The second facet is the regional spatial development plan which the Act specifies must formulate the spatial policy of the voivodship.

#### 4.21.2.3 Policy instruments, space-related plans on the different levels

Name	Basic objectives	Planning object	Legal impact	Production obligation
Outline (concept) of the national policy of spatial development	providing natural, cultural, social and economic circumstances, objectives and directions of national spatial policy establishing the principles of the spatial system of settlement and infrastructure balancing the development of regions establishing the basis for sectoral and regional programmes of public tasks	Whole country	Not binding, but influences the regional plans through sectoral government programmes	obligatory
Regional plan	socially agreed objectives and directions of development, spatial development and settlement system organisation, location of principal public infrastructure and other developmental programmes, integration of natural and cultural environment requirements into spatial policy, and eventually and indirectly, the concept of balancing regional and local interests with those of the whole country (national and transnational).	Region/voivodship	Not binding, but it can influence the local level if specific regional government tasks have to be included in a local development plan. The regional plan offers a kind of policy framework for the regional self-government.	obligatory
Comprehensive plan of municipalities (Master plan)	identifying the physical development preconditions and directions of the commune, establishing principles of sustainable territorial and economic development, functional zoning and indication of areas for housing and other direct investment,	Whole territory under the administration of a single commune or the territory of several of them	Non-binding	obligatory
Spatial Plans for Metropolitan Areas (new type of plans in the experimental phase)	comprehensive plan for the metropolitan areas (defined later) spatial development and settlement system organisation, location of principal public infrastructure and other developmental programs, integration of natural and cultural environment requirements into spatial	A great city or city twins and their agglomeration and/or functional area	Not yet defined	Not yet defined

Name	Basic objectives	Planning object	Legal impact	Production obligation
	policy, and eventually and indirectly, the concept of balancing regional and local interests with those of the whole country (national and transnational)			
Detailed Development plan	land use and infrastructural services (amenities) establishing and observing local standards and building conditions dividing a given area (covered by the plan) into building plots	Some parts of a municipal or rural commune	Legally binding character for all the actors	not obligatory but it is preferred as the basis for plotting and building permits in all areas

#### 4.21.2.4 RUR related plans in more details

Voivodeship councils are responsible for planning on regional level. They prepare – among other plans - **Spatial Plans for Metropolitan Areas**. The Spatial Plan for Metropolitan Area is perceived as an important part of regional planning system. It is a recently introduced planning document and it is prepared to urban areas pinpointed in the Concept of National Spatial Development Plan. It covers part of voivodeship area as a part of the regional spatial plan.

At the moment none of Polish Metropolises has its own metropolitan legal status. The current bill of Metropolitan Law provides metropolises with no own competencies (tasks) and no own financial resources (weak legal status). Planning in metropolitan level is only in initial stage. Under current legal regulations metropolitan plans would be prepared in the same procedure as regional spatial plans. The reason: under the present Concept for the Spatial Development of the Country limits and boundaries of Metropolitan Areas have not been indicated. These limits and boundaries will be indicated only in the next Concept for the Spatial Development of the Country. This document will be prepared probably by the end of June 2008. At the moment metropolitan plans are being prepared and consulted by the cities of Warsaw, Wrocław, and the Voivodeships of Little Poland (Kraków) and Pomerania (TriCity). An area of the Upper Silesian Agglomeration (Greater Katowice area) is covered by the newly established Upper Silesian Metropolitan Union. One of the most urgent and priority tasks will be to prepare the draft of the Metropolitan Spatial Plan of this area. At the moment, metropolitan planning is located within the competencies of regional government (Regional Council – the Sejmik).



### 4.21.3 Summary table

Country	<b>POLAND</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Poland 29 RURs have been delineated. Most RUR areas are larger than the municipalities, but much smaller than the 16 voivodships (NUTS2). Many RUR areas coincide with the areas of municipalities, but there are a few large RUR areas (Silesia) covering the area of several municipalities.
<b>Government structure factor</b>	
Average population of the local municipalities	Poland consists of 2500 municipalities. The average population of the municipalities is around <b>15 300</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On an intermediary level, Poland consists of 379 <b>counties</b> (in Polish powiat). The members of the county council are elected, the head of the county is <b>appointed</b> by the council. The most populous county is Poznan with 274.970 inhabitants, the smallest is Sejny with 22.179 inhabitants. The average population of the counties is <b>82.800</b> . Their most important functions include: transport, cultural heritage, property management, physical planning, water management, environmental protection. A powiat is part of a larger unit or province called a <b>voivodeship</b> . There are 16 voivodships – elected regions (there is a <b>deconcentrated</b> leader, the governor and a <b>decentralised</b> leader, the <i>marszalek</i> ). The most populous voivodship is Mazovia with 5.068.494 inhabitants, and the smallest voivodship is Lubuskie with 1.019.695 inhabitants. The average population of a voivodship is around <b>2 380 000</b> . Their most important functions include: transport, modernisation of rural areas, physical planning, environmental protection, water management, cultural conservation.
Overall assessment (A/B/C)	<b>L/m</b> – large supra-local level (voivodships) units and medium-sized local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The municipalities have strong planning sovereignty. Voivodships also prepare regional plans. In principal, local governments have to take the regional plans into account, but the competence is not strong in this respect. Powiats don't prepare such plans.
Ratifying of local plans: do meso or higher level authorities have veto power?	The voivodships don't have veto power.
Overall assessment (a/b/c)	<b>a (weak level of control)</b> - the municipalities have strong planning sovereignty, the meso level does not have control over them. The planned metropolitan regions could mean a step forward towards higher level control over land-use processes in RUR areas.

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## 4.22 Portugal

### 4.22.1 Government

#### 4.22.1.1 The formal government structure

##### 4.22.1.1.1 The basic units: local governments

Portugal is a unitary State composed of parishes, municipalities, districts and regions. In more detail:

Local level: 4260 parishes (*freguesias*) and 308 municipalities (*municípios*)

Parish authorities

The **parish assembly** (*assembleia de freguesia*) is a deliberative body of the parish. The assembly is composed of councillors elected for a four-year term by direct universal suffrage on a proportional representation system.

The **executive committee** (*junta de freguesia*) is the executive body of the parish. Members are elected by and within the assembly. They are responsible for the preparation and implementation of decisions of the assembly.

The **president** is the candidate heading the list with the most votes. (S)he is elected for four years.

Competences:

- Education
- Culture
- Environment
- Health

Municipal authorities

The **municipal assembly** (*assembleia municipal*) is composed of members elected by direct universal suffrage for a four-year term, and of the municipal area Parish Presidents. The assembly, the deliberative body of the municipality, also monitors activities of the executive.

The **executive council** (*câmara municipal*) is a collegial body composed of members elected by direct universal suffrage for four years. Members of the executive can intervene in the Municipal Assembly where they also vote. This executive board has competences in the organization and functioning of services, more specifically in urbanism and public works.

The **mayor** is the candidate heading the list with the most votes, at the time of the assembly election. (S)he is elected for four years.

Competences:

- Health
- Environment
- Culture
- Management of municipal assets
- Public works

- Urbanism

Note: Alongside the municipalities and the parishes, the Portuguese local administration has other forms of organization also important for the process of development: inter-municipal communities with general goals, associations of Municipalities with specific goals, big metropolitan areas, and urban communities.

These entities aim mainly at:

- coordinating the municipal investments of supra-municipal interest;
- coordinating the relations between the municipalities and the central administration services;
- the planning and strategic, economic and social management;
- the territorial management.

#### 4.22.1.1.2 The multi-level government structure

Intermediary level: 18 districts (*divisão distrital*)

The **civil governor** (*governador civil*) heads the district. (S)he is nominated by the central government. The governor represents the government in the district; her/his competences are delegated by the Home Affairs minister.

Regional level: 2 autonomous regions (Açores and Madeira)

Though the Portuguese constitutions include a regional level, proper regions have not been created yet with the exception of the two autonomous regions, the islands of Açores and Madeira. These two regions have a **legislative assembly** elected by universal suffrage, a **regional government** headed by the region's **president**, and a **minister of the Republic**. The minister is the national government's representative in the region, has the right of veto concerning decrees of the assembly, and appoints the president of the regional government.

The Portuguese Republic (*República Portuguesa*) is a Centralised Unitary State. It is composed of 5 mainland regions and 2 Autonomous insular Regions (*regiões autónomas*). Those latter are Madeira and Azores. The mainland administrative regions (95.4 % of the population) are co-ordinated by the Regional Development Co-ordinating Commissions (CCDR, in Portuguese) and their members are appointed by the Central Government. The Autonomous Regions (4.6 % of the population) have high degree of self-government, legislative powers and own assemblies, and their members are elected by universal direct suffrage.

The Title VII (Art. 225-234) of the Portuguese Constitution is referred to the special status of the Autonomous Regions and the Title VIII (Art. 235-262) recognises explicitly the existence of local authorities, parishes (*freguesias*), municipalities and administrative regions, in its Chapters I-IV, respectively.

Multi-level structure:

Category	Performance
Model of State	Centralised Unitary
Typology of regionalization	-Administrative regionalisation -Political Regionalisation (Azores and Madeira)
Constitutional reconnaissance of Regional and/or local levels	Regional and local
Allocation of Spatial Planning powers	-Strong local -Weak regional -Strong national
New Spatial Planning powers	No
National territorial chambers	No
Regular multi-level governmental meetings	No
Dependence of local governments on central government	Dependent
Constitutional regions	Autonomous regions of Madeira and Azores
Devolution to 1st tier local authorities	Substantial powers have been allocated to local authorities

Source: ESPON 2.3.2

NUTS categorization:

Portugal	NUTS1		NUTS2		NUTS3	
PT	Continental Portugal Azores and Madeira	1 2	Comissões de coordenação regional -	5 2	Groups of Municipalities -	28 2

#### 4.22.1.1.3 Trends and dynamic processes

In terms of initiatives, noteworthy is the publication of the report “Mission for the reform of the territorial organisation of the state administration”, where considerations and proposals on administrative decentralisation are particularly relevant. ... The considerations found in this report were the object of thorough political evaluation and it is expected that the government will present new legislative initiatives in the near future.

According to the national overview two negative attitudes can be identified: on the part of the decision-maker, the participation of the non - elected is often seen as an illegitimate interference to be avoided or to be minimized. On the part of the citizen the perception of participation without consequences drives the most active elements away. There are also two main factors that undermine local enforcement possibilities. Each municipality still looks very much to itself and the logic of regional understanding has not yet been achieved. Second the resources are mainly driven by central government decisions and are usually not adequately correlated with local responsibilities. Some sort of connection between the interfaces of the Regional Councils, at one level and the Municipal Councils at a lower level would be important.

The municipality is the entity that ensures the representation of citizens at local level. It administers and guarantees the management of a vast set of services of local interest and channels local claims to the national administration. Apart from these classic functions, the City Halls also ensure the promotion of development, heading highly varied initiatives in this domain, and play a major role as organizers of social, economic and territorial relations. Under a 2002 law, local authorities possess wide-ranging responsibilities in the areas of planning and development.

#### 4.22.1.2 The government level deciding on land development/conservation and its relation to the RUR regions.

There are basic laws regulating development.

The following authorities have powers of approval of the respective plans:

- National spatial planning policy program: Parliament
- Sectoral plans: Usually Council of Ministers
- Special plans: Usually Council of Ministers
- Regional Spatial plans: Usually Council of Ministers
- Inter municipal spatial plans: Municipality councils or inter-municipal councils
- Spatial and land use municipal plans: Municipal councils

### 4.22.2 Spatial planning

#### 4.22.2.1 Style of planning

The evolution of the Portuguese planning system is a good mirror of the evolution of the country itself in recent decades, especially in its political, social and administrative spheres. This evolution has been reflecting, most of all, the heritage of the 'Estado Novo', when serious curbs on political autonomy and democracy resulted in the devaluation and even repression of almost every action not carried out by the Central Administration. Thus, at a time when the planning systems, plans and the planning profession of other western countries were being developed to build up an accumulation of knowledge, in the 30 or more years after the war, in Portugal evolutionary steps were rare, and taken merely through blueprint approaches. The strong centralism of the system prevented local or regional authorities from developing planning skills.

With the 1974 April revolution, new pluralistic and decentralised targets were followed. However, the practices of the old systems were deeply entrenched, and it was some years before effective and significant planning progresses started being achieved. Nevertheless, there are signs of change in the planning system. We can thus summarise the reasons for definitive progress in the Portuguese planning system, since the early 1980s, in four main points:

- Significant spatial changes that happened from the 1960s on, and the major changes in the physical networks (roads, telecoms, water supply), drove the need for a more complex planning activity. All these major changes led to an urgent new planning rationale;
- The political and administrative decentralisation process triggered by the revolution, especially the empowerment and new dynamics of local authorities and other local public bodies;
- The laying of the foundations for a mature pluralistic democratic system resulted in the development of better planning practices... stimulating some bottom-up approaches;
- Portugal's involvement in a growing number of international actions and programmes (mainly through the EU) encouraged the creation of important modernisation stimuli.

The last decade has seen a strong increase in the planning activity at the municipal level, mainly through the preparation of the municipal plans. The main progress made in the last decade can be summarised as follows:

- The need to draw up plans forced localities to think seriously about their goals and their structural options;
- Some plans (albeit only a few) tried to be not just ‘policy plans’, with an excessive physical and ‘territorial’ thinking, but also tried to include some substantive criteria, and a wider and strategic vision of planning , as well as some flexible tools;
- The municipal planning activity started to be intimately linked with the overall municipal actions and local policy-making;
- These efforts created a new dynamic within the municipalities, with reorganisation, modernisation and even the creation of technical and information departments, as well as links with external experts, academics and consultants.

However, in spite of all the progress, there are still significant weaknesses and failures, showing not only the still relatively immature character of the planning activity, but also the important ‘legacies of the past’, as well as the difficulties in overcoming old-established ‘balances of power’.

#### 4.22.2.2 Key institutions making planning policies in the country

Three ministries are deeply involved in issues of spatial planning: the Ministry of Cities, Local Administration, Housing and Regional Development; the Ministry of Public Works, Transportation and Communication and the Ministry of the Environment and Land Planning. At the regional level the Commissions for Regional Co-ordination and Development are decentralized structures responsible for the implementation of spatial policies in the different Regions (which are not administrative units except those of the Azores and Madeira).

#### 4.22.2.3 Policy instruments, space-related plans on the different levels

In practice, the Portuguese planning system is essentially a two-tier system (national and local) with the regional planning being performed by central government agencies operating at the regional level - CCRs.

At the **national level** the core of the spatial planning system lies at the MEPAT. The Ministry has four main areas of intervention: the co-ordination of regional development, the relationships between central and local government, land-use planning and science and technological development. As far as physical planning is concerned, the Ministry constitutes the political decision centre which establishes overall planning policy guidelines and produces the regulatory and legislative framework. It is responsible for the preparation and final approval of the PROT and participates in the approval process of the National Ecological Reserve as well as of physical plans for protected areas and for coastal zones and also of Municipal Director Plans. The Ministry further accommodates the General Inspectorate of Territorial Administration, which has legal supervising responsibilities over all administrative decisions of local authorities, including those associated with plan implementation and development control.

At the **regional level** the PROT defines for regions or sub-regions the criteria for the spatial organisation of activities and use of land. It is a supra-municipal plan involving a variable number of municipalities which are grouped according to a government decision after consulting the municipalities involved. It is constituted by a Report and a Regulation, including both written documents and graphic material. The PROT is required to take into consideration areas which should be protected (due to their agricultural or ecological value or to their cultural, recreational and touristic interest), the hierarchy of urban centres and the main infrastructures of regional and national importance. It should also indicate the location of the more important projects of public



equipment and industrial zones. The PROT is also required to allocate certain areas to specific types of land use.

At the **local level** the PDM provides a strategic framework for the development of a municipality. It is the main spatial planning instrument at this level. Once approved, it remains valid until a political decision is made to review the plan, but the law suggests that revision should take place within 10 years after approval. The main objectives of the plan are to establish principles and rules for land-use change and provide a framework for the municipalities to prepare their programme of activities. It is also supposed to identify housing needs. A municipality has a duty to prepare a PDM. The lack of an approved and effective such plan may prevent the local authority from having access to some development policy instruments. The law permits three types of document in the municipal land-use plans: fundamental, complementary and ancillary.

The fundamental documents consist of a regulation which is graphically translated into one map showing restrictions to land use change and another map containing the plan proposals in terms of land use and development control. Two complementary documents are compulsory: the intended time scale for main public works including the preparation or revision of other planning instruments and a financing plan with cost estimates of proposed municipal investments and anticipated funding sources. The ancillary documents include the studies which support development proposals, the existence of higher level plans and a map describing the existent land-use situation.

Other types of local plans are the *Planos de Urbanizacao*, PU, and *Planos de Pomenor*, PP. The PU (Urban Development Plan) defines the spatial organisation of urban areas. It can encompass the whole urban area or only part of it and defines the spatial organization, establishing an urban boundary and a global view of the urban form. In particular, it is supposed to establish urban 'parameters' (i.e. dimensioning criteria to guide development control), building uses, patrimonial legacy to be protected, the location of public facilities and open spaces and schematic location diagrams of roads and other main infrastructures. The law suggests that revision of the PU should take place not longer than 10 years after its approval.

A PP (detailed local plan) is used for a specific area of the municipality. It conveys a concept of urban spaces defining land uses and building guidelines as well as specifying design characteristics of facades and public open spaces. Among the fundamental documents, the PP also includes a 'lay-out' map which establishes the land subdivision, alignments, the precise location of buildings, the number of storeys or height, the number and type of dwellings (number of rooms), total building area and their intended use destination, nature and location of public facilities and also density and handling of existing buildings (maintenance, rehabilitation or demolition). Also in this case the law suggests that a review of the plan should take place no more than 10 years after its approval. But once approved, the plan remains valid until another political decision is taken.

#### 4.22.2.4 RUR related plans in more detail

The regional planning instrument PROT is prepared by the MEPAT through its regional co-ordination commissions CCRs. The preparation is accompanied by a Consultative Commission which includes a representative from the Directorate General for Spatial Planning, a representative of the CCR and a representative of each municipal included in the area. The Commission also includes members representing institutions, whose participation is considered as necessary. The CCR may resort to other agents or institutions to develop specific studies judged as necessary.

Public participation takes place before the final approval of the PROT. This process includes public meetings in all the municipalities involved. The Consultative Commission must write a report on each of these sessions highlighting the more relevant issues. In particular circumstances those commissions can propose specific amendments in the plan. The Consultative Commission must be heard before the final decision takes place, reporting on the results of the exercise of public participation. In the end of the

preparation process the Consultative Commission also prepares a final evaluation report including comments on the public participation process. Only then will the publication of the final version of the PROT be made.

The norms and principles established by the PROT are binding to all public and private agents and institutions. All project, at local, regional or national level, must comply with the prescriptions and proposals of the PROT, otherwise they are considered as having no value.

#### 4.22.3 Summary table

Country	<b>Portugal</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Portugal 6 RUR has been delineated. Most of them are comparable in size to the municipalities, while being much smaller than the regions. The only exception is Lisbon, where the RUR comprises of many municipalities.
<b>Government structure factor</b>	
Average population of the local municipalities	In Portugal there are <b>4260 parishes</b> ( <i>freguesias</i> ) and <b>308 municipalities</b> ( <i>municípios</i> ). The largest is Lisbon with population of 564,657 and the smallest one is Corvo with 451 inhabitants. The average for the municipalities is around <b>34 500</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On an <b>intermediary level Portugal</b> is composed of <b>18 districts</b> ( <i>divisão distrital</i> ). The decision making body is the <b>municipal assembly</b> ( <i>assembleia municipal</i> ), <b>which is elected</b> . The tasks include: health, environment, culture, management of municipal assets, public works and urbanism.
Overall assessment	<b>M/I</b> – medium-sized supra-local level (districts) units and large local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	There are basic laws regulating development.  The following authorities have powers of approval of the respective plans: <ul style="list-style-type: none"><li>• National spatial planning policy program: Parliament</li><li>• Sectoral plans: Usually Council of Ministers</li><li>• Special plans: Usually Council of Ministers</li><li>• Regional Spatial plans: Usually Council of Ministers</li><li>• Inter municipal spatial plans: Municipality councils or inter-municipal councils</li><li>• Spatial and land use municipal plans: Municipal councils</li></ul>
Ratifying of local plans: do meso or higher level authorities have veto power?	Under a 2002 law, local authorities possess wide-ranging responsibilities in the areas of planning and development. Meso and higher level authorities have veto power.
Overall assessment (A/B/C)	<b>C (strong, controlled spatial policies)</b>

#### 4.22.4 Sources of information

- ESPON 2.3.2
- Council of European Municipalities and Regions ([http://www.ccre.org/membres\\_en.htm](http://www.ccre.org/membres_en.htm))
- European Union (1997-2001): The EU compendium of spatial planning systems and policies, Office for Official Publications of the European Communities, Portugal.

- Larsson, G. (2006) Spatial Planning Systems in Western Europe: an overview. IOS Press: Amsterdam
- Machado, J. R. (2009) Univ. Nova de Lisboa, Instituto Geográfico Português. Updating and comments.

## 4.23 Romania

### 4.23.1 Government

#### 4.23.1.1 The formal government structure

##### 4.23.1.1.1 The basic units: local governments

Under the Local Government Act, local administrative units consist of communes, towns, cities/municipalities and counties.

The commune is a rural administrative unit composed of one village or several villages grouped together on the basis of economic, socio-cultural, geographical and demographic criteria. There is a restriction upon the population of a commune (1500), even though when a commune becomes relatively urbanized and exceeds approximately 10 000 inhabitants, it is granted city-status. Communes, like cities, correspond to the LAU 2 level<sup>12</sup> subdivisions in the European Union. The most populous commune is Holboca with 12 317 inhabitants and the smallest one is Brebu Nou with 89 inhabitants.

The law defines a town as a centre of population having achieved a certain level in terms of economic, socio-cultural and urban development. Some cities are assigned the legal status of municipalities. Municipalities may have local administrative subdivisions whose structure and limits are laid down by law. This status is given to cities (*oraşe*) that are quite large and urbanized cities or communes. The most populous municipality is Bucharest with 1,930,390 inhabitants and the smallest municipality is Beius with 11,313 inhabitants.

According to the above described regulations, there are in Romania:

- 103 urban municipality councils (including the council of the capital Bucharest)
- 6 borough councils in Bucharest
- 217 town councils
- 2856 commune councils

There are more than 13 000 villages in Romania which are organised into 2856 communes.

The main actors of decision making on the municipal level are the following:

The **local council** (*consiliul local*) is the deliberative assembly. It is composed of councillors elected by universal direct suffrage for a four-year term. The local council approves the budget of the local authority.

The **mayor** (*primarul*) is elected by universal direct suffrage for a four-year term. He/she is the executive organ, and leads the local public administration. The mayor delegates some of the responsibilities to the vice-mayor. The mayor is the main budget coordinator and is responsible for the budgetary execution. He/she also coordinates the activities of the local social services.

Local authorities have specific functions in the following fields related to building, land use and development:

- local property,

<sup>12</sup> According to the methodology of EUROSTAT 2003

- local town planning and development;
- environmental protection and rehabilitation, waste management and maintaining and developing parks and public gardens, green spaces .

#### 4.23.1.1.2 The multi-level government structure

On the intermediary level, Romania consists of 41 counties (*judetul*) as well as the municipality of Bucharest (*București*) - which is its own administrative unit. The most populous county is the municipality of Bucharest (corresponding to the county level) with 1 930 390 inhabitants and the smallest county is Covasna with 222 449 inhabitants. The average population of the counties is 557 125.

The main actors of decision making on the municipal level are the following:

The **county council** (*consiliul judetean*) is composed of members elected by universal, equal, direct, secret suffrage for a four year term. It monitors the implementation of the provisions of the law in the field of public administration. It is responsible for the distribution of the public funds according to the law regulations and according the local council requirements. There is no subordination between local councils and county council.

The **president** (*presedinte*) of the county council elected by universal, equal, direct, secret suffrage for a four year term, having executive responsibilities. The president can delegate responsibilities to the two vice presidents who are appointed by the members of the county council.

The **prefect** (*prefect*) is appointed by the central government. The prefect exercises the control of the legality of the administrative acts adopted or issued by local and county public administration authorities as well as by the president of the county council. He ensures the implementation of the governmental strategy and programs in these territories and represents the government in each county and in Bucharest municipality.

Related to building, land use and development, the counties are responsible for:

- County development
- Land development
- Water supply, sewage
- Public transports
- Departmental roads

The counties correspond to NUTS 3 units.

Alongside the county structure, Romania is also divided into four NUTS-1 level divisions (statistical divisions) and eight development regions (with Bucharest 9 regions) corresponding to NUTS-2 divisions in the European Union. These divisions have no administrative capacity and are instead used for implementing regional development operational programmes and for statistical purposes.

The most populous development region is Nord-East with 6 counties and with 3.768.600 inhabitants. The smallest development region is Vest with 4 counties and with 1.939.514 inhabitants. The average population is 2.712.272.

The regional development process is coordinated by the Ministry of Development, Housing and Public Works. The National Council for regional development only approves the regional development policy and the national strategy on regional development, implemented through the regional development agencies. These are non-governmental, public, non-profit bodies, constituted on the voluntary association of neighbouring

counties. Another related institution is the Authority for Structural Instruments Coordination (ACIS), established by government decision no. 128/ 2006.

#### 4.23.1.1.3 The dynamic processes

A public administration reform strategy was launched in 2004 and a framework law on decentralization was adopted in the same year. A central unit (UCRAP) was established in the Ministry for Administration and Interior for managing decentralization and the administrative reform. The Romanian authorities have made considerable efforts to develop a strategy for managing the process of decentralization in a transparent and stable manner. A strategy was prepared following the input of an extensive public debate with all main stakeholders. A Technical Inter-ministerial Committee is in charge of the co-ordination of the reform of public administration. It is the first time that the principles proposed by the White Paper are mentioned in an official document.

#### 4.23.1.2 The government level deciding on land-use changes and the RUR regions

In Romania, the municipalities, the towns and the communes prepare the spatial plans, permit the land development procedures. Nevertheless, the communes have to consult with the county administration on major land use decisions. The issuing of building permits is the responsibility of the town councils, but in the case of investments in the suburban part of the towns, it is the responsibility of the counties. Local authorities dispatch the Urban Certificate. This is an obligatory informing act containing the juridical, economic and technical building conditions and the necessary terms for investments, immobile transactions. According to the above, the government level deciding on land use is the local government authorities, but they have to adjust their decisions to the county level framework regulations. The prefect of the county validates the legality of the papers. Nevertheless, if there is a conflict between the plan of the local government and that of the counties, the county does not have veto power *de jure*, but in the reality, it depends on several factors.

In order to improve the quality of the decisions, regional development and urbanism committees could be established. The metropolitan areas can prepare their own land use plans for the whole territory of the metropolitan area. In Romania, the current legislation regulates the status of the 314 urban settlements (the 103 municipalities+ 217 towns) according to their population and regional importance:

- Rank 0 - Bucharest, the capital of Romania - municipality of "European" importance
- Rank I - municipality of national importance, with regional role and potential influence at European level
- Rank II - municipality of national, regional or county-level importance, or with equilibrium role in the network of cities
- Rank III - cities

Legislation also restricts the possibility of engaging into a metropolitan area project to those cities that are of rank 0 or I (the other towns could form Intercommunity Development Associations). Only four metropolitan zones have been officially constituted by the end of 2007: Oradea, Iasi, Tirgu Mures and Constanta. At least 9 others are at the level of project.

According to our methodology, in Romania there are 26 RUR regions. Since the country has 41 counties, it means that there are counties without RUR area. RURs are generally larger than municipalities and communes, but substantially smaller than counties. Even if these RURs are demographically smaller than the counties, most of the municipalities concentrate over 50% from the urban population of their counties.

## 4.23.2 Spatial planning

### 4.23.2.1 Style of planning

According to ESPON 2.3.2., the style of planning in Romania is classified as a comprehensive integrated approach.

The evolution and historical roots of territorial planning in Romania can be traced back to the 20s and 30s of the last century, inspired by German theories of spatial organisation, with a strong economic and social component into territorial development considerations. The main principle of structuring the network of cities, towns and rural settlements has been and still is the theory of central places. Only after the mid-90s the idea of networking made a breakthrough, particularly after the ESDP.

As for urban planning, the dominant model has always been the French one, more so as “urbanism” has been taught for decades. The good news is that Romanian territorial and urban planning has, by virtue of its tradition, a strong economic and social development component, which makes it fit to cope with regional planning requirements and to evolve towards fully fledged spatial development planning.

### 4.23.2.2 Key institutions making planning policies in the country

Responsibility for spatial planning at national level lies with the Ministry of Development, Public Works and Housing. Eight Development Regions (NUTS 2) were established in 1997, to formulate regional policies as pre-accession instruments, in view of the future CSFs. Development Regions are not administrative entities and are not legal persons. At county level a “prefect” is appointed by the Prime Minister. Public affairs are run in each county by an elected Council, a deliberative body with competencies to produce strategies and programmes of the county and to offer advice on particular subjects. The spatial planning activities proper are assigned, by a compulsory tendering procedure, to professional planning organizations, which are mostly private firms.

### 4.23.2.3 Policy instruments, space-related plans on the different levels

The system of spatial plans at different levels is regulated by the Law no. 350/2001 regarding the Territorial and Urban Planning. According to the law, the following types of spatial plans are to be prepared:

At national level, the spatial planning activities are coordinated by the Central Government that establishes priority programmes, directives and sectoral policies. The specialized authority of the Central Government is the Ministry of Development, Public Works and Housing. The Ministry was responsible for the preparation of the **Spatial Plan for the National Territory**, of which the following sections had been approved by law: 1. Communication Networks, 2. Water, 3. Protected Areas, 4. Settlements Network, 5. Natural Risks Areas. Tourism section is finalised but it's not approved by law yet, and Rural development and Educational Infrastructure sections will follow.

There are **Spatial Plans for Zonal Territory** for the specific problems of some territories, such as inter-communal and/or inter-urban and regional territories. According to the law, a distinctive documentation should regulate the preparation of Zonal Territorial Plans. Spatial Plans for the 8 NUTS2 regions are regarded as Zonal Territorial Plans.

**Spatial Plans for County Territory** should be elaborated by the county authorities.



Name	Basic objectives	Legal impact	Planning object	Production obligation
Spatial Plan for the National Territory	The plan has lead character and synthesises the middle and long term sectoral strategies	The individual sections of the plan are to be approved by the Romanian Parliament	The whole territory of the country	Obligatory
Spatial Plans for Zonal Territories	The plan is prepared for non-administrative units but for spaces which require integrated development	Binding after approval by interested County Councils	Inter-communal, inter-urban, inter-county areas	Not obligatory
Spatial Plans for County Territory	Leading the Development of the County Area	Binding	Territory of the county	Obligatory
General Urban Plan	The main document for the spatial arrangement of the settlement	Binding after approval by the municipal council	Territory of the municipality	Obligatory
Zonal Urban Plan	Ensures the correlation between the development of an area in the city and General Urban Plan	Binding after approval by the municipal council	A territory within the city	Obligatory
Detailed Urban Plan	It is prepared for some smaller parts of the urban area, according to the General and Zonal Urban Plan	Binding after approval by the municipal council	A smaller territory within the city	Non-obligatory

#### 4.23.2.4 RUR related plans in more details

The designation of the principles of the County Regional Development Plans is the right and duty of the county prefect (the prefect institution coordinates the socio economic development strategy of the county, not the Regional Development Plans), while the Regional Development Plans are adopted by the county councils. The counties don't have the right to regulate concerning the towns and communes except for the observation of the regulations of the county regional development plan. However, the spatial plans of the counties are binding for the lower level, until now, 26 counties prepared their spatial plans (and other 6 are in progress to be updated).

The General Urban Plan has leading character and operational regulation and it is elaborated on the basis of the development strategy of the locality.

The General Urban Plan is elaborated on local scale by the municipality. Its revision is made every 5-10 years or if necessary when the conditions of the urban environment had changed.

The Zonal Urban Plan is the urban planning instrument of specific regulation through which it is coordinated the integrated urban development of certain zones within localities and assures the correlation of integrated urban development programmes of specific areas with the General Urban Plan.

The Zonal Urban Plan is also approved by the municipality council and it is necessary when starting a building or a couple of buildings situated in areas with a high urban dynamic, or urban heritage areas.

As already mentioned, four Metropolitan Areas are already constituted, their spatial plans – after preparation – will be also regarded as Zonal Plans. According to our knowledge, so far only a few Zonal Territorial plans have been prepared in Romania: one for the Romanian Black Sea coastal zone, another for the Romanian catching area of the Tisa River and another for the Jiu Valley.

### 4.23.3 Summary table

Country	<b>ROMANIA</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Romania 26 RUR areas have been delineated. Since the country has 41 counties, it means that there are counties without RUR area. RURs are generally larger than municipalities and communes, but substantially smaller than counties. Even if these RURs are demographically smaller than the counties, most of the municipalities concentrate over 50% from the urban population of their counties.
<b>Government structure factor</b>	
Average population of the local municipalities (July 1 2007)	Romania consists of 103 urban municipality councils (including the council of the capital Bucharest), 217 town councils and 2856 commune councils. The most populous municipality is Bucharest with 1,930,390 inhabitants and the smallest municipality is Beius with 10,996 inhabitants. The average population of the municipalities is 94,028 inhabitants, and of all the local units <b>around 7000</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On the intermediary level (NUTS 3 level), Romania consists of 41 counties (judetul), whose council is <b>elected</b> (the leader is the president), but there is a <b>deconcentrated</b> leader as well, the prefect. The most populous county is the municipality of Bucuresti (corresponding to the level county) with 1,930,390 inhabitants and the smallest county is Covasna with 222,449 inhabitants. The average population of the counties is around <b>520 000</b> . Their most important functions include: land development, water supply, sewage, public transport, departmental roads.
Overall assessment	<b>M/s</b> – medium-sized supra-local level (counties) units and small local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	In Romania, the municipalities, the towns and the communes prepare the spatial plans, permit the land development procedures. Nevertheless, the counties could influence the local plans, the local governments have to take them into account. The counties could protect areas. The decisions are taken at local council level, on the basis of technical advises obtained, the county council having the right to endorse urban plans.
Ratifying of local plans: do meso or higher level authorities have veto power?	The local governments have to consult with the counties, it is mandatory. The county council doesn't have the veto power. According to the Law 350/ 2001 with all ulterior completions, the County Council has the responsibility for endorsing urban documentations – General Urban Plan for municipalities, cities or communes and Zonal Urban Plan for central zones and protected zones within localities. County Council approves according to the Law territory planning documentations as for example Peri-urban or Metropolitan Zonal Spatial Plan Planul de Amenajare a Teritoriului Zonal Periurban or Metropolitan. These are the only ways through which the County Council may exert its power in relation with the Local County of administrative unit. According to the Law 286/ 2007 for modifying the Law of local public administration 215/ 2001, at article 6, paragraph 2- „... in relations between the local public authorities and the county council ...there are no subordination rapports”.
Overall assessment (A/B/C)	<b>A (weak level of control)</b>

### 4.23.4 Sources of information

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## 4.24 Slovakia

### 4.24.1 Government

#### 4.24.1.1 Formal governmental structure

##### 4.24.1.1.1 Basic units: local governments

The Slovak Republic was established in 1993. It is a unitary state with a one-chamber Parliament. Its surface area is 49, 034 km<sup>2</sup> and has 5,3 million inhabitants. Its capital city is Bratislava, which has a population of approximately 420 000 inhabitants. After Bratislava, the second most important city is Kosice which is situated in the eastern part of Slovakia and has 235 000 inhabitants.

The local level of self-government is represented by the 2931 municipalities (*obec*) that are the most important bodies of self-government in Slovakia. Their number has fluctuated quite a lot over time showing a steady increase due to frequent splitting. It was only stopped by amending the Act of 369/1990, which established the system of local governments. Local governments, that are equivalent of the NUTS5 level in Slovakia, vary in size quite extensively. Approximately 41% of them have only up to 500 inhabitants in their territory, and 0,4% have more than 50 000 inhabitants.

The most important actors of the local municipality are the following: municipal members' corporation, the mayor and the municipal council. The exception is Bratislava and Košice, where there is two levels of self administration, both a city magistrate and wards. The distribution of their rights and duties are stipulated by special Acts.

The **municipality members' corporation** (*obecné zastupiteľstvo*) is composed of members elected for four years by universal, direct suffrage. It is a consultative body.

The **mayor** (*starosta/primátor*) is elected for four years by universal, direct suffrage. The mayor chairs the municipality corporation and municipal council, and holds the main executive power.

The **municipal council** (*obecná rada*) may be established by the municipality corporation. The municipal council is composed of representatives of the municipality corporation, who are elected by this corporation for the whole term. The municipal council is an initiative, executive and control body of municipality corporation. It carries out the tasks of this corporation and is the consultative body of the mayor.

Municipalities are **legal entities**. They own assets, they have own budget, personal and financial independence, they may do business, collect local taxes and fees. They may participate at international, cross-border and interior co-operation.

Self-administration is performed by elected bodies, voting by citizens, local referendum and public gathering. The municipalities within their self-administration competencies may issue generally binding measures and statements.

The municipalities ensure self-administration operation (original competencies), but in selected areas, where it is more advantageous for the state, also the execution of transferred scope of operation of the state administration. These are registrar offices, construction order and parts of competencies in education. These duties are performed in the name of the state, the state is liable for management of quality of services and funding of such duties.

Municipalities perform their duties in various ways: independently, in co-operation with other municipalities (common municipal authority, co-operation among municipalities), co-operation with businessmen, private sector. Municipalities have established many joint municipal ventures (waste economy, water economy, maintenance, etc.). For the performance of their duties, municipalities establish budgetary and contributory

organisations, and/or contribute by assets to not-for-profit organisations. They may establish partnerships.

The most important tasks performed by a local municipalities are the following:

- Local roads
- Public transport
- Environment
- Water supply
- Sewerage and communal waste
- Local development
- Housing
- Pre-school and school facilities, social facilities, health-care facilities,
- Culture
- Participation at regional plans.

#### 4.24.1.1.2 Multi-level governmental structure

The regional – NUTS3 – level in Slovakia has gone through considerable changes since 1990. Its current form was established in 2002 as a consequence of the reform of 2002. This created 8 self-governing regions (kraj) that bordered the formerly created (in 1996) administrative regions. These regions are legal entities. They own assets, they have their own budget, personal and financial independence, they may do business and collect administrative fees. They may participate at international, cross-border and domestic co-operation.

The self-administration is executed by means of elected bodies and referendum. The competences of the regions include issuing of generally binding regulations.

The regions have self-administration (original) competencies, but they also perform certain duties transferred from state administration (e.g. part of competences in education, health-care sector, road transportation). Original competences of the regions: roads of class II. and III., area planning, regional development, own investment ventures, secondary schools, hospitals, some social service facilities (retirements homes, social services for children, crises centre, orphanages, etc.), cultural facilities (galleries, museums, theatres, some libraries, etc.), participation at civil defence, licences for pharmacies and private physicians, etc.

The regions ensure their duties independently, they co-operate with private sector. They are founders of budgetary, contributory and not-for-profit organisations and partnerships.

The regions have a fairly equal spread of population, none of them stand out. Their size ranges between 550 000 and 800 000, most populous being the region including Prešov. The Bratislava region stands out as being by far the most densely populated.

Most important regional bodies/actors:

The **corporation** (*zastupiteľstvo*) is a regional consultative body whose members are elected for four years by universal, direct suffrage. The **chairman** (*predseda*) is elected by universal, direct suffrage. (S)he represents the region and is assisted by an office responsible for the management of administrative services and for the organisation of the region.

The **commission** (*komisia*) may be establish by the corporation members from the representative members of the region and from others persons voted by corporation

members. The commission is an initiative, executive and control body of corporation members.

NUTS4 level is represented by the districts (okres). Districts are an administrative unit in Slovakia, inferior to the region and superior to the municipality. Several districts form a region, and district, on the other hand, consists of several municipalities. While both regions and municipalities are units of state administration and self-governing entities, the districts are little more than statistical units. In the late 20th century, the situation was different in that each district had its own District Office (Okresný úrad), representing the state in the district, but as from January 1, 2004 these offices were abolished and replaced by Circuit Offices (Obvodný úrad), which are usually responsible for several districts (except for the Nové Zámky District, which is one district with two Circuit Offices) and only have a few responsibilities. Slovakia has currently 79 districts, the capital Bratislava is divided into 5 districts and the city of Košice in 4 districts. The districts are named after the biggest town in the district (formerly known as the "district towns").

Finally, there are four cohesion regions in Slovakia. This NUTS2 level varies in size, with the Bratislava one being the least populous, housing around 600 000 people, whereas the Western Slovakian region being the most populous, housing around 1 860 000 people.

#### 4.24.1.1.3 Dynamic process

The Slovak administrative system has changed quite substantially over the years, resulting in the introduction of an electable, self-governing middle level – the regions – and the diminishing importance of the district system. There is a tendency of a strengthening middle level and growing self-administration on this level.

First in 1996 the restructuring of the local state administration took place. 121 boroughs were abolished and the regional level of state administration was implemented again. The Slovak Republic was divided into 8 regions and 79 districts. The regions at this point were administrative, meaning that there was no self-administration. Only after 2002 did they began to be elected and grow in importance. Consequently, by 2004 the district system was reformed in a way that reflected their diminishing importance.

#### 4.24.1.2 The government level deciding on land-use changes

The research project ESPON 2.3.2, after a careful survey of all the European countries, characterized Slovakia's territorial planning practice as belonging to two categories, that of the comprehensive integrated approach and regional economic approach.

After the collapse of the communist system and the erection of the Slovakian state in 1993, the centralized spatial planning system was changed along the lines of decentralization and self-government. The redefinition of the spatial planning system in Slovakia is however still an ongoing and unfinished process. The national state authority plays a role which is far less powerful than the lower sub-national levels (especially the municipal)

With regard to the question of land use the most important body is the local municipality. Although the regional level also plays a role within territorial governance, but not on the local/municipal levels. As competencies of territorial governance are distributed amongst the territorial governance levels in a 'complementing' way, there is no overlap of powers. Hence, the municipality is self-governing and fully autonomous within its own territory, as the regional bodies and districts are self-governing on regional issues.

It has to be added that ESPON 2.3.2 found the involvement of politics in spatial and regional planning and implementation tending to be very high. This is explained by the political nature of decision-making in the approval process of planning documents and by the influence of partial interests, supported or not by politicians, in the implementation process.

## 4.24.2 Spatial Planning

### 4.24.2.1 Style of planning

Planning with spatial impact in the Slovak Republic is implemented on the basis of territorial (sectional) and sectoral plans. The planning system is decentralized and based on national legal hierarchical levels. At the national level the relevant ministries are vested with the planning competencies. The relevant self-governing bodies are vested with the competencies and responsibilities for planning and complex development of individual hierarchically lower territorial administrative units. At the regional level there are self-governing regional bodies (total 8 regions) and at the local level there are individual towns and villages, vested with the competences and responsibilities for planning and development of the respective territories. All local and regional entities have the possibility to associate to achieve common targets. Such associations are mostly created by local governments, which form so-called micro – regions to attain a variety of joint objectives. The sectional plans include the documents related to the territorial planning and regional policy. The Ministry of Construction and Regional Development of the Slovak Republic is responsible for these activities on the national level. The sectoral plans on the national level are implemented by individual ministries. The plans of regional development are also prepared on individual hierarchical levels with the same bodies. In the near future growth of non-formal planning practices can be expected even within the formal planning process specified by the law.

### 4.24.2.2 Key institutions making planning policies in Slovakia

The key-planning institution is the Ministry of Construction and Regional Development of the Slovak Republic. Until recently (2003) territorial planning and regional policy have been detached from each other. From 2004 onwards the two policy domains fall within the responsibility of this Ministry. However, sectoral planning generating spatial impacts continues to be divided among the responsibilities of individual and separate policy making agencies. This condition obviously causes cooperation and co-ordination gaps and inconsistencies.

### 4.24.2.3 Policy instruments, space-related plans on the different levels

The Territorial Planning Act regulates all three responsible planning levels (national, regional, local). The basic document on territorial planning, which covers the whole country, is the Slovak Spatial Development Perspective 2001. Besides, since 1998 all regions have approved regional territorial plans. These have been updated since. The regions enjoy significant powers as regards territorial planning due to the reforms of 2003-2004.

The planning documents are prepared by private consultants. The situation is the same at the regional level except that the decisive approving bodies in this case are the regional authorities. At the municipal level all villages and towns of more than 2000 inhabitants should formulate their own territorial plans. This is the responsibility of self-government local authorities.



<b>Name</b>	<b>Basic objectives</b>	<b>Planning object</b>	<b>Legal impact</b>	<b>Production obligation</b>
Slovak Spatial Development Perspective	It covers the processes of the state as a whole, as well as the regional level, expressing a vision of spatial development. It also harmonizes spatial development with international spatial connections, as well as coordinating sub-regional connections	national	binding	obligatory
Regional regulatory plan	Spells put the framework for the territorial development of a region	regional	binding	obligatory
Settlement regulatory plan	Determines the main lines of territorial development in a settlement	Local	Binding	Obligatory
Detailed regulatory plan	defines rules and regulations for building activity in a specific zone	Sub-local	binding	Obligatory under circumstances specified by law

#### 4.24.2.4 RUR related plans in more details

The Plurel project defined 7 RUR regions in Slovakia, which more or less comply with the 8 NUTS3 level regions the country has. Two urban centers stand out – Bratislava and Košice – otherwise the defined RURS are rural areas with many smaller centers. Territorial planning for the RUR areas is feasible on regional level – which are relatively independent in Slovakia – however their planning competencies are weaker and less specific than those of the municipalities.

### 4.24.3 Summary table

Country	<b>SLOVAKIA</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	There are two RUR areas in Slovakia, Bratislava and Košice. Both RUR areas are relatively large, with the Bratislava RUR being an administrative region itself, and Košice one making up approximately half of the territory of the administrative region where it is situated. The Bratislava RUR reaches out to the territory of both Austria and Hungary, and is indivisible from the Vienna RUR.
<b>Government structure factor</b>	
Average population of the local municipalities	There are 2931 local governments, 41% of which have a population of less than 500 persons. The average municipality size is around <b>1800</b> inhabitants.
The level above the local municipalities (population, elected/delegated/appointed, functions)	The regional (NUTS3) level is the meso level in the Slovak administrative system. It is a level that after the administrative reforms became an <b>elected</b> self-governmental level. There are 8 regions in Slovakia. Their average population is around <b>680 000</b> . Regions have a directly elected assembly and a directly elected president. Most important regional functions include: regional planning, regional development, own investment ventures, secondary education, hospitals, social services, activities in the cultural sphere, participation at civil defense, licenses for pharmacies and private physicians
Overall assessment	<b>M/s</b> – medium-sized supra-local level (counties) units and small local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The Territorial Planning Act regulates all three responsible planning levels (national, regional, local). The basic document on territorial planning, which covers the whole country, is the Slovak Spatial Development Perspective 2001. Besides, since 1998 all regions have approved regional territorial plans. These have been updated since. The regions enjoy significant powers as regards territorial planning due to the reforms of 2003-2004. Nevertheless, by far the strongest actor is the local municipality in case of physical planning
Ratifying of local plans: do meso or higher level authorities have veto power?	Local plans have to comply with the framework given by the regional plans
Overall assessment (A/B/C)	<b>A (weak level of control)</b> – strong local planning competency

### 4.24.4 Sources of information

- [http://www.ccre.org/slovaquie\\_en.htm](http://www.ccre.org/slovaquie_en.htm)
- [www.arcchip.cz/w03/w03\\_sarissky.pdf](http://www.arcchip.cz/w03/w03_sarissky.pdf)
- ESPON 2.3.2
- [www.government.gov.sk/decentralizacia/dokumenty/vniznansky\\_en.rtf](http://www.government.gov.sk/decentralizacia/dokumenty/vniznansky_en.rtf)

## 4.25 Slovenia

### 4.25.1 Government

#### 4.25.1.1 The formal government structure

##### 4.25.1.1.1 The basic units: local governments

Slovenia is divided into 210 local municipalities, eleven of which have urban status. The most populous municipality is Ljubljana with 276.313 inhabitants and the smallest is Osilnica with 402 inhabitants. The average population of a municipality is around 9700 inhabitants.

A municipality may comprise a single community or a number of communities whose inhabitants are bound together by common needs and interests. The Constitution provides for the existence of “urban municipalities” which may be allocated specific duties and functions relating to urban development. An urban municipality is a compact settlement or group of settlements linked in a unified geographic area, where the people in the periphery commute daily into the centre. A town may acquire such status if it has at least 20 000 inhabitants and at least 15 000 jobs, of which at least half must be in tertiary and quaternary activities. The urban municipality is founded by the National Assembly by law. The number of urban municipalities is 11, the largest being Ljubljana (276.313), the smallest being Slovenj Gradec (16.788)

The main actors of decision making on the municipal level are the following:

The **municipal council** (*občinski svet*) is composed of members elected by direct universal suffrage for a four year-term. This deliberative assembly appoints deputy mayors within its members, upon proposition of the mayor. The council is responsible for making the fundamental decisions in a municipality.

The **mayor** (*župan*) is elected by direct universal suffrage with a four-year mandate. He is the executive body of the municipality. He also represents the municipality and heads the administration.

Local authorities have specific functions in the following fields related to building, land use and development:

- Land development;
- Urbanism;
- Road network, transport;
- Housing;
- Water supply and power supply facilities.

##### 4.25.1.1.2 The multi-level government structure

Due to uncompleted political »regionalisation« of Slovenia, the 12 »planning regions« from 1980s became »statistical« regions in 1990s, and with some territorial modifications in the year 2000 as 12 »development« NUTS 3 regions. The most populous statistical region (province) is Osrednjeslovenska with 488,364 inhabitants (capital is Ljubljana) and the smallest statistical region is Zasavska with 45,436 inhabitants. The average population of a statistical region is 163.669 inhabitants.

Statistical regions have no political or administrative functions, neither specific function in the domain of spatial planning or infrastructure, environment. , they exist solely for

legal and statistical purposes. However, statistical regions are used for regional development purpose. Each statistical region has at least one regional development agency and has to prepare also regional development programme (municipalities that belong in individual statistical region are involved in the preparing of the programme and try to put in some of their projects etc). Regional programmes are also a basis for the usage of the resources from EU Regional Fund.

From January 2008 there are two NUTS 2 »cohesion« regions: WEST SLOVENIA (with 4 NUTS 3 regions) and SOUTH-EAST SLOVENIA (with 8 NUTS 3 regions), but the NUTS 2 regions don't have political representations.

#### 4.25.1.1.3 The dynamic processes

On May 24, 2007 the government proposed a reform in the local government system, introducing administrative regions with limited self-government. It has been stated that 13 will be the maximum allowed number of such regions (or provinces), but their actual names, territories and capitals have yet to be exactly determined. As the passage of necessary legislation has stalled, the process of devolution has been postponed, probably till 2010.

#### 4.25.1.2 The government level deciding on land-use changes and the RUR regions

On the basis of the 2004 "Spatial Planning Act", the Parliament accepted the "Spatial Development Strategy of Slovenia". This is a normative legal framework of spatial planning. However, other important documents for spatial development also exist, like the Construction of Facilities Act, the Mediation in Trade in Real Estate Act and other statutes.

According to present regulations, construction permits are delivered by the 58 administrative districts in the country which correspond to LAU 1 level. However, construction permits should be delivered on the basis of the spatial plans prepared by the municipalities. So, these administrative districts have merely administrative functions, they do not decide on territorial changes.

Changes in the territorial structure of municipalities are regulated by the Law on Local Self-Government and the Law on the Procedure for the Establishment of Municipalities and Determining their Territory.

The National Strategic Spatial Plan is adopted by the National Assembly, while the Spatial Order of Slovenia and Detailed Plans of National Importance are adopted by the Government of RS. The development documents of other areas and activities may not be contrary to the National Strategic Spatial Plan of Slovenia.

Municipal spatial planning documents are adopted by municipalities, but their agreement with the national spatial planning documents has to be confirmed by the Minister of the Environment. So, the national level does have veto power if the plan of the local government is contrary to that of the national plan or strategy.

According to our methodology there are 2 RUR regions. Most Slovene towns and cities have less than 100.000 inhabitants, therefore they are not regarded as RURs. In fact however all Slovene cities have a well developed functional attraction area.

## 4.25.2 Spatial planning

### 4.25.2.1 Style of planning

Planning is based on strong traditions, having strong legal frameworks and distributed decision-making structures. According to ESPON 2.3.2, the style of planning in Slovenia is classified as a comprehensive integrated approach.

### 4.25.2.2 Key institutions making planning policies in the country

Since statistical regions had no planning and regulating competences so far, the basic institutions of spatial planning are the central government and municipal governments.

The Ministry of the Environment and Spatial Planning encourages and coordinates efforts towards sustainable development. It directs the spatial development of Slovenian cities, towns and villages in a way that enables economic, social and cultural development. The Environment Directorate ensures the recognition of the environment as a limiting and stimulating factor of development, its protection, the sustainable use of natural resources and the integration of sectoral and environmental policies. The Spatial Planning Directorate is responsible for the successful reform of management of spatial planning, which covers the adoption of numerous implementing regulations on the basis of the EU Directive concerning construction products, the enactment of a new Spatial Planning Act and the amendment of related laws.

Local governments have different competencies concerning spatial planning and land use regulations. The absence of genuine regional level is a major obstacle of consistent planning and land use regulation policy.

### 4.25.2.3 Policy instruments, space-related plans on the different levels

The national spatial plan belongs to the competences of the Ministry of the Environment and Spatial Planning.

Local authorities in consultation with citizens, NGOs and other users of land are preparing Municipal Spatial plans, Detailed Municipality Spatial Plans with detailed land use plans. Municipal planning is supervised by the national authorities. The regional level has not been granted formal powers until now.

Name	Basic objectives	Legal impact	Planning object	Production obligation
National strategic spatial plan	It is the basic document concerning guiding the sustainable spatial development of the country. It provides the basis for a uniform method of town and landscape planning in connection with the allocation of land use for activities and spatial arrangements, and in connection with the architectural and landscape	Whole country	Binding	obligatory
Detailed Plan of National Importance	Prepared for specific areas of national importance. Determines planning conditions for the preparation of designs to obtain building permits.	The planning zone is not defined in advance	Binding	Non-obligatory
Regional Conception of Spatial Development	Also for special areas. The initiative can come both from central and local governments To guide spatial development activities of national and regional significance in agreement between the state and the municipalities.	The planning zone is not defined in advance	Non-binding	Non-obligatory
Municipality strategic spatial plan	To determine long-term goals of spatial development in its territory, and particularly the guidelines for sustainable spatial development, and guidelines for the location of activities, development of settlement, infrastructure, and landscape. They provide the groundwork for new generation of spatial plans.	Municipality	Binding on land owners	Non obligatory
Conception of Urban Development	Determining and showing the development of settlement and its segmentation into individual functional units, as well as the settlement renewal and expansion zones.	Settlement or a part of settlement	Binding on land owners	Obligatory but not necessary together with the strategy
Conception of Landscape Development and Protection	To determine land use and the conception of the location of activities in the area under consideration.	areas of high landscape quality and for areas planned to be protected.	Binding on land owners	Obligatory but not necessary together with the strategy
Municipality Spatial Plan	It fully deals with spatial problems of municipality and is at the same time strategic and implementing spatial document and basis for the preparation of the projects for building permission acquirement. It determines land use areas within the municipal territory with such accuracy that their boundaries can be defined on the site, and shown in the land cadastre.	Municipality	Binding on land owners	Obligatory

Name	Basic objectives	Legal impact	Planning object	Production obligation
Detailed municipality spatial plan	Determines planning conditions for the preparation of designs for obtaining building permits with respect to the purpose, position, size, and design of buildings or structures. It is also used for preliminary verification of the main impacts of the planned spatial development activities and solving the basic spatial conflicts.	Municipality	Binding on land owners	Non-obligatory

#### 4.25.2.4 RUR related plans in more details

RUR related plans are not defined in the Slovenian spatial planning system. The closest plan to RUR type plans can be the Regional Conception of Spatial Development and the correspondent Detailed Plan of National Importance.

Regional Conception of Spatial Development was introduced with the purpose to guide spatial development activities of national and regional significance in agreement between the state and the municipalities. The planning zone is not defined in advance but depends on the nature of the subject matter and the interest of the state and municipalities. The Regional Conception of Spatial Development determines land use, planning guidelines for location of activities, and basic premises for spatial development activities. When the Regional Conception of Spatial Development is adopted, it is binding upon both the state and municipalities: the state is obliged to make Detailed Plan of National Importance in accordance with the adopted regional conception, while the municipalities also have to take into consideration the regional conception in their spatial planning activities as the basic premises for spatial development. If the central government prepares a Detailed Plan of National Importance for a particular area, than municipalities in this area are not obliged to prepare a plan for the same area.

If the Regional Conception of Spatial Development is prepared in sufficient detail, it can replace spatial development strategies of all municipalities, which have taken part in its preparation.



### 4.25.3 Summary table

Country	<b>SLOVENIA</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Slovenia, 2 RURs have been delineated. Most Slovene towns and cities have less than 100.000 inhabitants, therefore – according to the methodology – they are not regarded as RURs. In fact however all Slovene cities have a well developed functional attraction area, without, however, strong NUTS regions with upper-level control.
<b>Government structure factor</b>	
Average population of the local municipalities	Slovenia is divided into 210 local municipalities, eleven of which have urban status. The most populous municipality is Ljubljana with 276.313 inhabitants and the smallest is Osinica with 402 inhabitants. The average population of a municipality is around <b>9700</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On the intermediary level (NUTS 3 level), Slovenia consists of 12 development/statistical regions which are not elected, but <b>delegated</b> . The most populous statistical region (province) is Osrednjeslovenska with 488,364 inhabitants (capital is Ljubljana) and the smallest statistical region is Zasavska with 45,436 inhabitants. The average population of a statistical region is <b>163 669</b> . Statistical regions have no political or administrative functions, neither specific function in the domain of spatial planning or infrastructure, environment. , they exist solely for legal and statistical purposes. However, statistical regions are used for regional development purpose. Each statistical region has at least one regional development agency and has to prepare also regional development programme (municipalities that belong in individual statistical region are involved in the preparing of the programme and try to put in some of their projects etc). Regional programmes are also a basis for the usage of the resources from EU Regional Fund.
Overall assessment	<b>L/m</b> – large supra-local level (national level) units and medium-sized local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	There is no real meso level, the national level has influence on local plans. The 58 LAU1 administrative regions also represent the central government, thus deconcentrated units. They can influence also the local plans prepared by the local governments.
Ratifying of local plans: do meso or higher level authorities have veto power?	It is not clear, if the national or LAU 1 level have veto power or not. If there is conflict between the plans of local governments and the higher level, they have to consult each other.
Overall assessment (A/B/C)	<b>A (weak level of control)</b> - the spatial and physical planning is the municipalities' function, the control of the higher level is not strong.

### 4.25.4 Sources of information

- CCRE, [http://www.ccre.org/slovenia\\_en.htm](http://www.ccre.org/slovenia_en.htm)
- RePUS Final Report
- PM Jansa: Government to resubmit the law establishing regions with partial amendments. Government Communication Office (2008-02-14).
- [http://lgi.osi.hu/publications/2000/25/Chapter\\_9.PDF](http://lgi.osi.hu/publications/2000/25/Chapter_9.PDF) Kowalczyk, Andrzej, Local Government in Slovenia
- Compendium on Spatial Planning system in Slovenia, Ljubljana, 2003 [http://www.coe.int/t/dg4/cultureheritage/Source/Policies/CEMAT/CompendiumSlo\\_en.pdf](http://www.coe.int/t/dg4/cultureheritage/Source/Policies/CEMAT/CompendiumSlo_en.pdf)

- Spatial Planning Act, 2007
- ESPON 2.3.2 final report
- Anton Perpar – Agronomy Department, Biotechnical Faculty, University of Ljubljana, Nov. 2008., reviewing and comments

## 4.26 Spain

### 4.26.1 Government

#### 4.26.1.1 The formal government structure

##### 4.26.1.1.1 1.1 The basic units: local governments

Spain is a Regionalized Unitary State composed of municipalities (*Municipios*), provinces (*Provincias*) and autonomous communities (*Comunidades Autónomas*). In more detail:

Local level: 8109 municipalities (*Municipios*, *diputaciones*, *cabildos*, *consejos insulares*)

Local authorities

The **municipal council** (*Pleno*) is the deliberative assembly of the municipality. It is composed of councillors (*concejales*) elected by universal suffrage for a four-year term. This assembly approves the budgets, urban planning, by-laws and municipal rules.

The **local government council** (*Junta de gobierno local*) is the main executive body. It is composed of elected municipal councillors appointed by the mayor. Their main duties are to assist the mayor but include some executive functions as well.

The **mayor** (*Alcalde*) is the head of the executive body. (S)he is appointed by and within the councillors, is assisted by councillors which (s)he nominates and can dismiss. The mayor chairs the municipal council.

Competences:

- In every municipality: household refuse, water supply, street lighting, urban traffic control, food and drinks control, cemetery, street cleaning and paving, sewer system.
- In municipalities of over 5.000 inhabitants: (in addition to the above-mentioned) public libraries, green areas, household refuse and markets, local police
- In municipalities of over 20.000 inhabitants: (in addition to the above-mentioned) social services, fire prevention, sporting facilities.
- In municipalities of over 50.000 inhabitants: (in addition to the above-mentioned) public transport and protection of the environment.

##### 4.26.1.1.2 The multi-level government structure

#### **Intermediary level: 50 Provinces** (*Provincias*)

Provincial authorities

The **provincial council** (*Diputación Provincial*) is composed of members elected by indirect universal suffrage, by and from among the province municipal councillors (*Concejales*), for a four-year term. The provincial councils elect the President.

The **government council** (*Comisión de Gobierno*) is the provincial government. This body is composed of the president and the deputies designated by her/him.

The **president** is elected by the provincial council; (s)he holds the executive power, and heads the government and the administration. The president appoints the vice-presidents within the provincial council. (S)he is assisted by the government commission.

Competences:

- Coordination of municipal services

- Legal, economic and technical aid to municipalities
- Provision of supra-municipal services
- Development and administration of the province

**Regional level: 17 Autonomous Communities** (*Comunidades autónomas*) **and 2 autonomous cities** (*Ciudades autónomas*)

Regional authorities

The **assembly** (*Parlamento, Juntas, Cortes, Asamblea regional, Deputies, Procuradores...*) is the deliberative body of the community. Its members are elected by direct universal suffrage for a four-year term. They exercise devolved legislative power.

The **regional government council** (*Consejo de Gobierno*) is the executive body of the Community. It is headed by the president who appoints its members. It can also regulate and initiate legislation.

The **president** is elected by the assembly. The president manages and coordinates the work of the council. (S)he also represents the autonomous Community to the State.

Competences:

- Organisation of the institutions
- Land development
- Public works
- Economy
- Agriculture
- Culture
- Social policies
- Environmental management
- Development of economical activities
- Health
- Education

Note: The Autonomous Communities can create their own police.

The two autonomous cities (Ceuta and Melilla) are special administrative units, halfway between a municipality and an autonomous community. Unlike the independent communities, they do not have their own legislative assembly. The Canary and Balearic Islands have in addition the “Cabildo” which is another admin body for each of the islands. This way for example Canary Islands is an autonomous regions, it possesses 2 provinces and each of them as many Cabildos as main islands.

The Kingdom of Spain (*Reino de España*) has been usually recognised as a Regionalised Unitary State with a Political Regionalisation process (Regional Autonomy). Nevertheless the Spanish Constitutional Court defined it as a “Composite State”, more than regionalised, federal functionally<sup>8</sup>. This country is composed of 17 Autonomous Communities (*Comunidades Autónomas*) and 2 Autonomous cities (*Ciudades Autónomas*): Ceuta and Melilla. These regions have a very high degree of self-government, and own assemblies, whose members are directly elected by universal suffrage. Although the process of regionalisation made for all of the regions is classed as political, there have been some different processes gathered ex ante by the Spanish

Constitution. The fiscal regime of Canary Islands and the economic agreements for the Basque Country and Navarra are explicitly reflected in the 3rd Additional Disposition and the 4th Transitory Disposition, respectively. These regions involve 10.6 % of the Spanish population. On the other hand, the 2nd Transitory Disposition gives a special status at the moment of the elaboration of their own statutes to the Historic Nationalities (Catalonia, Galicia and Basque Country). Another Historic Nationality is Andalusia, its statutory process have been made through the way of the article 151 of the Spanish Constitution.

The Title VIII of the Basic Law (Art. 137-158) recognises the municipalities, the Provinces and the Autonomous Communities. This Constitution establishes exclusive competencies for the regions in its Article 148.

Spain is the only Unitary State where the Central Government has not competencies with regard to the spatial planning powers (Ruling 61/1997 of Constitutional Court). This role is mainly for the regions and, secondly, for the municipalities. The Provinces have also some competencies on this field.

The Spanish Senate is a partially territorial chamber. 51 of its 259 members are appointed by the regional governments and the rest are directly elected by universal suffrage. Since 2004 there is a permanent Conference of Presidents, a regular meeting between the Prime Minister and the regional Presidents. These Conferences of Presidents do not have authority to reach binding decisions.

#### Multi-level structure:

Category	Performance
Model of State	Composite Unitary
Typology of regionalization	-Political regionalisation -Political regionalisation with special status (Andalusia, Canary Islands, Catalonia, Galicia, Navarra and Basque Country)
Constitutional reconnaissance of Regional and/or local levels	Regional and local
Allocation of Spatial Planning powers	- Strong local - Strong regional
New Spatial Planning powers	No
National territorial chambers	Partially Territorial Chamber
Regular multi-level governmental meetings	Conference of Presidents without authority to reach binding decisions
Dependence of local governments on central government	Fairly independent
Constitutional regions	All Autonomous Regions
Devolution to 1st tier local authorities	Relatively powerless local authorities

Source: ESPON 2.3.2

#### NUTS categorization:

Spain	NUTS1			NUTS2		NUTS3	
ES	Groups of autonomous communities	of	7	Autonomous communities Ceuta and Melilla	17 2	Provinces -	50 2

#### 4.26.1.1.3 Trends and dynamic processes

The 1978 Constitution introduced a strong regional level of government devolving power to the 17 Spanish Autonomous Communities. These Regions enjoy legislative and executive competencies in many fields (environmental policy, land use, physical planning, transport, forestry, protection of cultural heritage and economic development). Devolution to the Regions is extensive and relevant processes continue.

A clearly critical response to the White Paper comes from Catalunya. It is stated that it does not contain any new or different elements and that it is configured within an institutional framework that has already reached its limits. Without a radical reform of the existing institutional context and without assigning extended responsibilities to the Regions, the latter and the Committee of the Regions will not be able to operate in the future more decisively and efficiently than at present.

National traditions in the case of Spain are rather the traditions of autonomy in particular regions.

The Municipalities have an inherent drawback as regards territorial scope of competence because of their small size. However, the legal framework offers them the possibility to broaden their domain of competence by means of mutual cooperation and partnerships.

#### 4.26.1.2 The government level deciding on land development/conservation and its relation to the RUR regions.

Each Region (Autonomous Community) has its own normative legal framework as regards spatial planning (of both general and partial character). However, there is an urban land-use law that has to be observed for every Region.

In Spain, there is not an institution or a key-planning agency at the national level. It is the Regions that have competence on territorial organization and town planning issues. At the local level spatial planning responsibilities rest on the city councils.

##### Regulations and permits

The Spanish planning system is one in which development rights are acquired by way of the plan. This is a document with a legal character and, therefore, binding in its nature. The drafting of such documents is obligatory for all municipalities.

This actually means that there is no system of 'permits' in Spain. Permits should be considered as being more like 'consents'. They are given either for the development of these planning instruments which might come from private initiatives, but must always respect

### 4.26.2 Spatial planning

#### 4.26.2.1 Style of planning

Given that Spain is a country divided into 17 Autonomous Communities with their own competencies, amongst which that of territorial planning, the style of planning is complex to describe in terms of relations between central and regional governments. Territorial planning is a common competence of each Community and therefore, each one has its own laws concerning these issues. This has led to problems in the spatial distribution in Spain, where the population is mainly distributed in the periphery and in the main urban agglomerations, with the exception of Madrid in the centre. This distribution has also allowed the planning of other subjects, related to the spatial distribution, to reinforce this situation, e.g. the transport infrastructure planning which has been applied since last year. Until then, the infrastructure distribution was radial, from the centre to the periphery, without facilitating the construction of a homogeneous grid to promote the growth of the medium cities between the periphery and the centre.

At regional level, the regional governments have competence on General, Partial and Sectoral Territorial Plans, but local governments have competence on the urban plans concerning the municipalities, always following the guidelines of the Territorial Plans. Within the approval of these plans there are open processes, in the context of which the citizenship can give their opinion and submit the corresponding objections.

#### 4.26.2.2 Key institutions making planning policies in the country

In Spain, there is not an institution or a key-planning agency at the national level. It is the Regions that have competence on territorial organization and town planning issues. At the local level spatial planning responsibilities rest on the city councils.

#### 4.26.2.3 Policy instruments, space-related plans on the different levels

##### **National level**

##### National legislation

The most relevant national law concerning spatial planning is the *Texto Refundido de la Ley sobre Régimen de Suelo y Ordenación Urbana* dating from 1992, shortened to TR 92, which identifies and defines the content of different types of plans.

Other national laws that have an impact on land development and urban planning are:

- *Ley 13/1985*: concerning artistic/historical heritage
- *Real Decreto 927/1988*: concerning water as a resource
- *Real Decreto Legislativo 1302/86*: concerning environmental impact evaluation
- *Ley de Ordenación de los Transportes Terrestres*: concerning land-transport planning.
- *Ley 22/1988*: concerning coastal land
- *Ley 25/1988*: concerning motorways and its space of influence
- *Ley 4/1989*: concerning conservation of natural spaces, wild flora and fauna.

##### Planning instruments

##### National plan

It has never been drawn up. Nor is there any indication of when it will be prepared. The instrument with the broadest scope in the planning or organization of the national territory which has been drafted to date is the *Plan Director de Infraestructuras* (PDI) of 1993-94, though this is not a planning instrument enshrined in law.

The national plan may be carried out by the central government and the objectives will be to concentrate on:

- a. establishing then main territorial directives
- b. fixing aims and objectives
- c. determining the priorities for public action at this level of the national territory in order to facilitate the coordination and adoption of strategic decisions which help to reconcile economic dimension with quality of life and social welfare issues.
- d. integrating the national dimension into European space

##### **Regional level**



## Legislation

There are also laws in the autonomous communities some are specifically relate to spatial planning, but are complemented by others such as infrastructure or environmental affairs that are of relevance to spatial development in the territory of the regions. Due to the diversity, it is impossible to describe all of them, nor gather them in a table.

## Planning instruments

### i. Territorial Coordination Director Plans

Their aim is the planning of the respective territory and cover all or part of an autonomous community. The fundamental objectives are:

the establishment of all planning requirements

the establishment of the directives to be followed for territorial planning

the design of a broad physical framework within which the more detailed provisions of the plan are to be put into effect

the establishment of a territorial model which all planning matters governed by the plan have to respect

## General type planning instruments

### ii. General plan

These plans cover more than own municipality district, a situation which is permitted by law, the competent body of the autonomous community, at the request of the local authorities or through its own initiative, may order the preparation of a joint plan. Therefore may cover one or more municipalities. The fundamental objective is to plan that totality of the municipality. For this purpose, the land contained within the municipality is normally classified in up to five types: urban, developable or capable of urbanization in its two categories of programmed and non-programmed, and undevelopable or not capable of urbanization in its two categories of normal and specially protected.

### iii. Complementary and subsidiary norms

The complementary norms regulate those aspects which are not provided for or developed in the General plan. The subsidiary norms have two different objectives: a. establish a normative of general character for the totality or part of the province, and b. define specific urban planning zones of those municipalities which do not have a General plan. Their scope and contents rests with the local authority or Provincial Corporation.

### iv. Urban land delimitation projects

The fundamental objective is to limit the possibility for development in those municipalities which lack the obligatory general type planning instrument. The geographical coverage is detailed by the document drafted.

## Detailed type planning instruments

### v. Urban actuation programs

The geographical coverage is that sector of non-programmed land which is capable of urbanization or developable. The objectives are:

to draw up a general systems of infrastructure for this land

indicate uses and levels of intensity

fix the development guidelines within the planned area

design the complete layout of all the infrastructures necessary for its development, and

if it is considered necessary, divide the zone into its development by stages

#### vi. Detailed plan

The agreement for them can be made either on the basis of private imitative, or by the local authority, for those sectors of land capable of urbanization which are of especial interest for the authority in question to develop.

#### vii. Special plans

These plans serve to develop both the provisions contained in the territory plans and the General plans. The geographical coverage differs according to the objectives.

#### Other instruments

#### viii. Detail studies

The geographical coverage is normally a sector of urban land which is subject to the end of, or adaptation to, the determinations established in the General Plans on urban land and in the Detail plans. The objectives are: a. the definition of alignments and levelling, and/or, b. the planning of volumes in accordance with planning specifications.

#### ix. Urbanization projects

There are not planning instruments as such, but rather construction projects. Nevertheless, the law includes them within the scheme of activities to be controlled developed within the schemes of planning systems. The geographical coverage is that sector of land capable of urbanization, or of urban land which requires to be serviced in order for it to be considered as a 'plot' and its subsequent or simultaneous development.

#### x. Protection by listing

The geographical coverage of the listing is the immediate environment of area necessary for the protection of the proposed element, often identified in General plans. The fundamental objective is the protection of these elements (buildings, monuments, gardens, countryside, etc.) contained in the protection lists.

### 4.26.2.4 RUR related plans in more detail

#### 1. General plan (*Plane Generale*)

These plans cover more than own municipality district, a situation which is permitted by law, the competent body of the autonomous community, at the request of the local authorities or through its own initiative, may order the preparation of a joint plan. Therefore may cover one or more municipalities. The fundamental objective is to plan that totality of the municipality. For this purpose, the land contained within the municipality is normally classified in up to five types: urban, developable or capable of urbanization in its two categories of programmed and non-programmed, and undevelopable or not capable of urbanization in its two categories of normal and specially protected.

With respect to urban land, the objective is:

to make a fully detailed plan, fixing uses and intensities of use, alignments and levelling

to delimit those areas which are the subject of protection, resulting in the drawing up *Planes Especiales* (special plans), either for protection or inner reform.

With respect to land capable of urbanisation, it should:

reflect the fundamental element of the general and organic structure of the zone

regulate uses and intensities

fix short and medium term development programmes

With respect to land not capable of urbanisation, it should fix:

those measures required to preserve this land from the process of urban development

establish the measures for the protection of the zone and countryside

## 2. Complementary and subsidiary norms (*Normas Complementarias y Subsidiarias*)

The complementary norms regulate those aspects which are not provided for or developed in the General plan. The subsidiary norms have two different objectives: a. establish a normative of general character for the totality or part of the province, and b. define specific urban planning zones of those municipalities which do not have a General plan. Their scope and contents rests with the local authority or Provincial Corporation.

In a hierarchical organisation of planning instruments, the *Normas Complementarias y Subsidiarias* occupy the same level as the *Planes Generales* which they complement or substitute for. The following can exist:

*Normas Complementarias* (complementary norms) of the *Plane Generales*, which regulate those aspects which are not provided for or developed in plan.

*Normas Subsidiarias* (subsidiary norms) with two different objectives: a. to establish a normative of general character for the totality or part of a province. These normative affect nay municipalities where no *Plan General* or Subsidiary Rules of a municipal character exist. They apply across the province and should be applied in any municipality lacking its own planning instrument, b. to define specific urban planning zones of these municipalities which do not have a *Plan General*. They apply in the areas specified and serve as the integrated planning instrument for small municipalities through the classification of land. It establishes all or some of the following classes: urban, developable and undevelopable and which may be, where appropriate, protected.

## 3. Urban actuation programmes (*Programas de Actuación Urbanística-PAU*)

## 4. Special plans (*Planes Especiales*)

## 5. Autonomous Community (Regional government) level Urban Plans

Regional Plan of Territorial Strategy

Coordinated Programmes of Territorial Action

Distribution Plans of Natural & Rural Environments

Declarations of Regions of special interest within the Autonomous Community

Regional scale Projects

### 4.26.3 Summary table

Country	<b>Spain</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Spain 50 RUR has been delineated. Most of them are comparable in size to the municipalities, while being much smaller than the regions. Exceptions are Madrid, Barcelona and Bilbao, where the RUR comprises of many municipalities.
<b>Government structure factor</b>	
Average population of the local municipalities	In Spain there are <b>8109 municipalities</b> (Municipios, diputaciones, cabildos, consejos insulares). The largest is Madrid with population of 3,016,788 and the smallest one is Illán de Vacas with 8 inhabitants. The average population is around 5700.
The level above the local municipalities (population, elected/delegated/appointed, functions)	On an intermediary level Spain is composed of 50 Provinces ( <i>Provincias</i> ) and 17 Autonomous Communities ( <i>Comunidades autónomas</i> ) and 2 autonomous cities ( <i>Ciudades autónomas</i> ). The largest province is Madrid with population 5,527,152 and the smallest is Melilla with 66,871. The average population is 885.826.  The largest autonomous community is Andalusia with population 7,849,799 and the smallest is Melilla with 65,488. The average population is around <b>2 410 000</b> . The decision making body is the <b>regional government council</b> ( <i>Consejo de Gobierno</i> ), headed by the president who appoints its members, thus <b>not elected</b> . The tasks include: organisation of the institutions, land development, public works, economy, agriculture, culture, social policies, environmental management, development of economical activities, health and education.
Overall assessment	<b>L/s</b> – large supra-local level (autonomous communities and cities) units and small local level (municipalities) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	Each Region (Autonomous Community) has its own normative legal framework as regards spatial planning (of both general and partial character). However, there is an urban land-use law that has to be observed for every Region. The Spanish planning system is one in which development rights are acquired by way of the plan. This is a document with a legal character and, therefore, binding in its nature. The drafting of such documents is obligatory for all municipalities.
Ratifying of local plans: do meso or higher level authorities have veto power?	The regional authorities have veto power.
Overall assessment (A/B/C)	<b>B (medium level of control)</b>

### 4.26.4 Sources of Information

- ESPON 2.3.2
- Council of European Municipalities and Regions ([http://www.ccre.org/membres\\_en.htm](http://www.ccre.org/membres_en.htm))
- European Union (1997-2001): The EU compendium of spatial planning systems and policies, Office for Official Publications of the European Communities, Spain.
- Francisco Escobar, Land Management & Natural Hazards Unit Institute for Environment and Sustainability (IES) TP-261 JRC-European Commission Ispra (VA), Italy, October 2009, updating and comments.

## 4.27 Sweden

### 4.27.1 Government

#### 4.27.1.1 The formal government structure

##### 4.27.1.1.1 The basic units: local governments

In Sweden there are 290 municipalities. The most populous is the capital Stockholm with 795 163 inhabitants, the smallest is Bjurholm with 2549. The average population of the municipalities is around 31 900.

The main decision-making actors on the municipal level are the following:

The **municipal council** (*kommunfullmäktige*) is composed of members elected by direct universal suffrage for a four-year term. It takes every important decision in the municipality, levies taxes and adopts the budget. The council can delegate important decision-making powers to its executive committee and to other committees.

The **municipal executive committee** (*kommunstyrelsen*) is composed of members elected by the council. The committee prepares and implements decisions taken by the council. It has executive and coordinating functions and monitors the activities of the other committees. It drafts the budget of the municipality.

The **specialised committees** (*nämnd*) are composed of members elected by the council. The committees are responsible for preparing items for final decision by the council and for the administration and implementation of decisions.

The Swedish municipalities and counties/regions are responsible for providing a larger share of public services in comparison with the situation in most other countries. They have a considerable degree of autonomy and have independent powers of taxation.

The municipalities are legally responsible for the following tasks related to building, land use and development:

- Planning and building issues
- Environmental protection

##### 4.27.1.1.2 The multi-level government structure

On the regional level Sweden consists of 21 counties. One of them (Gotland) is at the same time a municipality, while two counties (Skåne and Västra Götaland) were granted the status of a region for a trial period until 2010.

The most populous county is Stockholm with 1 949 516 inhabitants, the smallest is Gotland with 57 122. The average population of the counties is around 440 000.

The **county/regional council** (*landstingsfullmäktige / regionfullmäktige*) is elected by direct universal suffrage for a four-year term. It takes decisions on matters of principle or major importance. It approves the budget and tax rate. The council can delegate important decision-making power to its executive committee and to other committees.

The **executive committee of the county/regional council** (*landstingsstyrelsen / regionstyrelsen*) is composed of members elected by the council. It has executive and coordinating functions and monitors the activities of the other committees. It drafts the

budget of the county/region council. The executive committee prepares and implements decisions taken by the council.

The **specialised committees** (*nämnd*) are composed of members elected by the council. The committees are responsible for preparing items for final decision by the council, and for the administration and implementation of decisions.

The counties have legal responsibilities concerning healthcare. Related to building, land use and development they can take up voluntarily the following tasks:

- Regional development
- Transport

The two regions have additional responsibilities with respect to regional growth and development.

The 21 counties correspond to the NUTS 3 level.

#### 4.27.1.1.3 The dynamic processes

In the second half of the 1990s, pilot projects were launched to identify new local government areas in some counties. The main objective was to encourage greater democratic participation at local level, but beyond the narrow municipal level. Two pilot projects are to be continued until 2010, Skåne and Västra Götaland.

These two regions have set up directly elected regional councils. They continue to manage medical and health services, but they also have full responsibility for regional development policies, which had been the task of the County Administrative Board before. (The latter is a central government body that operates at the county level.) The greater autonomy of the regions derives from the fact that certain powers have been devolved from the government authorities.

#### 4.27.1.2 The government level deciding on land-use changes and the RUR regions

Since the 1950s, as housing was a municipal responsibility, considerable land areas have been acquired by most municipalities. In the 1990s this has changed, and municipalities started to sell their land, as housing is no longer their task.

The Ministry of Environment provides guidelines for spatial planning. Areas of national interest have been identified, to which special consideration has to be paid in development. Preservation rules for certain specified areas (which in fact cover a great part of the country) and water resources have been included in the Naturresurslag (NRL). Good arable land can be used for building only if essential public interests arise, but there are restrictions against using land which is valuable from ecological, industrial, military points of view, as well as areas close to shorelines.

The powers of spatial planning are highly decentralized to the municipalities. Normally they alone decide if and how an area shall be planned and developed, and their plans need no approval from any higher level. However, the County Administrative Board can annul their plans in specific cases (national interest as described in NRL, or a regulation concerning several municipalities not taken into consideration). In practice it rather influences the plans by consultations before being adopted by the municipalities.

### 4.27.2 Spatial planning

#### 4.27.2.1 Style of planning

According to ESPON 2.3.2, the style of planning in Sweden is classified as a mix of comprehensive integrated approach and regional economic approach.

#### 4.27.2.2 Key institutions making planning policies in the country

At the national level, the Ministry of the Environment is of primary importance, supported by the National Board of Housing, Building and Planning, as well as the Swedish Environmental Protection Agency. It is responsible for legal proposals and directions concerning spatial planning, but formal spatial planning is weak at the national level.

At the county level, the County Administrative Board is responsible for regional strategies and programmes, but comprehensive planning is not strong on this level either. If land use in several municipalities needs coordination, the government may appoint a regional planning body – however this instrument has been used rarely.

The local authorities have the key planning responsibility in Sweden, a competence which is often labelled as planning monopoly.

#### 4.27.2.3 Policy instruments, space-related plans on the different levels

According to the Planning and Building Act (PBA) the production of national plan is not obligatory. However, there are national level policy statements referring to areas and issues of national significance. These statements provide guidance.

As regards regional level the Act provides for a regional plan to be carried out on a voluntary basis. If matters concerning the use of land and water areas in several municipalities require joint study and coordination, the government may appoint a regional planning body which will be responsible for regional planning in the specified municipalities. However, it will not be established if the municipalities affected are generally opposed to it. The planning body can work out and adopt a formal plan for a region. This plan has no legally binding status but would serve as a basis for decisions concerning the lower-level plans. It may also suggest principles for the use of land and water areas. The plan needs no higher approval, but the government can annul it if the national interests are not taken into consideration. So far, the instruments of regional physical planning have not been much used. Currently, regional planning only exists in the Stockholm and Göteborg areas. In Stockholm the County Council has a special obligation to act as a regional planning body. However, physical plans at the regional level result basically from sectoral planning, e.g. plans for road network, traffic, spatial distribution of school facilities, hospitals etc.

According to the PBA, every municipality should elaborate an extensive comprehensive plan for its territory. This plan guides decisions on land and water use. The plan is not binding for either public or private sector activities. It should however, be taken into consideration in the processes of decision-making on the use of water and land. Municipalities are also responsible for detailed development plans exerting more detailed control on land use and development. The detailed development plan has a strong legal status and determines more or less the right of building development in individual blocks and wider areas.



Name	Basic objectives	Planning object	Legal impact	Production obligation
Regionplan – regional plan	principles for the use of land and water areas; guidelines for the location of development and installations	Whole area covered by associations of municipalities	Not binding	upon necessity (Only a few have been adopted)
Översiktsplan (ÖP) – comprehensive plan	Principles of use of territory; take care of national interest; development and preservation of built environment; take care of environmental quality standards	whole municipality	Not binding; DP can differ	obligatory
Detaljplan (DP) – detailed plan		Municipality – development area	Binding for building permits	Obligatory for development

### 4.27.3 Summary table

Country	<b>SWEDEN</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In Sweden 5 RURs have been delineated. The smaller RURs are comparable in size to the municipalities, while the 3 biggest ones include several municipalities. They are considerably smaller than the NUTS3 units, except for Stockholm RUR which is comparable in size.
<b>Government structure factor</b>	
Average population of the local municipalities	In Sweden there are 290 municipalities. The most populous is the capital Stockholm with 795 163 inhabitants, the smallest is Bjurholm with 2549. The average population of the municipalities is around <b>31 900</b> .
The level above the local municipalities (population, elected/delegated/appointed, functions)	On the regional level Sweden consists of 21 counties. Two counties were granted the status of a region for a trial period. The most populous county is Stockholm with 1 949 516 inhabitants, the smallest is Gotland with 57 122. The average population of the counties is around <b>440 000</b> . The decision making body is the county/regional council, which is <b>elected</b> directly. The counties have legal responsibilities concerning healthcare. Related to building, land use and development they can take up voluntarily tasks concerning regional development and transport. The two regions have additional responsibilities with respect to regional growth and development.
Overall assessment	<b>S/I</b> – small supra-local level (counties) units and large local level (municipalities) unitsts
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	A regional plan can be prepared on a voluntary basis. At present regional planning has been carried out only in the case of the region of Stockholm where the County Council has a special obligation to act as a regional planning body. The government can appoint a regional planning body on the request of the municipalities involved. However, physical plans at the regional level result basically from sectoral planning.
Ratifying of local plans: do meso or higher level authorities have veto power?	Normally the municipalities alone decide if and how an area shall be planned and developed, and their plans need no approval from any higher level. However, the County Administrative Board can annul their plans in specific cases (national interest as described in the Naturresurslag, or a regulation concerning several municipalities not taken into consideration). In practice it rather influences the plans by consultations before being adopted by the municipalities.
Overall assessment (A/B/C)	<b>B (medium level of control)</b> – physical planning on the regional level (some regions only) and strong cooperation culture

### 4.27.4 Sources of information

- 
- Statistics Sweden, <http://www.scb.se/>
  - CCRE, [http://www.ccre.org/suede\\_en.htm](http://www.ccre.org/suede_en.htm)
  - Levels of Local Democracy in Sweden, SALAR, <http://www.skl.se/artikeldokument.asp?C=6393&A=48689&FileID=200960&NAME=OH%5FLevels%5Fof%5Fdemocarcy.ppt>
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  - COMMUN – Sweden
  - <http://vasab.leontief.net/countries.phtml>
  - Kjell Nilsson, Deputy Director, Head of Department of Parks and Urban Landscapes – Danish Centre for Forest, Landscape and Planning, University of Copenhagen, Dec. 2008., reviewing and comments

## 4.28 United Kingdom

### 4.28.1 Government

#### 4.28.1.1 The formal government structure

##### 4.28.1.1.1 The basic units: local governments

The United Kingdom is a Regionalized Unitary State with certain characteristics of a more federal state, following the implementation from 1997 of the devolution agenda in Scotland, Wales, and Northern Ireland

Local government

Local authorities

In general, councillors are elected for a 4 year term, on the “first past the post” system.

**England:** 34 county councils, 238 non-metropolitan district councils in the "two-tier" areas; 36 metropolitan district councils, 46 "new unitaries", and 33 London local authorities (see below), which are unitary councils, in the "single-tier" areas.

From the mid-1970s the pattern outside of London was, for the more rural areas, a two-tier structure of county councils, and smaller district councils (or boroughs), and in the more urban areas metropolitan county councils and metropolitan district councils. In the 1980s and 1990s, the metropolitan county counties (e.g. West Midlands MCC) were abolished, leaving the metropolitan districts as unitary councils.

In London, there are 32 London Boroughs, plus the Corporation of the City of London (the financial centre of the capital). The Greater London Authority, set up in 2000, is seen as a regional authority.

**Wales:** 22 Welsh unitary authorities

**Scotland:** 32 Scottish unitary authorities

**Northern Ireland:** There are 26 Northern Ireland district councils whose competences are more limited than elsewhere in the UK, mainly covering local services such as leisure and environmental health.

Note: In England and Wales, most councils now operate with a division between a small Executive and the remainder of the council, which performs a "scrutiny" function on the activities of the Executive. A dozen councils have adopted the system of a directly elected, executive Mayor. In many other councils, the office of Mayor is an honorific position, for one year, with the Mayor chairing the council meetings.

Competences:

*Counties:* education, social services, highways and transport, strategic planning advice, fire, waste disposal, libraries.

*Districts:* local planning, housing, licensing, building control, environmental health, waste collection, park and leisure services.

*Unitary authorities* have the competences of both counties and districts.

The police service is based on separate Police Authorities, generally covering a number of local authority areas, with a majority of the members of the Police Authority being local councillors.

Local authorities do not have responsibility for medical health services or for water and sewerage services: the former are provided by the National Health Service, the latter by private companies.

Note: In addition to the local authorities referred to above, there are over 12,000 very local bodies (parishes, community councils, town councils). Most of these have small elected bodies to look after local interests.

#### 4.28.1.1.2 The multi-level government structure

##### Regional government

Since 1999, the **Scottish Parliament**, with a Scottish Executive (government) has had legislative powers over a wide range of matters – effectively, all issues except those reserved to the UK Parliament. Its competences include education, health, environment, agriculture, justice, social work, planning and local government.

The **Welsh Assembly** also came into existence in 1999. It has weaker legislative powers (mainly on secondary legislation, giving more detailed effect to UK Parliament measures). Its competences include policy development and implementation in agriculture, culture, economic development, education, environmental health, highways and transport, social services, housing, planning and local government.

The **Northern Ireland Assembly** came fully into being in 1999. It has been suspended more than once due to difficulties arising from the complex political situation. Its main competences include education, health and agriculture, with the possibility of further powers being transferred to it at a later date.

In **England**, the only directly elected regional authority is the Greater London Authority, which has an Assembly of 25 elected members, with a strong executive Mayor, directly elected. Its main competences include public transport, sustainable development planning, fire and emergency planning, and the Metropolitan Police.

In the rest of England, legislation now permits the setting up of elected regional assemblies, but only if there is a positive popular vote by referendum to do so. At present, no regional assembly has been set up. A referendum to decide whether to establish the first directly elected Assembly, in the North East of England, was held in November 2004, and by a large majority the proposal was rejected.

However, the eight regions outside of London do have indirectly-elected regional chambers (generally also called assemblies). These contain elected councillors representing the local authorities within that region, and they play an important coordinating and deliberative role in relation to local authority services, particularly land-use and transportation planning. They also have a statutory consultative relationship with their RDA (see below), and liaise closely with the Government Office for their region, which includes civil servants from a range of government ministries, and which represents a significant vehicle for administrative decentralisation.

70 per cent of the members of the chambers are elected councillors from the local authorities; the other 30 per cent are "social partners", including representatives from the business community, trade unions, environmental and other voluntary organisations.

The Government also established at the end of the 1990s Regional Development Agencies (RDAs) in each of the English regions. These have a strong business presence, whose task is mainly strategic economic development, and the disbursement of significant central Government and EU grant-aid. The RDA Boards include four representatives appointed from local government in the region.

The United Kingdom of Great Britain and Northern Ireland is a Regionalised Unitary State. It is divided into 9 English regions, as well as Scotland, Northern Ireland and Wales. The English regions (83.6% of the total UK population) are in a process of Administrative Regionalisation. The rest of the UK has a measure of Regional Autonomy (referred to as devolution). Northern Ireland and Wales (7.8% of total population) have a higher degree of autonomy than the English regions, but the part of the UK with the highest degree of autonomy is Scotland (8.6% of total population). The Scottish National Party is campaigning for full independence, although this would be a net financial loss for Scotland. The Welsh National Assembly does not have primary legislative power, while the Assembly of Northern Ireland has a semi-autonomous character (although its devolved powers are currently suspended due to political problems). On the other hand, the Scottish Parliament has primary and secondary legislative powers, although not fundamental tax-raising powers.

In these devolved areas, as well as in the English region of Greater London, the assemblies are elected by universal direct suffrage. The population covered by these regions amounts to 28.6% of the UK population. In the rest of the English regions the members of the regional bodies are appointed by Central Government (in the case of the Regional Development Agencies), but their operations are monitored by councillors appointed by local authorities (the Regional Assemblies).

#### Multi-level structure:

Category	Performance
Model of State	Regionalised Unitary
Typology of regionalization	-Administrative regionalisation -Political regionalisation (Wales and Northern Ireland) -Political regionalisation with special status (Scotland)
Constitutional reconnaissance of Regional and/or local levels	No written Constitution, but regional and local guarantees through Parliamentary Acts
Allocation of Spatial Planning powers	-Strong local -Weak regional -Strong national
New Spatial Planning powers	Greater London (directly elected Assembly) and Regional Assemblies
National territorial chambers	Senate but not representing territories
Regular multi-level governmental meetings	No
Dependence of local governments on central government	Financially fairly dependent
Constitutional regions	Scotland, Northern Ireland and Wales
Devolution to 1st tier local authorities	Substantial powers have been allocated to local authorities

*Source: ESPON 2.3.2*

#### NUTS categorization:

United Kingdom	NUTS1		NUTS2		NUTS3	
UK	-Regions of England	9	-Groups of Counties; Inner and Outer London	30	-Unitary authorities or groups of districts	93
	-Wales	1		2		12
	-Scotland	1	-Groups of unitary authorities	4	-Groups of unitary authorities	23
	-Northern Ireland	1	-Groups of unitary authorities or LECs	1	-Groups of unitary authorities or LECs	5
			-County		-Groups of districts	

#### 4.28.1.1.3 Trends and dynamic processes

One of the principal foci of the government since 1997 has been on strengthening (creating) the regional layer of government. In Scotland and Wales referendums in 1997 enabled significant devolution of powers to elected national parliaments. Another referendum in 1998 in London enabled the establishment of the Greater London Authority. In the case of England, following on from the establishment of Regional Development Agencies in 1998, regional chambers were created. This was followed by legislation allowing for elected regional assemblies in the eight English regions (excluding London) in 2003.

Furthermore, there seems to have been universal acceptance of the principles of governance, certainly from central and local governments. It can be noted that certain reforms, in line with the spirit of governance, e.g. the creation of elected regional assemblies, which are now made possible under enabling legislation, were not always welcomed. E.g. the establishment of a regional assembly was overwhelmingly rejected in a referendum in the North East of England. This region was supposed to be the area that was most likely to support the idea of a regional assembly. In the light of the referendum result it is unlikely there will be elected regional assemblies in England in the near future, if at all. The lack of coordination of policy and spending programmes is commonly criticised.

The answer with regard to regional powers is bound to differ, depending on whether one refers e.g. to Scotland, which now has substantial devolved powers, to Wales, with more limited powers, or to the English regions, which have almost no powers at all, a situation which is not likely to change in the near future. As pointed out in the national overview, “be that as it may, whether the moves that have been made towards regionalism represent decentralisation or simply the drawing up of responsibilities from the local level remains a contested issue”.

It seems difficult to answer the question on local authority powers and place the UK in a definite category, because although local authorities have important powers, especially in comparison to some other countries, they have lost powers in the last 25 years.

#### 4.28.1.2 The government level deciding on land development/conservation and its relation to the RUR regions

Although there is a great deal of secondary legislation, the primary legislation in England and Wales are the Town and Country Planning Act 2004, which replaced the Town and Country Planning Act 1990, and the Planning and Compensation Act 1991. Scotland and Northern Ireland have separate legislation. “The new Act [for England and Wales] will bring fundamental changes to the current system of planning and in particular the development plans”.

The national government issues guidance notes as ‘Planning Policy Statements’ (PPS) which have to be followed by local development plans. The latter are approved by local authorities, depending on the case. Unitary local authorities now prepare a complex set of documents known as ‘Local Development Frameworks’. These are based on criteria more than zoning plans: for particular areas they refer to more detailed Action Area Plans.

However in practice the previous system continued after 2004, based on comprehensive “unitary development plans”. In a number of cases, where there is a two-tier system, the county approves the “structure plans” and the districts approve Local Development Frameworks for their area.

#### Regulations and permits

Regulation of land use permits is the overall responsibility of the Secretaries of State (SoS), although it is predominantly administered by local government acting as the local planning authority. The system of planning control is broadly similar throughout the UK.

Key to the operation of the system is the definition of *development*. This includes building engineering, mining and other operations, and also the change of use of buildings or other land. Planning permission (the main type of permit) is required for the carrying-out of development. In most cases this is obtained from the relevant local planning authority.

The planning system is central to a range of controls relating to the use and development of land and buildings, and operates alongside building regulations (which secure standards of building) and other environmental protection standards.

## 4.28.2 Spatial planning

### 4.28.2.1 Style of planning

The style of spatial planning that exists in the UK can be categorised, following the example adopted in the ESPON 1.1.1 project, as belonging, together with Ireland, to the British style. The British legal style evolved from English Common Law and the principle of precedent. This system is based on the accumulation of case law over time. Another key distinction between the British/Irish system and the rest of Europe relates to the powers given to local government. One author describes the administrative system in Britain as a dual system in which central government sets legal and functional constraints for local authorities and then plays a supervisory role.

### 4.28.2.2 Key institutions making planning policies in the country

There is no single central government agency responsible for spatial planning in the UK, because of devolution of powers to agencies in Scotland, Wales and Northern Ireland. In England, this power is now held by the Office of the Deputy Prime Minister (ODPM), but implementation of planning policy is delegated to regional and local institutions. The national government issues national planning guidance, i.e. Planning Policy Statements (PPGs) and minerals planning guidance notes (MPGs). At the level of the regions there are central government-controlled regional agencies and non-elected Regional Assemblies. Regional Spatial Strategies are prepared by Regional Assemblies, but their central purpose remains the provision of regional planning framework for local development plans, which from 2004 onwards are called Local Development Frameworks. Local planning authorities are the main agency for the operation of spatial planning on the ground, but the power of adoption of a local plan can be divided between two tiers of local government depending on the type of local authority.

### 4.28.2.3 Policy instruments, space-related plans on the different levels

#### **National level**

There is no UK national spatial plan in one piece. At the highest level, two documents set out broad objectives for the UK spatial planning system. ‘This common inheritance’ sets out the government’s general policies for the spatial planning within its strategy for the UK environment. Sustainable development identifies new policy developments that will



be required to achieve sustainable development, and includes a section on the land use planning system.

At the sectoral level, some of the functions of a national spatial plan have been taken up by the new Infrastructure Planning Commission, established in 2009. This aims to provide a faster route to planning major infrastructure projects, such as energy, water, transport and minerals. For each sector a set of National Policy Statements are prepared and these are used as the criteria for testing developers' proposals.

### **Regional level**

In England, Regional Spatial Strategies are published by the CLG (Department of Communities and Local Government); in Wales, the Welsh Office prepares strategic planning guidance and in Scotland, 'region-wide' plans have been prepared by *regional councils*, but these are effectively the equivalent of *structure plans* in England.

Following the government's 'Sub-National Review' of 2007, preparations have been made for the integration of the Spatial Strategies with the RDA-based Economic Strategies: this new system is just beginning to emerge as the 'Integrated Regional Strategy'.

#### **i. Regional Spatial Strategies in England, including London**

They are short documents which contain no detailed maps and set out a broad strategy. Taking account of national guidelines where appropriate. The regional guidelines look ahead for a period of about 20 years and 'cover priorities for the environment, transport, infrastructure, economic development, agriculture, minerals, waste treatment and disposal'.

#### **ii. Metropolitan areas: a range of initiatives**

In the metropolitan areas outside London, the previous system of strategic guidance has been shifted to a range of initiatives. In some cases (such as Greater Manchester) the city-region concept has been re-invented, as a non-formal spatial strategy, or as a formal 'Multi-Area Agreement' under the LDF system. The Regional Spatial Strategies also find that it is more effective to divide into 'sub-regional' units of 1-3 million population.

### **Local and county level**

The Local Development Framework is the local planning policy instrument through the UK. This is the primary source of policy when decisions are made on development proposals. The development plan may comprise a number of different documents depending on progress in preparing plans.

#### **i. Structure plans**

They provide firm and legally robust strategic guidance for the whole of the area of a county council. They have a 15-year horizon but longer for some policies such as green belt. They have been prepared for the whole of the rural 'county' areas, and many subsequent alterations and replacement plans have been prepared. They set out the strategic framework for local planning, ensure general provision for development is consistent with national and regional policy, and secure consistency between local plans. The structure plan is not a 'plan' but a written statement with reasoning and key diagram which shows only the general distribution of new development as areas to be prepared in a diagrammatic form.

#### **ii. Local plans (1991 act style)**

All non-metropolitan district councils in England and Wales now have an obligation to prepare one district-wide local development framework. Authority-wide local plans have a 10-year horizon, or longer for conservation, land protection policies and long-term phased development. The plan must be in general conformity with the structure plan and national and regional guidance. It is the primary consideration in the control of development.

Local plans set out detailed policies and proposals allocating for specific purposes, together with general policies which are used to guide development control. They include proposal maps on an ordnance survey base at a scale generally between 1:500 and 1:10,000.

#### iii. Unitary development plans (UDPs): up to 2004

Each metropolitan district council must prepare a UDP. These plans will replace previous structure and local plans, and bring aspect of both into one plan. They will provide firm guidance and be the primary consideration in regulation of development. They have a general horizon of 10 years but will look further ahead for some policies such as green belt.

A UPD is made up of two parts: Part 1 is a framework of general policies and proposals and Part 2 contains detailed policies and proposals with a proposal maps.

#### iv. Waste plans

They have the same characteristics as local plans expect that the proposals are limited to land use policies ad proposals on the treatment and disposal of waste.

#### v. Mineral plans

They have the same characteristics as local plans expect that the proposals are limited to land use policies and proposals related to minerals exploitation, environmental protection at sites, restoration of sites and disposal of mineral waste. They must be prepared by each minerals authority in the non-metropolitan areas of England ad in Wales, which is the county council or national park.

vi. National Parks cover 9 areas of the highest quality landscapes in England and Wales. The 'National Park Committees' are delegated with planning powers, including making of spatial plans which are similar to the county structure plans, and legal powers of development control and enforcement.

### 4.28.2.4 RUR related plans in more detail

#### Structure plans

They provide firm strategic guidance for the whole of the area of a county council. They have a 15-year horizon but longer for some policies such as green belt. They have been prepared for the whole of the country and many subsequent alterations and replacement plans have been prepared. They set out the strategic framework for local planning, ensure general provision for development is consistent with national and regional policy, and secure consistency between local plans. The structure plan is not a 'plan' but a written statement with reasoning and key diagram which shows only the general distribution of new development as areas to be prepared in a diagrammatic form.

Structure plans are prepared and adopted by county councils and national park boards in England and Wales. In Scotland they are prepared by regional councils and approved by the Secretary of State. They are subject to public consultation during their preparation and a public hearing known as an examination-in-public (EIP), although this can be omitted depending on the extent of debate about the plan.

### 4.28.3 Summary table

Country	<b>United Kingdom</b>
Our definition of the RUR, how it compares to NUTS and other administrative levels	In UK 65 RUR has been delineated. Many of them comprise more than one municipality.
<b>Government structure factor</b>	
Average population of the local municipalities	In England there are 34 county councils, 238 non-metropolitan district councils in the "two-tier" areas; 36 metropolitan district councils, 46 "new unitaries", and 33 London local authorities (see below), which are unitary councils, in the "single-tier" areas. In Wales there are 22 unitary authorities and in <b>Scotland</b> 32. In Northern Ireland there are 26 district councils.
The level above the local municipalities (population, elected/delegated/appointed, functions)	On the regional level UK consists of 9 regions of England, Wales, Scotland and Northern Ireland. The largest is South East with 8 000 550 inhabitants and the smallest is Northern Ireland with 1 685 267. The average population of the regions is <b>around 5 140 000..</b> The decision making body is the regional assembly or government, which are both <b>elected</b> directly.
Overall assessment	<b>L/I</b> – large supra-local level (regions and countries) units and large local level (districts, counties, unitaries, boroughs) units
<b>Planning policy factor</b>	
Physical planning at the meso level: can they influence local plans, do they protect areas?	The national government issues guidance notes which have to be followed by local development plans. The latter are approved by local authorities, depending on the case. Unitary local authorities approve "unitary development plans". In a number of cases, where there is a two-tier system, the county approves the "structure plans" and the districts approve local plans for their area.
Ratifying of local plans: do meso or higher level authorities have veto power?	Where a two tier system of local government is in operation, the planning function is split between the tiers. The county has the responsibility for adoption of the structure plan, mineral plans and waste, the district council is responsible for adopting the district wide local plan, most regulations for development etc. In cases where a unitary planning authority exists, it has responsibility for all planning functions. In general it can be said that higher level authorities have veto power over the local plans.
Overall assessment (A/B/C)	<b>B (medium level of control)</b>

### 4.28.4 Sources of Information

- ESPON 2.3.2
- Council of European Municipalities and Regions ([http://www.ccre.org/membres\\_en.htm](http://www.ccre.org/membres_en.htm))
- European Union (1997-2001): The EU compendium of spatial planning systems and policies, Office for Official Publications of the European Communities, United Kingdom.

## 4.29 Appendix

**Table 1.**

Extent of financial dependence of local government on central government

Depended on central government	Bulgaria, Cyprus, Czech Republic, Greece, Hungary, Latvia, Malta, Portugal, Romania
Fairly independent	Austria, Belgium, Poland, France, Germany, Ireland, Italy, Lithuania, Luxembourg, Netherlands, Norway, Slovakia, Slovenia, Spain, UK
Very independent	Estonia, Denmark, Finland, Sweden, Switzerland

Source: ESPON 2.3.2

**Table 2.**

Centralization / decentralization / devolution

Devolution to regions

Countries in which substantial powers have been allocated to the regions	Austria, Belgium, Denmark, France, Germany, Italy, Netherlands, Poland, Slovakia, Spain, Switzerland
Countries which expect to devolve substantial powers to the regions in the near future or are in the process of doing so	Cyprus, Estonia, Finland, Greece, Hungary, Norway, Portugal, Romania, Sweden, UK
Countries with powerless regional authorities or without regions, e.g. because of the size of the country	Bulgaria, Czech Republic, Ireland, Latvia, Lithuania, Luxembourg, Malta, Slovenia

Devolution to 1<sup>st</sup> tier local authorities

Countries in which substantial powers have been allocated to local authorities (municipalities)	Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Sweden, Switzerland, UK
Countries which expect to devolve substantial powers to local authorities (municipalities) in the near future or are in the process of doing so	Estonia, Bulgaria, Luxembourg
Countries with relatively powerless local authorities (municipalities)	Cyprus, Greece, Malta, Romania, Spain