

Regional development studies

# The EU compendium of spatial planning systems and policies



# Preface

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Each year, the Directorate-General for Regional Policy and Cohesion of the European Commission launches a number of studies in the field of regional policy and regional planning. These studies mainly aim at providing a basis for policy formulation internally, as well as the preparation of programmes and initiatives and a basis for analysing the impact of current or planned activities. The most interesting or innovative of these are published in a series entitled 'Regional development studies'.

With this series, the Directorate-General hopes to stimulate discussion and action in a wider sphere on the research results received. The publication of the studies is addressed to politicians and decision-makers at European, regional and local level, as well as to academics and experts in the broad fields of issues covered.

It is hoped that by publicizing research results the Commission will enrich and stimulate public debate and promote a further exchange of knowledge and opinions on the issues which are considered important for the economic and social cohesion of the Union and therefore for the future of Europe.

Readers should bear in mind that the study reports do not necessarily reflect the official position of the Commission but first and foremost express the opinion of those responsible for carrying out the study.

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# **The EU compendium of spatial planning systems and policies**

European Commission

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# Foreword

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This comparative review of EU spatial planning systems and policies summarises and compares the findings from the 15 Member State reports. Comparisons are made between the Member States in order to illustrate similarities and differences in approach across the European Union.

The report has been prepared by Plan Local from information supplied by the sub-contractors and with the assistance of DGXVI. We are grateful to the sub-contractors for their efforts in supplying additional information, often at short notice. The review gives an overview of the systems in place on 1 January 1994, although an indication is also given of recent changes and trends where necessary. The Commission has stated its intention to update the Compendium in the future. More detailed information on individual Member States is available in the country volumes.

Wherever possible this review follows the same list of headings as the individual country reports. However, comparison between the Member States has raised many issues that are worthy of further consideration, and so new headings have also been introduced. In particular, a new section has been included which considers the 'systems in operation'.

Sub-contractors, Member State governments, the expert advisors and DGXVI have had an opportunity to comment on previous drafts of this report. We are grateful for the many comments received which have improved the accuracy of the review considerably. Nevertheless some differences in interpretation remain, indeed in a few instances the comments received on the same topic have given different advice. We have done our best to ensure that the content of the report is as consistent as possible.

An important lesson we have learned in undertaking this project is the difficulty of describing any system of spatial planning without ambiguity. This is particularly so in this report which seeks to make meaningful comparisons between the systems. In reality all the systems, their instruments and policies are different, sometimes in quite subtle ways. In order to compare them, generalisations have to be made and simple categories used. The categorisations employed do not always do justice to the complex variations that exist, and this is particularly so for those systems that exhibit variations between regions within the Member State. So the level of generalisation necessary for the broad comparisons made inevitably leads to some over-simplification. Beyond this we have found that there is scope for different interpretations

of the meaning and significance of even the most carefully elaborated systems and policies. The description of any system will depend crucially on the viewpoint taken and the interests and experience of the viewer. In writing this report and editing the Member State volumes our perspective has been from the needs of the Commission and those who are keen to learn about systems and policies of spatial planning in other countries.

Vincent Nadin, University of the West of England, Bristol

Peter Hawkes, Chesterton Consulting

Sheila Cooper, Chesterton Consulting

David Shaw, University of Liverpool

Tim Westlake, University of Wales

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The preparation of a Comparative Review exploring the complexities of planning systems and policies across the 15 Member States of the EU has obviously required contributions from many people and organisations.

The Editors are grateful to all those who have provided contributions, comments and guidance on the preparation of the Compendium. Directorate General XVI of the Commission has played the main role in instigating and funding the project, and we are particularly grateful to Marios Camhis, Eric Dufeil and Philippe Doucet.

National governments have provided very useful information and comments to the team. We are grateful to the expert advisors, Adriana dal Cin, Lyn Davies, Bo Wijkmark, and Marco Venturi for their extensive comments on briefs, the individual country volumes and the comparative review. Other members of the team have also played important roles, Aurelia van Dommelen provided invaluable assistance in translation and administration.

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# Introduction and approach

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## Introduction

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In his introduction to Europe 2000, Bruce Millan, then Commissioner responsible for regional policy, said that 'planning in isolation is no longer possible' (CEC 1991). This was one of the early and important statements acknowledging the role of spatial planning in helping to manage and direct growth, and conserve Europe's natural and built heritage. Since then, awareness of the role that spatial planning can play in the process of European cohesion has grown. The main reasons for this are:

- recognition of the effects that spatial development within a Member State or region can have on its neighbours or for the rest of the European Union;
- the need to maximise the economic potential of the Single European Market by ensuring that infrastructure gaps and inconsistencies in spatial development patterns are minimised;
- the need to co-ordinate public investment including the Structural Funds, to maximise its contribution to Community policies, to increase competitiveness and redress regional disparities;
- to make the most of opportunities for Member States to work jointly on cross-border or transnational planning problems of common concern;

- recognition of the role that spatial planning can play in promoting sustainable development of the Community's territory and ensuring that economic growth is balanced against the need to protect the environment and heritage;
- to address the spatial development implications of the integration of the central and eastern European countries and the southern and eastern Mediterranean countries with the European Union.

In its promotion of social and economic cohesion and greater competitiveness within the Community, the Union has undertaken many actions and has invested considerable funds with important spatial planning implications for the relevant national, regional and local authorities. The need for effective cooperation between levels of administration within the European Union, across sectors of activity and across Member State and regional borders has grown. The increased attention to cooperation on and through spatial planning has been reflected in:

- the publication of Europe 2000 (CEC, 1991) intended to provide information on trends in the spatial development of the Community's territory and a 'framework for cooperation';
- the further analysis of the spatial dynamics of the European territory through transnational and external impact studies;

- the publication of Europe 2000+ (CEC, 1994) which presented the findings of the transnational studies together with policy options and preliminary findings from the Compendium;
- the identification of *aménagement du territoire* (variously interpreted in the Community languages) in the 1993 Treaty of the Union as a measure related to the protection of the environment;
- the formation of the Committee on Spatial Development in 1991 which has enabled further intergovernmental cooperation on spatial planning, in particular on the proposed *European Spatial Development Perspective*.

Despite the clear agreement on, and opportunity for, increased cooperation on spatial planning across the Union, there is considerable diversity in the way that planning is conducted and the policies that are pursued. Arrangements often differ between regions within the same Member State which adds further complexity. Although there have been a small number of comparative studies, understanding about the different instruments and policies of spatial planning was not comprehensive or complete. The third informal meeting of Ministers of Regional Policy and Planning at the Hague in November 1991 agreed to the preparation of a Compendium of Planning Systems and Policies. A pilot study was undertaken (Kolpron Consultants, 1991) which illustrated both the potential and difficulties involved in such an exercise.

Following an open call for tenders, Plan Local was appointed by the Commission as the Lead Contractor to produce the Compendium, and began work in 1994. Plan Local is a joint venture of the private consultants Chesterton Planning and Consulting, and the School of Planning, University of Central England.

A sub-contractor for each of the then twelve Member States was appointed by Plan Local in consultation with the Commission. Each sub-contractor was approved by their Member State government, usually through the Com-

mittee on Spatial Development. In anticipation of their membership of the European Union, Austria, Finland and Sweden joined the project. A small team of experts was also appointed by Plan Local to advise on the accuracy of the reports. The method for producing the Compendium is set out more fully in Appendix 1. In summary the sub-contractors have prepared reports describing systems and policies of spatial planning in their country, to a detailed brief prepared by Plan Local. The submissions have been through an extensive process of review, re-drafting and editing before publication to ensure a measure of consistency in the presentation of material.

The Compendium is intended to provide an authoritative and comparable reference on spatial planning systems and policies throughout the European Union. It does not attempt to evaluate the relative merits or shortcomings of different arrangements for spatial planning. The terms of reference (See Appendix 2) envisaged two main functions for the Compendium

- the provision of information...to improve knowledge, and
- to illustrate some of the problems and opportunities which arise as planning policies are actually implemented.

The full list of the Compendium documentation is given at the beginning of this publication. In summary it comprises

The Comparative Review of Systems and Policies

15 Member State Volumes on Systems and Policies

3 Thematic Volumes of Case Studies

The volumes on systems and policies provide a description of the institutions and mechanisms for plan-making, regulation, and the implementation of policy, together with a summary of spatial planning and related policies at EU, national, regional and local levels. Each report follows the same broad format. The

comparative review follows the same structure as the Member State volumes. The sections are:

- A: Overview of the planning system and its context
- B: Making and reviewing plans and policies
- C: Regulation and permits
- D: Organisations and mechanisms for development and conservation
- E: Overview of policies
- F: Policies
- G: Towards an understanding of systems in operation (Comparative Review only)

Glossary and other appendices

The Norwegian Government have published a similar volume on planning systems and policies which also included thematic case studies. This was prepared in parallel with the EU volumes and under the direction of the lead contractor.

## **The meaning of 'spatial planning'**

The Compendium reports on 'spatial planning' and it is important at the outset to clarify what is meant by this. There are many terms which are used to describe particular combinations of activities in the Member States that are closely related to the idea of spatial planning.

First, it should be understood that spatial planning when used in the 'EU sense' does not mean precisely '*aménagement du territoire*', *town and country planning*, *Raumordnung*, *ruimtelijke ordening*, or any of a number of other terms used by Member States and regions to describe the particular arrangements for managing spatial development which apply in their territories. These terms have been used in translation on many occasions, including the Maastricht Treaty, but it would not be sensible

to adopt that approach here. The Compendium seeks to define more precisely the meaning of the terms used in each country, rather than to suggest that they are the same. Such terms represent a meaning specific to the Member State (or perhaps even region) where they are used, and are not directly transferable from one situation to another. This is true even where the same term is used in the same language in different countries. Their use and meaning will have developed through time in response to the particular legal, socio-economic, political and cultural forces of that country or region. For these reasons terms relating to instruments or practices which are specific to a particular Member State are not translated (as explained below).

For example, in France the notion of *aménagement du territoire* is inextricably linked to the administrative and political traditions of this country. It is concerned with the regional economic planning of the territory at the broadest level. The same words are used in Belgium and Luxembourg but have a different meaning. The Dutch term *ruimtelijke ordening* is closely tied to the important traditions of managing a scarce land resource, and has connotations of major public sector activity in the development process which has been the norm in the Netherlands. In the UK the term *town and country planning* refers to the system of regulating land use and development activities of both public and private developers, and which is largely separate from other sectoral planning processes.

These examples could be replicated across the European Union. Indeed, there is unlikely to be complete agreement about the meaning of any one term, since there is considerable overlap at the margins with other related sectoral systems of policy making and regulation. Using any one of these terms to describe systems in different countries, treating them as equivalent terms that can be translated, or making literal translations, would only lead to further ambiguity. Therefore, the term 'spatial planning' has been adopted by the European Commission. This is a neutral generic term and does not equate precisely to any one of the Member State's systems for managing spatial

development. The following section outlines the definitions of some of the key terms which have been used in the preparation of the Compendium. A glossary of terms is also provided in Appendix 1. The definitions set out below and in the glossary may be open to discussion. They are proposed here as the starting point which needs further elaboration and agreement.

Spatial planning refers to the methods used largely by the public sector to influence the future distribution of activities in space. It is undertaken with the aims of creating a more rational territorial organisation of land uses and the linkages between them, to balance demands for development with the need to protect the environment, and to achieve social and economic objectives. Spatial planning embraces measures to co-ordinate the spatial impacts of other sectoral policies, to achieve a more even distribution of economic development between regions than would otherwise be created by market forces, and to regulate the conversion of land and property uses. When the Compendium refers to 'spatial planning systems' this means the various institutional arrangements for expressing spatial planning objectives and the mechanisms employed for realising them.

Spatial planning encompasses elements of national and transnational planning, regional policy, regional planning and detailed land use planning. National spatial planning includes the broad development frameworks or perspectives prepared to guide spatial development patterns and lower-tier spatial plans. Such perspectives usually include a 'transnational' dimension where they seek to interpret the implications of wider supranational development patterns for the nation. National spatial planning also includes national guidelines or plans which may not themselves have a spatial dimension but which constrain the options of plan makers at the regional and local levels. At this level, both perspectives and guidelines will be closely linked to the social and economic policies of government and will seek to co-ordinate activities across different sectors.

Regional policy — (sometimes described as national — regional planning<sup>1</sup>) attempts to influence the distribution of economic activity and social welfare between regions in order to address 'uneven development', and is usually undertaken by national governments. Regional policy measures may include direct investment in physical and social infrastructure, fiscal incentives to influence the locational decisions of firms, and relaxation of regulations in areas of decline together with stricter controls in areas of 'excessive demand'. At the European level the EU Structural Funds have played a considerable role in regional policy.

Regional planning attempts to shape development patterns within a 'region' usually through a strategy which links physical change with economic and social policy. Regional planning operates at a level below the national level but above the local municipal level. It can be undertaken for administrative areas such as the territories of regional and provincial governments and administrations, or for functional planning areas such as 'city-regions'. Regional planning integrates the spatial implications and objectives of national policy with conditions in particular localities. It can operate at different levels within the same area such that sub-regional planning takes place within a regional planning area. Regional planning instruments are expressed in plan form but are strategic and only rarely site specific.

Land use planning or physical planning operates at the municipal level in order to regulate the conversion of land and property uses. Planning instruments at this level are site specific and may contain detailed provisions in respect of land and property use, the form and detailed design of buildings, conservation and protection of the built and natural heritage and building construction. Land use planning instruments can be expressed in a variety of forms from general frameworks over large areas to more detailed blue-prints setting out the precise pattern of development on one building plot. Some Member States also have

<sup>1</sup> See Hall, P (1992). For a fuller explanation of these terms see also Goodall, B. (1987) and Johnston et al (1994).

general codes or standards which apply across the whole country or region which shape local development and building patterns.

## Terminology

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The problem of terminology goes well beyond the definition of spatial planning. As set out in the introduction to the term spatial planning, the literal translation of the names of planning institutions and instruments from one language to another can lead to ambiguity and misunderstanding. Even some of the most basic terms can have quite different connotations in different countries and regions. For example, a 'region' can mean an area of territory with a population of five million (as in the German Länder and the countries and standard regions of the UK) or an area with a population of less than 500,000 (as in Denmark, Ireland and Finland). The use of the term "region" in the European sense may contradict the national interpretation, as in the case of Germany where the länder are often described as "regions" but where regional government also exists below this level. The 'regional administration' can take different institutional forms; it may be an agency of central government, a directly elected regional government, or a co-operative body of local authorities. Even the word 'plan' can mean in one country an instrument which provides policy guidance, and in another an instrument which effectively gives consent for building to proceed.

The meaning of many terms is specifically defined in the country's law, which may give the same words very different meanings. For example, *lokalplaner* and *local plans* are literal translations of each other, and these terms have previously been used as equivalents. But this may have given the wrong impression that they have the same meaning. In Denmark *lokalplaner* are legally binding instruments setting out regulations for the control of land use within a particular neighbourhood, and their preparation is mandatory where major development is to take place. In the UK *local plans* are policy instruments,

rather than binding regulations, providing important guidance for decisions on proposals for development and prepared for the whole of a local planning authority area. Although these plans share some characteristics, especially in the procedures for preparation, they are fundamentally different types of instrument. It would be misleading therefore to use the literal translation of *lokalplaner* as *local plans*, and vice versa. This potential ambiguity could be multiplied many times over as different countries use the term 'local plan' to describe different instruments.

The issue of terminology in spatial planning is therefore a complex one, with the meaning of the same words varying considerably between the Member States and in some cases, regions. Therefore throughout the Compendium, the use of literal translations of words with specific meaning is avoided, in favour of the use of 'home language terms'. Where home language terms with specific meaning are used they are italicised and explained in the text in their first mention. If necessary the explanation is repeated in later sections. In the table legends the "home language" names of countries are used also.

The authors and editors of the Compendium have tried to achieve an acceptable balance between the need to provide an accurate and unambiguous account of the planning systems, and the need for the texts to be comprehensible, and sensitive to the needs of readers who will be unfamiliar with the technical terms. There are situations where some flexibility has been allowed for the sake of clarity in explanation. Where common categories are used for comparative purposes in this review, they are based on 'neutral terms'. Where they correspond to words used in particular countries it should not be assumed that the meaning is the same. A glossary of the most important terms used appears in each of the Member State volumes. The general approach of using specific home language terms makes the Compendium a more complex document, but this more accurately reflects the real variety and richness of systems and policies of spatial planning in the European Union.

## The scope of the compendium

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It is impossible to be precise about the equivalent terms for the arrangements which make up the spatial planning system in each Member State. There is great variation in the arrangements for planning, and there may also be some uncertainty about the precise boundaries of particular 'systems' because of the interrelationships with other areas of policy and regulation. For example, in the UK, the description of spatial planning would require exploration of the whole of the *town and country planning system*, or *land use planning*, and the spatial aspects of *regional policy*. Various aspects of closely related arrangements for policy and regulation such as environmental pollution would also require some explanation. In France, the description of spatial planning will require exploration of elements of '*aménagement du territoire*', '*urbanisme*' and '*politique de la ville*'. In some countries there may be a need for explanation of elements of the law relating to land ownership if this is a method by which land use regulation is enforced. Therefore, there is considerable variation in what constitutes 'the system'. Nevertheless, the central focus throughout is on the arrangements for managing the organisation of activities in space. Managing, in this context means both exercising control through regulation but also promoting spatial objectives through strategies and other implementation mechanisms.

Despite the variation it is possible to identify common elements of spatial planning systems across all Member States, and this is reflected in the organisation of the main sections of the Compendium. The following activities are common to all Member States:

- at the national level

the production of spatial planning framework which provides a central reference for

the formulation of lower tier instruments, and which may co-ordinate inter-regional spatial development patterns for matters of national and international significance, (although the specificity of such guidance and the extent of its realisation in practice varies considerably, and regional legal frameworks may be more important in federal countries);

- at regional levels

the production of spatial planning policy which co-ordinates inter-regional spatial development patterns and provides a strategic reference for lower tier instruments;

- at the local authority/municipal level

the production of spatial framework documents which set out general criteria for the regulation of land use change;

the preparation of land use instruments which define the type of physical development which will be permitted at particular locations (the specificity in terms of defined uses and design criteria varies significantly);

procedures for the consideration of proposals to develop or change the use of land and property;

- at various levels

special mechanisms to encourage the realisation of the objectives and policies expressed in spatial planning instruments, both for development and for the protection of the environment;

other mechanisms of land use regulation which may include for example, those restricting land parcel sub-division, tax and other duties to deal with betterment and compensation, and mechanisms which allow for compulsory purchase or expropriation of land and property.



# Introduction au compendium

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Dans son introduction au rapport Europe 2000, Bruce Millan, membre de la Commission responsable de la politique régionale de 1989 à 1994, affirmait que «une planification élaborée dans l'isolement n'est plus possible» (CCE 1991). Cette déclaration ouvrait la voie à une reconnaissance plus large du rôle de la planification territoriale dans le processus de cohésion économique et sociale dans l'Union européenne.

Les raisons principales de cette évolution sont:

- la reconnaissance des effets que peut avoir la planification territoriale dans un Etat membre ou dans une région pour ses voisins ou pour le reste de l'Union européenne;
- la nécessité de valoriser au mieux le potentiel économique du marché unique en minimisant les écarts d'infrastructures et les divergences en matière de planification territoriale;
- la nécessité de coordonner les investissements publics, y compris les Fonds structurels, pour maximiser leur contribution aux politiques européennes, pour accroître la compétitivité et pour réduire les disparités régionales;
- l'augmentation des possibilités de coopération entre Etats membres dans le cadre de projets d'aménagement transfrontaliers ou transnationaux pour répondre à des problèmes communs;

- la reconnaissance du rôle que peut jouer la planification territoriale dans le développement durable de la Communauté et dans la recherche d'un meilleur équilibre entre les impératifs de croissance économique et la protection de l'environnement et du patrimoine;
- la réponse aux implications de l'intégration des pays de l'Europe centrale et orientale et des pays méditerranéens dans de l'Union européenne sur la planification territoriale.

Pour toutes ces raisons, l'Union européenne a entrepris de nombreuses actions et a investi des montants importants dans le domaine de la planification territoriale. La nécessité d'une coopération effective entre les différents secteurs d'activité, les Etats membres et les régions frontalières s'en est trouvée accrue.

L'attention croissante portée ces dernières années à la coopération s'est notamment reflétée à travers:

- la publication du rapport Europe 2000 conçu pour fournir des informations sur les grandes tendances de la planification territoriale communautaire et sur un «cadre de coopération»;
- l'analyse des dynamiques spatiales à travers le territoire européen, au moyen d'études transnationales et d'études sur les impacts externes;

- la publication du rapport Europe 2000+ qui présente les conclusions des études transnationales ainsi que les différentes politiques et conclusions préliminaires du Compendium;
- la reconnaissance de l'*aménagement du territoire* (dont l'interprétation varie dans les langues de la Communauté) dans le Traité sur l'Union européenne, en tant que politique liée à la protection de l'environnement;
- la création, en 1991, d'un Comité de Développement Spatial qui a encouragé une coopération intergouvernementale plus importante au niveau de la planification territoriale, en particulier pour l'élaboration d'une proposition de *Schéma de développement de l'espace communautaire* (S.D.E.C.).

## **L'utilité d'une revue comparative**

En dépit de l'accord général sur le principe d'une plus grande coopération, il subsiste à travers l'Union de grandes différences dans la manière dont la planification territoriale est appliquée et dans les politiques poursuivies. De plus, les dispositions en vigueur varient souvent d'une région à l'autre à l'intérieur d'un même Etat, ce qui complique encore plus la situation.

Les quelques études comparatives déjà menées n'ont pas comblé les lacunes en matière de connaissance des différents instruments et politiques de la planification territoriale dans les Etats membres. C'est pourquoi, lors de la troisième réunion informelle des ministres responsables de la planification territoriale à La Haye en novembre 1991, il a été décidé de préparer un Compendium des systèmes et des politiques d'aménagement.

Suite à un appel d'offres ouvert, la Commission européenne a sélectionné un partenariat nommé Plan Local et constitué des consultants privés de Chesterton Planning and Consulting et de la School of Planning de la «University of Central England» pour produire le Compendium en question. En concertation

avec la Commission, Plan Local a nommé un sous-contractant pour chacun des douze Etats membres. Chaque sous-contractant a été approuvé par le gouvernement de son Etat membre. Anticipant leur adhésion à l'Union européenne, l'Autriche, la Finlande et la Suède se sont jointes à ce projet. Un petit groupe d'experts a également été nommé pour vérifier l'exactitude des rapports produits. Le travail sur ce projet a débuté en 1994.

En résumé, la méthodologie adoptée pour produire le Compendium est la suivante:

- 1) les sous-contractants ont préparé des rapports décrivant les systèmes et les politiques de planification territoriale dans leur pays selon un format prédéterminé;
- 2) les textes soumis ont ensuite fait l'objet d'un processus de révision, de correction et d'édition très complet afin d'assurer une homogénéité de présentation lors de la publication.

L'objet du Compendium est de fournir des informations fiables et comparables sur les systèmes et politiques de planification territoriale à travers l'Union européenne. Le cahier des charges du projet assigne au Compendium une double fonction:

- la mise à disposition d'informations;
- la mise en évidence de certains problèmes et de nouvelles perspectives qui se présentent lors de la mise en œuvre effective des politiques d'aménagement.

Il n'a cependant pas été question de procéder à une évaluation des avantages et des inconvénients relatifs aux différentes dispositions en vigueur dans les Etats membres.

En résumé, le Compendium comprend la revue comparative des systèmes et politiques, les 15 volumes sur les systèmes et les politiques dans les Etats membres, et 3 volumes thématiques d'études de cas. Les volumes sur les systèmes et les politiques dans les Etats membres décrivent les institutions et les mécanismes de planification, la réglementation et la

mise en oeuvre de la politique ainsi qu'un résumé de la planification territoriale et des politiques s'y rattachant aux niveaux local, régional, national et de l'UE. Tous les rapports ont le même format.

La structure de la revue comparative est la suivante:

- A. Vue d'ensemble des systèmes d'aménagement et de leur contexte
- B. Elaboration et révision des plans et des politiques
- C. Réglementations et autorisations
- D. Organismes et mécanismes de développement et de préservation
- E. Aperçu des politiques
- F. Politiques
- G. Appréciation des systèmes en place

Glossaire et appendices

## **La notion de *planification territoriale***

Le Compendium traite principalement de la *planification territoriale*, terme qu'il convient de définir préalablement.

Un grand nombre de termes utilisés dans les Etats membres décrivent les différentes activités qui s'apparentent à la planification territoriale. Il est important de noter que la *planification territoriale*, tel qu'on le comprend au niveau de l'Union européenne, ne correspond pas exactement à l'*aménagement du territoire*, le *town and country planning*, le *Raumordnung*, le *ruimtelijke ordening* ou tous les autres termes utilisés par les Etats membres et les régions pour décrire les dispositions particulières qui sont prises pour gérer la planification territoriale sur leurs territoires.

Ces termes ont été utilisés dans la traduction à de nombreuses reprises, y compris dans le Traité sur l'Union européenne, mais il ne serait pas avisé d'adopter la même approche dans le cadre de cette étude. En effet, l'objet du Compendium est de préciser le sens des termes utilisés dans chaque pays et non de suggérer qu'ils sont interchangeable. Ces termes ont un sens spécifique dans chacun des Etats membres (ou même dans une région spécifique) où ils sont en usage et ne peuvent être transposés d'une situation à une autre. Cela est également vrai lorsque les mêmes termes sont utilisés dans une même langue mais dans des pays différents. Leur utilisation et leur sens auront évolué avec le temps en réponse aux conditions juridiques, socio-économiques, politiques et culturelles particulières de leur pays ou de leur région. Pour ces raisons, les termes relatifs à des instruments ou des procédures spécifiques à chaque Etat membre ne sont pas traduits.

A titre d'exemple, en France, le concept d'*aménagement du territoire* est étroitement lié aux traditions administratives et politiques du pays. Il traite de l'aménagement économique des régions du territoire dans le sens le plus large. Le même terme est employé en Belgique et au Luxembourg mais il y a un sens différent. Au Royaume-Uni, le terme *town and country planning* évoque le système de réglementation de l'utilisation des sols et les initiatives d'aménagement tant du secteur public que du secteur privé et se distingue très largement des autres procédures d'aménagement sectoriel.

Des cas semblables se retrouvent à travers l'Union européenne entière. L'utilisation de l'un ou l'autre de ces termes pour décrire l'ensemble des systèmes dans les différents pays ne ferait qu'ajouter à la confusion. Aussi, le terme *spatial planning* traduit en français par *planification territoriale* a été adopté par la Commission européenne. Il s'agit d'un terme neutre qui ne s'applique pas précisément à l'un ou l'autre des systèmes actuellement en vigueur dans les Etats membres.

La *planification territoriale* fait principalement état des moyens utilisés par le secteur public

pour influencer sur la distribution des activités dans un espace. Il sert à créer une organisation plus rationnelle de l'utilisation des sols et des liens entre ceux-ci, d'équilibrer les impératifs d'aménagement avec la nécessité de protéger l'environnement et de remplir des objectifs économiques et sociaux. *La planification territoriale* englobe toutes les mesures prises pour coordonner les impacts sur l'espace des autres politiques sectorielles, assurer une répartition plus équilibrée de la croissance économique que celle résultant des simples lois du marché, et réglementer le changement de destination des sols et les exploitations immobilières. Quand le Compendium se réfère aux *systèmes de planification territoriale*, cela recouvre tous les dispositifs institutionnels qui permettent d'exprimer des objectifs de planification territoriale.

La *planification territoriale* englobe des éléments de l'aménagement national et transnational, la politique régionale et l'aménagement de l'utilisation détaillée des sols.

La *planification territoriale nationale* comprend les plans cadres généraux ou les documents de prospective qui orientent les schémas de la planification territoriale ainsi que les documents des échelons administratifs inférieurs. Ces documents comprennent habituellement une dimension transnationale dans la mesure où ils cherchent à interpréter les implications que peuvent avoir des schémas d'aménagement supra-nationaux pour la nation.

La planification territoriale nationale comprend également des orientations ou des plans nationaux qui n'ont pas nécessairement une dimension spatiale mais qui restreignent les pouvoirs des urbanistes aux niveaux régional et local. A ce niveau, les documents de prospective et les orientations seront étroitement liés aux politiques économiques et sociales du gouvernement et seront produits dans le but de coordonner les activités de plusieurs secteurs.

La *politique régionale*, quelques fois condondu avec la planification régionale, cherche à rééquilibrer la répartition des activités économiques et du bien-être social entre régions afin

de répondre au problème des disparités régionales; elle est généralement mise en oeuvre par les gouvernements nationaux. Les mesures de politique régionale peuvent comprendre des investissements directs dans les équipements sociaux et les infrastructures, des stimulants fiscaux pour influencer sur les décisions de l'implantation des sociétés, et l'assouplissement des réglementations dans les zones de déclin industriel ainsi que des contrôles plus stricts dans des zones qui font l'objet d'une demande dite «excessive». Au niveau de l'Union européenne, les Fonds structurels jouent un rôle majeur dans la politique régionale.

La planification régionale s'efforce d'influencer les schémas de développement d'une région à travers une stratégie qui lie le changement physique et la politique économique et sociale. La planification régionale opère généralement à un niveau inférieur au niveau national mais supérieur au niveau local (municipal). Il peut être entrepris dans des circonscriptions administratives telles que les territoires des autorités ou des administrations aux niveaux régional ou provincial, ou pour des zones d'aménagement fonctionnel telles que les villes-régions. La planification régionale applique les objectifs de la politique nationale aux conditions particulières des localités. Les instruments de planification régionale prennent la forme de plans stratégiques.

La *planification détaillée de l'occupation des sols*, ou planification physique, opère au niveau municipal afin de réglementer l'évolution de l'usage des sols et des propriétés. Les instruments d'aménagement à ce niveau varient géographiquement et peuvent contenir des informations détaillées relatives à l'utilisation des sols et des biens immeubles, la forme et le style des bâtiments, la conservation et la protection de monuments, le patrimoine naturel et la construction d'immeubles. Les instruments d'aménagement des terrains peuvent être reflétés dans une variété de formes allant de cadres généraux couvrant des espaces étendus à des plans plus détaillés articulant des schémas de développement précis sur des espaces plus restreints. Quelques Etats membres ont également des codes ou nor-

mes d'ordre général qui s'appliquent à travers tout le pays ou la région et qui déterminent les schémas de développement local et de construction.

## Terminologie

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Le problème de la terminologie va bien au-delà de la définition de la planification territoriale. La traduction littérale des noms d'organismes et d'instruments d'aménagement peut être source d'ambiguïtés et d'incompréhension. Certains des termes les plus élémentaires peuvent avoir des connotations différentes selon les pays et les régions. A titre d'exemple, une *région* peut signifier soit une partie du territoire avec une population de plusieurs millions d'habitants (comme dans les Länder allemands ou les pays et régions de taille moyenne du Royaume-Uni) ou une division territoriale où vit une population de moins de 500.000 personnes (comme au Danemark, en Irlande et en Finlande). La *région administrative* peut être une antenne du gouvernement central, un gouvernement régional directement élu, ou un instrument de coopération intercommunale. Même le terme *plan* peut signifier dans un pays un instrument qui fournit des orientations politiques et dans un autre, un document ouvrant un réel droit à construire.

Pour cette raison, les auteurs du Compendium ont choisi d'éviter la traduction littérale de termes ayant des significations spécifiques, préférant l'utilisation des termes dans la langue d'origine. Quand de tels termes sont utilisés dans le texte, ils sont mis en italiques et expliqués lors de leur première mention. Si cela est nécessaire, cette explication est répétée.

Les auteurs et les éditeurs du Compendium se sont efforcés de créer un équilibre acceptable entre le besoin de fournir une description précise et univoque des systèmes d'aménagement et le besoin de rendre ce document compréhensible pour les lecteurs qui ne connaîtraient pas les termes techniques. Dans certains cas, un certain degré de souplesse a été introduit pour favoriser la clarté des expli-

cations. Ainsi, dans les cas où quelques grandes catégories ont été définies pour des besoins de comparaison, celles-ci reposent sur l'utilisation de termes neutres. Cependant, quand ces termes correspondent à des expressions utilisées dans certains pays, il ne faut surtout pas présumer de leur signification unique.

L'utilisation des termes spécifiques dans la langue d'origine rend le Compendium plus complexe mais reflète de façon plus précise la variété et la complexité réelles des systèmes et des politiques de planification territoriale à travers l'Union Européenne.

## La portée du Compendium

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Les dispositions constitutives d'un système de planification territoriale varient énormément d'un Etat membre à l'autre. Il y a donc un degré d'incertitude au sujet des limites de chaque système particulier au vu de ses liens avec d'autres politiques et réglementations. Il est impossible d'être précis à propos des termes de ces dispositions dans chaque Etat membre. Certains aspects des dispositions mériteraient également des explications. En France, la description de la planification territoriale nécessiterait une analyse des termes tels que *aménagement du territoire*, *urbanisme* et *politique de la ville*. Dans certains pays, il est également important de s'attarder sur les éléments de la loi relatifs à la propriété foncière quand ils représentent un moyen assurant l'application des règles d'urbanisme et d'aménagement.

Ceci étant dit, le principal facteur à prendre en considération reste les dispositions qui portent directement sur l'organisation des activités dans un espace. La gestion de ces activités signifie à la fois un contrôle de l'utilisation des sols à travers des réglementations mais aussi la mise en oeuvre d'objectifs d'aménagement par le biais de stratégies et d'autres mécanismes de mise en oeuvre.

Malgré les différences, il est possible d'identifier des éléments communs à tous les systè-

mes de planification territoriale étudiés. L'organisation des sections principales du Compendium reflète ces points communs.

Les activités suivantes sont communes à tous les Etats membres:

- *au niveau national*

l'élaboration d'un cadre légal d'aménagement spatial qui fournit une source de référence centrale pour l'élaboration d'instruments de niveau inférieur et qui peut coordonner les schémas de développement inter-régionaux relatifs à des sujets d'importance nationale et internationale (bien que la spécificité de ces orientations et leur degré de mise en oeuvre dans la pratique varient considérablement et que les cadres juridiques régionaux puissent être plus importants dans les systèmes fédéraux);

- *au niveau régional*

l'élaboration de politiques de planification territoriale qui coordonnent les schémas de développement spatial inter-régionaux et qui fournissent une source de référence stratégique pour les instruments de niveau inférieur;

- *au niveau local/municipal*

l'élaboration de documents cadres d'aménagement qui expriment des critères d'ordre général pour la réglementation du changement d'utilisation des sols;

la préparation d'instruments d'utilisation des sols qui définissent les catégories d'aménagements autorisées dans certains lieux (les types d'affectations et les styles de constructions autorisés varient grandement d'un pays à l'autre);

les procédures d'examen des projets d'aménagement ou de changement d'utilisation des sols et des propriétés;

- *à des niveaux différents*

des mécanismes particuliers qui assurent la mise en oeuvre d'objectifs et de politiques exprimées dans les instruments de planification territoriale, à la fois pour le développement et la protection de l'environnement;

d'autres mécanismes de réglementation des sols qui peuvent comprendre, par exemple, des mesures restreignant le lotissement des terres, les taxes et autres droits relatifs aux variations des valeurs foncières, et d'autres mécanismes encore qui permettent des expropriations de terrains et d'immeubles.

# A Overview of planning systems and their context

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## Introduction

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Section A provides a description of the diversity in arrangements for spatial planning in the Member States. It includes a discussion of the main contextual factors which shape spatial planning systems, and trends, including the impact which the European Union is having on systems. The discussion follows this structure:

- traditions of spatial planning;
- the context and principles which give rise to the different traditions;
- emerging trends and the impact of the European Union.

## Traditions of spatial planning

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The sections that follow (Sections B, C, D, E and F) set out the general characteristics of European Union spatial planning systems and policies and their similarities and differences. Whilst this discussion identifies considerable diversity, it is important to note at the start that there is consistency in the recognition of the importance of providing a policy and procedural framework for managing land use change, and relating this to wider social and economic objectives. Indeed, the emergence of land use planning systems across Europe

has some common roots. Most Member States produced their first planning legislation in the early part of this Century in response to increasing development pressure and the consequent problems that arose from dense and disorganised development. Early legislation on planning is closely linked to housing and health reform, where the physical improvement of cities and towns was undertaken to improve the social and economic conditions of their citizens.

The scope of planning has expanded considerably since then, especially in the immediate post war era when more comprehensive planning, seeking to integrate and coordinate public sector investment, became widespread across Europe. During the 1960s and 1970s planning procedures began to incorporate more opportunities for citizens to participate, and in recent years the range of 'interests' with access to the machinery for spatial planning has been broadened. The needs of business and private sector investors, and the concerns of environmental protection lobbies are both playing a more significant role in planning processes. The challenge for all spatial planning systems is to manage these often competing interests, whilst contributing to the prosperity of the Community.

Whilst there is some consistency in the recognition of the need for spatial planning, a complex mixture of factors has ensured that differ-

ent arrangements are created in the Member States and regions. These factors include historical and cultural conditions, geographical and land use patterns, the constitutional, administrative and legal framework, levels of urban and economic development, and political and ideological aspirations. The particular forms of planning that result from such complex forces are deep seated, indeed they define the concept of spatial planning for each Member State. Thus they might best be described as traditions of spatial planning.

Given the deep interlinkages between the arrangements for spatial planning and the socio-cultural and even linguistic aspects of the society in which they operate, the characteristics of different traditions are difficult to define simply. Many variables might be selected to help identify the essential characteristics of a planning system. Here, seven broad and inter-related factors are suggested. They are:

- the scope of the system;
- the extent and type of planning at national and regional levels;
- the locus of power;
- the relative roles of public and private sectors;
- the nature of the system of law;
- constitutional provisions and administrative traditions;
- the maturity or completeness of the system;
- the distance between expressed objectives and outcomes.

*The scope of the system* refers to the range of policy topics over which the planning system has some competence or influence, and the extent of integration between the spatial planning system and planning and investment in particular sectors. In terms of the scope of systems there is a fundamental difference between those planning systems which integrate social and economic planning with spatial

development policy, and those which are more narrowly concerned with controlling land use and development.

A number of member states exhibit considerable formal integration of social, economic, environmental and infrastructure planning within what can be described as the spatial planning system. Austria, France, Germany, Finland and the Netherlands all display some features of integration, especially at the strategic level. Other Member States such as Ireland, Portugal and the United Kingdom are establishing further linkages within a more integrated planning system, although with varying degrees of comprehensiveness. One very important factor here is the influence of European Union funding and the need for this to be tied to longer term integrated strategies.

Generally, the linkages and overlaps between the management of land use and many other related policy areas are becoming more complex. Over recent years there has been a general trend to extend and broaden spatial planning in almost every Member State. For example, environmental issues are of increasing importance both in rural and urban areas. The existence of European Union Directives has introduced some consistency in approach to this issue across Member States, but the relationship between environmental protection and the general management of land use change still varies. For example, in some countries environmental assessment of development proposals may be considered part of the spatial planning system; in others it will be related but separate. Infrastructure, notably road and rail communications, but also water, drainage and telecommunications is another example of a policy area which may be considered part of or separate from the spatial planning system.

*The extent and type of planning at national and regional levels* is identified as an important factor because it is here that the arrangements for spatial planning in the Member States tend to differ most significantly. Almost all systems have a similar approach to planning at the local or municipal level with the use of general municipal framework plans and regulation in-



struments (this is explained in more detail in Section B). However, there is considerable variation in both recognising the need for, and approaches to national and regional spatial planning. Some countries, for example Denmark and the Netherlands, have very explicit spatial plans at the national level, whereas other countries have no 'national planning' with a spatial dimension. The structure of government is particularly important in shaping responses at these levels and is discussed in some detail later in this section.

*The locus of power* for the operation of the system, relates particularly to the extent to which it is centralised, regionalised or localised. Here, there is a notable move towards increasing power at the regional level of government. Austria, Belgium, Germany, Italy, and Spain, all have important powers exercised at the regional level, either through a federal or regionalised system of government. There is an emerging realisation in many regions throughout the Member States about the need to produce their own co-ordinating spatial plans, and to integrate the production and implementation of these plans with the regional development plans and single programming documents agreed with the European Union. Some countries have experienced a measure of decentralisation to the most local municipal level. In considering the decentralisation of power it is important to consider first, the distinction between administrative decentralisation to local arms of central government and to accountable locally elected councils; and second the extent to which central government retains a determining influence through supervisory and/or reserve powers. The relationship with governmental structure is again very important as discussed below.

*The relative roles of the public and private sectors* refers to the extent to which the realisation of spatial planning policy is reliant on public or private sources, and the extent to which development might be characterised as predominantly plan-led or market led. The relationship between planning and implementation is very close in some systems, with the state having extensive powers related to the realisation of development. It is normal prac-

tice in many Member States for the public sector to take a leading role in the implementation process, particularly for large, complex or urban projects. Greece, Spain, (with some exceptions) and the United Kingdom are unusual in that they have a much lower level of direct public sector involvement in the implementation of new development, but rather public sector planning is undertaken primarily to promote and regulate the actions of private investors.

*The legal framework* incorporates a number of related factors, including the nature of the law providing for spatial planning, the extent to which plans and policies are binding (and thus the discretion open to decision makers) and the existence of any constitutional or other legal rights in relation to land and property. Many Member States have the majority of the spatial planning legislation incorporated into a single or small number of Acts. This may also incorporate environmental and other matters, and is a measure of the significance of spatial planning within the spectrum of government. Partly because of their system of law and its traditions, Greece, Italy and Portugal tend to have a much more fragmented legislative framework for land use planning and related topics. There is no doubt that this makes the comprehension of their systems more difficult, but perhaps of more significance, it may affect the level of integration of the system. In most Member States planning instruments, especially at the detailed level are legally binding, and in fact are part of the law, but there are important exceptions.

*The maturity or completeness of the system* refers to a number of factors including:

- the degree of public acceptance of the need for planning and regulation;
- the provision of up-to-date policy instruments;
- the degree of vertical integration and cooperation between levels of administration;
- the existence of transparent and productive consultation mechanisms available to incor-

porate the many relevant interests in the planning process, and to integrate the work of different levels of administration and other official organisations.

These variables give an indication, irrespective of the formal arrangements, of how well established and responsive the system for spatial planning is in practice. Some countries have extensive up to date plan coverage and/or the ability within the system to relatively quickly produce new instruments that are needed. In others the plan framework may be incomplete (in theory and/or practice) and the system may be struggling to keep pace with development that is happening in reality. The 'maturity' of the system may also in part be demonstrated by the extent to which stated objectives match with the reality of development. This is discussed in the concluding section of this report and is treated as a separate factor here.

*The distance between the expressed objectives and outcomes* is a measure of the extent to which actual development is in accordance with stated spatial planning objectives and policies. However, it is important to avoid any over-simplistic assumptions about the relationship between planning instruments and development in reality. It may be that development does not match provisions set out in plans, but that different outcomes have resulted from other important considerations. The main question in considering the relationship between objectives and outcomes will be the role that the spatial planning system has played in arriving at the final outcome. This is something which will be dealt with more fully through the examination of case studies which appear in separate volumes of the Compendium. It is also considered briefly in the conclusion to this volume.

The factors introduced above help to define broad traditions of planning in the European Union, and these are briefly discussed below. The conclusions give only a very general picture of the different approaches to planning in the Member States. All the states, and even some regions within states have their own particular characteristics. Understandably, this very broad categorisation of spatial planning

systems overlooks many of their important detailed facets. This applies also to the many tables which follow in this report where, for the purposes of analysis, countries are grouped in very broad categories which are determined by general characteristics only. Some countries' systems demonstrate a very strong tradition of spatial planning and so can be easily categorised at the general level. Others may display a mixture of factors (over time and space) and be more difficult to classify. Nevertheless, there are some clear tendencies in approach and a broad classification of 'traditions' is possible and provides a suitable starting point for further, more detailed analysis. A fuller explanation of the nature of the system in each country is available in the individual country volumes. Four major traditions of spatial planning have been identified here.

First, there is the **regional economic planning approach**. In this case, spatial planning has a very broad meaning relating to the pursuit of wide social and economic objectives, especially in relation to disparities in wealth, employment and social conditions between different regions of the country's territory. Where this approach to planning is dominant, central government inevitably plays an important role in managing development pressures across the country, and in undertaking public sector investment. The planning system in France and to a lesser extent Portugal is closely associated with this approach, although for a complete picture of the French system it is also necessary to consider the operation of *urbanisme*. Many other countries pursue regional policy objectives but this may not be the dominant characteristic of spatial planning, and the geographical components are usually less clearly articulated. For example, Germany has been involved in a considerable amount of regional economic planning in the programme of support for the Eastern Länder.

Second, there is the **comprehensive integrated approach** to spatial planning, which the Danish have described as 'framework management'. In this case, spatial planning is conducted through a very systematic and formal hierarchy of plans from national to local

level, which coordinate public sector activity across different sectors but focus more specifically on spatial co-ordination than economic development. The Netherlands is closely associated with this style of planning. This tradition is necessarily associated with mature systems. It requires responsive and sophisticated planning institutions and mechanisms and considerable political commitment to the planning process. Public sector investment in bringing about the realisation of the planning framework is also the norm. There are two sub-categories within this approach. The Nordic countries follow this tradition, where considerable reliance has been placed on a rational planning approach and public sector investment. Here, local authorities have played a dominant role, albeit sharing responsibility with central government. In Austria and Germany, a similar systematic structure and process is followed but in these Federal systems the 'regional governments' (Länder) also play a very important role, especially in Austria.

Third, there is the tradition of **land use management** where planning is more closely associated with the narrower task of controlling the change of use of land at the strategic and local levels. The UK is the main example of this tradition, where regulation has been and is vigorously and effectively pursued with the objective of ensuring that development and growth are sustainable. In this situation, local authorities undertake most of the planning work, but the central administration is also able to exercise a degree of power, either through supervising the system and for setting central policy objectives. Ireland and Belgium may have had a similar history, although they are now moving to more comprehensive approaches.

Fourth, there is the '**urbanism**' tradition, which has a strong architectural flavour and concern with urban design, townscape and building control. This has been a significant characteristic of the Mediterranean Member States. In these cases regulation has been undertaken through rigid zoning and codes. There is a multiplicity of laws and regulations but the systems are not so well established, and have not commanded great political priority or gen-

eral public support. As a result they have been less effective in controlling development. Like the other traditions above, it is possible to recognise change here with government at all levels making considerable efforts to establish more firm planning control and to broaden the concerns of spatial planning.

The traditions noted above give an indication of different styles of the formal systems of planning. In the final section of this report further consideration is given to the question of how the systems compare in operation. The next section discusses the impact of the most significant contextual factors on traditions of planning.

## Context and principles

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This section introduces and summarises three contextual factors which play a fundamental role in determining the characteristics of spatial planning systems in the Member States. They are

- constitutional law;
- government structure and responsibilities for spatial planning;
- the legal framework.

The individual country volumes discuss a wider range of factors and their significance for the structure and operation of spatial planning.

### Constitutional law

Essential characteristics of spatial planning are often established by the constitution of the Member State. Two questions about the constitution are considered here.

- First, to what extent does the constitution define individual or government rights and responsibilities? In some countries the constitution defines specific rights in relation to development, land ownership and property. These rights, in turn, influence the organisa-

tion, priorities, and operation of spatial planning.

- Second, what structure of government does the constitution establish and how does it allocate responsibilities in relation to spatial planning functions? Governmental structure is obviously a major factor in the operation of planning. In some countries the constitution may go further by protecting the autonomy of lower tiers from national intervention.

There are many examples where the constitution establishes basic rights which have implications for spatial planning. For example, in the Netherlands and Spain, the constitutions establish the right to a decent home for all citizens. This explains in part the importance that both systems give to housing provision. In Italy too, the constitution fixes the claim of people to jobs and homes. Constitutional law in the Netherlands goes further, requiring local authorities to ensure good living conditions and protect and improve the environment. It can be argued that in this way constitutional provisions give increased legitimacy to actions through spatial planning, and in some cases give rise to very specific arrangements. For example, in Germany, the constitutional principle of equal living conditions throughout the country is reflected in a very concrete way through the *Finanzausgleich*, the mechanism for redistributing resources between the *Länder*.

Constitutions give other rights which may conflict with planning objectives and policies. For example in Finland and Portugal the constitution effectively grants landowners the right to build on their land. This has been one factor in the problem of continuous development of summer cottages in shore areas where environmental protection objectives are pursued. In Portugal the right to build results in a presumption in favour of building where there is no plan, although this needs to be exercised through the permit procedures and can be overruled by a plan.

In procedural matters constitutions may guarantee the rights of both applicants and third parties to object and/or appeal to the courts against planning decisions. This is normally

limited to situations where the legal procedures have not been properly followed (as opposed to appeals to higher tiers of administration on policy grounds). Finally, constitutions may set out duties of public authorities, landowners and developers in relation to the issues of compensation and betterment. The questions of rights of objection to planning decisions and other duties are taken up in more detail in later sections.

Some countries have few specific provisions in the constitution which are relevant to spatial planning. Where this is the case, the rights and duties of citizens and organisations in matters relevant to spatial planning will be established through law. (This is the case in the UK where there is no written constitution, but it also applies in other countries where the constitution does not cover matters related to spatial planning). In these cases rights and duties relevant to spatial planning may be less clear.

### **The structure of government**

One major role that constitutions play is to define the tiers of government and their respective powers including those related to spatial planning. However, this is not always the case, as in France (where the Constitution delegates this responsibility to the legislature) and the UK (where there is no codified constitution). In these cases the responsibilities of tiers of administration below central government are decided in national legislation, and may be changed through the enactment of new laws which is generally easier to achieve than constitutional change.

Each Member State has a unique government structure. It is therefore, difficult to generalise about the impact of constitutional arrangements for government on the practice of spatial planning. Broadly the states can be categorised as federal, regionalised and unitary. Federal systems provide for shared or joint powers between national government and the states that make up the federation, although one level may have complete autonomy in particular spheres. Some Member States are

not truly federal (that is the bringing together of states to form a federation) but still have a strong regional tier of administration created by the constitution and law. Unitary systems vest power in the national government but this may be exercised through regional or provincial offices covering parts of the territory, or it may be delegated to regional, provincial or local government.

This categorisation is further complicated by the asymmetrical nature of many government

structures, where the constitution or other law delegates varying degrees of autonomy and power to regions in different parts of the country. Constitutional arrangements are also often effectively amended by subordinate legislation and working practices. The governmental structure for each Member State is summarised in Table A.1. It should be noted that government structures are undergoing reorganisation in some countries, and within the categories there are significant variations as explained here.

**Table A.1: Governmental systems <sup>1</sup>**

Unitary (with varying levels of decentralisation)	Power resides with the national government, although certain responsibilities may be delegated to government departments for specific territorial units or to local government	Denmark Finland France Greece Ireland Luxembourg Netherlands Portugal Sweden UK
Regionalised	Power lies with national government and with tiers below national level, and is apportioned through the constitution or statute	Italy Spain
Federal	Power is shared between national and 'regional' governments, with each having autonomy in some spheres, and able to make law	Austria Belgium Germany

<sup>1</sup> A more extensive discussion of the powers of different tiers of administration is given in Wiehler, F. and Stumm, T. (1995).

First, in unitary states the general rule is that the national government makes the law in relation to spatial planning and this is then applied throughout the country. This is broadly the case in Denmark, Finland, France, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Sweden and the UK. However, the extent of delegation to lower tiers varies considerably. In Greece spatial planning has been the sole responsibility of central government, although much of it has been operated through the prefectures. Ireland, Portugal and the UK are also described as centralised unitary states, although in these cases, local authorities do play a significant role. In Portugal and the UK there are complicating factors with parts of the country enjoying a measure of autonomy. Some unitary states can be described as highly decentralised with regional and/or local authorities being granted considerable autonomy. This is the case to varying degrees in Denmark, Finland, France, the Netherlands

and Sweden. In every 'centralised unitary state' the governmental and administrative structure is undergoing some change, especially at the regional level. For example, France has made substantial progress in strengthening the regional tier of administration over recent years.

Second, the federal states share the characteristic of power being shared between national government and another tier — the Länder in Austria and Germany, and regions in Belgium. In the federal systems important differences arise within the Member State as a consequence of the autonomy of the 'regional tier', but again the effect of this varies from one country to another. The differences are particularly marked in Belgium where the national government has no competence for spatial planning matters and the three regions establish their own independent planning law. In Austria too, the national government has no competence in spatial planning, but planning

at the national level is undertaken through a joint forum which has advisory powers, and in which the national government and Länder act as equal partners. In Germany responsibility for spatial planning legislation is shared between the national government and the Länder. National government plays the primary role in law making, and the Länder in administration.

Third, two Member States, Italy and Spain, cannot be truly described as 'federal' but nevertheless have a strong regional structure with considerable autonomy including a legislative body at that level. These are described as regionalised states. The regions have powers of law making but within a framework of legislation set down by the national government. In both countries the autonomy of the regional governments varies from one to another. In Italy five of the *regioni* have a special status and extensive powers to govern their own affairs. In Spain four *comunidades autonomas* have special status and wider powers. There are other differences between regions, some of which may be more dependant on the national government than others. The result is a very complex picture where it is very difficult to generalise with precision about the system and policies of spatial planning.

It could be argued that a number of other Member States are 'partly regionalised' because special status and autonomy has been granted to particular regions resulting in an asymmetrical government structure. In Portugal the mainland is a unitary state but the island regions of Madeira and the Azores have been granted a degree of local autonomy (although the planning rules set by national government still apply). In Finland the Åland Islands have considerable autonomy in planning issues. In the UK there are separate government departments for Wales, Scotland and Northern Ireland and different laws for the last two. Northern Ireland has had its own legislative body although now suspended. In France, Corsica and the overseas *départements* have more independence. Spain, Denmark and Ireland have a form of regional elected administrations below national government which have a role in strategic planning.

Thus, generalising government structure and its impact on planning systems needs to be done with care.

The result of these varying governmental structures is a complex array of responsibilities for spatial planning across the EU. The varying role and responsibilities of different tiers of government across the Member States are summarised here. Sections B and C give further details on the plan making and regulation activities of different tiers of government and administration.

At the **national level** all Member State governments have some responsibility for spatial planning except in the case of Belgium. The Austrian national government also has only limited responsibilities. At the other extreme, national government has had sole responsibility for the planning system in Greece and is also particularly important in the UK, Ireland and Luxembourg.

At the **regional level** the Belgian regions, and the Austrian Länder play the primary role in spatial planning. The German Länder and the Spanish and Italian regions, also have considerable autonomy from central government. The regional (or provincial) structure is significant in France, Denmark, Finland and the Netherlands. In contrast, the regional tier is much less important in the UK, Ireland and in the special circumstances of Luxembourg.

At the **local level**, local authorities have the primary responsibility for regulating land use control and detailed plan making across most of the EU but within a framework set and supervised by national or regional government. The role of local authorities is strongest in Member States with a unitary government structure with a policy of decentralisation. Denmark, Finland and Sweden come into this category. The role of local government has been of least importance in Greece. Local authorities may often cooperate in the strategic plan making function. The norm is for a large number of very small authorities, although in the UK and Ireland local authorities are much larger.

The governmental structure and division of powers between tiers of administration has fundamental implications for the organisation of spatial planning, especially the extent to which it may be described as centralised or decentralised. Conversely, spatial planning can play a crucial role in the efficiency of governmental structures, through facilitating horizontal co-ordination of the activities of different units of authorities, departments and ministries, and in the vertical integration of policy between different levels. Some of the questions about coordination and integration are discussed in the last section of this report, and the case study volumes give illustrations of the integration function in different sectors of activity.

It is very important to note that there is no simple correlation between the structure of government and the real locus of power and responsibility of spatial planning in practice. Also, the structure of government and administrations does not always coincide with the need to plan for functionally coherent territories or the aspirations of particular localities. The result is much review, and in some places considerable change in the way in which spatial planning function is delivered. One aspect of this is the widespread use of non-elected bodies with specific powers, as discussed below.

Non-elected bodies have important spatial planning functions in many Member States. They can be broadly categorised into two main groups. First, there are bodies which are essentially decentralised arms of central government which ensure that state policies and programmes can be administered at a more local level. For example, such bodies exist in Austria with the *Districts*; in France with the *regional préfecture* and the *département*; Finland with the *almeellinen ympäristökeskus*; Germany with the *Regierungsbezirke*; Luxembourg with the *Commission d'Aménagement*; Portugal with the *Commissões de Coordenação Regional*; Sweden with the *Länstyrelse*; and the UK with the *integrated regional offices*. The responsibilities of such bodies are numerous and varied but include managing the distribution of resources and other funding

mechanisms for infrastructure provision and economic development or urban regeneration purposes; advising and overseeing the plan formulation process of lower tier authorities; and in some instances making plans and decisions for lower tier authorities.

Second, there are those bodies which allow for policy coordination and cooperation between neighbouring local authorities. These are created because local government units are often too small for effective strategic planning or the provision of expensive infrastructure projects. Hence there is a need for adjacent municipalities to collaborate for their mutual self interest. Such bodies exist in Austria where for example, in Salzburg the 1992 *Raumordnung Act* created the possibility of groups of municipalities to be amalgamated into regional planning unions for more effective strategic planning; Finland with the *maakunnallinen liitto*; France with *organismes de coopération intercommunale* and *agences d'urbanisme*; and the Netherlands where scope for seven urban regional plans implies close cooperation between municipalities.

Thus, throughout Europe there is a complex intermeshing of administrative tiers of government with some responsibility for spatial planning. At either end of the hierarchy there is a certain degree of consistency of approach. All with the exception of Belgium have national governments providing the framework and structure for spatial planning. At the lowest level, most, (Ireland and the UK are noticeable exceptions) have a large number of relatively small local authorities. Local authorities generally have significant spatial planning responsibility, with the exception of Greece where the Prefectures are the lowest tier with planning powers. Between these two levels is a complex web of elected and non-elected bodies whose organisation and powers depend very much on historical, political and cultural factors. There is a general tendency for decision making powers and responsibilities to be decentralised to lower authorities, though at the same time there are some centralisation tendencies in part designed to create larger and more appropriate areas for planning.

## The legal framework

The legal framework for planning across the European Union is very complex with a great deal of legislation at national and regional levels. The organisation of the legal framework obviously has important implications for examining and understanding the operation of spa-

tial planning, notably in the number and complexity of laws, and the administrative levels at which laws can be made. Table A.2 indicates the major planning laws for each Member State and an indication of recent amendments. Although each Member State has its own particular legal framework, three broad categories of systems can be distinguished.

**Table A.2: The legal framework and main legislation**

BELGIQUE-BELGIE	1962 Spatial Planning Act (All) 1991 <i>Ordonnantie houdende Organisatie van de Planning en de Stedebouw/Ordonnance Organique de la Planification et de l'Urbanisme</i> (B) 1962 <i>Wet Houdende organisatie van de ruimtelijke ordening en Stedebouw</i> (1962 Spatial Planning Act) Frequently amended by further decrees. Currently under review (F) 1984 <i>Code Wallon de l'Aménagement du Territoire, de l'Urbanisme et du Patrimoine</i> (last edition 1994) (W)
DANMARK	1992 Planning Act
DEUTSCHLAND	1986 <i>Baugesetzbuch</i> (BauGB) (Federal Building Code) amended in 1990 by Reunification Treaty and in 1993 by the <i>BauGB Massnahmen Gesetz</i> (Supplement to Code)
ELLAS	1983 L.1337 Act on Extension of Town Plans and Urban Development Law L.1577/1985 General Building Regulation. Extremely complex planning legislation with many separate laws and regulations
ESPAÑA	1992 <i>Texto Refundido de la Ley sobre el Régimen de Suelo y la Ordenación Urbana</i> and several laws by Regional Governments or Autonomous Communities
FRANCE	1995 <i>Loi d'Orientation sur le Développement et l'Aménagement du Territoire</i> (Planning and Development Act) <i>Code de l'Urbanisme</i> (code of urban planning law)
IRELAND-ÉIRE	1963 Local Government (Planning and Development) Act as amended by subsequent Planning Acts together with 1994 Local Government (Planning and Development) Regulations
ITALIA	1942 Law No. 1150, 1967 Law No. 765, 1977 Law No. 10, Regional Laws
LUXEMBOURG	1937 <i>Loi sur l'aménagement des villes et agglomérations importantes</i> . 1974 Act on <i>Aménagement Général du Territoire</i> (General Planning Act) 1982 Act on Environment, 1993 Act on Nature Parks
NEDERLAND	1965 <i>Wet op de Ruimtelijke Ordening</i> (Spatial Planning Act) major amendments in 1985 and 1994
ÖSTERREICH	<i>Länder</i> spatial planning acts (mostly amended 1992-4)
PORTUGAL	Many different laws for sector of activity defining individual parts of the system frequently amended by further decrees. Main law for spatial planning is the <i>Lei dos Solas Decree Law</i> no 794/76. New framework law being discussed
SUOMI-FINLAND	1958 <i>Rakennuslaki</i> (Building Act) Latest revisions 1989, 1990, 1992, 1994 and 1996
SVERIGE	1987 <i>Plan-och Byggnadslagen</i> (The Planning and Building Act)
UNITED KINGDOM	1990 Town and Country Planning Act (1972 Act in Scotland) amended in 1991 by the Planning and Compensation Act

First, many Member States have one fundamental law which provides the basis for the regulation of building and the preparation of planning instruments. This is usually supplemented by a small number of other laws which provide a specific reference on such matters as historical monuments, urban renewal and environmental assessment. There may also be related legislation on matters such as local government powers and the sub-division of property. Planning instruments themselves may become part of the law. These laws are of

course amended from time to time and supplemented by secondary legislation through regulations and orders. The northern European countries tend to follow this pattern which, although complex, does provide a primary central reference in the main act.

Second, a small number of countries follow quite a different pattern. In Greece, Italy and Portugal the planning legislation is made up of a very large number of acts, decrees and regulations which separately make provision



for a specific plan or other instrument or procedure. In these cases, it is difficult to identify a unifying legislative framework for the spatial planning system. These are the countries which also tend to have a large number of different types of planning instrument for specific situations.

Third, there are the Member States where regionalised or federal governments exist and a 'regional tier' of government plays an important role in the formulation of spatial planning legislation. In Austria, Belgium and Spain, regional government has or is beginning to establish its own legal framework for planning. This is having very significant implications, with important differences emerging in planning law in the regions, reflecting local conditions and priorities. For example, in Spain, a number of the autonomous communities have made significant progress in establishing their own planning legislation and through this have modified their systems of spatial planning within the framework set by the national legislation. This approach is most pronounced in Belgium where the regional governments have full responsibility for spatial planning. (Competence for regional planning has been devolved for 15 years). Germany also belongs to this group because of its federal system of government, but here there is a greater degree of consistency established through the national federal law. However, in Germany, reunification has introduced simplified or additional procedures for spatial planning in the new Länder (which are to be removed in due course).

This comparative review compares spatial planning systems as they stood in January 1994. Where systems are in the process of change indications are given in this text and individual volumes. However, it is important to recognise the state of change of much legislation governing spatial planning across the European Union. Indeed, one of the key trends identified in this report is the dynamic nature of planning systems across Europe. The majority of systems have had major modifications since 1990.

The Member States who joined in 1995 have also been amending their law in anticipation of

membership. Reorganisation of the structure and responsibilities of regional and local government within Member States has had an impact on spatial planning systems. More generally, governments have been seeking to make their spatial planning systems more responsive to rapidly changing economic and social conditions, as described below.

## Emerging trends

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In undertaking this comparative review a number of emerging trends have been identified which are likely to have significant implications for the organisation and implementation of spatial planning systems. The following discussion considers the extent of consistency and direction of trends under the following headings:

- central-local government relations;
- flexibility and certainty in decision making;
- government structure; and
- the impact of the EU on planning systems.

### Central — local government relations

There are two distinct trends in the allocation of power and responsibility between tiers of authorities in Member States. One trend concerns the allocation of power and responsibility for strategic planning between central government and regional government (for a discussion of the different types of regional administrations see the section on the structure of government). A second trend concerns the responsibility for detailed decision making and the changing roles of local and municipal tiers of administration. These questions are further complicated because of the complexities of central local relations. Responsibility for spatial planning decisions may apparently be devolved to regional or local governments whilst control over resources or powers of supervision and intervention remain at the centre. Conversely, states that have a unitary

structure and therefore are apparently centralised in practice, may have devolved considerable powers directly to local authorities. These points should be taken into account in considering the following identified trends.

In part, the allocation of powers and responsibilities for regional planning may be affected by issues of subsidiarity and it is, therefore, unsurprising that there are significant changes taking place in a number of Member States. The predominant trend is to increase the power and responsibility in respect of spatial planning regional administrations. In some Member States, notably Belgium, Germany and Spain this process is largely complete. In other countries including Finland, France, Greece, the Netherlands and Portugal the trend is established but there are still significant powers and responsibilities at the national level. The structure in Portugal is being adapted to transfer powers from central to regional and local levels. However, the extent of the transfer of power varies and it is notable that Greece, Italy, Ireland and the United Kingdom retain substantial strategic planning powers at the national level.

There appears to be widespread evidence of the decentralisation of decision-making to lowest levels of administration namely the municipal level. This is evident in Belgium, Finland, Italy, Luxembourg, Spain and Sweden. In some Member States this process of decentralisation is largely complete whilst in others it is still being actively pursued. However, it is important to draw a distinction between powers and responsibilities. Whilst responsibilities are being increasingly decentralised there is also a requirement in almost every Member State for plans at the local and municipal level to be consistent with plans prepared at higher levels of administration. This can be described as the principle of '*framework control*' whereby local decision making responsibilities are granted when local framework and detailed land use plans have been approved by a higher authority and in accordance with regional and national objectives. Such trends are discernible in Belgium, and Portugal where an approved *Plano Director Municipal* not only gives the municipality the right to approve

detailed land use plans, but also access to specific central government funding mechanisms. Indeed, some Member States require collaboration and cooperation between the tiers of administration to produce a set of coherent and consistent plans.

At the same time that decision making is being decentralised to the municipal level some Member States, notably Austria and the Netherlands are aggregating municipalities in areas to form city regions for the production of urban wide plans. This course of action is a response to the difficulties of planning for major conurbations with a significant number of administrations, and is an attempt to produce functional planning regions for strategic planning purposes. In all cases it is dependent on local communes and municipalities agreeing to collaborate.

In a minority of countries, there is an apparent tendency for power to be increasingly centralised, whilst responsibility for local plan making (framework and detailed plans) and determining decisions regarding development remain the responsibility of local government. In the UK increased 'national' guidance appears to be providing a tighter framework within which local authorities have to operate (although this guidance is prepared separately for the four nations that make up the UK). Another tendency is the creation of nationally controlled bodies with specific responsibilities in particular local areas. The United Kingdom is a notable example with the creation of *urban development corporations* and other non-governmental public bodies concerned with the implementation of spatial planning objectives in limited geographical areas, usually for the purposes of urban regeneration. Such bodies can be independent of, though often work closely with the relevant local authorities. Ireland too, has a range of nationally controlled organisations with local responsibilities.

Finally, there are a group of countries, which appear to have reasonably stable systems which are described as decentralised, these include Austria, Denmark, Finland, Germany (though re-unification has necessitated considerable change in the new Länder with the

introduction of the West German decentralised system, including the formation of local government and the new Länder themselves), and Sweden.

Therefore, across much of Europe there appears to be a desire to devolve spatial planning responsibilities to more local administrations. Whether or not decentralisation of responsibility involves a real transfer of power is a difficult question which cannot be fully answered here.

### **Flexibility and certainty in decision making**

A second dimension which characterises European planning systems is the extent to which spatial planning systems provide a degree of certainty in decision making or remain flexible and responsive to changing circumstances. This often relates to the extent to which a system is indicative or discretionary. In an indicative system the relationship between policy and control is expected to be determined through a binding detailed land use plan. In a discretionary system each decision is subject to administrative and political discretion with the plan providing general guidance. There are advantages and disadvantages with both approaches. A more flexible discretionary system enables decisions to respond rapidly to changing circumstances. An indicative administrative process in which the permission to grant a permit for development should, in theory, confirm decisions made during the approval of detailed local land use plans may provide greater certainty for investors and the local community on permissible land uses.

All systems incorporate elements of both ideal types, and this simple dichotomy between flexibility and certainty is a gross oversimplification of the situation in Europe as planning systems attempt to reconcile these two apparently dichotomous and contradictory goals. There is a desire to combine the advantages of both approaches and thus planning practice suggests that systems which appear to operate reasonably suc-

cessfully within a more rigid framework have mechanisms to incorporate flexibility, whilst those systems that try to use the rules and regulations of planning too inflexibly encounter many difficulties. The discretionary systems are seeking to provide greater certainty to prospective investors and thus there may be greater similarity in terms of planning practice between the indicative and discretionary systems than has previously been acknowledged. However, this is not to suggest that the fundamental differences between the systems are being removed, but rather planning practice is seeking to combine the advantages of flexibility and responsiveness with certainty.

In the UK, which is the primary example of a discretionary system of decision making there is now more emphasis on increasing the certainty and consistency of decision making through the introduction of a 'plan-led' system of development control. The status of local policy instruments has been increased. Each local planning authority is now required to produce an area-wide land use plan. The government has also produced more comprehensive policy guidance which reflects the principles of sustainable development. This is expected to provide greater certainty with decisions conforming to these policy documents.

Elsewhere in Europe, local framework or detailed land use plans have been characterised by their legally binding nature with implied certainty and rigidity. Within most of the European systems there is evidence to suggest that flexibility in decision making already exists and there is a general aspiration that systems should become less prescriptive in determining precise land uses to enable those responsible for spatial planning decisions to respond more quickly to the implications of changing economic, social and other circumstances. The extent to which development decisions actually conform to detailed land use plans and the role of plans in implementation is a very complex question. Some of the case studies in the thematic volumes of the Compendium suggest that in practice greater flexibility exists.

In general terms, many countries place great emphasis on the hierarchy of plans and the extent to which lower level plans should conform to the principles outlined at a higher level. The mechanisms by which flexibility into detailed plans can be introduced are many and varied.

In order to accommodate many eventualities it has been argued that some detailed plans become overly complex. An alternative approach is to create legally binding plans which are more general in character, identifying broad land use types and the detail can be elaborated later. Such an approach was introduced in the Netherlands with the reform of the *Spatial Planning Act* in 1985. Similarly, in France, land identified in the POS as 'NA' represents undeveloped land currently lacking the necessary infrastructure, but having the potential for future development.

In many cases law and procedure enable decisions to be made which appear not to be in accordance with the detailed requirements of the plan. This may be permitted if the proposed development complies with the broad principles of the detailed land use plan or a framework plan. In such cases departures from the details but not the principle of the plan may be permitted. In Belgium the municipality may grant exceptions, provided that these are small and do not oppose the principal features of the plan, and that they are approved by a higher authority (the binding advice of the *decentralised government official*). Similar opportunities for discretion exist in Denmark and the Netherlands. Alternatively, speedier and simplified plan modifications may be allowed, for example, simplified procedures for plan modifications are allowed to the *Bebauungsplan* in Germany.

In Ireland, whilst the *development plan* defines fixed uses and activities permitted in delineated localities, flexibility is a key characteristic of the system in order to respond to prevailing economic circumstances and resource availability. Here, zoning may be allowed for a variety of uses or for decisions to be made as a material contravention to the plan.

In some countries that formally require any development to be in accordance with a binding plan, decisions to develop can be granted in anticipation of a new plan being approved. In Italy, the system has not been able to respond to rapidly changing circumstances and rigid plans. An 'amendment mechanism' which is supposed to be used in exceptional circumstances is now used extensively by local administrations. An emphasis on sectoral integration which enables local administrations to bypass normal planning procedures has reduced the probity of the system. Thus fundamental departures from existing plans are permitted.

Similar examples are evident elsewhere, particularly where flexibility is introduced to deal with particular issues or problems. For example, speedier procedures are allowed for the preparation and revision of *Bebauungspläne* in Germany where they are dealing with the urgent problem of supplying new housing in areas of housing need.

Thus whilst most systems embody the principle of certainty through legally binding plans, most have and are continuing to attempt to introduce greater flexibility into the system. In most countries, an apparently high degree of certainty is afforded by the legally binding nature of detailed land use plans. On closer examination, there is evidence to suggest that decisions can be made which are contrary to the detailed provisions of plans or in advance of a plan being put into place. Many countries are discussing the need for greater flexibility and discretion. For example, in Spain there is a general feeling that the planning system is too restrictive and over-defined making it difficult to comply with. There is a tendency to introduce mechanisms which speed up planning processes and make the ordinances on building and land use more flexible.

### **Government structure**

The structure of government in relation to spatial planning within Member States is undergoing some change, particularly in response to the recognition of the importance of

strategic and transnational issues. This is evidenced by the increasing role of regional tiers of administration as they take on responsibilities from national government (as described above), and also arising out of the need to provide a context at regional (and also national) level for bidding for European funding.

Beyond 'regionalism' there are a number of other changes taking place in government structure which affect spatial planning.

- In a number of Member States government structures and division of power and responsibilities have been relatively stable, for example, Austria, Denmark, Germany (though the reorganisation of local government boundaries in the new Länder is still taking place), Ireland and Sweden.
- The increasing trend towards regionalisation where powers have either been devolved down from central government, for example Belgium or very recently in Greece, or where groupings of local authorities are co-operating to prepare regional plans, for example Finland and Luxembourg.
- The establishment of city regions as regional public bodies, but often not as a separate tier of government, for example Netherlands, Italy (*città-metropolitane*) or Greece (with the operation of metropolitan planning organisations in the two largest cities).
- The reduction in the number of authorities with spatial planning responsibility within a Member State, whether this is at the regional level, for example France, where the existing 22 regions are cooperating in 7 larger regions; or at the local level in the reduction of the number of communes/local authorities, for example France, parts of the UK and Greece (where recently introduced area councils group several small local authorities together).
- Changes at central government level to improve coordination of different sectoral policies, for example, the combination of planning and environment in one Ministry for example, Finland, Greece and Spain or the

creation of inter-ministerial committees, for example, France, Ireland and Portugal.

Related to changes in government structure is the effect of decentralisation (see Central-local relations).

### **Impact of the European Union on spatial planning**

The impact of the European Union has been felt in both the organisation of spatial planning systems (including the introduction of new instruments) and in the policies which the systems pursue. The influence of the EU on policies is discussed in Sections E and F. This section concentrates on the important impacts on the systems. However, there are few examples of where European matters in general, or the European Union itself, has yet had an explicit and direct impact on the planning systems of the Member States, a notable exception appears to be Ireland (see below).

There are as yet no significant examples of new formal mechanisms to assist in cross-border spatial planning, although this is an issue being addressed within all the Member States. Cross-border cooperation exists through joint working groups, which tend to inform the statutory spatial planning authorities in the preparation of instruments for the border areas within particular countries. (Cross border planning is discussed in Section B).

The European Union has had an influence on spatial planning in Member States directly through:

- legislation, especially Directives on environmental matters;
- policy, on matters with a spatial dimension such as the Trans-European Networks, the reform of Common Agricultural Policy, etc.;
- policy formulation and implementation, notably cohesion policy supported by the Structural Funds.

Also the European Union has had a more indirect effect by raising awareness of the significance of transnational and cross-border issues.

European Union environmental law is the most consistent European factor influencing spatial planning in Member States. Environmental issues are becoming a powerful force in shaping development patterns in Europe, both through their influence on systems and policies of spatial planning, and also through the interaction of new mechanisms and policies specifically designed for environmental protection. The notion of 'sustainability' is not only becoming a major factor for the formulation and implementation of planning policy, but also for the instruments and procedures of planning. These factors have been reflected in EU policy and actions which in turn have helped to shape responses in the Member States.

The Directives on environmental assessment have been influential in all countries, including those that only became Members in 1995. The method of implementation of environmental and other Directives especially on the existing mechanisms for regulating and promoting land use has varied. In some countries, for example Denmark, Ireland and the UK, environmental assessment has been introduced as an amendment or addition to existing spatial planning law. In others such as Finland, Greece and Italy, environmental assessment has been introduced as a separate legal requirement which is connected to the system of plans and building permits. The result is that in the first case, environmental assessment becomes part of the land use regulation and permit process. In the latter case, environmental assessment operates separately and is generally required prior to the building permit being considered or issued.

A number of Member States have drawn attention to the significance of European Union mechanisms for protecting the environment, especially those introduced through the *Habitats Directive*. Potential special areas of conservation are often recorded and/or designated through existing spatial planning policy instruments. Whether new instruments or designa-

tions are required to comply with this Directive is uncertain. What is clear is that these sites are being afforded a higher priority in the determination of development proposals.

Other transnational policy measures and policies defined by the European Union have had important implications for Member State planning systems and policies, especially the Trans-European Networks (TEN) and the Common Agricultural Policy (CAP). TEN have been noted as important in the more peripheral areas of the European Union such as regions of Finland (whose connections with north-western Russia are important to the European Union), Ireland, Portugal and Spain. For example, in Spain a national infrastructure plan has been prepared which has important spatial implications for development opportunities. The relationships are considered in the territorial plans or in the *planes directores territoriales de coordinacion*. However, the TEN are also influential in more central regions. In Denmark, France and Germany, TEN are reported as being important in the preparation of national spatial policy and its implementation, and are also important in the regional planning instruments in Belgium.

Mention should also be made of the relationship between instruments used to programme investment support through EU funding (including the community support frameworks) and spatial planning instruments. The precise relationship is difficult to determine but the initial conclusion is that it is generally weak. Funding programmes will have a direct spatial impact, but this is not always made explicit, nor do spatial planning instruments explain the linkage to funding programmes. The differences in timescale for preparation and the duration of the different instruments is clearly an issue. This is an important question that suggests further, more detailed, investigation. The case study volumes will illustrate the connections between funding and spatial planning instruments in particular examples.

One example of a clear relationship between the spatial planning system and EU funding programmes is Ireland, where Objective 1 funding has played a part in the decision to

prepare a national spatial planning framework in the *National Development Plan*. The plan covers the same funding period as the structural fund programme (1994-99) and identifies the priorities for major development and investment up to the year 2000. Furthermore, the establishment of eight regional authorities in Ireland partly arises from the requirement for review of structural fund spending. The new authorities will take a role in coordinating funding whilst also commenting on the detailed planning instruments (*development plans*) of local authorities.

As well as the relatively direct impact of the European Union through law, policy and funding, the European dimension is reflected in other ways in changes to Member State planning systems. This is evident in two ways. First, recent changes to planning systems show to some extent an increasing concern with strategic planning, especially at the regional level which in part reflects the perceived growing importance of European integration. This concern with strategy is also reflected in actions at the national level. In France the recent *Loi d'Orientation sur le Développement et l'Aménagement du Territoire* (National Development Guidance Act) will strengthen national planning policy, partly in response to the European dimension. In Germany the *Raumordnungspolitische Orientierungsrahmen* of 1992 considers the European dimension. In Italy the national government is reviewing regional policies to address the structural differences between the north, central and southern regions. In some cases an increased concern with strategic and regional planning is related to changes in governmental structure and responsibilities being devolved to the regional level. For example, in Spain there is increasing attention being given to European issues by the Autonomous Communities.

Second, growing awareness of the significance of spatial planning in the European context is evident in the recognition by a number of Member States of the problems created by limitations of the spatial planning system. The limitations may be to do with the lack of effective plans, mechanisms or policies to deal with European-wide issues; or the difficulties of tackling cross-border issues with two or more different planning systems; or the absence of mechanisms to coordinate spatial planning policy and land use regulation with European Union and other funding programmes. Delays in the production of policies and plans are said to have hindered the implementation of regional policy and the most effective use of funding in some regions. The imprecise nature of regional spatial policy, and limited coordination with planning mechanisms to support European Union and other investment, has been noted as a particular weakness of some systems. Generally, efforts are being made to improve the coverage of plans and coordination of investment.

Finally, on the impact of the European Union, there is evidence of increasing cross-border cooperation in relation to spatial planning issues, both internal and external to the Union. In Finland, for example, the regional councils play an important role in external relations with Russia. In Belgium, France and the Netherlands there has been cross-border cooperation, especially with regard to the development of Trans-European Networks. Local authorities in the UK are also co-operating with their nearest neighbours across the Channel. Further examples of cross-border cooperation on spatial planning are considered in the thematic volumes of the Compendium.

## B Making and reviewing plans and policies

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### Introduction

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B1 The purpose of this section is to describe the planning instruments that exist in the Member States and identify their similarities and differences. The very wide range of instruments used to express spatial planning policy makes comparison difficult. No two types of instrument under different systems will be alike, and even within a system their form and content often varies depending on location or time of preparation. Also, the term 'instrument' is deliberately used here so that the discussion incorporates the full range of documents used to express planning policy as well as those commonly referred to as 'plans'. After careful consideration of the range of instruments the categorisation shown in Table B.1 has been adopted for this comparative review. This places the different instruments into four main groups according to the form and general purpose of the instrument. In the individual country reports the planning instruments are categorised according to whether they are national, regional or local. The categorisation here follows a similar structure but differs in some important ways.

The categorisation is not based primarily on the level of government at which plans are prepared, or the broad spatial scale at which they operate (national — regional — local government). This presents problems because the analysis has shown that fundamentally different types of instrument are prepared

within these categories, especially at the regional level. Instead, the categorisation is based primarily on *the purpose* of the instruments. The categories are summarised in Table B.1. First, national policy instruments promote the national government's general policies which may be produced for the whole country or specific areas. The purpose is to provide a general foundation for the elaboration of more detailed strategy and plans. There are three principle types: national spatial perspectives or plans which have clear spatial dimension; planning guidance which gives criteria to be taken into account in the preparation of plans but which does not have a strong spatial component in itself; and sectoral plans or guidance for particular activities such as transport and infrastructure provision. Some instruments in this category may fulfil more than one of these functions.

Second, there are instruments which are intended to provide a strategy for future land use and development patterns. They may identify general areas for protection or development for particular uses but such proposals require further specification through more detailed planning instruments or regulation procedures. Strategic instruments can be prepared for different types of area, such as administrative regions, city regions or functional regions (such as catchment areas). Some countries have more than one tier of strategic instrument with the second tier being prepared for a sub-region, but performing the same task more comprehensively. Third, there are frame-



**Table B.1: Categorisation of spatial planning instruments <sup>1</sup>**

Type of instrument	Purpose	Areas covered	Sub-categories
National Policy & Perspectives	To identify the national government's spatial planning policies and strategy. They include documents which give general guidance or performance criteria for development, and those which are spatially specific and are described as national plans.	The whole Member State, significant parts or special areas.	National perspectives Spatial policy guidance Sectoral plans/guidance
Strategic	To identify broad spatial development patterns for areas below Member State and above the municipality. They do not generally identify specific locations and are intended to be implemented through other 'lower tier' instruments which specify locations. They are likely to be incorporated, or be closely integrated with the expression of social and economic policy for the area. Strategic plans may be indicative in terms of the broad development patterns or programmatic in identifying specific quantities of growth and change for sub-areas.	Their boundaries are often tied to the administrative tier of government which prepares them (region or province) but they can be prepared for a 'functional planning region', such as a coastal zone.  Some countries have more than one tier of strategic instrument.	General strategic instruments Second level strategic instrument for part of area Sectoral instruments City region plans
Framework (Masterplan)	To identify a general spatial framework and criteria for the regulation of land use over an area. They are locationally specific. They may be binding or non-binding in respect of regulation but are generally implemented through lower tier plans.	Generally the whole of one municipality, but where local authorities are small they may cover several, covering possibly a 'functional planning area' such as a town or city.	
Regulatory <sup>2</sup>	To regulate the development and protection of individual parcels of land. These may be general regulation zoning plans, implementation instruments, or special instruments to secure particular types of development.	These may cover areas ranging from one site; a neighbourhood of one municipality; the whole of a municipality or more than one. Exceptionally, instruments identifying land use zonings are prepared for larger areas covering an administrative region.	Regulatory zoning instruments Local building control instruments Implementation instruments

<sup>1</sup> This categorisation covers the statutory planning instruments in use in Member States, but does not include cross border spatial planning instruments as generally these are newer, emerging informal instruments. They are discussed at the end of the section. Some instruments may fall into more than one category.

<sup>2</sup> Control may also be exercised by general codes which can apply over very large areas, even whole countries.

work instruments. These are intended to identify the broad pattern of land uses across a whole settlement, local authority or small groups of related authorities. They are partly strategic in character but they also identify specific locations on a detailed map. However, they do not automatically confer development rights and are generally implemented through the preparation of more detailed instruments for smaller areas, and/or other permit regulation mechanisms. Further, there are the regu-

lation instruments which control or promote development. They may be used for very small areas, even individual sites, although some regulation instruments may cover much larger areas.

Given the scale of the analysis it is inevitable that these broad categories will mask many more subtle differences between instruments. The categorisation is offered for purposes of analysis. Some instruments cut across these

categories and may undertake other roles related to other sectors of public policy such as economic development. In some cases one type of instrument may be used in different ways. It may for example, perform both strategic and detailed planning functions in one area. Flexibility in form and content may allow for an instrument to be used in different ways in different locations. Thus it is extremely difficult to make any categorisation of planning instruments completely mutually exclusive. More detailed commentary on the characteristics of the plans and the procedures for making and reviewing them is available in the individual Member State volumes.

This section deals with statutory spatial planning instruments, that is the formal plans that are provided for within the law of the Member States or their constituent regions. It does not review the many informal planning instruments such as 'development briefs' or 'planning strategies' that are initiated on an ad hoc basis by many administrations and which are widely in evidence in some Member States. Procedures for consultation in plan making and the integration of sectoral instruments are also discussed. There is a sub-section on cross border spatial planning which embodies new and emerging types of informal instruments prepared by adjoining Member States and regions. (Case studies on cross border spatial planning are also included in a separate volume).

## **Summary of planning instruments**

There is some consistency across the European Union in the need for spatial planning policy instruments at different levels and the objectives they should pursue. However, the different contexts and approaches in Member States have led to many different instruments being used and for the overall plan framework to vary considerably. Plan frameworks exhibit different degrees of vertical and horizontal integration.

All countries have in theory some kind of hierarchical structure for spatial planning in-

struments with the higher tier normally being binding on the tiers below it. The organisation of the levels of plans is closely related to the government structure, although in some countries there is provision for joint working between administrative units in order to prepare instruments for a 'functional planning unit'. In practice there are significant gaps in the plan hierarchy of a number of countries. Table B.2 illustrates the main categories of planning instruments used in each Member State.

The level of integration of the spatial planning framework with the programmes and plans of particular sectors of investment or activity, such as transport, environment or economic policy shows enormous variation. At the national level, some countries have formal ministerial committees and administrative structures to support sectoral coordination. Those Member States with national plans, appear, at least in theory, to have the greatest degrees of sectoral integration. At the regional level many Member States have both organisations and mechanisms to coordinate sectoral programmes. Very often this involves a degree of decentralisation of responsibilities to the regional level government. It is this level which has witnessed considerable change over recent years, with new mechanisms of integration being introduced or proposed.

At the local level, the mechanisms for sectoral coordination appear to be less formalised. Local detailed instruments must be in conformity with higher level plans, but even though they depend for implementation on the actions of other agencies, there are few examples of formal coordination mechanisms.

Most Member States have some kind of explicit policy statements at the national level which provide a foundation and general direction for plan making and regulation at lower levels. This varies from a broad spatial development perspective to general policy statements on particular topics and to more specific plans identifying the spatial implications of social and economic policies.

All Member States have some kind of strategic spatial planning instrument below the national

**Table B.2: Summary of spatial planning instruments**

Member State	National instruments (Member State)	Strategic instruments		Framework instruments	Regulatory instruments
		One level used	Two levels used		
Belgique-België		*B/F	*F(2) (W)	*	*
Danmark	*	*		*	*
Deutschland	*		*	*	*
Ellas	(*)	(*)		*	*
España	(*)	(*)p		*	*
France	*	*		*	*
Irland-Éire	*	*(p)		*	
Italia	*		*	*	*
Luxembourg	*	*(p)		*	*
Nederland	*	*		*	*
Österreich	*(1)		*	*	*
Portugal		(*)		*	*
Suomi-Finland	*(p)	*		*	*
Sverige	*(3)	*	(*)	*	*
United Kingdom	*		*	*	

\* Indicates that there is an instrument at this level.

(\*) Indicates the provision of such instruments in law, but not widely used or in preparation.

\*(p) Indicates that the instrument(s) at this level are in preparation.

(1) Instrument of Austrian Conference on Regional Planning.

(2) Pending Flemish legislation which attributes a substantial role to the provincial level.

(3) Natural Resources Act.

level, which is usually prepared by a regional administration. These set out broad objectives and principles for planning, although there is great variation in depth, coverage and responsibilities for preparation. They may identify broad development patterns or may be more programmatic in type in specifying specific quantities of growth and change in sub-areas. The Member States with larger populations and federal structures, for example, Germany, tend to have the most formal strategic planning structures, with the regional government being responsible for a major tier of strategic instrument. Some Member States have complete coverage of substantial strategic regional plans, and in some cases there are two levels of strategic plan. In the countries with smaller populations, the strategic planning instruments are more likely to be a responsibility of local government, with different municipalities cooperating through a joint forum, although the plans may cover a considerable geographical area.

All Member States make use of **framework instruments**. These are prepared for at least

the area of a whole local government unit, and provide guidance for the preparation of more detailed plans and/or the regulation of development. Typically, these instruments contain information on regulations that are relevant to the whole area, or to specific areas where they will not be subject to further elaboration in detailed plans.

Most Member States also use **regulatory instruments** with site specific allocations or zoning to regulate development, building and land use. There is a little more consistency here in the approaches adopted by different countries, although there is extensive variation in their detailed characteristics. Exceptionally there are instruments identifying land use zonings for much larger areas, such as sub-regions and which are prepared by regional tiers of government as in Belgium. Some planning instruments may perform the 'framework' and 'detailed' role in the same document or may be used for different purposes depending on the circumstances.

Coverage of regulatory instruments varies but is often limited to those locations where they are required to facilitate or directly implement development. Departures from local framework and regulatory instruments are commonplace and in practice most Member States or regional governments have modified their systems to enable them to be made.

All Member States include provision for consultation and participation during the procedure for the preparation and adoption of plans, especially at the local level. Consultation generally takes place with all interested parties, and there are opportunities for formal objection by those affected prior to the plan being adopted.

## National policy instruments

In most Member States, governments prepare some measure of spatial guidance at the national level which acts as a framework for

planning instruments, regulations and implementation activities across the whole country. For example, Denmark uses a number of instruments at the level of the Member State. The exception is Belgium where spatial planning is solely the responsibility of the regional governments.

A wide variety of types of instruments are used in different combinations by the Member States. In this review, the instruments are divided into those which provide an indicative spatial perspective about the use of territory across the Member State, those which give general guidance on spatial planning, but are not locationally specific, and those which are related to specific issues or sectors of land use. There is obviously some overlap in purpose between what is called a national instrument in a small Member State and the strategic instruments produced for regions of the larger countries. Table B.3 identifies the main types of national instruments used by each Member State.

**Table B.3: National spatial planning instruments**

Type of instrument	National perspectives <sup>1</sup> or plans	General policy guidance	Sectoral or issue based guidance	No national instruments
Purpose	Set out the broad pattern of spatial development	Set out general policies to apply across the country	Set out policy (which may be spatially specific) for particular topics such as infrastructure	
Member States	Austria Denmark Finland France Germany Greece Ireland Netherlands	Austria Denmark Germany Italy Luxembourg Sweden UK	Austria Denmark Finland France Germany Italy Luxembourg Netherlands Portugal Spain Sweden UK	Belgium

<sup>1</sup> National perspectives may be part of an economic planning or regional policy document, and considerable variation in the depth of analysis in these documents is evident.

Different objectives of national policy may be met in one instrument. In some countries a national 'development plan or programme' which has the broad objectives of steering social and economic change for the country, also provides a framework for spatial policy.

The main examples are the French *Plan de la Nation* (not adopted after 1993) and the *Schéma national d'aménagement et de développement du territoire* which is provided by the 1995 Act and which is now being prepared. Another example are the Greek

*Pentaeti*, the quinquennial development programmes, the last dating from 1983-87 and not as yet updated. In Greece, a regional development plan, produced as an input to the Community Support Framework has effectively taken the place of five year plans. Ireland has a *National Development Plan* which provides a development strategy for the whole country and runs from 1994 to 1999. It sets out the government's priorities for major development and both investment and spatial planning instruments must have regard to its priorities.

Several Member States have produced, or are producing a broad spatial development perspective at the national level. Austria has the *Österreichisches Raumordnungskonzept 1991*, a 'regional planning concept', which provides guidance for territorial and sectoral planning policy. The Danish *Landsplan perspektiv* sets out the current national planning policies and goals for future spatial development up to 2018 and Finland's spatial structure and land use 2017 has a similar function. Germany's *Raumordnungspolitische Orientierungsrahmen, 1992* state general principles for spatial development. Sweden's Natural Resources Act provides national spatial guidance, mostly in relation to areas of national significance. Luxembourg uses two national instruments. The first, the *Programme Directeur*, approved in 1978 and revised in 1988, sets very broad objectives for economic as well as spatial development, including provisions for public infrastructure and facilities. The second tier comprises the *Plan d'aménagement global*, which specifies general policies to apply to particular areas, and the *Plan d'aménagement partiel* which specifies policy for particular sectors. The significance of national spatial perspectives in exerting influence on lower tier instruments varies considerably. Examples of national instruments that might properly be described as a 'national spatial plan' and which exert a deep influence on lower tiers of government are the *Landsplan Perspektiv* in Denmark and *VINEX: Vierde Nota Over de Ruimtelijke Ordening Extra* in the Netherlands.

A number of Member States produce more general policy guidance, sometimes in addition to a

national perspective. Germany, Italy and the UK all produce national policy guidance in the form of general objectives or principles that the spatial planning system should pursue. In Germany, the *Raumordnungsbericht*, the Federal Spatial Planning Report, monitors and reports on current national policy on a broad range of topics of relevance to spatial planning. It is intended to be updated every four years, but reunification has led to three reviews since 1990. Such instruments may also provide guidance at the national level about how particularly important issues or specific topics should be addressed at the local level. For example, Finland has the *Rantojensuojeluohjelma*, the shoreline protection programme, and the UK, has *planning policy guidance notes*, giving very broad guidance about a range of spatial planning topics such as town centres and retail development. In the UK government departments publish 'national' policy guidance which usually applies within one of the four countries that make up the UK. In Portugal, national planning instruments designate and protect areas of ecological value or high agricultural quality such as the *Reserva Ecológica Nacional (REN)*, the national nature reserves.

In Greece and Spain the law permits the production of national spatial planning instruments, but they have not been prepared.

A number of the sectoral policy instruments at national level are directed specifically at infrastructure provision. Spain's *Plan Director de Infraestructuras*, looks ahead 15 years in the direction of major infrastructure development. In France, the *Schémas directeurs d'infrastructures* are intended to ensure the long term coherence of major infrastructure networks. Some of the German national sectoral planning instruments, the *Fachpläne* (sector plans), deal with infrastructure in a similar way (e.g. the *Bundesverkehrswege Plan* for federal transport infrastructure).

Almost all planning instruments at this level are prepared by the Member State government, sometimes with the help of special organisations or committees. For example, in Austria, the *Österreichische Raumordnungskonferenz (ÖROK)* is the National Council on Spatial

Planning which is a joint organisation of the federal government and Länder with advisory powers on spatial planning policies at the national level. It is usual for the national government to consult with other tiers of government, official organisations and major interest groups, although consultation with the general public is not usually undertaken. Most national instruments have the status of guidance, which must be taken into account in the preparation of lower tier plans. In some countries some instruments at this level are formally binding on lower tiers, as for example, in Denmark.

From this brief survey of national spatial planning policy instruments, it is evident that there is no consistent pattern in the approach across the Member States. Only a few countries have identified the need for a comprehensive, integrated and explicit spatial planning framework at the national level, let alone actually produced such a document. The principal exceptions to this are Denmark and the Netherlands where instruments expressing the spatial elements of national policy, and linkages to the wider European territory are clearly articulated in what can be described as a national spatial plan. Extracts from each of these documents are illustrated in Figure B1. However, it is evident that most other countries make use of policy instruments at the national level to express elements of spatial policy. The difference is that in these cases the spatial policy elements form part of a wider national strategy and are generally less distinct or explicitly elaborated, and/or are produced for particular sectors of activity only. It is perhaps no coincidence that a national spatial policy framework is most clearly expressed in two small Member States which have intense problems of land use management, mature planning systems and institutions, and a culture which fosters a coordinated and carefully regulated approach. Elsewhere, physical, political and institutional conditions make the preparation of an explicit national spatial plan much more difficult. Thus spatial policy at national level is limited to general guidance — with only limited locational and spatial components — or targeted on sec-

tors where the spatial dimension is most obvious — notably infrastructure. Nevertheless, there is evidence of increasing attention to spatial planning at the national level. This is a topic which is worthy of further investigation, especially in identifying the spatial components of national sectoral policy statements and the various forms of expression of spatial policy.

## **Strategic level instruments**

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All Member States have spatial planning instruments which lie between national policy and local instruments that identify broad goals and objectives, principles or models for the physical development of the territory. These instruments often identify the land use and development implications of social and economic policy, and reflect the political priorities of the Member State and/or regional government.

Most of these strategic instruments are called 'regional plans', but the definition of 'regional' varies considerably across the Member States. Sometimes it is linked to a regional tier of government, the first level below national government, in which case the regional or state government takes the lead in the making of strategic policy. In other Member States the 'region' has been defined only for planning purposes and there is no parallel tier of administration. In these cases, the strategic instruments are prepared either by the Member State government or through cooperative arrangements between the local authorities. A small number of Member States have hybrid arrangements which formally involve local government and central government at different stages of the production of strategic regional plans.

There is a great variety of strategic regional spatial planning across the European Union, both in terms of the types of instruments provided for by the law and the priority given to their preparation. Types of instruments vary according to the geographical area covered, their form and content, objectives and

the responsibilities for their production and approval. The variety is compounded by the federal systems of government in some Member States. Here the regions do not only produce the policy but may have an important role in establishing the legislation under which it is made. They may also have considerable autonomy in the way they approach the question of strategic planning. Thus, the individual 'regions' may have dif-

ferent types of instruments and different attitudes and priorities about preparing them. This is the case in Belgium, Spain and the UK.

Three broad types of approach can be identified as shown in Table B.4, according to who undertakes the strategic planning and whether or not the instruments are widely used or completed.

**Table B.4: Approaches to strategic planning**

	Mostly undertaken by national government	Mostly undertaken by regional government	Mostly undertaken by provincial government or regional groupings of local authorities
Widely used	Luxembourg	Austria Belgium Germany	Denmark Finland Netherlands Sweden (1) UK (2)
Not fully implemented	Greece	France Ireland Italy Portugal Spain	

(1) The county administrative board.

(2) Final publication and content is the responsibility of central government.

First, there are a small number of Member States where national government plays the major role in undertaking the preparation of strategic planning instruments. In Greece and Portugal these instruments are not widely implemented. Luxembourg is a special case. Because of the size of the country, strategic planning is a function of the national government, and the *programme directeur* combines the functions of strategic planning at national and regional levels.

Secondly, there is a group of Member States which have extensive strategic planning primarily undertaken by and for the regional level. Austria and Germany for example, address strategic spatial planning policy both at the level of large regions and at another sub-regional level and have a federal system of government. In a number of countries, for example, France, Ireland, Italy and Spain, there is provision for regional strategic instruments, but they are either not widely used or are still in preparation. Sometimes there is

variation in attention given to strategic planning in different parts of the country, as in Spain where regional plans have been prepared for some regions including the Canary Islands, but in others they have not generally been a priority.

Thirdly, there are those Member States where strategic planning is mostly a function of local government, and is generally undertaken for much smaller populations (but sometimes over very large areas). The Nordic countries all fit this model (in Sweden the function is performed by the county administrative board). The UK is also listed here because although in the UK regional policy is published by central government, local government plays the main role in its production.

The nature of strategic spatial planning in the Member States is closely related to their structure of government and size of population. Table B.5 illustrates the types of strategic planning instruments used.

**Table B.5: Types and use of strategic planning instruments**

	General strategic instrument	Second level of general strategic instrument	Sectoral strategic instruments	City region plans
General Purpose	Sets out policy for the administrative area or functional planning area	Provides a lower tier of strategic policy for part of the area	Set out strategic policy for a sector, such as transport	Set out strategic policy for a functional planning region based around an urban centre
Belgique-België	* B, F (1), W (*)	* F(2) W(2)	*	
Danmark	*		*	
Deutschland	*	*	*	
Ellas	(*)		*	*
España	(*)	(*)	*	
France	*	*	*	* (3)
Ireland-Éire	(*)			
Italia	*		*	*
Luxembourg	*	(*)	*	(*)
Nederland	*		*	(*)
Österreich	*	*	*	
Portugal	*	*		
Suomi-Finland	*		*	
Sverige	*(4)	*	*	*
United Kingdom	*	*		

\* Indicates where such instruments are used.

(\*) Indicates the provision of such instruments in law but not widely used or are in preparation.

(1) In preparation, but no legal basis.

(2) Is more than a strategic spatial plan.

(3) Schemas directeurs for groups of communes with common perspectives.

(4) Not established in law.

All Member States have a tier of strategic regional plan, but seven have a second tier of 'sub-regional' strategic spatial planning policy. The countries with two tiers tend to have large populations and/or a federal system of government. For example, in Germany the larger *Länder* have a two tier system with the *Land* producing a state-wide strategic plan known as the *Landesentwicklungsplan* or *Landesentwicklungsprogramm* and a sub-regional plan, known as a *Regionalplan* prepared by the *Regierungsbezirke* (district administrations) the *Landkreise* (counties) or regional planning associations at local authorities.

Some countries have extensive cover of strategic planning policy whilst in others there may be only partial cover. Limited coverage may arise because the provision for such instruments is optional and only used in certain circumstances, or simply because the provisions for strategic planning have not been fully implemented, except as operational pro-

grammes of the Community Support Frameworks. In Ireland, regional reports are being prepared which will deal with the provision and coordination of public services and some regional authorities are initiating work on strategic plans. In Greece, none of the regional development plans have been produced, except as operational programmes of the community support frameworks. In Italy, most of the 20 *Regioni* now have approved regional plans, but in Spain, few strategic planning instruments have been prepared, as yet.

In a number of countries, policy instruments expressing strategic planning objectives for large regions are also linked to programmes of implementation or specific but broad zones of land uses at the same scale. In some cases, implementation programming is expressed in the same instrument, in other cases there are strong linkages between the general statements and other strategic instruments which establish programmes of action.



Other strategic planning instruments which focus on particular sectors of activity are commonplace. For example, in Austria, sector plans are prepared covering issues such as tourism or shopping centres. *Plans régionaux*, sectoral regional plans, in France consider the provision of, for example, transport infrastructure, education or training. In Italy, the *Piano territoriale paesistico* defines environmental and landscape policy for all or part of the regional territory. In Greece, the national government has produced *eidikes chorotaxikes meletes*, special regional spatial studies, mostly in areas of ecological value which are under threat. Some of these instruments will be produced under law other than spatial planning, but have important spatial implications that will need to be considered at the subsequent levels of plan making.

Some strategic policy instruments focus on the 'functional planning region', and more of this kind are in preparation. In Greece, the formal strategic regional plans have not been prepared, but 'city-region' plans for the two main metropolitan areas have been published. In the Netherlands too, it is now possible to prepare strategic guidance in the form of second tier *structuurplannen* for city-regions through collaboration between municipalities. The Italian local government system has also been reorganised to allow for the consideration of issues across the whole of important metropolitan areas, the *città metropolitane*.

Some Member States identify and designate broad zones of land use across their territories at the regional or even national scale which establish ground rules for regulation. These include coastal zones where development is more strictly controlled, for example in Portugal, or zones of broad land uses, such as urban and rural zones as in Denmark. Belgium is an exception in that detailed land use zoning plans, the *Gewestplan* (Flanders) and *Plan de Secteur* (Walloon) are prepared for large parts of the region and are not strategic in nature or purpose, even though they cover sub-regional or large areas.

Table B.6 lists the main strategic planning instruments in the Member States and the

areas which may be covered. Figure B.2 illustrates the different forms that strategic instruments can take in terms of the graphic presentation of strategies. The illustrations show clearly how such instruments provide a broad direction for development without specifying precise development locations, although the level of comprehensiveness and specificity varies considerably. Note that these and subsequent illustrations give only an indication of the forms of instruments and readers should refer to the Member State volumes for further details.

The instruments recorded here are the statutory instruments set out in the legislation. Other informal instruments are used for special purposes or in particular areas where the law does not provide for a particular sort of plan. These informal instruments may be produced cooperatively amongst a number of municipalities.

Table B.7 shows who is responsible for preparing strategic spatial policy instruments in the Member States. The table is ordered by population size of the areas that are covered by strategic spatial policy instruments. Where there is more than one tier of strategic policy the figure relates to the highest. In most cases this is termed the region, although in the Netherlands the highest tier of strategic planning after the Member State is the *provincie*, and in Denmark and Sweden it is the county administrative board. Member States with large total populations tend to be at the top of the list as they also have the largest 'regions', by population.

This review of strategic planning instruments illustrates their widespread use, although in varying forms. All Member States have recognised the need for a strategic planning instrument and in most cases they have actually been prepared. The structure of government administration and the size of the country play an important part in determining the form and function of strategic instruments. As might be expected, the use of a strategic tier is most evident in the federal and regionalised states, where regional government plays the primary role in its production. What is less clear from this brief review is the relationship between

**Table B.6: The main strategic planning instruments**

Member State	Main strategic/regional instrument	Total number of areas which may be covered
Belgique-België	<i>Plan de Développement Régional/Gewestelijk Ontwikkelingsplan</i>	Brussels region
	<i>Ruimtelijk Structuurplan Vlaanderen (1)</i>	Flemish region
	<i>Plan Régional d'Aménagement du Territoire (2) (3)</i>	Walloon region
Danmark	<i>Regionplaner</i>	14 County councils
Deutschland	<i>Landesentwicklungspläne and/or Landesentwicklungsprogramme</i>	13 Area — Länder
	<i>Regionalpläne/Gebietsentwicklungs-pläne/Raumordnungspläne</i>	32 Regierungsbezirke
Ellas	<i>Chorotaxiko Schedio</i>	13 Regions
	<i>Rythmistiko Schedio</i>	Athens and Thessaioniki
España	<i>Planes directores territoriales de coordinación (or its equivalent in Regional Laws)</i>	17 Regions (or part)
France	<i>Plan de la région</i>	25 Regions (including overseas) and Corsica
	<i>Contrat de plan Etat-region</i>	
	<i>Schéma directeur de la région</i>	Ile de France
	<i>Schéma d'aménagement</i>	Corsica
Ireland-Éire	<i>Regional reports</i>	8 Regions
Italia	<i>Piano territoriale di coordinamento and Piano Territoriale Paesistico</i>	20 Regions (or part)
		5 Regioni autonomi
Luxembourg	<i>Plan d'aménagement global</i>	Parts of the country
	<i>Plan d'aménagement partiel</i>	Parts of the country
Nederland	<i>Streekplan</i>	12 Provinces (or part)
	<i>Structuurplan (4)</i>	7 'City-regions' (1)
Österreich	<i>Landesraumordnungsprogramm</i>	9 Länder
	<i>Regionale Raumordnungsprogramme</i>	One or more districts
Portugal	<i>Plano Regional de Ordenamento do Território (PROT)</i>	5 Whole or part regions, Azores and Madeira
Suomi-Finland	<i>Seutukaava</i> <i>Seutusuunnitelma</i>	19 Regional councils and Åland
Sverige	<i>Läns strategy</i>	24 County administrative boards
United Kingdom	<i>Regional and strategic guidance</i>	11 Regions
	<i>Structure plans and unitary development plans part one</i>	56 Counties in England, Scotland and Wales

(1) In preparation, but no legal basis yet.

(2) In preparation.

(3) The Gewestplan/Plan de Secteur (W) which cover large parts of the region are detailed zoning plans and are not strategic (see B.10).

(4) This is being prepared for city wide regions but is also used for municipal areas.

**Table B.7: Level of government responsible for strategic planning instruments**

Member State	Average Population of highest level strategic planning unit/region 000s	Average size of strategic planning unit/region 000km <sup>2</sup>	Level of government responsible for preparation and approval (highest)
United Kingdom	5,219	22.2	Cooperative work of local authorities through conferences to prepare, and publication by national government
Deutschland	5,048	22.3	Regional government: Länder
Belgique-België	3,356 (1)	10.2 (1)	Regional government (wide variation)
Italia	2,878	15.1	Regional government: Regioni
France (Metropolitane)	2,559	24.7	<i>Conseil Régional</i> and <i>Préfet de Région</i> (contrat de plan)
España	2,290	29.7	Regional government: Autonomous communities
Portugal	2,067	18.4	National government through regional coordination commissions
Nederland	1,241	3.4	Provincial government: (2)
Österreich	866	9.3	Regional government: Länder
Ellas	790	10.2	National government Ministry of Environment: <i>YPECHODE</i>
Ireland-Éire	440	8.6	(2) National government (3)
Sverige	364	18.8	County administrative boards in cooperation with county councils
Danmark	350	3.0	County councils
Suomi-Finland	265	17.8	Cooperative work of municipalities through regional councils: Approved by national government Ministry of Environment
Luxembourg (4)	91	(0.65)	National government Ministry of Territorial (or Spatial) Planning:

(1) Average population is 4,559,000 and size 15,200 km<sup>2</sup> excluding Brussels.

(2) City regions produce strategic plans but are not an administrative tier of government.

(3) Regional authorities perform a coordinating and advisory function.

(4) The whole population of Luxembourg as a 'strategic planning unit' is 379,000 with a size of 2,600 km<sup>2</sup>.

socio-economic policy and spatial policy in strategic instruments, and also the extent to which the instruments play a part in more detailed programming of development and public spending. These are important questions which are worthy of further investigation.

In the federalised systems of Austria, Belgium, Germany and the regionalised system of Spain, the regional government has most responsibility for supra-local spatial planning, and it is not surprising to see the strategic spatial policy framework focused at the regional level in these countries. Some other countries have an established tier of large regions of a decentralised administration of central government which is the focus for strategic planning, as in Italy and France.

Those Member States that have either an established tier of regional government or regional administration also have the largest populations for strategic planning purposes. Understandably, these are also the Member States which have a two tier strategic spatial planning framework. The exceptions to this are the UK and Portugal. In the UK there is no tier of regional government, but it has the largest regional planning units. Here central government produces regional spatial policy after receiving advice from cooperating groups of local authorities. In Portugal, the Member State government prepares regional spatial plans through its regional coordination commissions. Greece also has provision for central government to prepare regional plans, but these have not yet been prepared.

Cooperative working between local authorities in preparing the regional instruments is important in some countries for example, Finland, France and the UK.

## Local level instruments

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Instruments at the local level have been categorised according to whether they are general frameworks for the development of one or more municipalities or more detailed plans to guide regulation and implementation (see Table B.1). These are very broad categories, but nevertheless some planning instruments may still perform both framework and detailed functions. However, the distinction is still considered useful in drawing attention to the different roles that plans play.

### Responsibilities for local level instruments

The focus for the detailed regulation of land use, change and building development across the European Union is the local authority, known variously as the *municipality*, *commune*, *Gemeinde*, etc. In almost all Member States the local authorities have the major responsibility for the detailed management of land use change and building control, under the general supervision of the national or regional government. In a few countries there may be more than one tier of local authority, with planning functions separated between them, as in much of the UK.

There are a number of important exceptions. In Greece, until very recently, central government was responsible for plan making and regulation at all levels. A locally elected tier of prefectures governing the area of a *nomos* (province) was introduced in January 1995. However local authorities in Greece still have no significant responsibilities in spatial planning. The *Prefecture/nomos* is the lowest tier at which planning powers are decentralised and so this has been used as the basic unit for comparative purposes in the tables that follow, although in a few exceptional cases some powers have

been delegated to municipalities. Another exception is Northern Ireland where the UK national government retains responsibility for spatial planning (and most other government functions).

The following analysis illustrates the close tie between the structure of local government and spatial planning instruments, with, for example, the area of coverage of many plans being the same as the administrative area. The particular characteristics of local government in each Member State have an important influence on the operation of the spatial planning system. The size of local authority units is particularly important and Table B.8 gives a summary of the approximate population of the average local authority unit for spatial planning purposes. This shows the extreme variation in the size of the basic administrative unit for detailed spatial planning. It does, however, mask the wide variation in size of units, for example, over 50% of local authorities in Germany and Finland have populations of less than 1,000 and 6,000 respectively.

Municipalities are generally responsible for the production of the main local level planning instruments, and in most cases approval is also delegated to this level. The exception to this is Greece, where the local level plans have been approved and in most cases even initiated by the central government ministry. Recent changes to the government structure in Greece (described above) mean that the locally elected prefecture is likely to take responsibility for these plans.

Framework and regulatory instruments generally have to be in conformity with planning instruments prepared at higher tiers, and are usually adopted by the local authority that prepared it. Sometimes the local level plans have to be formally approved by another tier of the administration. For example, in Italy they have to be approved by the *Regioni*, and in Portugal to be ratified by central government.

The extent to which framework plans have actually been prepared and adopted varies significantly across the Member States. A sys-

**Table B.8: Authorities responsible for framework and regulatory instruments (1)**

Member State	Type of local authority	Number	Average population
France (Metropole)	<i>Communes</i>	36,558	1,550
Luxembourg	<i>Communes</i>	118	3,300
Österreich	<i>Gemeinden</i>	2,300	3,000
España	<i>Municipalities</i>	8,077	4,800
Deutschland	<i>Gemeinden</i>	16,040	5,000
Italia	<i>Comuni</i>	8,102	7,000
Suomi-Finland	<i>Kunnat/Kommuner</i>	454	11,000
Belgique-België	<i>Gemeente/Communes</i>	589	17,000
Danmark	<i>Municipalities</i>	275	20,000
Nederland	<i>Gemeentes</i>	647	23,000
Sverige	<i>Kommuner</i>	288	30,000
Portugal	<i>Câmaras</i>	305	34,000
Ireland-Éire (2)	<i>Districts</i>	88	40,000
United Kingdom	<i>Districts</i>	483	119,000
Ellas (3)	<i>Prefecture</i>	54	190,000

(1) Where there is more than one level of local authority (for example the UK) the table refers to the level with primary responsibility for local level instruments. The average gives an indication only of the size of units responsible.

(2) There is a significant range in Ireland with 49 urban planning areas having an average population of only 9,100.

(3) Local government in Greece has very limited planning powers. The *prefecture* is the lowest tier to which plan making powers are decentralised although in exceptional cases some powers have been delegated to municipalities.

tem of plans which is intended to cover large areas does not necessarily ensure good coverage overall. For example, in the UK there was about 30% coverage of *local plans* in England at the beginning of 1994, although many more were in various stages of preparation. Local regulatory plans are usually required to be prepared only where they are needed, that is in the locations undergoing development and land use change, or in some cases where statutory protection for vulnerable areas is required. In some cases, the adoption of a detailed plan is obligatory before development can proceed. (The relationship between plans and decision making is addressed in Section C). For example, in Finland the *yleiskaava*, a comprehensive or partial framework plan, has been prepared in 97% of municipalities. The binding *asemakaava* and *rakennuskaava* have been prepared by 98% of municipalities but cover only 3% of the total area of the country. France has about 15,000 *plan d'occupation des sols* which cover some 50% of the territory of the country and 80% of the population.

Given the variation in administrative structures, there is some consistency amongst Member

States in the use of spatial planning policy instruments at the local level as a basis for regulating land use and building/development. In all Member States legislation provides for a tier of planning instruments at the local government level which is intended to be the principal tool for managing land use change.

All Member States have more than one type of plan at the local government level. The first generally covers the whole of one or a number of municipalities and provides a broad framework for land use change. The second tier provides for detailed regulation and/or implementation of policy. Also it is commonplace for there to be a number of other instruments which are prepared for special purposes, such as the implementation of urban renewal schemes, or the development of new urban areas. The variety of local level instruments is greatest for Greece, Italy and Spain. Variations are also generated where the regional governments are able to establish their own laws which determine the characteristics of planning instruments.

Tables B.8, B.9 and B.10 record the main local level instruments and who is primarily responsi-

ble for preparing them for each of the Member States. The tables show only the main instruments set out in legislation. They do not include the non-statutory planning strategies and documents which are sometimes produced. Nor do they include other instruments of regulation which may have important implications for land use, such as land-subdivision instruments, for example Sweden's *fastighetsplaner*; or infrastructure provision mechanisms, for example Spain's *proyectos de urbanización*.

It is important to note also that in most countries there are general ordinances or regulations which apply across regions or the whole state and which are particularly important in those situations where building is formally controlled by binding plans but where they have not yet been prepared. In Spain for example, in some provinces the *Normas Complementarias y Subsidiarias* establish general principles for controlling development and building over and above plans and are particularly important in the small municipalities where plans have not been prepared. In Greece, special regulations apply to all areas not included in a statutory local plan. General orders, standards, and other rules which apply across a country or region and which have an important role, especially where no detailed plans are prepared, are considered in Section C.

### Framework instruments (local level)

Table B.9 shows the plans in each Member State that are described as local level framework instruments. These instruments provide general frameworks for guiding land use change and an outline for the preparation of lower tier plans. They may include an element of general zoning of land according to its current or intended use, but generally they do not determine the precise use of land in advance of more detailed plans or decisions on regulation. However they may allocate development rights in the same way that more detailed plans do.

All Member States use framework instruments at the local level for general guidance, as shown in Table B.9, although not all use further

more detailed statutory instruments. The purpose of these framework instruments is variously described as:

- providing long term development goals, objectives or principles;
- identifying the future settlement pattern, including the general areas to be developed or given special protection;
- providing a framework for detailed local planning and regulation;
- determining the general siting of major infrastructure;
- providing a link between the general structure in national and strategic/regional guidance and the binding provisions of more detailed zoning and implementation plans.

**Table B.9: Framework instruments  
(local level)**

Member State	Framework instrument
Belgique-België	<i>Gemeentelijk ontwikkelingsplan/Plan communal de développement (B)</i> <i>Algemeen plan van aanleg (F)</i> <i>Schéma de structure communal (W)</i>
Danmark	<i>Kommuneplaner</i>
Deutschland	<i>Flachennutzungsplan (F-Plan)</i>
Ellas	<i>Geniko poleodomiko schedio (GPS)</i>
España	<i>Plan general. Normas complementarias y subsidiarias/Proyectos de delimitación de suelo urbano</i>
France	<i>Schéma directeur and directive territoriale d'aménagement (DTA) (2)</i>
Ireland-Éire	<i>Development plan</i>
Italia	<i>Piano regolatore generale</i>
Luxembourg	<i>Projet d'aménagement général</i>
Nederland	<i>Structuurplan</i>
Österreich	<i>Räumliches Entwicklungskonzept (REK) (1)</i>
Portugal	<i>Plano director municipal (PDM)</i>
Suomi-Finland	<i>Yleiskaava/General plan</i>
Sverige	<i>Översiktsplan (OP)</i>
United Kingdom	<i>Local plan and unitary development plan (UDP) part two</i>

(1) For five Länder.

(2) The DTA is introduced by the new Act on Planning and Development (1995) and is issued by a Government decree but is of broader local scope.

It is important to note that these plans are based at the level of the local authority unit, the municipality. However, there may be some overlap in function with planning instruments at a level below the region and covering part of the region, that is, the sub-regional plans identified earlier. Certainly, where sub-regional planning documents exist they will also be providing general development frameworks for major settlements or areas. Also there may be overlaps with the detailed planning instruments, with the same type of plan serving different purposes in different locations, for example as with the *Structuurplan* in the Netherlands, which can occur at the municipal level and for city-regions.

The common characteristics of framework plans are that they:

- are mostly the responsibility of the local municipality (although often prepared on their behalf by consultants);
- cover at least the whole of the area of the local authority, and more than one where the units are small, or where functional planning units are constructed;
- set out the broad land use and infrastructure patterns across the area through zoning or land allocation maps;
- are generally of no fixed duration and can only be replaced by new plans, although there is often a requirement that they be reviewed about every five to ten years;
- are mostly legally binding documents once approved, though a minority are not binding but indicative guidance for lower tier plans or for decisions on individual proposals.

Examples of the maps that accompany framework type instruments are given in Figure B3

Variations to these general characteristics include France where there are very small local authority units — *communes* — and framework instruments tend to be prepared for a number of them together; and Finland where local authority areas are much larger, and

where framework instruments may be prepared for part of the municipality. In Greece, simplified plans are prepared for small settlements. Framework plans may also take on the role of 'detailed instruments' in their absence, such as granting of rights.

## Regulatory instruments

All the Member States except the UK and the Republic of Ireland use detailed binding planning instruments which play a determining role in the regulation of development. In many countries there are a number of levels or forms of such instruments. The area covered by regulatory instruments varies and this is illustrated in Table B.10. In some cases there is one regulatory instrument prepared for the whole of the area of the municipality, although in France, Luxembourg and Spain it is possible for one plan to cover the area of a number of local authorities. These countries have small local authority populations. In the United Kingdom there is one instrument, the simplified planning zone, that has the function of directly regulating development, but it has been rarely used.

The typical regulatory plan

- covers the whole or part of the local authority's area;
- indicates detailed site specific zonings for building, land use and infrastructure;
- has the effect of granting the right to build on or change the use of land, subject to confirmation through permit procedures or the preparation of more detailed implementation plans.

Three broad categories of regulatory instruments can be identified according to their function as shown in Table B.11. Some regulatory instruments may be included in more than one category. Examples of each type are shown in Figure B4. The first and the most widely used are **regulatory zoning instruments**. Such plans, like the Belgian *bijzonder plan van aanleg* or the French '*plan d'occupation des sols*' (POS), prescribe land

**Table B.10: Regulatory instruments**

Member State	Area covered by the instrument		
	more than one municipality	the whole of one municipality	part of the area of the municipality
Belgique-België		<i>Gemeentelijk Ontwikkelingsplan/Plan Communal de Développement (B)</i> <i>Algemeen Plan van Aanleg (F)</i> <i>Schéma de structure communale (W)</i>	<i>Bijzonder Bestemmingsplan/Plan Particulier d'affectation du sol (B)</i> <i>Bijzonder Plan van Aanleg (F)</i> <i>Plan particulier d'aménagement/schéma directeur (W)</i>
Danmark			Lokalplaner
Deutschland			<i>Bebauungsplan (B-plan)</i>
Ellas		<i>Schedio poleos — Poleodomiki meleti</i>	
España	<i>Plan General</i> <i>Normas Subsidiarias</i> <i>Plan Especial</i>		<i>Programa de actuación urbanística (PAU)</i> <i>Plan parcial (PP)</i> <i>Plan especial (PE)</i> and others
France	<i>Plan d'occupation des sols</i>		
Ireland-Éire			<i>Action area plans (1)</i>
Italia		<i>Piano Regolatore Generale</i>	<i>Piano particolareggiato (PP)</i> <i>Piano di lottizzazione (Pdl)</i> <i>Piano di recupero (Pdre)</i> <i>Piano di edilizia economica e popolare (PEEP)</i> <i>Piano degli insediamenti produttivi (PIP)</i>
Luxembourg		<i>Projet d'aménagement général</i>	<i>Projet d'aménagement particulier</i>
Nederland		<i>Bestemmingsplan (including Stadsvernieuwingsplan -urban renewal plan)</i>	
Österreich		<i>Flächenwidmungsplan</i> Land use plan	<i>Bebauungsplan</i> Building regulation plan
Portugal			<i>Planos de urbanização (PU)</i> <i>Planos de pormenor (PP)</i> <i>Loteamentos (land subdivision schemes)</i>
Suomi-Finland			<i>Asemakaava (in towns and cities)</i> <i>Rakennuskaava (in rural municipalities)</i> <i>Rantakaava (in shore areas)</i>
Sverige			<i>Detaljplan (DP) (and others)</i>
United Kingdom			<i>Simplified planning zones (2)</i>

(1) May or may not be statutory.

(2) Although there is the capability to prepare simplified planning zones, they are rarely used.

use and regulations for part or the whole of the municipality concerned. Other examples are the Dutch *bestemmingsplan*, which like the POS may cover part or almost all of a municipality, and the Portuguese *Planos de Urbanização (PU)*. The Greek *schedio poleos* is a generic instrument which can be prepared in a variety of forms, the main one being the *poleodomiki meleti epektasisi anatheorisis*. This, like other instruments of this type, effectively determines the granting of development rights.

A second category of even more specific and detailed **building control instruments** can be

distinguished from the general type. These provide specific information to would-be developers about precise building regulations. For example, the Finnish *asemakaava* (in cities) *rakennuskaava* (in rural municipalities) provide details on the size and location of buildings. The Austrian building regulation *Bebauungsplan* will specify building lines at a scale of 1:2,000, including building density details etc.. Other plans also belong to this category because they are more specific than the general zoning or land use plans. Examples are *parcelling plans* drawn in the Brussels Capital Region or the Swedish *Omradesbestämmelser (OB)*.



**Table B.11: Regulatory instruments: main purpose**

Member State	Regulatory Zoning Instruments	Building Control Instruments	Implementation Instruments
Belgique-Belgie	<i>Bijzonder Bestemmingsplan/Plan Particulier d'affectation du sol (B)</i> <i>Bijzonder plan van aanleg (F)</i> <i>Plan particulier d'aménagement (W)</i>		
Danmark			<i>Lokalplaner</i>
Deutschland	<i>Bebauungsplan (B-Plan)</i>		
Ellas	<i>Schedio poleos</i> <i>Zoni oikistikou elenchou</i>		<i>Praxi efarmogis</i>
España	<i>Plan general nomas complementarias proyectos de delimitación de suelo urbano</i>	<i>Programma de actuación urbanística</i>	<i>Plan parcial *</i> <i>Plan especial *</i>
France	<i>Plan d'occupation des sols</i>		
Ireland-Éire	<i>Action area plans</i>		
Italia	<i>Piano regolatore generale</i>		<i>Piano particolareggiato</i> <i>Piano per l'edilizia economica e popolare</i> <i>Programmi integrati di intervento</i> <i>Programmi di recupero urbano</i>
Luxembourg	<i>Project d'aménagement communal</i>		
Nederland	<i>Bestemmingsplan</i>		
Österreich	<i>Flächenwidmungsplan</i>	<i>Babauungsplan</i>	
Portugal	<i>Planos de urbanização</i> <i>Planos de pormenor</i>		<i>Loteamentos (subdivision)</i>
Suomi-Finland		<i>Asemakaava (cities)</i> <i>Rakennuskaava (rural)</i> <i>Rantakaava (shore)</i>	
Sverige	<i>Detalplan</i>	<i>Områdesbestämmelser</i>	<i>Fastighetsplan</i>
United Kingdom	<i>Simplified planning zones</i>		

\* Note: This table identifies the principal regulatory instruments only and their main purpose. They may perform a variety of functions.

The third category are **implementation instruments**. These are intended to do more than indicate the preferred allocations or legal rights and are used to actually implement the proposed development. Often this will be a very specific type of development such as new housing or industrial units. One instrument which can be used in this way is the Danish *lokalplaner*. Another set of examples are provided by a series of Greek, Italian and Spanish plans. The Greek *praxi efarmogis* is typical in that it does not introduce new proposals but applies policies of other plans to the actual division of property ownership and apports charges used for public infrastructure, etc. The Italian '*Piano Particolareggiato*' (PP) is mainly used in existing built-up areas and proposed expansion areas; the *piano per l'edilizia eco-*

*nomica e popolare* (PEEP) is used to realise areas of (low-cost) social housing; the *programmi integrati di intervento* and the *programmi di recupero urbano* are both used for urban regeneration.

Over and above these three categories, regulatory plans may be used to meet a variety of objectives. They can, for example, be used to protect areas of land and the built heritage, as in Spain. Furthermore, a particular instrument may be used to perform a combination of tasks. The *piano particolareggiato*, for example is a combination of regulatory zoning instrument and implementation instrument.

The importance of regulatory instruments is not to be under-estimated. In a majority of

cases, they will serve to implement the broad development objectives expressed in strategic regional or municipal framework plans. Therefore, the overwhelming majority are legally binding. The principal exception to this is the UK where the local level instruments are not detailed and are not legally binding. In other countries, the legal force of the regulatory plan may vary according to the particular proposal or issue in hand.

The impact of these instruments on land use change depends on many factors including the extent to which they predetermine decisions on regulation through permit procedures, and the extent of the areas they cover. There is a tendency to introduce new mechanisms which allow decisions to be made contrary to a binding plan, or which allow the plan to be modified quickly to meet changing demands and this is discussed in more detail in Section C.

## General standards

In most Member States, the decision making body and developers are obliged to take into account a wide variety of detailed standards when determining or applying for building permit applications. Such standards may cover a broad array of issues, for example, aesthetics, height of buildings, density, access, environmental quality and health and safety. In many countries, there are detailed national building codes or standards that must be adhered to, for example Denmark, Finland, France, Greece, Ireland and the UK. Such national codes often relate to detailed building regulations and construction standards. In many Member States, such standards may also be produced at a regional and/or municipal level, for example, Austria, Belgium, Finland, Germany and Sweden. This allows municipalities to develop detailed standards that respond to approved development plans and local conditions. In a number of Member States, there are national building regulations and the municipality is required to produce further elaboration in more detailed

local standards. For example, in the Netherlands, the national government produces the *bouwbesluit* (building decree) and the municipality produces the *bouwverordening* (building ordinance) which provides detailed regulations on a variety of complementary matters, for example, visual appearance, maximum height of buildings and parking standards.

Where such national or local standards exist any application for development should conform with them or it is likely to constitute a departure. If an application is a departure from the regulations the procedure for determination is normally the same as a departure from a detailed plan. In addition, if there is no approved detailed plan any approved general standards are likely to be a major consideration in determining applications for development.

## Consultation

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The process of plan making inevitably entails a considerable amount of consultation and negotiation between the plan making authority and others who have an interest in the plan. This section is primarily concerned with the plan making process at the local level. Some of this activity is formalised in statutory procedures that the plan making authority must follow during preparation of the plan. Formal procedural requirements for consultation help to safeguard the interests of particular groups, and contribute to ensuring accountability and a measure of transparency in the process. However, this may be at some cost in increasing the complexity of the procedure and the time and resources needed to prepare plans. The formal requirements for consultation in each system, reflect in part the balance that has been struck between the rights of citizens to participate directly in the process, and the need for plan making authorities to ensure the plan framework is put into place in an effective and efficient way, taking into account a wide range of interests.

Consultation with other tiers of administration and official agencies is an inevitable part of all plan making, although it often does not form part of the formal stages of plan production set out in law. The country reports indicate that this is a routine activity in plan making in all Member States. Which official organisations are consulted depends very much on the subject matter of the plan, and the range is potentially enormous, especially in those systems where the spatial planning system does not include responsibility for other closely related policy and regulation topics. Formal legal requirements for consultation sometimes apply where higher tier planning authorities are responsible for supervising and approving the conformity and consistency of local authority plan making. Together with the courts they may also be involved where challenges are made to plans.

### Public involvement

All planning systems also incorporate some mechanisms for direct consultation with the public over and above the normal representative political processes. Whilst there is a fair amount of consistency in the general commitment to consultation with the public, there are also some interesting observations that can be made. The method and depth of public consultation required in the formal process varies considerably, and there may be more extensive informal consultation exercises undertaken by particular authorities. Public consultation is generally seen as a separate activity to consultations with official organisations and usually comes later in the process.

Table B.12 illustrates the main provisions for public consultation and involvement for the main planning instrument at the local level in each of the Member States. The information gives a general indication only since the precise timing and form of consultation will depend very much on the specific procedures for the type of plan in question, and these may vary considerably between different types of instrument even within a Member State. The table indicates the plan that has been used for analysis from each sys-

tem. This is the 'main planning instrument' at the local level. The procedures indicated here may not hold for other plans. The emphasis is on the formal requirements set out in law. The additional consultation and participation exercises undertaken on an informal basis are not considered here. Also, it is important to note that the existence of formal consultation requirements does not necessarily indicate the effectiveness of consultation, in terms of either awareness of the public or their ability to shape the plan.

The table considers the opportunities for the public to be involved in the plan making process through:

- initial consultation of the plan making authority's intention to produce a plan and before proposals are confirmed;
- later consultation after publication of the planning authority's firm proposals, for example, in the form of a draft plan;
- attendance at formal hearings and inquiries;
- other means such as representation through formal consultative organisations;
- challenging the plan after its formal adoption by the planning authority or approval by higher authority.

Table B.12 shows clearly that most provisions for public involvement are at the stage of firm proposals being made by the planning authority when the public have an opportunity to make representations and object. This is almost always undertaken through the publication, advertisement and public display of a draft plan. The procedure includes a period of time during which any person can lodge objections to the draft plan. In many cases the time allowed is about a month, but it varies. In Greece the public have 15 days to respond; in Sweden one type of plan, the ÖP is subject to three months for representations. The procedure sometimes allows for a further period of consultation should the first stage result in major changes to the plan.

**Table B.12 Opportunities for public involvement in the main plan making process at the local level**

	Consultation and participation		The use of hearings and inquiries	Opportunity for challenge after the plan is formally adopted/approved	Comments and other related mechanisms
	Before proposals are confirmed.	After publication of planning authority's firm proposals.			
Österreich <i>Räumliches Entwicklungskonzept Flächennutzungsplan Bebauungsplan</i>	Public must be informed of intention to prepare plan and possibility of consultation.	Plan is made available for public inspection and all citizens have a right to make statements on the plan.			In the case of environmental assessment where citizens can make statements in the procedure and groups of 200+ or more may nominate a representative to take part in the proceedings.
Belgique-België <i>Plan communal de développement (B); (Algemeen plan van aanleg (F): Schéma de structure communal (W)</i>	Some plans are subject to 'pre-draft consultation with public.	Consultation with public on all draft plans for 30 days — citizens have a right to file objections.		On legal (including procedural) grounds ( <i>Conseil d'Etat/Raad van State</i> ).	Interest groups are represented in various advisory committees at the regional and municipal level which may act as intermediaries between the plan authorities and the public.
Danmark <i>Kommuneplaner</i>	The public are informed of the major issues and are encouraged to submit ideas and proposals. The 'pre-consultation' stage must last a minimum of eight weeks.	Consultation for eight weeks with the public, opportunity to object. Further consultation is undertaken if the plan is modified significantly.		Challenge is possible on legal or procedural grounds only.	Lack of opportunity to appeal is argued because extensive early consultation is generally thought adequate.
Suomi-Finland <i>Asemakaava Rakennuskaava Yleiskaava</i>	Consultation on first draft for three weeks with right to object.	Further consultation and right to object when plan goes to council for approval.	Hearings after consultation on first draft and second hearing after decision on plan by municipal board.	Public can appeal to state authorities and if necessary to the <i>Korkein hallinto-oikeus</i> (supreme administrative court).	Experimental projects are underway to try to encourage wider participation amongst groups who do not normally participate in plan making.
France <i>Plan d'occupation des sols</i>		Consultation for one month on draft after approval by public bodies and communes, with opportunities to object.	Detailed plans are usually subject to a public inquiry.	Those having an interest may appeal to the administrative court.	
Deutschland <i>Flächennutzungsplan and Bebauungsplan</i>	Public are informed and may contribute to setting aims for plan.	Consultation for one month when objections can be made, reduced to two weeks for plans to meet 'urgent housing need'.	Public hearings are held for major projects such as motorways.	Those whose rights are affected by the plan can appeal to the courts.	Interest groups are represented on advisory boards which participate in the preparation of regional level plans.
Eλλάς <i>Poleodomiki meleti</i>		Consultation for 15 days and opportunity to object.		Opportunity to challenge plans at the Council of State.	Note plans are prepared by central government ministry who consult the local authorities.
Ireland-Éire <i>Development plan</i>	Public may be involved in preparation but this is not mandatory. Initial consultation for three months on first draft plan, when public may lodge objections and representations.	Consultation of one month on revised draft, with the opportunity to object.	Local property tax payers may request a hearing of their objection.	The Development Plan can be legally challenged by judicial review.	

	Consultation and participation		The use of hearings and inquiries	Opportunity for challenge after the plan is formally adopted/approved	Comments and other related mechanisms
	Before proposals are confirmed.	After publication of planning authority's firm proposals.			
Italia <i>Piano regolatore generale</i>		Consultation for 30 days when public can object.			The <i>consigli di quartiere</i> (elected neighbourhood authorities) are an important avenue of consultation.
Luxembourg <i>Projet d'aménagement communal</i>	Informal discussions.	Consultation for 30 days and opportunity to object.		Observations can be addressed to central government within three months of the advertisement of approved plan.	Local communal councils represent local interests in the plan process. Any physical or corporate entity can represent their own interest. Public information meetings are held.
Nederland <i>Bestemmingsplan</i>	Public may be informed but this is not mandatory.	Consultation for four weeks on draft plan and opportunity to object.	Objectors may request a hearing to explain their objection in person to the municipality.	After the municipality has adopted the plan it is submitted to provincial executive and displayed for four weeks during which limited objections can be made. After approval it is displayed for a further four weeks when appeals to the Council of State are possible on matters originally subject to objection.	At the time of submission to province for approval, new objections may only be made to changes.
Portugal <i>Plano director municipal</i>		Consultation for 30 days on draft plan, and opportunity to object.	No inquiries are held.		The public have a 'right of access' to the process at any stage of plan preparation, although this is rarely exercised.
España <i>Plan general</i>	Public is involved but not mandatory. Initial consultation for 30 days on first draft plan 'calling for suggestions' for changes.	Consultation for one month, and opportunity to object. A second period of consultation is held if major changes are made.		Challenge is possible on procedural grounds.	Consultation mandatory on EIA projects at three stages in the process. Public information for main infrastructure projects.
Sverige <i>Oversiktsplan, detaljplan</i>	Wide public consultation on initial proposals is the norm.	Consultation for three or 12 weeks depending on type of plan.		Challenge is possible on procedural grounds only. Challenge is possible for the <i>detaljplan</i> .	
United Kingdom <i>Local plan &amp; Unitary Development Plan</i>	Public may be informed and consulted prior to proposals coming forward. There is a mandatory publicity and consultation stage usually based on first draft proposals.	Consultation for six weeks on the plan and opportunity to object. A further period of six weeks for objections if major changes are made after the inquiry.	An inquiry is held unless all objectors agree that it is not needed.	Challenge is possible on procedural grounds.	The inquiry is held before an independent official but the final decision rests with the plan-making authority.

There are fewer formal requirements for consultation before the plan making authority's proposals are confirmed. Where this does occur it is usually based on a first draft plan, with a second further stage of consultation and opportunity to object following revision of the plan. A number of Member States report that there is the opportunity for the plan making

authority to undertake consultation before a draft is prepared at their discretion. However, this type of consultation tends to involve only official organisations, although there may be legal requirements to ensure consultation takes place. For example, special provisions apply in Italy where a hearing is used to discuss the proposal with public officers,

agencies and organisations involved. In the UK there is a short list of official organisations which must be consulted in the earliest stages of plan making, and a longer list of 'advisory consultees'.

Where objections are made to plans, a number of Member States make use of some kind of hearing, where objectors have a right to elaborate their concerns. For example, in the UK an inquiry is held before an independent inspector appointed by central government, who records the evidence presented by objectors and the plan making authorities, and prepares a report for the local authority. The local authority retains the final decision although central government may intervene and direct certain changes to the plan. This process has recently come in for close examination, given that it demands considerable resources and may extend the time needed to adopt the plan. In the Netherlands, a provision has recently been introduced which ensures that objectors have a right to explain their objections in person to the plan making authority.

The right to challenge plans after adoption by the plan making authority or approval by a higher authority is generally limited. The exceptions are France and Greece where there are extensive rights to challenge the plan through both administrative and judicial processes. In the Netherlands there is the right to appeal after approval to the Council of State, but once this has been considered the plan becomes law and no further appeals are possible. In other Member States where challenge is possible it is confined in some way, either to state organisations; to those whose rights are affected by the plan (as in Germany); or to questions about the operation of the procedure (as in the UK).

The other principal method of public involvement is through representative bodies. This is a feature of a number of systems. For example, in Belgium there is provision for consultation through advisory committees which act as intermediaries between the public and the plan making authorities, and in Germany, advisory boards participate in the making of regional plans.

Other procedures exist in some Member States which give citizens special rights of participation in particular planning decisions. The requirement for environmental impact assessment has been introduced in some Member States with special provisions for public consultation. In Austria the recently introduced law on environmental impact assessment includes provision for citizen participation in the process. Individual citizens have the right to contribute a written statement. Where 200 or more citizens make a joint statement, they may elect a representative who can take part in the proceedings as a formal party to the debate along with the municipality affected by the proposal, neighbouring municipalities and the environment ombudsperson. In Spain there is a special procedure when the change of use affects the 'green belt' which provides for more public information.

### **Innovation in consultation**

It is apparent that the consultation processes are under examination in a number of Member States where there are demands for both greater efficiency in the planning process and increasing transparency and public involvement in the process. The effectiveness of public consultation exercises is also being questioned. For example, Finland has an extensive system of consultation with the public. There are two stages of consultation during the process and further rights to appeal against the plan, but these have come under criticism, and experimental plan making processes which open up the proceedings to a wider audience are much in evidence, including 'co-planning'. Experimental projects have been set up in Finland to try to engage those who would not normally be involved in the planning process, including people with disabilities and children.

Elsewhere there is concern that the consultation process is unnecessarily delaying plan adoption, with well organised pressure groups using every opportunity to prevent the plan going forward. For example, in the Netherlands the process has been amended to limit the right of repeated objection on the same

topic (although they still remain substantial) and to give central government more power to intervene to enable particularly contentious proposals to go ahead.

## Cross-border spatial planning

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Municipalities, regional authorities and Member States within the European Union have long recognised the necessity to cooperate across borders in the sphere of spatial planning. Space is a continuum and administrative boundaries are artificial in the context of the increasing freedom of movement across them, and the impact of global economic and environmental processes. So the need for cross-border cooperation is obvious. In some cases, this involves the co-operation of neighbouring municipalities in a cross-border area between two or three Member States as in the Lille-Kortrijk area. In others it extends across regions in two or more countries for example the *Euroregion*, consisting of Kent, Nord-Pas-de-Calais, Flanders, Wallonia and Brussels regions. One of the oldest examples of cross-border cooperation is that of the Benelux countries which established a Custom Union in 1944 which eventually led to a first *Benelux Structuurschets/Esquisse de Structure Benelux* (Benelux Structure Outline Plan) in 1975 (approved in 1986). A second plan is currently being prepared. The introduction of the European Union *INTERREG* initiative has also encouraged a number of cooperative approaches to spatial planning. However, many of the cross-border arrangements are informal and/or advisory in nature and do not constitute part of the formal statutory systems of spatial planning within Member States.

One of the case study topics in the thematic volumes of the Compendium describes cross-border spatial planning in practice between Member States.

Three types of approaches to cross border spatial planning can be identified:

- non-institutionalised cooperation

- formal cooperation
- common decision making

## Non-institutionalised cooperation

This type of approach reflects the most basic level of cooperation and is characterised by exchange of information and plans and other matters across borders (for example between Finland and Sweden), usually as a first step towards more extensive consultations and joint involvement in decision-making. Most countries appear to have this level of cooperation and in some countries such as Germany and the Netherlands, this type of approach has been in operation since the 1950s. Over recent years informal cross-border co-operation has expanded both internally and externally. For example, during 1995, possibilities for cooperation have been explored between Greece and Bulgaria, but these are only at the stage of political discussion. At this level the emphasis is on informal cooperation and not joint decision making, but it may be precursor to more formal links.

## Formal cooperation

This approach to cross-border spatial planning is characterised by a formal system of joint working groups or committees with consultations on draft plans and policies of the respective countries. Joint studies may also be set up to explore and develop issues of mutual interest. For example, local and regional authorities in the UK, France and Belgium have established a working group — the Strategic Planning and Infrastructure Group — to compare the existing situation and the issues, problems and changes taking place across the *Euroregion*. Their report '*Towards a Policy Framework... the First Steps*' was published in 1994 and sets out the context, strengths and weaknesses to be addressed as the first stage in developing a longer term joint strategy. The working group reports to the College of Members which consists of five elected representatives from each of the five regions of the *Euroregion*.

Another example is the *Sarre-Lor-Lux-Trèves/ West Palatinate region* where a working group has been set up to investigate the planning system and instruments in France, Luxembourg and Germany and to undertake specific studies. A number of southern Danish counties have also been involved in cooperation with Land Schleswig-Holstein in Germany.

One of the older, more formalised instruments dealing with cross-border spatial planning is the German-Netherlands *Deutsch-Niederländischen Raumordnungskommission* which is now discussing the preparation of a cross-border regional plan. Recent French legislation (1995 Act) allows foreign local authorities to participate in French local semi-public companies and to join with others in adjacent Member States to create public interest groupings or corporate entities for joint actions, programmes and projects in public services and infrastructure. There has long been cooperation between Denmark, Finland, Norway and Sweden on public services and infrastructure.

### **Common decision-making**

This third approach entails common decision making based on joint working in which common policies and guidelines are adopted. The level of commitment by neighbouring authorities separated by a common border to adopting common policies will vary. Since there are no common planning instruments between Member States, a common strategy will need to be incorporated into the statutory instruments in each country.

This type of cooperation may also be focused on specific initiatives as well as more strategic plans. For example, following an initiative by local politicians, inter-regional cooperation between Denmark and Sweden has resulted in the proposed bridge across the *Øresund* where associated works are under construction. The French/Flanders intermunicipal cooperation between Lille and Kortrijk and French/Walloon inter-municipal cooperation between Lille and Mouscron have led to a joint programme of infrastructure links relating to the High Speed Rail Link and express roads.

Looking further afield to central and eastern Europe, Finland's eastern regional councils are cooperating with the Russian authorities to open networks of road, rail and water links and reach agreement to make a comprehensive nature conservation plan for the Karelian Isthmus on the Russian side. In the Iberian Peninsula traditional cross border cooperation between Spain and France, and Spain and Portugal is being extended.

A number of national, regional and local authorities may combine to realise a spatial development perspective plan or vision for an area. The Netherlands/ Belgium/Germany border cooperation on the *MHAL project* is preparing a spatial development perspective for the cities of Maastricht/Heerlen; Hasselt/Genk; Aachen and Liège. The Scheldt Estuary was the subject of a *Common Development Concept for the Maritime Region* and contained a programme of strategic projects.

On a wider scale, the eleven countries around the Baltic (including non-EU countries) are working on a concept for the spatial development of the Baltic region which was initiated by the Swedish government in 1992. The Alpine Convention, signed in 1991 by six countries established a set of binding international rules for the protection of the countryside and policy aims on spatial planning, air quality, tourism, agriculture, etc.

There is an increasingly wide range of cross-border cooperation in the field of spatial planning from inter-regional cooperation between Member States to the production of a common union for an area across several countries and joint development plans and concrete projects. However, the absorption of many of these joint instruments and arrangements into the different legal planning systems and instruments of the countries involved also requires some form of political commitment and legal/administrative adjustments. At present, the many arrangements and guidelines are not binding on the relevant authorities and were not recognised widely in relation to formal planning systems. However, there are indications that many planning authorities in neighbouring countries are taking positive steps



towards ensuring a basis for a common approach to spatial planning for cross-border areas. Such work is now being promoted through INTERREG IIa and TERRA initiatives which are specifically intended to promote cross-border co-operation on spatial planning.

## Sectoral integration

The level of integration between policy sectors and different tiers of administration varies enormously between Member States. It is important to emphasise that at this stage comments are confined to describing those organisations and instruments that exist in an attempt to achieve horizontal (i.e. between sectors) and vertical (i.e. between administrative spatial planning tiers) integration and do not attempt to evaluate the effectiveness or otherwise of such approaches.

At the national level several countries have formed ministerial and administrative structures to support sectoral integration. It appears that those countries that produce up to date national plans or have an explicit spatial policy framework possess the highest capacity for spatial coordination of sectoral policies. One of the main reasons for this is that such documents usually provide an integrated development perspective for a country, which has formally been approved and often incorporates state investment priorities in infrastructure (see national plans and frameworks). The Dutch provide a good example of this approach. The *Rijksplanologische Commissie* (National Spatial Planning Committee) consists of high level representatives of the various sectoral ministries who coordinate actions and activities of different departments insofar as these affect spatial development, and is responsible for preparing reports on spatial planning for the whole country. The most recent and comprehensive report (Fourth Report on Spatial Planning — Extra) contains policies for the location of large scale development and for rural areas. Elsewhere too, national government committees are intended to produce coordinated action. In Portugal the Directorate General for Physical Planning and Urban Development (DGOT) is a department of the

Ministry for Planning and Territorial Administration (MPAT) and is responsible for co-ordinating a consultative council comprising 12 sectoral areas and representatives of the municipalities. In France, the *Comité Interministériel de l'Aménagement du Territoire* (CIAT) and the *Comité Interministériel à la Ville et au développement Social Urbain* (CIV) provide high level coordination. Elsewhere coordinating instruments may exist, but they are often not current, for example, in Greece there is scope to produce a five-year national development programme which should produce a coordinated approach at the national scale. However, the last programme ran between 1983-87 and has not yet been updated, having been effectively replaced by the procedures incorporated in the preparation of community support frameworks.

At the regional level many states have organisations and mechanisms which try to coordinate development both horizontally across sectors and vertically between tiers. Often, as for example in France with the *Regional Prefect*, Portugal with the Regional Coordination Committee (CCR), Greece with the Regional General Secretary, this involves a decentralised arm of central government sectoral ministries. It is at this second tier that organisations and agencies have recently been established to try and improve sectoral integration and coordinate spatial planning. This is also true in Ireland with the establishment of eight regional authorities (which comprise elected representatives of the constituent local authorities), and in the UK with the establishment of *integrated regional offices* of national government departments. Both are decentralised arms of central government.

A key feature of attempts to coordinate activity is the role that strategic plans have in shaping the activities of lower tier authorities and organisations. The *PROT* in Portugal provides an example of this approach. Also this level usually contributes to the authorisation and appropriate funding for infrastructure investment at the local level and hence implicit coordination of sectoral development programmes. At this stage it is important to acknowledge that increasing attention to horizontal and vertical

coordination of policy is evident in some countries, which may be partly a response to European Union actions. For example, in Greece and Austria, the European Union influence in shaping integration activity has been explicitly identified in the Member State reports. However, it is too early to speculate on the significance and effectiveness of such trends.

At the local level, the mechanisms for integration and coordination appear to be less formalised although frequently the detailed plans are only reliable if there is sufficient coordination both horizontally and vertically. There is a requirement that the plans need to be in conformity with higher ranking plans and normally need to be approved by a higher administrative tier. Very often funding for infrastruc-

ture and other development identified in framework or detailed plans will be provided from regional or central government, again implying some integration of policies and objectives. Finally, many local authorities are extremely small and act cooperatively to provide expensive services. This implies a degree of cooperation and an example includes the joint municipal authorities of Finland.

The majority of Member States are, therefore, integrating policy sectors using a variety of different mechanisms at different levels of government with varying degrees of effectiveness. There appears to be an attempt to improve the level of integration with the community support frameworks acting as one of the important factors promoting this change.

## **Figure B1: National Spatial Perspectives**

Denmark:	The Danish Landsplan Perspektiv
The Netherlands:	The Dutch Vierde Nota Over de Ruimtelijke Ordening Extra
Luxembourg:	Programme Directeur d'Aménagement du Territoire (PDAT)

## **Figure B2: Strategic Planning Instruments**

United Kingdom:	Wiltshire Structure Plan Key Diagram (Deposit Draft)
Sweden:	Läns Strategy for the Stockholm region
Austria:	The Landesraumordnungsprogram for Lower Austria
Portugal:	Plano Regional de Ordenamento do Território do Algarve

### **Figure B3: Framework Instruments**

Greece:	Geniko Poleodomiko Schedio, Kozani
Ireland:	Development Plan, Dublin
Italy:	Plano Regolatore Generale, Turin
Denmark:	Kommuneplan Odense
Germany:	Flächennutzungsplan, Berlin
Finland:	Yleiskaava Helsinki & Vanlaa
France:	Schéma Directeur
Spain:	Plan General (PGOU), Valencia

### **Figure B4: Regulatory Instruments**

France:	Plan d'Occupation des Sols de la Ville de Charleville-Mézières (POS)
Belgium:	Plan Particulier d'Aménagement à Court-Saint-Etienne (PPA)
The Netherlands:	Bestemmingsplan Stadscentrum Omgeving Kronenburgerpark

The illustrations at the end of this study give a general impression of the variety of forms of the graphical representation used. They also help to elaborate on points made in the Compendium text:

## C Regulations and permits

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### Introduction

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This section looks at how development is controlled through regulations and permits relating to building and land use. The approach adopted was to focus on the main permit and to explain variations introduced by other permits in less detail. The processes of submitting and determining the main permit and making appeals are also described. The country volumes give more detailed explanations of the variety of permits and related procedures.

### Main permit

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There is a high degree of similarity in the way that Member States regulate building and land use change through a system of permits. All countries have a system that regulates building construction and land use change with a form of permit that is normally obtained from the municipal authority. With the exception of the UK and Ireland, all countries have at least one main permit usually called a 'building permit' (see Table C.1), which is a single combined system of planning and building control, and which regulates land-use change, building construction and in some cases, demolition. In many countries, however, other specific permits will also be required before any building activity or occupation can take place. In the UK and Ireland there is a fixed definition of development which is the basis of control and for which 'planning permission'

has to be obtained. A separate consent is needed for building control regulations in these countries.

Although all countries define their scope of control, most amplify the details of what is controlled through regulations or binding plans at one or more levels of government. However, there is some similarity in what is subject to control, that is, building construction, changes of use, sub-division of land and/or buildings and demolition. In all countries there are some general exceptions from planning control. These tend to be for agriculture and forestry and also minor building works such as small extensions, although in Spain and Italy control can be exercised over very detailed matters and only some interior work is excluded.

In all Member States environmental considerations are becoming an increasingly important element of building permits. As a result of Directive 85/337/EEC, Member States are obliged to consider the environmental impact of certain development projects. The detailed implementation of the EIA Directive is a matter for individual Member States, but it is anticipated that any assessment should be available for public scrutiny and comment. Any EIA and public comment received as a result of that study should be a consideration in determining applications for building permits<sup>1</sup>.

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<sup>1</sup> For further information on the Implementation of Directive 85/337/EEC see CEC (1993) The Implementation of Directive 85/337.

**Table C.1: Main permit**

Member State	Name of main permit	What does the main permit cover?	Development exempt from planning and building regulation
Belgique-België	<i>Permis de bâtir/Bouwvergunning (W/F); permis d'urbanisme/stedebouwvergunning</i>	Construction, building regulation, change of use, demolition and deforestation.	Minor building works
Danmark	<i>Byggetilladelse</i>	Construction, building regulation, change of use, and demolition.	Minor building works Agriculture and forestry
Deutschland	<i>Baugenehmigung</i>	Construction, building regulation, change of use and demolition.	Minor building works and minor structures for agriculture and forestry
Ellas	<i>Oikodomiki adeia</i>	Construction, building regulation, change of use, sub-division.	Minor building works
España	<i>Licencia de edificación</i>	Construction, building regulation and change of use.	Only a few minor works.
France	<i>Permis de construire</i>	Any construction, building regulation and change of use.	Minor building works and minor structures
Ireland-Éire	<i>Planning permission</i>	Construction, change of use, and demolition.	Minor building works Agriculture and forestry
Italia	<i>Concessione edilizia</i>	Construction, building regulation, change of use and sub-division.	Interior work and others requiring autorizzazioni only (Authorisation)
Luxembourg	<i>Permis de construire</i>	Construction, building regulation, change of use, sub-division and demolition.	Change of use/sub-division if no building works
Nederland	<i>Bouwvergunning</i>	Construction, building regulation, change of use and sub-division.	Most minor building works
Österreich	<i>Baubewilligung</i>	Construction, building regulation, change of use and demolition.	Minor building works
Portugal	<i>Licenciamento Municipal de Obras Particulares (includes different procedures)</i>	Construction, building regulation, change of use and demolition.	Minor building works Local or central Government projects
Suomi-Finland	<i>Rakennuslupa</i>	Construction, building regulation, change of use, sub-division and demolition.	Minor building works. Agriculture and forestry
Sverige	<i>Bygglöv</i>	Construction, building regulation and change of use.	Minor building works Agriculture and forestry
United Kingdom	<i>Planning permission</i>	Construction, change of use, and demolition.	Minor building works Agriculture and forestry

Note: This table identifies the *main permit* in each country and what it regulates. There will be others — sometimes many others (see Table C.2). To allow for comparisons broad definitions have been used for coverage and exemptions to the main permit. The table does not address particular types of use such as advertisement control or mineral extraction. It is worth noting that in most countries regulation of advertisements is included in the main permit.

## Separate permits

There is a diverse array of other permits that relate to building and land-use change (see Table C.2). In some countries, for example, Belgium, France, Germany, Portugal and Spain, there is the opportunity to apply for a preliminary permit to establish the conformity of the broad development proposals to a plan in advance of applying for a building permit. In

the UK and Ireland it is possible to apply for outline planning permission, to determine whether the development is acceptable in principle and if permission is granted, it is subject to the subsequent approval of a variety of detailed matters, for example, siting, design, means of access. In most countries, for example, France and Sweden, there are separate permits for demolition. Many countries require sub-division permits to parcel up land for development, for example, France, Ger-

**Table C.2: Separate permits**

Member State	Preliminary application	Sub-division of plots	Demolition of buildings	Works on historic buildings and sites	Pollution/ environmental control	other
Belgique-België	*	*	*	*(1)	*	Advertisement Occupation permit
Danmark		*		*	*	Rural zone permit
Deutschland	*	*		*	*	Deforestation Permit for water extraction and/or discharges into water
Ellas			*	*	*	Siting or location permit
España	*	*	*	*		Occupation permit Activity permit Change of use Advertisements
France	*	*	*	*	*	
Ireland-Éire	*				*	Building regulations
Italia		*	*	*		
Luxembourg		*	*	*	*	'Special' development permits
Nederland			*		*	Construction permit Occupation permit
Österreich		*	*	*	*	Deforestation Permit for water extraction and/or discharges into water
Portugal	*	*	*	*	*	Activity permit
Suomi-Finland		*	*	*	*	
Sverige		*	*		*	Site improvement permit
United Kingdom	*		*	*	*	Building regulations Advertisements

(1) In Wallonia the main building permit covers historic building works.

many and Portugal. A number of countries require specific permits if development is to take place on or around historic buildings, for example, Austria, Greece, Italy and the UK. In all countries there are a variety of environmental permits which are often linked to specific aspects such as hazardous substances and waste disposal.

### **Making and determining an application (the main permit)**

There is a high degree of similarity between Member States in the procedures for applying for the main permit and determination of the

application. Generally any individual or organisation can apply for a building permit although in some countries, for example, Spain and Belgium, the services of a registered architect are required for most development. Applications for permits to build are normally made on standard forms and usually submitted to a local level of government, for example, the municipality. There is usually a fee attached to an application, although in some countries this is only payable on approval.

The majority of permits are determined at the local level in broadly similar ways (see Table C.3). It is normally the responsibility of a group of local politicians, for example, the council of mayors and aldermen (Luxembourg), the mu-

**Table C.3: Determining the main permit**

Member State	Public consultation	Link to policy instruments	Exceptions to the plan
Belgique-België	None except when a substantial proposal or exception to plan (B).	The application must be in compliance with binding plans and regulations.	Departures from the plan may be allowed only when not in conflict with the plan principles.
Danmark	None	The application must be in compliance with binding plans and regulations.	There is only very limited flexibility to vary from the plan.
Deutschland	Consultation varies according to regulations applicable in each Land, but it is unusual to consult with the general public.	The application must conform with the B-plan.	Exemptions from the provisions of a B-plan may be allowed in certain circumstances.
Ellas	Consultation with various government bodies.	Decision should not infringe provisions of town plans.	For areas covered by town plans there is only limited flexibility to vary from the plan.
España	None, except for permits in non-developed land.	The application must be in compliance with binding plans and regulations or the old plan modified.	Only for state public works in case of exceptional public interest.
France	Only for specific types of development.	The application must conform with the POS.	There is only very limited flexibility to vary from the plan.
Ireland-Éire	Any individual or organisation can object.	The plan is binding.	Flexibility to vary from the plan through the material contravention process.
Italia	None	The application must be in compliance with binding plans and regulations.	Art. 81 — Presidential Decree No. 616/1977 allows for some exceptions to the plan.
Luxembourg	Any individual or organisation affected can object.	The application must be in compliance with binding plans and regulations.	No exceptions to the plan.
Nederland	Notification Interested parties can object.	The application must be in compliance with binding plans and regulations.	Departures from the plan are allowed in some circumstances.
Österreich	Adjoining properties and relevant public agencies.	The application must be in compliance with binding plans and regulations.	There is only very limited flexibility to vary from the plan.
Portugal	None	The application must be in compliance with binding plans and regulations.	Minor changes that do not conflict with the plans principles.
Suomi-Finland	Neighbours and certain sector administrations.	The application must be in compliance with binding plans and regulations.	Can apply for an exceptions permit to build without or regardless of the plan.
Sverige	Must consult with relevant bodies affected by the application if not in conformity with plan or area regulations or if none exist.	Applications must conform with any binding plan or regulation. If there is no binding plan, applications should be considered against higher tier non-binding plans.	There is only very limited flexibility to vary from a binding plan.
United Kingdom	Any individual or organisation can object.	The plan is not binding but is the primary consideration in determining an application. Each application is considered on its merit.	Departures are allowed if other material considerations justify this, but they are subject to a special procedure.



municipal council (Denmark), acting on administrative or professional advice of paid officials. In other Member States, such as Germany, the decision is in theory, an administrative process and is made by officers. However, there are numerous examples across the EU of special cases when the decision becomes more difficult, involving a measure of judgement and discretion, and becomes more political, as explained in the following sections.

### **Where a regulatory plan exists**

Decisions on most permits are usually tested against binding local land use plans and/or building regulations and this is normally a technical and administrative process that is ratified by a group of local politicians or a senior administrator. The precise meaning of 'binding' will vary. In some cases it will mean that if the proposals conform to the plan, a permit must be granted — and the process is one of ratification that the proposal is in conformity with the plan only. In other cases, the proposals must conform to the plan but the planning authority retains discretion to supplement the grant of permit with additional conditions. In this case the process is more than ratification. The scope for variation from a plan is usually limited but see below under 'departures'. Examples of binding local land use plans in this context are the *Bestemmingsplan* (the Netherlands), the *Bebauungsplan* (Germany) and the *Plan d'Occupation des sols* (France). Where the plan is not binding as in the UK, each application is considered according to policy and other planning considerations such as layout, design quality, access and car parking, although the plan is the primary consideration in determining applications. This approach incorporates a greater measure of flexibility in the formal arrangements — such that departures can be agreed within the formal system (although consistency with plans and previous decisions may still be very important). The effect of this may be, of course, less certainty for applicants for permits. In a number of countries an application for development in accordance with the approved development plan does not automati-

cally imply the right to build, for example, Ireland and the UK.

In all Member States when applications are made for building permits a primary consideration is the content of any relevant and statutory approved plan. In determining applications, lower tier plans tend to have a higher status in decision making than more strategic national or regional plans. The high status of lower tier plans is a result of their detailed nature and the fact that they are normally required to be in conformity with higher tier plans before approval or adoption. However, it is not unusual for applications to be made which are a departure from the existing lower tier plans or where no formally approved detailed plan covers the building permit application site. Under either of these circumstances a variety of approaches have been adopted by Member States. Whatever approach is adopted it is generally the case that conformity with higher tier plans and general standards is a major consideration in determination and conditions applied.

### **Departures from the regulatory plan**

In all Member States departures from plans are an important issue. A departure means where the decision takes on a particular proposal is not in accordance with the provisions of the published plan, where one exists. There are four broad approaches to dealing with departures. First, in a number of countries if an application is a departure from the plan then a new plan must be produced, for example, Luxembourg. Second, many countries allow for some minor departures from the plan, but any major departure requires a new plan to be prepared, for example, Denmark, France, Germany, the Netherlands, Portugal and Sweden. Third, the plan can be modified to allow the development to take place, for example, Netherlands and Greece. Fourth, a number of countries have developed special procedures for applications which are a departure from the plan. In Ireland, procedures are in place to allow departures to be made on a resolution passed by no less than three quarters of the elected representatives of the local authority. In

Finland, there are procedures that allow an applicant to apply for a special permit, the *poikkeuslupa* (exceptional permit), where the proposal is not in conformity with the plan. In the UK departures have to be advertised and may have to be referred to central government which has the power to intervene.

A number of countries use a mix of the approaches identified above depending on the individual circumstances of each application and whether it is a major or minor departure from the plan. For example, in the Netherlands where building works are contrary to the *bestemmingsplan* departures can be accommodated in one of four ways: making a new plan; modifying the current plan; granting exemptions from the plan; or anticipating the making of a new plan in the decision.

The points made above may not apply when a decision is being made following a challenge to a normal decision. In these circumstances, decision makers, usually a higher authority, may not be bound by the plan. For example, in Ireland the appeal boards are not formally bound by the plan, when considering appeals.

### **Where there is no regulatory plan**

The significance of the lack of a detailed plan when proposals come forward varies. First, there are countries where a local regulatory binding plan must exist before development can take place outside the already built up area. For example, this is the case in Germany with the *Bebauungsplan*, the Netherlands with the *Bestemmingsplan* and Italy (in all cases with a few minor exceptions). Thus the regulatory planning instrument is the principal means of controlling urban development, and one must be prepared to allow development to proceed — at least in theory. The relationship between regulatory instruments and the granting of permits becomes particularly complicated where the system formally requires 'a plan' to be in force before the permit can be granted, but where the system has not been able to produce sufficient plans. Other problems arise where the system has been able to keep plans up to date.

In some countries, regulatory instruments may play an important role but the system may allow for other mechanisms for granting permits where no detailed zoning instruments exist. For example, in Belgium, if no *plan particulier d'aménagement* exists, permits can be granted on any serviced plot located within wide building zones identified in the *plans de secteur*, subject to the *fonctionnaire — délégué* (a regional planning official) agreeing to this action through a procedure known as *avis conforme* (binding advice). In some countries developers must apply for special permits, for example, Finland, where it is possible to apply for a *Poikkeuslupa* (exceptional permit) to build without a regulatory plan. In Finland, this approach is also used when an application is a departure from an approved detailed plan (normally for small development proposals), because it is a speedier process than amending an existing plan. In other countries special procedures have been adopted that allow for decisions to be made without an approved plan, for example Greece where there are specified nationwide procedures for out-of-plan areas. In Sweden, *områdesbestämmelser* (area regulations) can be adopted in areas not covered by a regulatory plan, to ensure proposals in the *översiktsplan* (municipal comprehensive plan) and national policy are followed.

In the UK, the *development plan* is the primary consideration in making decisions, but the system of controlling development through the issue of *planning permission* has always been able to operate without places being prepared. This is still formally the case, although government policy is that *local plans* should be prepared and decisions should be in accordance with them. Nevertheless, the *development control* process proceeds in much the same way whether or not a *local plan* exists.

### **Time limits for determination and objection**

Many Member States fix a time limit for a decision for determining permits, but in practice the time period is often extended

(see Table C.4). The formal time limit is normally two to three months for most countries, but it can be much shorter. In Greece a decision is expected within 15 days. In Denmark, Finland and Sweden there is no formal time limit for making the decision. There are also differences in approach to the failure to determine applications within the specified time period. In most countries, applications are deemed to be refused if no decision is made within the specified time period, but in others it is deemed to be approved, for example, Ireland, the Netherlands and Portugal.

In some countries (noted in Table C.4), the procedure allows for 'third party' objections (that is neither the applicant or the decision making body) after the decision has been made. This adds a further stage to the process between the decision and authorisation to begin construction or other activity permitted (see also Tables C.5 and C.6). This is normally between two and eight weeks (see Table C.4). Such an approach reflects the general importance given to considering the views of those affected by regulation decisions, but inevitably adds to the duration of the decision making process overall.

**Table C.4: Time limits attached to the main permit**

Member State	Time formally allowed for decision	Delay for third party rights	Life of Permit
Belgique-België	75 days(F/W) — 135 (B)	30-60 days	1-2 years (F/W) 2-3 years (B)
Danmark	no time limit		1 year
Deutschland	2-3 months		3 years
Ellas	15 days		3 years
España	specified by municipalities	1 month	Varies, set by developer in application.
France	2-5 months	2 months	2-3 years
Ireland-Éire	2 months		5 years
Italia	90 days	60 days	1 year
Luxembourg	3 months		2-10 years
Nederland	12 weeks	6 weeks	No time limit unless specified by municipal building regulations.
Österreich	3 months		2-3 years
Portugal	30-50 days		Varies
Suomi-Finland	no time limit		3 years
Sverige	no set time limit		2 years
United Kingdom	8-16 weeks		5 years

A time limit on a building permit is imposed in most countries during which construction must take place. The life of a permit is normally between one and three years. The Netherlands has no standard time limit but rather, it is specified by individual municipalities. The UK and Ireland have five-year limits. Time limits are used in most countries to restrict speculative holding of land and encourage implementation. In some countries applicants are sanctioned by expropriation if development is not started in the time period specified in the approval, for example, Finland.

### Public consultation

All Member States inevitably engage in consultation with other public agencies and major interests during the permit process. Most also allow for wider public consultation where the decision making process is opened up to citizens who wish to present their views. There are two differing types of approaches to public consultation on permit applications in Member States (see Table C.3) which should be considered alongside opportunities for consultation and objection that may have already been

made available in the plan making process. In a number of countries, for example, Denmark, Italy and Portugal, there is no public consultation on the premise that there has been a higher degree of consultation in the preparation of binding plans, against which the permit is assessed. In others, for example, Austria, Sweden and the UK there is a high degree of public consultation on individual permits particularly with adjoining owners and users as well as with relevant public agencies. Public consultation is also normally undertaken in the procedure for environmental assessment, where this is separate from the planning permit.

## **Enforcement**

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All Member States have some procedure which enables enforcement action to be taken against unauthorised building works and land uses. The amount of unauthorised development varies greatly between Member States, but tends to be a much greater problem in southern European countries for example Greece, Italy, Portugal and Spain.

The majority of enforcement action is taken at the local level, mainly by the tier of government with responsibility for determining building applications. There is high degree of similarity between Member States in the procedures they adopt in dealing with unauthorised development. If construction has taken place or started without the required permit(s) or deviates from any condition attached to an approved permit, the appropriate enforcement authority has the power to suspend construction work. The construction can only then resume if the appropriate permit(s) are obtained and the proposal brought into accord with the appropriate regulations/plans. In some countries for example, Denmark, Ireland and Sweden and the UK, a permit may be effectively granted retrospectively.

Most Member States have the power to order total or partial demolition of unauthorised development if it is incompatible with the plans and regulations for that location. In a number of Member States there is also a system to

financially penalise unauthorised development, for example, Austria, Belgium, Denmark, Germany, Ireland and Sweden.

Despite the wide array of regulations and enforcement procedures in Member States development still takes place outside of the planning system and this has been a feature in the past in Belgium, Greece, Portugal and Spain. One reason for this is that often taking action against unauthorised development is an extremely sensitive political issue. One response to unauthorised development in Member States where it is a major problem has been to legalise all development after a period of time, for example, Belgium, Greece and Italy. The question of unauthorised development is taken up in Section G.

## **Appeals and challenges to decisions**

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There are three principal questions in considering the nature of appeals and challenges to planning decisions. Who is allowed to appeal? To whom is the appeal made? And on what grounds can an appeal be made? Appeals can be made in all countries by the original applicant and by third parties, although the rights of third parties to appeal may be strictly limited. It should also be remembered that there are many examples of procedures where central government (or in some countries the regional government) has opportunities to intervene, especially where the decisions amount to a departure from plans. There are three broad categories of body to which appeals can be made — the decision making authority itself, a higher tier of government administration, and the courts. There are two broad categories of grounds on which appeals can be made — substantive or technical grounds and legal or procedural. The substantive policy appeal is the situation where the applicant (or sometimes third party) disagrees with the substance of the decision made because they believe it to be a poor decision or that it has not taken policy properly into account. The legal and procedural grounds do not relate to substantive policy directly, but on the way the decision

has been made. Successful appeals and challenges of this type may have an indirect affect if the decision is declared 'unlawful'. Tables C.5 and C.6 set out the variation in appeals and challenges allowed according to these categorisations.

The tables reveal a fairly complex picture, but there is also a considerable amount of common ground in the broad principles applied. This is especially so in recognising the right of

individuals, whether applicants or not, to appeal to the courts on the grounds that the decision making body have not followed procedures correctly or have acted beyond the powers that the law gives them. There is more variation where an appeal to the substantive decision is concerned. As in the case of public consultation in permit decisions, the opportunities for appeal need to be considered in the light of the opportunities for involvement at the time that plans are prepared.

**Table C.5: Applicants' rights to challenge decisions**

Member State	To the Courts on legal and procedural grounds	To a higher tier authority on substantive policy/technical grounds	To a higher tier authority on legal and procedural grounds	To the determining authority on substantive policy/technical grounds	To the determining authority on legal and procedural grounds
Belgique-België	*	*	*		
Danmark	*		*		
Deutschland	*		*		*
Ellas	*		*		
España	*	*			
France	*	*	*		
Ireland-Éire	*	*			
Italia	*				
Luxembourg	*	*	*		
Nederland	*			*	*
Österreich	*	*	*	*	
Portugal	*				
Suomi-Finland	*	*	*		
Sverige	*	*			
United Kingdom	*	*			

A small number of Member States (Austria, Netherlands and Germany) provide the opportunity for a decision to be challenged by reference to the original determining authority. In essence, this provides the authority with an opportunity to review the decision that it has taken and the basis for this decision. The authority may change its decision, but if it does not, the right exists for an appeal to a higher authority or the case may be automatically transferred to the next higher authority.

A larger number of Member States provide for an appeal directly to a higher determining authority, primarily on technical grounds, although a number of Member States, for example, Denmark, Finland, France, Germany and Greece allow challenges to a decision on a

permit to be made on legal or procedural grounds to a higher authority. In essence, the same issues, both substantive or legal are open to challenge to a higher authority as well as to the determining authority itself. The key difference is the objectivity that a higher level authority can bring and the consequent need to allow the determining authority as well as the applicant to make representations.

## Betterment and compensation

### Capture of betterment

Betterment is the increase in value of land or property arising from public (or community)

**Table C.6: Third party rights to challenge decisions**

Member State	To the Courts on legal and procedural grounds	To a higher tier authority on substantive policy/technical grounds	To a higher tier authority on legal and procedural grounds	To the determining authority on substantive policy/technical grounds	To the determining authority on legal and procedural grounds
Belgique-België	*				
Danmark	*		*		
Deutschland	*		*		*
Ellas	*		*		
España	*	*			
France	*	*	*		
Irland-Éire	*	*			
Italia	*				
Luxembourg	*				
Nederland	*			*	*
Österreich	*	*	*	*	
Portugal	*				
Suomi-Finland	*	*	*		
Sverige	*	*			
United Kingdom	*				

actions, including planning decisions to approve development or a change of use of the land or property. Since the increase in value is created by the community it has been argued by many governments that some or all of it should be returned to the community. However, identifying the increase that is a result of public as opposed to private actions may be difficult. Also the question of increased values is often interrelated in practice with charges to secure the provision of related infrastructure. The complexity of the question of the betterment issue is reflected in the many different ways in which governments have sought to deal with it. Most governments use a combination of methods. The principal methods of recouping betterment are listed here and the main approach in each Member State is shown in Table C.7.

- Where government bodies acquire land at the existing use value as part of the development process, the question of betterment being returned to the community can be dealt with automatically. The servicing of land may also be funded through surpluses generated when the land and/or property is sold on. For example, in the Netherlands, most development has been on land

brought into public ownership at existing use value and a betterment levy is effectively charged through the selling price of the serviced land.

- A common approach is to recoup a proportion of, or all the estimated betterment through a tax. The charge may be a tax based either on the increase in value of the land or property or based on the necessary costs of providing infrastructure or facilities, as in France, Greece, Portugal and Sweden. For example, in France the *taxe locale d'équipement* is a local service tax based on the value of the property and is about 1%, but can be up to 5%. Developers may be exempt if the necessary infrastructure has already been provided by the developer and/or contractor.
- Taxes may be levied to fund particular needs other than 'infrastructure'. In France and Portugal taxes are used to fund the acquisition and development of public space.
- Taxes may be levied from developers in situations where they have exceeded pre-defined land/building ratios as stated in legal building rights or an applicable local

plan, and which generally go towards public infrastructure provision, for example, in France and Italy.

- Developers may be required to hand over land ownership of a proportion of the development site as a contribution to public facilities such as public open space, or social housing, as happens in Austria, France, Greece, Portugal and Spain. For example, in Spain developers are obliged to give over 15% of the land to be developed for social housing and may also be required to give over land for green open space.
- A similar approach is to make a charge on the developer directly related to the costs of providing infrastructure, as in Denmark, Germany, Italy and the Netherlands. In Germany up to 90% of infrastructure costs associated with a given development may be recovered from the land owners by the municipalities by using the *Erschliessungsbeitrag*, a local public infrastructure recoupment charge.
- An increasing trend is for municipalities to negotiate individual contractual agreements with the developer and/or land owners instead of a fixed levy. This has been the case in the UK for some time where taxes on development have been abandoned in favour of *planning obligations*. These are legally binding agreements whereby the developer agrees to provide infrastructure or funding for services at the time the proposal is considered. Similar schemes have also been introduced in Austria, Finland, France, Germany, the Netherlands, Spain, and Sweden. In Germany special urban development contracts known as the *Städtebauliche Vertrag* may be struck whereby developers may be bound to pay all associated reasonable development costs. These contracts may also be combined with a *Vorhaben-und Erschliessungsplan* (plan for building projects and local public infrastructure) which enables a project to be authorised in spite of existing regulations. In the Netherlands there is an increasing use of the *baatbelasting* (betterment tax levy) on non-municipal owned land which addresses the trend for more land to be developed privately.

The arrangements for recouping betterment are often very contentious. Municipalities will wish to ensure that all costs of new development are passed on to the developer and may also require additional charges or taxes on development gains, which may be perceived as unfair by developers. Several Member States have sought to address this problem by imposing limits on local authorities' powers to impose costs on developers, for example, in France, Germany, the Netherlands and Sweden.

Whilst many mechanisms for recouping betterment exist, it is not possible in some Member States to make the issuing of permits conditional on the payment of any contributions. This is the case in Austria, the Belgian regions of Wallonia and Flanders, and the Netherlands.

The Compendium has limited information on this interesting though complex issue which is also crucial for implementation. It would certainly warrant further investigation.

### Compensation for worsenment

Within the majority of Member States, some form of compensation is payable, but the circumstances in which it is paid vary. They are summarised in Table C.7. There is limited coherence in the approaches adopted across the European Union. Moreover, applicants for permits to build and adjacent landowners receive very different treatment and levels of compensation, depending upon individual Member States' laws.

In some Member States the decision to grant or to refuse a building or development permit may allow compensation claims, for example, Belgium, France and Germany. France and Germany allow applicants to dispute the legality of decisions taken. In both countries, there is a need to show that damage is a direct result of the illegality of the decision taken and protection is afforded both to applicants and to third parties.

In the case of Belgium, if a planning decision is not in line with an approved plan, then the

**Table C.7: Betterment and Compensation**

Member State	Compensation	Betterment (Duties and Obligations related to permit)
Belgique-België	No compensation following the refusal of a permit or as a result of an application being granted. If decision based on plan causes economic damage in some circumstances, compensation can be claimed.	Stamp duty. Part of cost for local infrastructure on greenfield site. Local planning authorities can demand private developers to provide buildings or infrastructure for public amenities.
Danmark	No compensation following refusal of permit or as a result of application being granted. Full compensation is payable if a binding plan reserves land for public use.	Any increased property value through change in zoning from rural to urban is taxed.
Deutschland	Compensation is payable where economic damage results from the illegal refusal of an application. If a plan is amended or annulled within seven years of the permission for a project/use then any landowner suffering economic damage may claim compensation.	If a new development is on a greenfield site the owner must pay 90% of cost for local infrastructure.
Ellas	No compensation following the refusal of a permit or as a result of an application being granted. Full compensation is payable if a binding plan reserves land for public use.	If site included in statutory town plan for first time, part of the land is taken by the state, through a system of land adjustment for public use.
España	No compensation following the refusal of a permit or as a result of an application being granted.	2.4-4% of building costs.
France	Compensation is payable for the illegal refusal of an application.	1-5% tax on value of the property after the granting of a permit. Public easement obligations.
Ireland-Éire	Compensation where refusal/granting of permission results in loss of value with specified exceptions.	Charges levied in conditions attached to planning consent.
Italia	No compensation following the refusal of a permit or as a result of an application being granted.	5-20% of the building cost, exceptions are public works.
Luxembourg	No compensation following the refusal of a permit or as a result of an application being granted.	None
Nederland	No compensation following the refusal of a permit or as a result of an application being granted.	None, when building land is supplied by municipality.
Österreich	No compensation following the refusal of a permit or as a result of an application being granted.	Land for roads to be ceded to municipality at no cost.
Portugal	No compensation following the refusal of a permit or as a result of an application being granted.	Taxes can be imposed on use of building and use licenses.
Suomi-Finland	No compensation generally following the refusal of a permit or as a result of an application being granted. Full compensation is payable if a binding plan reserves land for public use.	If land remains undeveloped in a significant part of a plan three years after a building request is given the municipality can expropriate from the land owner(s) full compensation payment for local infrastructure.
Sverige	No compensation following the refusal of a building permit, with the exception of a refusal to replace a building with an equivalent one. No compensation as a result of an application being granted. If a plan is amended or annulled before the end of its life span then any landowner affected by the changes can claim compensation. If a plan causes economic damage to owners in certain cases it is possible to claim compensation.	Payment for local infrastructure.
United Kingdom	No compensation for refusal/granting of permission except in specified circumstances.	In certain circumstances local planning authorities may draw up agreements with developers to provide buildings or infrastructure for public amenities.



applicant may appeal to a higher authority. However, if the local authority is still not in favour of the development proposed, then it can purchase the land or start plan reviewing procedures, resulting in a potential ground for compensation.

Compulsory purchase attracts compensation across all the Member States which is determined according to various criteria. In Germany, for instance, the value of the *entschädigung* (compensation) in such cases will represent the open-market value of the property to be acquired by the State. It may also take the form of land replacement where the individual whose property is being compulsorily purchased shows it to be necessary to his livelihood. In the Netherlands the prescribed level of compensation is high; in the region of twice

the existing value of the property required by the State. In some Member States compensation is payable if a binding plan reserves land for public use, for example, Denmark, Finland and Greece.

In other Member States, changes in a detailed plan at the local level may result in compensation for example, Germany, the Netherlands and Sweden.

Some Member States require compensation to be paid by the municipality if the decision taken on a particular application is not in line with the detailed plan at the local level or with specific regulations which deem whether a reason for refusal can be compensated or not, for example, Belgium, France and Ireland.

## D Organisations and mechanisms for development and conservation

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### Introduction

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In preparing the Compendium, there was a clear recognition that some countries have a number of special organisations and mechanisms which are designed to be either proactive in ensuring that development objectives are realised or ensure that important elements of the natural and built environment are conserved or preserved. Our approach in the Compendium has been to identify what institutions and initiatives have been put in place in order to realise spatial planning objectives (in addition to the government spatial planning framework and regulations). The emphasis on public, private or joint public/private initiatives to achieve implementation is also discussed as well as land policy instruments. It is clear that there are enormous differences in the approaches adopted by Member States, but evaluating the effectiveness of such measures in achieving their intended goals was not part of the remit of the Compendium.

### Approaches to implementation and public-private sector linkages

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Approaches to plan implementation vary widely from Member State to Member State. All Member States have special organisations and mechanisms for implementing development and protecting the environment in both

urban and rural areas. In some countries there is a multiplicity of special organisations and/or mechanisms, whereas in others, there are relatively few although this may be because implementation is undertaken by the public authorities at some or all levels of government. Furthermore, there is mixed experience of public-private sector linkages in implementation throughout the European Union. There is, however, a growing interest in this partnership approach, particularly in the fields of urban renewal, town centres, economic development and tourism.

Three broadly different approaches to plan implementation, particularly in terms of development, may be categorised as follows:

- a predominantly public sector approach, particularly at the regional and local levels. For example, in Italy a plan led system with several special public sector implementation mechanisms enable both national and regional government to promote and undertake development through the expropriation of land. In contrast to this emphasis on the national and regional authorities, in the Netherlands most of the land assembly and servicing of development land is undertaken at the municipal level in accordance with an approved '*bestemmingsplan*'. Denmark, Finland, Portugal and Sweden also fall into this public sector led approach;

- a mixed approach in which the public sector may have one or more of the following roles: an enabling, promotional role; a resource coordinating role in terms of land assembly; and joint ventures and partnerships. France, for example, has a long tradition of its widespread use of *SEMs* (*Sociétés d'Economie Mixte*) which are semi-public companies and *ZACs* (*Zones d'Aménagement Concerté*). These are mixed development zones in which public authorities use their powers to secure the implementation of land development which has frequently been initiated by a private developer. The implementation of a *ZAC* then gives rise to an agreement between the appropriate developers regarding infrastructure provision. In other Member States, pragmatism and realism when faced with restrictions in public funding have often encouraged public authorities to seek joint-working and partnership to secure development. There is widespread use of agreements to secure acquisitions, finance and grant aid for development, often in association with the use of European Union Structural Funds. Such an approach is particularly evident in Austria, Belgium, and Ireland;
- a predominantly private sector-led approach. There are two distinct types. First, there are situations where the private sector leads implementation and where there is little governmental control. Greece is an example where most land development for industry, commerce or residential use is almost wholly undertaken by the private sector. Often this is not within a strong plan-led framework, but a situation where plans record actual development. Second, are situations where development is virtually all private sector dominated, but within a strong publicly controlled framework. In this context national and local government may play an important facilitating or enabling role in a wide range of public schemes and programmes. These national schemes for specific areas require leverage of funding from the private sector as an important element of the overall package. An example of this type of approach is the UK, particularly in the field of urban regeneration.

One feature is, however, increasingly apparent throughout Europe, that is that the question of implementation is assuming a higher importance in spatial planning.

## Land policy mechanisms

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There are a number of mechanisms which are designed to ensure that plans are implemented. Often, these are also related to land policy which may be established in the constitution, for example, France and Spain, or in other legislation which embodies the objectives of ensuring that increases in land values resulting from plans are reflected in benefits to the community and of preventing land speculation. The provision of local infrastructure and land/buildings for public uses such as open spaces; social, health and educational facilities; social housing; water/sewage, is a key objective of these instruments. In other cases, the public sector, usually the municipality, will initiate the implementation of a development project or plan by acquiring and servicing the relevant land and offering it to the market for development, for example, the Netherlands. In all cases there should be an appropriate plan or it must be in the public interest.

The main types of land policy instruments for implementation of plans (other than the issuing or withholding of permits — see Section C) are as follows:

- land acquisition by agreement;
- land banking;
- expropriation or compulsory purchase;
- pre-emption rights;
- local infrastructure development;
- re-parcellisation.

### Land acquisition by agreement

In most countries, public authorities, particularly the municipalities, can acquire land in

order to achieve its spatial planning objectives. Providing land for housing has been a key objective of municipalities since the 1950s. More recently other objectives have assumed importance, particularly economic activities. Voluntary acquisition has been widely used and led to strategic acquisitions of land by public authorities as a means of controlling the process of implementation according to plans. Denmark, Finland, the Netherlands and Sweden have made wide use of this mechanism.

### Land banking

As a consequence of acquiring land by agreement municipalities in particular, have built up large areas of publicly owned land banks. In some countries, such as Germany, the use of pre-emption and expropriation has also contributed to acquiring this supply of land. By controlling the supply of land in this way, administrations seek to implement a detailed plan at the local level through phased disposals of serviced land. In the Netherlands, the municipality borrows the money for the costs of land acquisition and servicing. The loan is secured on the surety of the serviced land. If the expected income from disposals would not be sufficient to cover the costs, the municipality can decide to subsidise the land development. Under certain conditions, the national government may provide a subsidy (*Besluit lokatiegebonden subsidie*). Restrictions on public finance and the role of the private sector have, however, reduced land banking in many countries, and the disposal of publicly purchased land is a more recent trend, for example, in Denmark and the UK.

As well as land banking by municipalities there is concern in some Member States that owners of land zoned for development in plans will retain it as an asset or for speculative purposes, rather than develop it. As a result new policies are being introduced to encourage implementation of the plan. For example, in Austria some of the Länder have introduced new legislation which requires owners of sites zoned as building land to enter into a contract with the municipality to implement development within a specified time period. If no

development takes place in the time period then the municipality can rezone the land back to green land. In Spain, new legislation also requires implementation of development within a specified time period; if surpassed it is then legally possible to diminish land value or even to exercise expropriation by the municipality to put that land onto the market.

### Expropriation or compulsory purchase

Most Member States have the power of expropriation or compulsory purchase, which enables any tier of government to purchase land in the public interest. The majority of the relevant legislation is in separate acts from the main planning acts. In Denmark, however, although expropriation powers are found in individual acts related to public roads, urban renewal etc., the most comprehensive powers of compulsory purchase are found in the Planning Act. Normally, land expropriated is undertaken in the public interest and in most cases purchased at the existing market value without consideration of any enhanced value. Examples of expropriation powers can be found in Belgium, France, Ireland, Italy and Luxembourg, Spain and the UK. In a number of countries expropriation is a time consuming and politically sensitive process and as a result is seen as a last resort and therefore rarely used, for example in Austria, Denmark, Finland, Germany, the Netherlands and Sweden.

A specific declaration that the development is in the public interest (*déclaration d'utilité publique*), preceded by a public inquiry is required in France before expropriation can take place. In Germany the establishment of *Städtebauliche Entwicklungsbereiche* (urban development zones) means that, by law, the municipality acquires all the plots of land in the designated zone, including the use of expropriation where the owners are not willing to sell.

### Pre-emption rights

A number of Member States have the provision to exercise pre-emption rights, which are normally used to acquire land to provide public

facilities, in particular local infrastructure, or to aid in the implementation of detailed plans at the local level. Pre-emption rights vary greatly between Member States. In the Netherlands, pre-emption rights require landowners, in certain specified areas, to offer their property for sale to the municipality first. The land must be offered to the municipality at the current market value. These powers are currently rarely used, although there are proposals to extend the areas where pre-emption can be used. In France, Germany and Sweden (with the exception of normal single family houses) pre-emption rights permit municipalities within a specified area, to enter into any contract of sale which a landowner makes with a purchaser, and gives the municipality the right to purchase the land at the current market value, normally the actual sale price. In Greece, land can be acquired by the national government as a charge imposed on landowners, when their land is brought into the area covered by an official town plan.

### **Local infrastructure development**

Municipalities or other public authorities are responsible for providing the necessary local infrastructure such as public roads, water and sewerage systems, public spaces, health/education facilities, etc. Land allocated for local infrastructure development must normally be in a detailed plan at the local level and powers of acquisition, including compulsory purchase can be exercised. The municipality or other acquiring authority needs to be the mandatory authority for local infrastructure development and its construction/maintenance or have powers in sectoral legislation.

### **Re-parcellisation**

In some Member States, there are complex procedures for re-parcellisation of land or land assembly for a project. In Spain, in line with Constitutional objectives the *Ley del Suelo* and other regulations seek to ensure that landowners receive equal returns per unit area. There are three processes which involve different roles for the group of landowners concerned

and the municipality; ranging from a greater role for the landowners: the compensation system; the cooperation system, and; finally the expropriation system. The processes, particularly on urban land with complex ownership patterns, mean that this practice in reality is more difficult to achieve. Another example is Germany, where the reallocation procedure (*Umlegung*) requires a resolution which designates the reallocation area and prohibits sales of land and other changes within it without a special permission. An *Umllegungsplan* (a re-allocation plan) must be produced, usually in agreement with those affected.

Land policy is therefore an important consideration in understanding the spatial planning system in any Member State, particularly in its attempts to try and ensure development objectives can be met. The extent to which the characteristics of land law and policy can be addressed in the Compendium is limited. The case studies illustrate some of the linkages between land use policy and the mechanisms available for bringing forward land for development, and other aspects of land policy. They demonstrate the significance of these matters for the implementation of spatial planning policy. Land policy is an area where further investigation and comparison would be most useful.

### **Special organisations & mechanisms for promotion of development**

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As well as the systems of plans and regulations noted above there is a profusion of special mechanisms and organisations to promote development, although the scale of this varies significantly across different Member States. The variety of approaches is indicated in Table D.1. There are a number of different factors which may help to explain this variety. Whilst many of these factors are inter-related they include:-

- a) the extent of public — private sector linkages and the need for coordinating agencies;

Table D.1: Special organisations and mechanisms for development

	Regional economic development	Local economic development	Urban regeneration	Public sector development policies	Major infrastructure	Tourism development	Rural development	Partnership	Special agencies	Main focus of activity and responsibilities
Belgique-België	**	*	*	*	**	*	*	*	*	Strong regional agencies, predominantly public sector orientated, though with private input. Inter-communal partnerships also important. Predominantly a municipality activity, few special arrangements for promoting development.
Danmark	**	*	*	*	*	*	*	*	*	The Bund and the Länder governments and many public and semi-public agencies promote equivalent living conditions throughout Germany. At the local level urban regeneration projects are normally public/private cooperation partnership arrangements.
Deutschland			**					**		
Ellas*	*		*	*	*	*	*	*		Fragmented development market provides little scope for partnership arrangements. Projects funded by central government often linked to CSF.
España	**	**	*		**	**	**	*		Major programmes to address socio-economic disparities. Private sector mostly responsible for development promotion with the government administration providing support, incentives and control.
France	**	**	**	**	**	*	**	**	*	Strong tradition of public-sector led programmes with semi-public companies (SEM) often being used to achieve development objectives.
Ireland-Éire	*	**	**	*	*	*	**	**	**	Strong emphasis on public/private partnerships and joint ventures, with particular emphasis on urban regeneration, rural development and local economic development.
Italia	**	*	*	*	*	*	*	*	*	Limited number of organisations, but strong in tourism. Public sector agencies have been predominant up till now although there is increased use of public/private partnerships.
Luxembourg	**	*	*	**	**	*	**	*		Central Government normally takes the lead in major development programmes. Partnerships are formed between local authorities and the private sector.
Nederland	*	*	**	**	**	*	**	*	*	Predominantly public sector led, implementation mainly at the municipal level. Some partnership projects for large scale urban redevelopment.
Österreich	**	*	*	**	*	**	*	**	*	Strong and growing emphasis on special agencies, particularly for economic development. A tradition of public/private partnerships in tourism. A trend of transferring services to independent companies.
Portugal	**	*	*	*	**	*	*	*	*	Limited private/public partnerships, with most projects implemented by the municipalities with significant state funding.
Suomi-Finland	**	*	*	**	**	*	**	**	*	Special public sector mechanisms are targeted at underdeveloped rural and agricultural areas. Some public/private partnerships especially in relation to urban renewal schemes.
Sverige	*	*	*	**	**	*	*			Variety of measures to promote development in specific locations, which are predominantly public sector led.
United Kingdom	*	**	**	*		*	**	**	**	Emphasis on property led development in towns and cities. Many ad hoc agencies and schemes to provide funding arrangements services and facilities. Strong emphasis on public/private partnerships.

\*\* significant \* moderate none, no significant emphasis.

- b) the degree of public sector intervention in the development and implementation process;
- c) the perceived issues and problems that affect particular regions, cities or areas and the need for special remedial action to encourage new investment;
- d) the potential opportunities for attracting inward investment.

Hence in some countries regional economic development is perceived as a priority area, elsewhere it might be urban regeneration, rural development, tourist development or any combination depending on priorities. Where, for example, a topic area is seen as a significant priority area by a particular country, then special agencies or partnership approaches are promoted in order to facilitate implementation of development objectives. In its approach to local economic development and urban regeneration, for example, policy in the UK has created many ad hoc agencies and funding schemes with increasing emphasis being placed on public-private partnerships. This contrasts with the Netherlands where public sector intervention in implementation is stronger and the creation of special agencies and partnerships much less pronounced, despite the significance of urban regeneration and rural revitalisation being important priority areas.

Denmark and Greece have relatively few special initiatives, whereas other countries have many more. The UK provides the clearest example of the use of an extensive range of additional organisations and mechanisms which are intended to promote development.

It should be noted that the existence of these additional mechanisms may not be a good indicator of the level of attention paid to development promotion. In Member States with fewer special initiatives, the formal systems of plan making and regulation may perform much of the implementation task, for example, in Denmark where the system of plan making and regulation perform a wider range of functions. This is particularly the case with the

purchase of land and provision of infrastructure which in a number of countries is enabled by special plans within the spatial planning framework. Nor is there any necessary indication of the relative effectiveness of various initiatives, which is beyond the scope of the Compendium.

Development promotion tends to take place at the regional and municipal levels, although there are examples of national schemes, such as the tax on unbuilt zoned land in Austria. At the regional level, development promotion is intended to reduce disparities and is often linked to European Union funding. It is generally a function of national or regional government which make use of special incentives. In Austria, Finland, Greece, Portugal and Spain special mechanisms have been introduced to promote development in the less populated and underdeveloped peripheral regions. In Germany the special problem of the new Länder has received great attention with numerous initiatives to bring about equivalent living conditions.

At the municipal level many special initiatives have been introduced to promote urban regeneration. For example, in Germany there is special urban planning legislation *Städtebauliches Sanierungsmaßnahmen* (urban redevelopment measures) in the Federal Building Code which grants implementation measures to municipalities in a unified concept. It includes the designation of a *Sanierungsgebiet* (redevelopment area) with suitable implementation instruments such as reserved or conditional permission, enforcement orders and the inclusion of special agencies in the scheme. In Ireland, the *Urban Renewal Act 1986* gives power to the Minister of Environment to declare on the basis of special need, a designated area for urban renewal. This will establish, where appropriate, development authorities or development companies to acquire land, secure development or renewal and provide infrastructure, for example the *Customs House Docks Development Authority* in Dublin.

Member States report that at the municipal level special initiatives supplement the normal powers of the government, which retains over-

all control. However, there is a distinct trend towards establishing more partnership arrangements with the private sector, and the transfer of activities from government to independent agencies. In some cases, there are long standing arrangements for public-private working through 'semi-public' companies, as in France, Germany and Ireland. Other mechanisms for public-private partnerships in development have been identified for Austria, Belgium, Finland, Ireland and the UK. Other countries are moving in this direction, or are increasing the options available with new mechanisms recently introduced in Denmark and Germany.

Overall therefore, there is a range of responses to particular policy issues and while need for special or additional powers, responsibilities and/or agencies varies from Member State to Member State there is clearly a growing recognition of the need for consideration to be given to implementing policy objectives.

### **Special organisations and mechanisms for environmental protection and conservation**

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Not only is there growing concern regarding mechanisms and agencies to help promote and implement development there is also rising awareness of the importance and vulnerability of the national and historic built environment. The response of many Member States is the creation of an ever increasing array of special organisations and mechanisms concerned with environmental protection and conservation. Table D2 provides a summary of the extent to which Member States have felt it necessary to develop special organisations and mechanisms for the protection and conservation of the natural and cultural heritage. Whilst priorities vary from country to country all have significant special designations or organisations to supplement or complement the spatial planning system in order to effect environmental protection and conservation. Spain for example, has no less than 25 special

protection measures for the natural environment.

Special organisations and mechanisms for environmental protection can be divided into two main approaches. First, there is the preservation of wildlife and natural habitats based on some scientific logic and embodied in legislation, for example, the Habitats Directive, special protection areas (SPA) and national nature reserves (NNA). Second, there are mechanisms aimed at the conservation of designated landscape for cultural and amenity reasons, for example, national parks and areas of outstanding natural beauty (AONB).

In the majority of Member States there are three specific types of area that tend to be protected on environmental grounds. First, national parks are designated over areas of special value for landscape conservation and recreation value. Ireland, Finland, France, Germany, the Netherlands, Sweden and the UK for example, all make use of this designation. The designation has proved very popular and is being taken up more widely, for example, new national parks are soon to be introduced in Italy. In other countries, similar designations may apply to special areas, such as the protection of forests in Greece. Many similar designations apply to limited areas of ecological or agricultural value, such as the national ecological reserves in Portugal.

Second, coastal zones in many Member States draw attention to the special initiatives taken to protect the coast from development and environmental damage. Member States with relatively long coastlines such as Denmark, Finland, France, Greece, Sweden and the UK all mention the existence of special measures. In Sweden, shores and banks of the coast, lakes, rivers and streams are protected by a prohibition to build (although exemptions can be granted). In Portugal, special physical plans covering the whole of the coastal zone are being prepared. In Belgium, the Dune Decree 1993 intends to protect the remaining dunes and implies strong limitations on development rights and compensation rights.



**Table D2: Special organisations and mechanisms for environmental protection and conservation**

	Countryside conservation	Environmental conservation	Coastal planning	Urban conservation	Preservation/conservation of historic buildings	Natural resource planning	Main focus of activity and responsibilities
Belgique-België	*	*	*	*	**	**	Public sector led by regions. Schemes to integrate natural environment protection. Wide range of semi public agencies in natural resource planning.
Danmark	**	**	**	*	*	*	Protecting and conserving the environment is a central feature of the planning system. A predominantly public sector activity with a number of special national agencies, for example National Forest and Nature Agency.
Deutschland	**	**	*	**	**	*	Conservation and protection of the environment is mainly the responsibility of the Länder through their own legislation or under a framework provided by the Bund.
Ellas	**	*	**	**	**	*	Highly centralised approach with environmental protection issues the responsibility of national government and regional prefectures. Protection of forestry and coastal areas a priority.
España	**	**	*	*	*	**	Numerous special protection measures for the natural environment. Public sector responsibility.
France	*	**	**	**	**	**	Comprehensive legislation on environmental protection with special authorisation needed for development in conservation designated areas. Specific national agencies exist for coastal planning (Observatoire) and historic conservation ( <i>Architecte des bâtiments de France</i> ).
Ireland-Éire	**	**	*	*	*	*	Recent strengthening of environmental policy, strongly influenced by European Union initiatives. Urban conservation relatively weak, despite a number of special agencies designed to protect, record and manage Ireland's historic fabric.
Italia	**	**	*	*	**	*	A number of consultative agencies exist, though powers and instruments for environmental protection are being enhanced. A new <i>Agenzia Nazionale per la Protezione</i> (Environmental Protection Board) has been established, and countryside conservation enhanced through the introduction of national and regional Parks and extended protection of marine areas.
Luxembourg	*	**		*	**	**	The protection of the natural and human environment is of major significance for all public authorities, assisted by environment groups such as <i>Natura</i> and <i>Mouvement Ecologique</i> .
Nederland	**	*		*	**	**	Much natural environment protection lies beyond the scope of the planning system though there are schemes attempting to produce a more integrated framework. There is a strong programme of national and municipal listing of buildings, with associated subsidies. Water management is of great importance.
Österreich	*	*		*	*	*	Strong emphasis on environmental protection especially in alpine areas and village renewal schemes. Mainly a public sector function with a close association with various voluntary non profit making bodies.
Portugal	**	*	**	*	*	**	Important national mechanisms for the coast, prepared or approved by the relevant Ministries are important in constraining development. Water planning management is also important.
Suomi-Finland	*	**	*	*	*	**	Natural heritage very important with a long history of national protection. Range of bodies and agencies, often acting at the regional and municipal level to protect natural features.
Sverige	*	**	*	*	*	**	Environmental protection is a public sector activity. National policy is implemented by local government through a wide array of mechanisms.
United Kingdom	**	*	*	**	**	*	An extensive range of predominantly quasi autonomous, some semi-private and voluntary agencies are charged with conserving the built and natural heritage. Large tracts of the country are covered by special designations aimed at protecting the flora and fauna, and preserving landscape characteristics.

\*\* significant \* moderate none, none, significant emphasis.

Third, the protection of the built environment occurs where the architectural heritage and/or historical connections are in need of preservation. All Member States (with the exception of the Flanders and Brussels regions of Belgium) designate parts of urban areas as conservation areas where the objective is to preserve, conserve and enhance the fabric of the area which is valued for its historical or aesthetic qualities. In nearly all countries this is supplemented by lists of buildings and monuments of particular merit and worthy of special protection. In both cases more stringent regulation controls are applied, but generally these are supported with other measures, usually grants, designed to enhance the environment.

Environmental protection and management is seen almost wholly as a public sector activity, although some countries do note a limited input from the private and voluntary sectors. Local government generally has an important role in the implementation of initiatives (except in Greece). In some countries special organisations are also involved, for example the *Conservatoire de l'Espace Littoral et des Rivages Lacustres* in France which is concerned with coastal planning and *English Nature*, the *Countryside Commission* and *English Heritage*

in England which are concerned with the conservation of the natural and built environment, respectively. There is a trend for former executive functions of some government departments in relation to environmental protection to be transferred to independent agencies, but answerable to central government departments, for example, in Italy, Portugal and the UK.

There is growing recognition of the importance of protecting Europe's natural and cultural heritage. Increasing areas of Europe are being designated for special protection though whether such actions by themselves afford the protection required is beyond the scope of the Compendium. Thus it is clear that there is an increasing number of mechanisms, institutions and arrangements intended to aid the implementation of a range of spatial planning policies and objectives. The importance of effective implementation whether to promote development or protect the natural and built environment appears to be being given a higher priority. The case studies will help to elaborate on the effectiveness of these activities in complementing the formal spatial planning system and helping to achieve identifiable policy goals and objectives.

## E Overview of policies

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### Introduction

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The individual country volumes of the Compendium describe policies and current issues in spatial planning. Sections E and F of the Comparative Review summarise this information. This section provides an overview of planning policies and Section F provides a summary of the main themes of policy for a range of sectors. They are

- commercial development
- economic development
- environmental management
- heritage
- housing
- industrial development
- leisure and tourism
- natural resources
- transport
- waste management and pollution.

Any attempt to summarise these disparate approaches may give the impression that there is more consistency than there really is. It is important to bear this in mind when reading

the summaries. Spatial planning policy is diverse and complex, often closely interrelated with other non-spatial policy. Also what is expressed as policy can be interpreted in many different ways, and it is certainly not always closely related to what happens in practice. Thus the reader is advised to consult the country and case study volumes for a more rounded picture.

The discussion of policies is divided into levels: EU, national, regional and local. This refers to the policies pursued by the different levels of government. The variation in the meaning of the terms in particular countries is recognised. This is especially the case for 'regional', which means the Länder as well as regions in Germany. Also, in some countries there is considerable overlap between the tiers. Despite difficulties in interpretation, this approach has been adopted for ease of comparison between the countries. The division of policy tiers allows for identification of areas of emphasis at the different broad levels of government. For example, in the case of housing policy, the discussion shows that the general emphasis at national level is very much on fiscal measures, whereas at the local level the emphasis is on spatial policy and measures to locate housing in particular areas.

The discussion here gives particular attention to areas of commonality and difference. It is intended to provide a brief description of the general thrust of policies and the more important contextual issues which give rise to them.

Examples are used to illustrate the points made, or to introduce particularly interesting features of policy. Reference should be made to the country volumes for further explanation. Each of the case study volumes also includes an overview section which illustrates how these policies operate within the systems in practice and how they contribute to general themes of cross-border and transnational initiatives, the local implementation of EU policies, the management of urban growth and the protection of vulnerable locations.

## **The context for spatial planning**

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The changing socio-economic, physical and political geography of Europe is set out fully in other reports of the Commission such as *Europe 2000+* (1994) and *Competitiveness and Cohesion: Trends in the Regions*, The Fifth Periodic Report (1994). These documents illustrate the complexity of the context within which spatial planning operates. This section summarises the main concerns that are described in the country volumes and other working papers produced through the Compendium project.

Four factors are consistently identified as being crucial in determining current spatial planning policy. They are

- the scale of urban growth and increasing demands on land for housing, employment, leisure and other activities;
- increasing internationalisation of economic forces, the relative competitiveness of Europe's economies internally and externally, and the impact on employment;
- the impact of European integration across the whole of the European continent, but particularly the policies of the EU;
- increasing personal mobility as reflected in travel, tourism and migration;

- the political imperative to produce sustainable patterns of economic growth and physical development.

The effect of these factors on spatial development and planning differs from location to location, but general trends in the issues which spatial planning policy seeks to address are evident. They are in summary

- social and economic polarisation with the concentration of economic activities in certain core areas giving rise to increasing congestion, whilst at the same time rural decline and depopulation and a weakening role for many town centres;
- the conversion of land uses, especially the loss of agricultural land through urban sprawl, and the creation of derelict and contaminated land in urban areas;
- damage or threats to the quality of the environment, and the pressure on vulnerable areas of environmental value and natural resources;
- increasing levels of waste and associated problems of reuse, disposal and pollution.

This is by no means an exhaustive list but it identifies the most pressing issues. As is well known, certain problems are particularly acute in parts of the EU. The problems of urban sprawl and environmental degradation are acute in the regions bordering the Mediterranean. The problems of congestion and derelict land are acute in core cities and older industrial areas of northern Europe. But despite these concentrations many issues are of common concern, and spatial planning policy is often framed to tackle similar problems, although the detailed experience may differ. Three issues of general concern warrant a little more explanation. The first two are concerned with substantive problems that spatial planning, along with other government policy must address — unemployment environmental degradation. The third issue is a concern with the capacity of existing institutional arrangements to be able to deliver the integrated policy

responses that are necessary to address these complex spatial development problems.

Unemployment and the related issue of social deprivation are major factors across the EU and are cited as important considerations in spatial policy making by almost all countries. There are significant implications for those regions that are hardest hit by the decline of traditional industries whether in urban or rural areas, and for those whose starting point in terms of economic performance is low in relation to the Community average. Regional disparities are significant also within countries. The effect of these economic considerations is fundamental to spatial planning policy, especially in the way they shape the selective use of constraints and incentives to influence the location of mobile investment, and the primacy given to economic development considerations in decision making.

Concern over environmental degradation and threats to fragile ecosystems is also widespread. Environmental problems are multifaceted and are linked to increasing pollution and waste, congestion and energy use, unregulated urban development, damaging industrial activities and intensive tourism. Changing public attitudes to the importance of environmental quality and the suggested linkage to economic prosperity have been significant in bringing about advances in policy in this area. EU policy and international agreements and protocols promoting sustainable development have also been important in shaping responses.

The third area of concern that comes out clearly in the Member State reports is the institutional context for policy making and implementation and especially the lack of processes and mechanisms for establishing integrated policy measures, both horizontally across the topic areas, and vertically from national to neighbourhood levels. The problem is exemplified by the weak links that often exist between transport and land use policy, and crucially between funding programmes supporting economic development and regional policy and spatial planning. Linked to the integration problem is the very obvious con-

flicts of interest that surround development and environmental protection issues at all levels, making it difficult to reach a consensus on crucial matters.

The need for more coordination across fragmented and compartmentalised policy areas is widely recognised. It is also being systematically addressed, especially in the northern Member States. The categorisation in this report follows a simple topic by topic structure and so it may underplay the existence of integrated programmes of action on such problems as urban renewal and rural revitalisation.

Nevertheless, the country volumes suggest that the reality of policy making and implementation in most countries is very much compartmentalised along topic lines, and that integrated programmes are the exception rather than the rule. The case study volumes of the Compendium are intended to explore this question in more detail by investigating the implementation of particular projects, all of which cut across numerous policy topics as well as spatial planning. The case studies also point to examples, especially in Denmark, Finland and the Netherlands where some progress has been made in establishing a more integrated policy framework; and where the policy and action has widespread support in government and local communities.

## **European union policies**

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The EU has direct and indirect effects on policy in many of the topic areas. The EU is becoming an increasingly important source for policy related to spatial development, although interestingly, not in the areas at the core of most spatial development policy. The effect of EU policy is greatest in the fields of environmental protection (as noted above); and regional policy where the Structural and Cohesion Funds in many cases have enabled Member States and regions to realise spatial planning objectives. Also of particular importance are changes in the Common Agricultural Policy (CAP), for example, policy related to the use of

agricultural land, the Single European Market (SEM) and the trans-European networks (TEN). Beyond these, numerous other EU policies have direct implications for national policy, such as in the fields of tourism and energy. On some policy topics the EU is considered to have little influence or only an indirect influence. This is particularly the case in policy for housing and commercial activities, which are central to patterns of spatial development.

As well as EU policy itself, it is important to mention the general effects of the rapidly changing political geography of the European continent for spatial development policy and action in the Member States. Changes in central and eastern European countries have major spatial development implications, especially in housing and transport. New axes of communication are being created from west to east (although existing ones between Greece and the rest of the EU have been severed by the conflict in the former Yugoslavia). In other parts of Europe, major infrastructure projects have been completed or planned to address the problem of linking peripheral areas to the centre of Europe with obvious planning implications. Across and beyond the EU, new electronic communications infrastructure will also have profound spatial development implications in the longer term.

## National level policies

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National governments tend to have a significant role in the formulation and implementation of policies relating to economic development, transport, tourism and natural resource management including minerals. These are the topics either most closely associated with the economic policy and prosperity of the country as a whole, or where there is a particular need for top down strategic policy to address issues which could not be reconciled locally. In other fields it is the norm for the national government to lay down a broad framework or general guidance that should be taken into account at the regional and local levels, and to provide through law, the mechanisms which can be used by regional and local

governments. The exceptions to this in many policy areas related to spatial planning are Belgium, where regional government is largely autonomous, and to a lesser extent, Austria.

National governments generally play the central role in policies to support industry and regional economic policy. The linkage with EU policy on these matters is important. However, there are situations where national policy may not mirror EU policy exactly, say in the identification of areas for special assistance, but rather complements it, addressing a different mix of priorities and criteria. National governments generally reserve powers to adjust the spatial planning policy framework where necessary to allow for special designations or systems of regulation in areas of high unemployment where spatial planning and other special fiscal policies apply. In areas of concentrated economic decline, national government may take direct responsibility from local authorities for policy implementation (as in the case of the UK's urban development corporations) or a major interest as a partner with local authorities and other interests as is frequently the case in France.

Not surprisingly, national level policy is very important across the community in environmental policy. This is partly the result of the impact of European legislation which has been put into action in the Member States by national government. National environmental policies typically seek to address the coordination of previously piecemeal ad hoc policy responses to individual environmental problems. This has affected institutional arrangements in some countries, with the creation of special agencies and co-ordinating organisations for environmental policy. For example, in France a separate *Ministry of the Environment* was created in 1992 which presides over an interministerial committee on the environment. In some countries a broad advisory group has been established to comment on environmental policy, such as the Irish 'Green 2000 Advisory Group' and the UK 'Round Table on Sustainable Development'. The national level is the most important in both policy and implementation for the identification, designation and protection of buildings, sites, or land-

scapes of environmental or heritage importance.

The national level is also primarily responsible for setting standards for waste policy (although the identification of sites is primarily done at the regional level). The principles of 'reduce, reuse, and recovery' of waste are now well established across the whole of the Community, with consistent emphasis also on the principles of self sufficiency and proximity. It is the implementation of these principles which requires coordination of waste management policy at the national level, including recycling, waste disposal, and to some extent, the land use implications, together with financial measures and standards of waste management. Special controls invariably operate at national level for the most difficult and dangerous waste products. Where specific sites need to be identified this is usually left to regional or local government, within a national framework. National policies are also important in the working of mineral deposits. They typically include policies to reduce the demand for minerals by recycling, together with firm constraints on the areas of the country where mineral working is acceptable.

Changes to the CAP have brought about significant changes in farming and the demand for agricultural land including promotion of less intensive farming and diversification of rural economies which has also largely been addressed through national policy measures. Linked to this are policies to increase areas under forestry. National policy in relation to rural diversification and agriculture is most often expressed through fiscal rather than land use measures, perhaps reflecting the generally weaker land use controls over agriculture, and the need to provide incentives. Again, the local implication of these changes including the effect on particular sites is left to the local level.

Spatial and related policy across the EU reflects the notion that promotion of new and refurbished transport infrastructure is a key to economic development. In most countries these policies are centred on public transport, and improving transport infrastructure, especially high speed rail networks (often with the

support of the EU) and identification of important intermodal nodes. The completion of key road connections has also been important for most countries. Transport policy is essentially linked to perceived problems of peripherality, whether that be within the EU, Member State or region. The firmest policy on this has been made in France which seeks to ensure that no part of the country is more than 45 minutes by car from a motorway or TGV station.

In those countries where tourism is of significant national importance in the economy national policies have been established to protect tourism development from conversion to other uses and to generally promote and in many case deflect or expand the pressures for tourism. The need to resolve the conflicts between tourism development and environmental protection is important in national policy, especially in Denmark, France, Ireland, the Netherlands and Spain. At the national level attention is also being paid to linking funding for new infrastructure with the desire to spread tourism activity and both its costs and benefits.

Policies for the control of commercial development are generally formulated and implemented at the local level within the context of some general guidance. However, there are examples of a much more proactive approach from central governments, especially in France and Ireland where national government has established a policy for locating public sector service activities in areas with high unemployment, and for providing direct incentives to influence the location of private sector investment.

## **Regional level policies**

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The significance of the regional level for most policy areas depends very much on the autonomy of the regional government institutions. In the federal Member States, the regional level plays a very important role in policy formulation and implementation, and in Belgium and Austria the regional level tends to be the dominant level for many policy fields re-

lated to spatial planning. Generally it is at the regional level that the broad policy frameworks set by national governments are translated into implementation, although for core policy areas such as economic development, and increasingly environmental protection, central government tends to retain significant powers, often through special agencies.

Regional authorities have a role in the distribution of Structural Funds, although this is very much in partnership with the EU and national government. The regional tier will have independent grant or incentive schemes for economic development and tourist initiatives. Some 'regional level' policies apply not to administrative regions but to special areas such as the Alpine areas of Austria, the summer cottage zone in Denmark, coastal zones, or for water management across catchment areas. Problems of coordination between the constituent administrative regions and/or between them and 'spatial planning regions,' is not uncommon in these circumstances.

The regional level is also important where land use decisions have wide ranging and contentious implications as is the case with minerals and waste disposal policy. These are policy areas where reaching agreement is particularly difficult at the local level, and the regional authority will be given responsibility for making important strategic (and perhaps at the local level, unwelcome) decisions. Similarly, in waste policy the regional authority is usually responsible for identifying sites for waste disposal, and attempting to manage the waste/recycling problem within the region. Special regional organisations have been set up in the Netherlands to deal with this issue because of problems that individual local authorities would have in finding and agreeing on suitable sites, an approach which is replicated in other countries.

Strategic transport too, is usually decided at the regional tier, including the selection of regional nodes and identifying key regional routes. There is some cooperation on cross border transport links (including public transport) between different countries, as for exam-

ple in Denmark and Germany, and between Finland, Sweden and Russia.

## Local level policies

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Local government plays the most significant role in the determination of locations for development, especially in relation to new housing and commercial development, and local economic development. Regulation and permit systems can have important consequences through the cumulative effect of many individual decisions, whether it is a tourist development, new housing, commercial premises or waste disposal. Indeed in terms of land use decisions and the location of development, local authorities make most decisions on the conversion of land uses. Whilst national and regional policies provide a framework, the extent to which they contain local decision making especially through programming development varies with major implications for the coordination and overall sustainability of development. Local authorities may also bring their own resources to bear on these issues (for example in Spain 30% of funding for economic development is determined at the local level.) and/or it may be able to create resources through systems of transitional land ownership and direct involvement in the development process.

There are significant responsibilities at the local level for environmental policy but this tends to be undertaken within a stronger national and regional framework. Nevertheless, it is at this level that important trade-offs are being negotiated, especially in relation to locational decisions made through detailed plans and regulation and the designation of important local sites of environmental value. In transport policy, the local level is mostly restricted to dealing with traffic management, policies to reduce travel locally (including public transport policies) and congestion problems in towns. However, it should be noted that the local decisions on the location of development will have implications for movement patterns and consequently an environmental impact.



## Trends

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The descriptions of the sector policy themes that follow illustrate the diversity of approaches to spatial development, indeed in some cases it is difficult to find any common pattern between the different countries. This is not unexpected since the history and experience of spatial development problems varies dramatically from one country and region to another, as does the context in which policy is formulated and implemented. Nevertheless, there are, at the broadest level, common concerns which are finding their way into the spatial planning policies of many countries and regions. This section attempts to summarise these common trends. It should be read in conjunction with the discussion of trends in Section A, which dealt with changes to systems. This discussion is organised under four themes

- environmental protection and sustainability
- controlling and balancing growth
- integrating policies
- partnership.

### **Environmental protection and sustainability**

The questions of environmental protection and sustainability are dominating debates on spatial planning, but with varying effects on policy. In practice environmental objectives are weighed against the need to provide homes, jobs and services, and all countries are seeking new ways of addressing spatial development so that both sets of objectives can be achieved. The very different environmental and economic conditions across Europe inevitably lead to varying expressions of environmental objectives. One consistent feature is the increasing number of areas designated for special protection and more rigorous regulation procedures. In many cases there are also increasing programmes for the active management of protected areas, especially in

those places under increasing pressure from tourism. Another is the significant progress that has been made on the management of waste and preventing unnecessary damage to the environment. Certainly there is still substantial progress to be made, but this is widely recognised and many countries have set ambitious targets for recycling and reduction of waste being generated. However, in the reviews of policy in this area it is the fiscal and other regulatory measures which predominate, and it appears that much less progress has been made on the spatial elements of environmental policy, although there are exceptions.

In a minority of countries the environmental agenda has been taken further to fully embrace the notion of sustainable development, such that the environmental, social and economic implications of growth are considered together. This trend is central to changes in spatial planning policy. The sustainability debate is having fundamental effects on policy making, even in redefining the categories or themes or problems which policy should address. This is particularly so in the way that it tends to bring disparate policy areas together in a more coordinated approach as explained below. However, it would be easy to overestimate the impact of this change on practice, especially at the local level. It would be fair to say that broad objectives of sustainable development have been agreed, but the implications of this for spatial development policy have yet to be fully worked out. It would appear that more progress has been made at the national and regional levels through fiscal and other regulatory measures than at the local level where policy on the distribution and conversion of land uses is often concentrated.

### **Controlling and balancing growth**

A principal thrust of policy which reflects many of the concerns above is the promotion of 'balanced spatial development'. This applies first at the regional scale where there is a consistent concern with regional disparities. National policies complement EU policy in attempting to strengthen weak economies, often through the improvement of physical

infrastructure or publicly subsidised property development. Such policies are of growing significance in depressed industrial and tourist areas and peripheral rural regions. At another scale there is increasing attention to urban renewal and the revitalisation of declining areas within urban areas, including town centres and derelict industrial land. The promotion of reclaiming derelict and vacant urban land has received added impetus from, and complements, environmental protection and urban containment objectives. At both scales, regions and individual municipalities are beginning to play a more important role through the active promotion of their own assets and attractions to potential investors. 'Place marketing' has given rise to increasing competition between cities and towns.

A further common trend is the strengthening of policy on the control and consolidation of urban growth. This is being done in recognition of the great demands for new urban development arising from projections of vastly increasing household numbers. There is a general strengthening of policy to control suburban growth and out of centre commercial development. Whilst the increasing emphasis on the containment of urban growth is a particular feature of the countries of southern Europe, it is also apparent in northern countries. Here, containment has been a traditional feature of spatial policy (although with varying degrees of strength) and the trend is for a 'consolidation' of growth in existing urban centres, involving for example, increasing densities in some localities, and coordinating this with better use of existing and proposed transport infrastructure.

### **Integrating policies**

Increasing concern to ensure the integration and coordination of policy has led to some reorganisation of policy making bodies as described in Section A. It also has a direct impact on the nature of the policy itself, and the problem of weak integration were noted at the beginning of this section. First, the desire for integration is leading to the generation of more integrated policy 'packages'. This is es-

pecially the case in relation to the linkages between land use, transport and environmental issues, and between heritage, tourism and economic development issues. Integrated policy responses may draw together different measures in a more comprehensive package, say linking taxation, financial incentives and controls over the location of new development in order to achieve particular spatial objectives. This comprehensive approach to policy is also reflected in the selection of areas for policy and plan coverage, which are increasingly drawn around the issue (such as water catchment or the coast) rather than around the administrative boundaries. However, it should be noted that whilst there is a trend to increase integration and comprehensiveness of policy, this is still a general weakness of spatial policy itself, and of its relation with other policy areas such as taxation and regulation.

### **Partnership**

Partnership arrangements to promote spatial development objectives are becoming much more widely used. Formal arrangements for linking private, public and voluntary resources in spatial development have been established for many years in some countries, and their use is now spreading. The divide between the roles of the public and private sectors is being eroded as policy makers seek new ways to realise their objectives. Partnership involves bringing the public, private and voluntary sectors together throughout the planning and implementation stages of a project. It is most clearly evident in those countries that have traditionally relied on public sector resources to implement development, where now policy is beginning to specifically require a private sector contribution. Conversely, in some cases where the private sector has traditionally dominated implementation, the public sector is being asked to share the risks, especially in very large scale projects. There is still a great deal of difference between countries where projects are predominantly public sector led, and those where it is predominantly private sector led, but there are signs of convergence, and certainly a sharp increase in the

arrangements set out in policy for bringing public and private resources together. Some of the case studies illustrate these linkages and their relative success.

Finally, it should be noted that there is increasing attention being given to enabling the par-

ticipation of the public, in policy formulation and implementation, with more widespread provision of information on policy and environmental conditions. Needless to say the conflicts over policy in the spatial planning field are similarly increasing, which is a considerable challenge for policy makers.

# F Policies

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## Introduction

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This section provides a summary of the main themes of spatial planning policy for a range of sectors. The discussion of policy for each sector follows a common format, as follows:

- Introduction
- Context and Issues
- European Union Policies
- National Level Policies
- Regional Level Policies
- Local Level Policies
- Trends

## Commercial development

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### Introduction

Commercial development includes the types of activities traditionally associated with town centres, primarily office uses and shops. The commercial sector is one of the most dynamic sectors of economic development and land use, and has undergone rapid change over the last 10-20 years with great shifts in location patterns in some countries. However, signifi-

cant differences in the scale and distribution of commercial activity still exist and this is reflected in Member States' policies. Policies described here are linked closely to those on economic and industrial development.

### Context and issues

Over the last decade there has been significant growth and change in the commercial sector. Prior to this time, Member States exhibited a retail hierarchy of town centres, district centres and neighbourhood centres. The economic boom of the 1980s which induced changes in consumer demand, led to increases in the supply side (sales) as disposable incomes rose, coupled with increased demand, facilitated by improved mobility. These trends resulted in the spatial concentration of shops and offices into fewer larger centres and decentralisation of commercial facilities, especially retail premises, to locations outside traditional centres. This trend is more pronounced in some countries including Belgium, Finland, Germany, the Netherlands and the UK. Other Member States have acknowledged the sector's potential for significant change. The 1980s also saw unprecedented growth in office development across Europe, but the ensuing economic recession coupled with shifts in location patterns to 'out-of-town' business parks has contributed to increasing vacancy rates in town centres.

Those countries where change has been greatest have experience problems of accessibility to urban services in some areas, coupled with congestion in areas of concentration, and decline in smaller urban centres. The response has often been taken at the national level. Detailed regulation regarding location and protection of traditional centres' commercial facilities, is carried out at the regional, although more predominantly, at the local level. Where the changes in commercial activity location have not been so great, for example Greece and Italy, there is an acknowledgement of the need to adopt policies to regulate and guide future development and improve knowledge of changing patterns of consumer behaviour, in anticipation of change.

### European Union policies

The creation of the Single European Market and moves towards greater internationalisation has had an indirect impact on this sector, through increased mobility of goods, services, and people. Consumer demand should therefore not only be regarded as 'internal', but 'external' demand for products, from all European countries is of growing importance. European legislation has also had an indirect impact on the commercial sector, through policies to encourage sustainable development, the reduction in travel and associated CO<sup>2</sup> levels, and the statutory requirement for the preparation of environmental impact statements for major developments prior to determination and development.

### National level policies

Recognition of the socio-economic importance of the commercial sector has led the majority of countries to adopt policies at the national level to guide and regulate development. Despite varying degrees in the evolution of the commercial sector in each country, there are a number of common policy themes which are identifiable. Policies focus on:

- conservation and promotion of town centre functions;
- increasing the range of facilities in town, district and neighbourhood centres;
- limiting the negative impacts of out of town retailing;
- sustaining a balance between various commercial development types in urban areas;
- regeneration of declining urban areas and revitalisation of areas "at risk";
- reduction in car travel/journeys, through the concentration of facilities in one location;
- restriction of office sprawl in cities.

In Belgium, Denmark, Finland, France, Italy, Germany and the UK, the national governments have produced policy documents which provide the framework for detailed regulation and implementation of commercial development at the local level. For example the Act On Location Of Business in Belgium, the Trade Report in Denmark, *LEP/LEPros* (state comprehensive development plans) in Germany, commercial plans in Italy and *planning policy guidance notes* in the UK.

### Regional level policies

Compared with other economic sectors, policy for commercial development is generally less important at the regional level, although there are some exceptions. In Denmark the location of new commercial development is regulated by the region through regional plans, although implementation is the remit of the private sector. The region's role is one of 'enabler', ensuring the right conditions for development are achieved. In France policies for commercial development are included in five year regional plans, which are formulated jointly between the State and individual regions. In Germany the system of central places (identified in the *LEP/LEPros*) is further developed in regional plans through locational policies to protect the retail hierarchy, which in turn provide the

framework for the preparation of urban land use plans.

Despite a relatively weak legislative framework to regulate commercial development in Italy, policies have been formulated at the regional level to control retail development, and include: the definition and the classification of a land use retail network and formulation of planning criteria for the location of large distribution centres. The *Regioni* make representations on distribution matters, with regard to large developments at extra-municipal level. Similarly in Spain, regional legislation has instigated a requirement for prior authorisation by the relevant competent regional government, for the location of large commercial centres (e.g. hypermarkets).

In the UK, regional planning guidance sets out policy to revitalise the sub-regional economy and promote urban regeneration. Regional business organisations and the government departments are the main actors at this level, and promote commercial development through *regional forums* and the creation of *regional development companies*. Again, the emphasis is on directing and containing the growth of large out of town centres.

### Local level policies

Many of the problems identified in conjunction with rapid change in the commercial sector in terms of location and types of facilities, are identifiable at the local/municipal level, and consequently the framework and detailed plans are the main instruments for guiding and controlling commercial development.

Linkages between commercial development and other policy priorities are well established in Germany and the Netherlands where national policy seeks to attract new office development to town centres. The 'ABC' location policy in the Netherlands encourages large travel generators such as office and retail uses to locate in 'A' locations — which are public transport nodes. The policy is driven by the objective of reducing the need to travel by car. In Germany, commercial uses are only permit-

ted in core commercial and mixed areas identified in the BauNVO and incorporated in F and B-plans. Conversely, in Ireland national policy has sought to encourage commercial development outside the capital region, and has been assisted by national government through the decentralisation of government offices. However, this is a regional economic development policy, and at the local level office development is still zoned in town centres and discouraged elsewhere.

The thrust of policies invariably reflect those at national level described above with emphasis on maintaining a diversity and concentration of functions in town centres. However, despite this consistency, the role of local authorities is sometimes constrained by limitations of planning powers and/or poor knowledge of the rapidly changing context for retail and office development. In Finland, Greece and Italy this problem is widely recognised and changes to the policy framework are underway. Some countries have an additional permit system to regulate commercial development, examples include Belgium, Italy and Sweden.

### Trends

All Member States acknowledge the economic importance of the commercial sector. Those countries where changes in locational demands have been most pronounced for example Belgium, Denmark, Germany, the Netherlands and the UK, have developed more extensive policies to regulate and guide commercial development at all spatial levels. However, those countries including Finland, Greece, Ireland, Italy and Spain, who are currently experiencing rapid growth and change in the retail sector, have acknowledged that the formulation of a revised framework is of primary importance.

A number of common trends in policy are evident including the need to protect and promote the expansion of retail facilities in existing town centres, and control out-of-centre commercial developments and their impact on the vitality and viability of town centres. The promotion of sustainable development is of

particular importance in shaping policy on the location of commercial activities. With the development of out-of-town shopping facilities, served primarily by car borne customers, it is now recognised that the integration of transport infrastructure with commercial development is a priority. By guiding development/facilities to transport nodes/interchanges or on public transport routes, the reduction in distances travelled and the need to travel by private car can be achieved, and consequently assist in achieving sustainable development.

## **Economic development**

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### **Introduction**

Economic development policy includes financial and other incentives to businesses and communities to establish and promote employment opportunities; special designations for areas in particular need, training provision and many other types of assistance. Economic development policies respond to social and economic disparities, especially the concentration of high unemployment and economic decline in cities and rural areas resulting from recession and economic restructuring. These policies often do not have a spatial component, but will invariably have an indirect spatial impact. Improving employment opportunities is a priority in all Member States, at least for part of their territory. Policies described here link closely with those for industrial development and commercial development.

### **Context and issues**

The context for economic development policies relates to the economic disparities which exist not only between Member States, but also within their borders. Disparities across the EU between core areas (such as France, Germany and Netherlands) and the peripheral areas (such as southern Italy, northern and eastern Finland, Greece, Portugal and Spain) have led to a need to promote integration across borders through the Trans-European Networks

and to promote regional economic development, often by maximising locational advantages and linking economic development, transport and other policy areas in a coordinated strategy. For example, the Netherlands in the core area is pursuing a policy of capitalising on its 'gateway' location to Europe, by improving accessibility and strengthening the development of its two main ports — Schipol and Europort (Rotterdam). Greece, however, is concerned about its geographical isolation from the rest of the Community and is currently promoting cross border transport networks as part of economic development objectives.

All Member States are concerned about high levels of unemployment and particularly, concentration of high unemployment in areas undergoing structural changes in their regional or local economies. Reconversion of areas suffering from industrial decline and the revitalisation and restructuring of rural economies are important policy objectives with spatial implications. Policies seeking to direct or attract development to particular regions or areas experiencing high unemployment and the growth of 'location marketing' to encourage inward investment as well as indigenous growth are common aspects of economic development policy. Other objectives which economic development policies seek to address are the improvement of infrastructure and other physical conditions to encourage investment and economic growth; the encouragement and support of small and medium size firms; the promotion of sustainable economic development and the need to maintain a productive manufacturing sector, whilst accommodating growth in service sector employment.

### **European Union policies**

The creation of the Single European Market and moves towards monetary union are intended to increase competitiveness and thereby have a direct impact on economic development in all countries. The establishment of social and economic cohesion of the regions is a central objective of the European Union. It implies actions to reduce disparities

in income and development between regions over the long term.

EU policies to achieve these objectives include the application of the Community's Structural Funds and the Cohesion Fund to support major transport, economic, environmental and employment projects and the use of the many and varied Community initiatives. The latter are special financial instruments which support the aims of the Structural Funds but which are targeted on particular industrial sectors, areas undergoing industrial change, rural areas and cross-border activities. The Commission's White Paper 'Growth Competitiveness, Employment', set out an agreed plan of action to achieve a reduction in unemployment. This included priority for implementation of trans-European networks in energy, transport and information technology and the encouragement of sustainable development.

### National level policies

National policy in many sectors will have an effect on economic development. Indeed, general economic policy of central government will have fundamental implications for economic performance in particular locations. All countries have policies to create favourable business conditions for commercial enterprises as a basis to increase competitiveness and create employment. The country volumes identify aspects of national policy which have particular importance for the spatial distribution of economic development. Of particular note here are measures with spatial implications which are specifically intended to address economic development. Such measures include:

- special national agencies with funding and powers for use in areas of decline;
- direct public investment or relocation of publicly funded activities;
- aid and incentives to private sector investors and partnership arrangements;

- relaxation of national controls and regulation, and the provision of new instruments and powers which can be used at the local level;
- infrastructure and property development;
- promotion and marketing for inward investment.

National level agencies coordinate the distribution of funding for economic development including EU funds. For example, the *Gemeinschaftsaufgaben* (joint tasks) in Germany and the Austrian Research and Advisory Company (OSB). Such agencies promote new employment opportunities, the location of new businesses, the support of small and medium sized enterprises, and pursue policies of promotion and marketing, coordinating different actors to direct and concentrate investment where it is most needed. These may be regions, growth poles, industrial or rural areas. Examples of financial incentives for industry to relocate or grow, and the promotion of private — public partnerships can be found in many countries. Examples of direct public investment are the policies to relocate public sector services pursued in France and Sweden where the beneficiaries are rural areas where there is high unemployment.

Most countries have policies to create or improve transport infrastructure networks to improve accessibility for both goods and people whilst some countries have specific location policies to encourage sustainable economic growth with regard to reducing travel and restricting car use, such as in the Netherlands, Ireland and the UK. At the national level there are also policies aimed at improving the general infrastructure necessary for successful economic development such as telecommunications, energy, education and health facilities.

As well as acting directly, national governments have an important role in establishing the framework of legislation and policy which can be employed by others. There are numerous examples where national governments have reduced or amended controls to



provide incentives and/or provided new instruments through legislation to be employed in pursuit of economic development objectives by national government itself, by special agencies or by regional and local authorities. Examples of special instruments include the *zone d'aménagement concerté* (ZACs) in France, *areas of economic promotion* (ZPEs) and industrialised areas in decline (ZIDs) in Spain, and *enterprise zones* (EZs) and *simplified planning zones* (SPZs) in the UK. These instruments are employed by local authorities sometimes in partnership with central government and other agencies, and effectively amend the regulation regime and/or provide for special incentives within specified areas.

### Regional level policies

It is generally at the regional level that the linkage between economic development policy and spatial development is most evident. This may be established through regional planning instruments which set out social and economic objectives and their spatial expression. (See Section B for types of instruments at this level). Such instruments are often prepared within the framework of national/regional policy, and national funding support for regional initiatives will be subject to agreements between national and regional administration. This is most clearly expressed in the French *contrat de plan* which sets out the funding sources for a mutually agreed contract between the state and region on implementation programmes for economic development, housing, transport and water.

In countries with federal or regionalised systems such as Austria, Belgium, France, Germany and Spain, there are policies with spatial implications to promote economic development through improving regional infrastructure, acquiring and providing land, particularly for industrial development, and through marketing and promotional activities to attract inward investment to particular locations with regional aid and incentives.

In some countries, special development agencies are set up, for example, in Germany each of the *Länder* have their own state development company (*Landesentwicklungsgesellschaft* — LEG) which acquire or take over land (often disused industrial land) for the purpose of developing it for housing, industrial and commercial uses. The LEGs undertake the project planning, infrastructure, development, management and even sometimes construction of the buildings for sale or rent.

### Local level policies

Within Member States, policies at the local level will vary from one locality to another depending on the prevailing economic conditions. Where the need for jobs is paramount, local authorities and other agencies have taken an increasingly active role in economic development. Only in a few countries is there no or a limited role for local authorities to promote economic development, such as Greece (where it is all done by the Ministry) or in Netherlands and France where the individual municipalities or communes are generally too small to undertake these activities. In these circumstances they may cooperate to form groupings to achieve economic development objectives, for example through *contrats de ville* in France which are entered into by the state with groups of communes to ensure the implementation of urban policy.

Local authorities in many countries including Denmark, Finland, Spain and Sweden contribute to the improvement of basic conditions as a framework for economic development through policies to improve local infrastructure, particularly roads, the environment and water or other public utilities. In addition, in some countries, local authorities take a more direct role by acquiring land and providing workspaces as do the *Gemeinde* in Germany. Subsidies and incentives to firms at the local level can also be achieved by exempting companies from local tax in special zones, as in France and in the UK.

Local enterprise initiatives also exist to create employment, for example in Ireland where local area based partnerships are established to encourage new enterprises, undertake environmental and infrastructure improvements and provide training initiatives. Area based partnerships between the public and private sectors to achieve economic regeneration, particularly in cities, is characteristic of several countries including the UK through its *City Challenge* programme.

Policies to attract inward investment for economic growth and job creation through 'place marketing' by local authorities or joint agencies are commonplace in many countries. The advantages of particular locations and their special attributes for particular economic sectors are analysed, often resulting in competition between different localities trying to attract the same investment. This is usually provided alongside financial advice and support to small and medium size enterprises through grants, information services and other means, such as property development.

## Trends

Constraints on public expenditure are stimulating a shift from direct support to enabling investment from the private sector and public-private partnerships particularly at the local level. Place or location marketing to attract inward investment has been a key feature although policies aimed at encouraging more indigenous growth are emerging. A more market-led approach is also becoming evident, moving away from the more direct public intervention approach to attract businesses to specific locations. Policies aimed at encouraging specialisation and supporting specific sectors in localities are also emerging. Finally, there is a recognition that employment and economic growth should be sustainable. Specific location policies to encourage development in town centres, inner cities and at public transport nodes rather than green field sites are being adopted.

## Environmental management

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### Introduction

Environmental policy includes a very wide range of spatial, fiscal and other measures to address the global, regional and local impacts of global warming, acidification of the environment, air and noise pollution, contamination of groundwater, pollution of land, loss of biodiversity and degradation of urban and rural environments. All Member States give a high priority to protecting the environment, but some, for example Denmark, Finland, the Netherlands, Sweden, Ireland, Spain and the UK, have made considerable progress in widening policy beyond protection of natural features to embrace more fully a wider concept of sustainable development. These policies link closely with those for waste management and pollution and natural resources.

### Context and issues

It is now recognised that environmental policy whether at a national, regional or local level, has very clear transnational and global implications. The national and local policies are increasingly reflecting, being shaped and themselves shaping transnational agreements and protocols. At the global level the Earth Summit has been important in raising awareness, but equally the policies, programmes, legislation and initiatives of the EU are acknowledged as an important context for more localised decision making. It is also important to remember that many Member States themselves have an important role in shaping European and global policies. Across the Member States of the European Union there are a number of different issues that keep re-emerging and include:

- ensuring that environmental considerations are explicitly integrated into all areas of decision making;
- agreeing basic minimum standards of pollution control;
- ensuring that mechanisms are in place to preserve and manage important natural or

cultural environments from the direct or indirect effects of development;

- ensuring that sufficient attention is given to monitoring the environmental effects of policy and thereby enable judgements to be made as to whether progress is being made towards sustainable development.

### European Union policies

The influence of the European Union is shaping national, regional and local environmental policy in all Member States is significant. Even in those States which have more recently joined the EU, great stress was placed on the fact that either their existing environmental policies and programmes complied with European wide principles and regulations, or that only minor adjustments to national policy were needed with accession.

EU environmental programmes affects spatial planning policy in a number of direct and indirect ways. The EU's Fifth Action Programme 1993-2000, sets out the broad environmental agenda and framework for EU environmental initiatives until the end of the decade. Its main goals are to improve the implementation and enforcement of environmental regulations, integrate environmental policy into all areas of EU policy and encourage the public and private sectors and the general public to consider the environmental implications of their actions more seriously. Many of these aims have implications for spatial policy, for example the 1985 Environmental Impact Assessment Directive required the environmental implications of large scale projects to be explicitly and systematically considered in the process of determining whether development should be permitted. Furthermore, environmental monitoring and reporting which is being encouraged through the Fifth Action Programme is likely to be of growing importance in strategic spatial planning and decision making.

Some environmental directives have a direct impact on spatial planning policy. The 1985 EIA directive is well known in the respect, but

other directives are designed to protect sensitive, fragile and important sites designated as special protection areas (SPAs) and special areas of conservation (SACs). There are a myriad of European environmental policy initiatives designed to limit the amount of pollution arising from various activities, which may have implications for spatial planning policy. Such measures can create demand for new industrial premises as particularly polluting activities are closed down (also creating potential land contamination problems). Requirements on new proposals to comply with certain emission standards may be part of the process of seeking permission to develop.

EU financial instruments are being widely used to affect environmental policies with three broad types of financial assistance available. In Germany, Objective 1 and 2 funding is being used to help reclaim contaminated land for other uses. In several Mediterranean countries Cohesion Fund finance is being used to provide and/or upgrade basic sewerage treatment plants, hence reducing pollution into hydrological systems. Elsewhere EU funding is being used to support programmes to measure the quality and character of the existing natural environment and establish monitoring systems. In Ireland *LIFE* funding is being used to assess nature conservation sites with the potential to be designated *sites of scientific interest*. In Greece, EU funding is being used to gather basic information regarding the state of the natural environment and the threats that it is facing. Similar basic monitoring of fragile ecosystems supported by EU funding is being undertaken in Portugal. And many more examples could be cited.

Notwithstanding the importance that EU policy has in shaping national approaches towards the environment it is necessary to emphasise that many of these initiatives reflect national concerns.

### National level policies

With the exception of Belgium, where the nation state has only limited competence to define environmental standards, environmen-

tal legislation and policy is strong at the national level. In all circumstances these frameworks are strongly shaped by EU legislation and policies.

The co-ordination of environmental policy through enabling legislation and setting up the institutional framework are major concerns at national level. Legislation is often dispersed in a range of acts, with different agencies responsible for implementation and difficulties experienced in sectoral integration. Such an approach characterises the Italian situation, where until recently environmental legislation was a marginal concern, although by 1992 80% of the relevant EU environmental legislation had been enacted. The trend across Europe as in Italy, is to develop a more integrated approach to environmental policy. This can take many different forms. At the Cabinet level the creation of a ministry explicitly responsible for the environment reflects this concern. For example in Finland the Minister of Environment was established in 1983. In France environment became a governmental sector in its own right with the creation of a *Ministre de l'Environnement* in 1992, who presides over the *Comité Interministériel de l'Environnement*.

Elsewhere interdisciplinary and sectoral groups have been established to consider environmental matters at the national level. In Ireland the 'Green 2000 Advisory Group' identified the key issues facing the national environment. In the Netherlands the actions of government departments are closely co-ordinated in an attempt to achieve horizontal integration of policy. Private, voluntary and other interest groups' opinions are actively sought and encouraged (including the provincial and municipal authorities) in an attempt to produce policy that has widespread support. In the United Kingdom the *Round Table on Sustainable Development* comprising of a cross-section of the national community, acts as an important advisory body on government policy.

Several countries commented upon the importance of national policy and programming statements that provide a set of objectives, targets and principles for other agencies to

follow. Probably the most well known approach of this type has been developed by the Dutch, with their National Environmental Policy Plan, the second of which was published in 1993. This plan has a number of inter-related functions. It is intended to increase general awareness and responsibility towards the environment, and to set broad objectives for other agencies and organisations to follow, particularly in order to minimise environmental impacts. This is achieved by pursuing a self regulatory approach and setting targets and principles about what needs to be achieved, why and how. The main aim is therefore to set a national policy framework which can only be implemented through the actions of others.

A similar national policy framework has been adopted by amongst others Ireland, who have produced an *Environmental Action Programme* (1990) in addition to there being a strong environmental dimension in their *National Development Plan* 1994-9. In Denmark long term goals for spatial planning with respect to the environmental, are expressed in 'Denmark Towards the year 2018'. In Finland environmental concerns are reflected in the Finnish Environmental Programme 2005. In Portugal the National Plan prepared in 1994 has, as one of its key goals, the prevention of environment degradation and the recovery of areas that are experiencing harmful environmental effects. In Italy work has started in the *Ministry del Ambiente* to produce a 10 year environmental action plan. Whilst the planning system has a role to play in achieving targets and objectives, there is a realisation that other actions including environmental taxes and greater individual and organisational responsibility are necessary.

In some countries the issue of sustainable development is being considered at the national level. Ireland for example is working on a *National Sustainability Strategy* and the notion of sustainability indicators. *Agenda 21* is actively being pursued in Denmark, Sweden the UK and, in embryonic form in Portugal. The UK government has adopted a similar perspective in number of national policy documents including 'Our Common Inheritance (1990)' and

'Sustainable Development: the UK Strategy (1994)'. Not only have principles and objectives been set, but annual monitoring reports have been produced to indicate how government has been 'greening' its advice and guidance and what its future priorities are. Spain has a national strategy prepared in 1995 for conservation and sustainable land use for ecological diversity.

For many countries environmental degradation is seen as a major threat to fragile ecosystems and landscape areas of national significance. The general policy response across Europe is to strengthen and extend the areas designated for protection, and those which are significant from a national and international perspective in terms of nature conservation, landscape, ecological or recreational value. The threat is ably illustrated by Greece which boasts some 400 ecosystems of national importance, which are fragile and some 30% of these under threat, with many others suffering gradual degradation. In Austria there is increasing sensitivity to the need to protect man made and natural landscapes. Already three national parks exist and a further three are being proposed. In Portugal a *National Network of Protected Areas*, including the definition of *National Ecological Reserves* are important in framing regional and local plans. Similarly in mainland France there are currently seven national parks and a further two proposals are being considered as well as the designation of two projects that have international conservation area significance.

### Regional level policies

At the regional level one of the key elements of policy is to integrate environmental considerations into the relevant plan making frameworks. For example, in Portugal regional plans need to reflect the importance of national conservation areas (*RENs*) in developing a strategy for the development of the region. Similarly Denmark's *counties*, Italy's *regioni* and Belgium's *regions* have an important role in developing integrated regional sectoral programmes where the plan making process takes due account of environmental considerations. In Germany the *Länder* produce a

*Landschaftsprogramm* (landscape programme) which establishes objectives for nature and countryside protection as well as designating *Regionale Grunzüge* (regional green spaces), *Wasserschutzgebiete* (water protection areas) and agricultural and forestry priority areas. These have to be taken into account at the *Gemeinde* level. In Finland, regional plans for nature conservation are prepared by regional councils.

In some countries the regions are also responsible for designating and expanding areas of regional significance. In France there are currently some 27 regional parks which cover parts of 21 *regions* and 49 *départements*. A further 16 regional parks are under consideration, 6 of which are expected to be approved during 1995.

Despite attempts at integration between policy areas there is still considerable concerns as to whether this is fully effective. In the Netherlands, an interesting experiment is being attempted through a process of consensus building to create strategies which fully integrate environmental and spatial planning policies. This integrated plan will be eventually be incorporated into spatial planning documents and reflected in decision making. Eleven areas (*ROMs*) have been designated for this experimental approach and the effects of this policy are considered more fully in the case studies section.

### Local level policies

It is at the local level that the implications of environmental policy are most acutely felt. In most cases local policies and decisions need to take into account higher level designations. Sometimes local authorities can produce their own plans. In Germany the *Gemeinde* can produce a *Landschaftsplan* (local landscape plan) and *Grunordnungsplan* (landscape control plans) which in some *Länder* are merely advisory though elsewhere may contain binding provisions so long as they do not conflict with the *B-plan* for the area. Some local authorities also have an important environmental protection role through the designation of local sites or areas for protection.

## Trends

Throughout the EU there is a growing awareness of the need to consider fully the environmental implications of decision making. This has clear implications for spatial planning. Inevitably the concerns regarding environmental degradation require a more comprehensive and integrated approach which goes beyond the spatial planning system. National governments are increasingly providing a national framework and policies that take greater account of the environment. Within these frameworks the need for greater integration between sectors particularly spatial planning and environmental policy is highlighted. This is an objective in Belgium, Denmark and Sweden amongst others. Furthermore there is a growing realisation for the need to monitor and report on environmental impacts. Part of this response reflects growing national awareness of environmental matters coupled with the international agreements reached at the Earth Summit, and the EU policies and programmes.

At the national level this coordinating approach manifests itself through legislation which is largely binding and increasingly through a series of policy statements. In some countries environmental legislation has a relatively long history. In Sweden comprehensive legislation to protect the natural environment dates from 1964. In some countries, environmental legislation has tended to be accommodated in a series of discrete and dispersed pieces of legislation, which is the case in Spain and Italy. One noticeable trend is an attempt to consolidate these ad hoc regulations, which are often necessary to comply with EU regulations and directives into a consolidated integrating act. In Denmark the Planning Act, the Natural Protection Act and the Environmental Protection Act all have the same common objective of 'protecting the country's, nature and environment so that sustainable development is secured'. The Finnish legislation mentions similar goals. Elsewhere consolidation of environmental legislation into a smaller number of integrating acts promoting the concept of integrated pollution control and the establishment of a single environmental protection agency is gaining momentum. This is certainly the case in the United

Kingdom, with the 1990 *Environmental Protection Act* and the 1995 *Environment Act*. The latter consolidates many of the environmental protection functions into a single government agency, the *Environment Agency*.

Many reductions of harmful environmental effects of industrial and urbanisation process, have been achieved through technological solutions. In Southern Europe water pollution is of major concern and new treatment plants partly funded by the EU should help improve the situation. Elsewhere there is a growing tendency to use financial instruments to protect the environment, and reduce unnecessary waste. There is growing concern regarding the quality of fragile ecosystems with a tendency to extend and strengthen those areas designated for protection. Environmental monitoring and making this information publicly available is of growing importance. This will not only help to improve local awareness but may help facilitate local action through *Agenda 21*.

Finally, environmental planning is often difficult to carry out coherently within national regional or local administrative boundaries. The need for consensus and co-operation is increasingly being recognised with planning strategies being developed for functional areas, particularly water basin catchment areas, and also on a transnational basis for example the Baltic Sea Region in northern Europe. Environmentalism is firmly on the political agenda at all levels of governance partly because of the growing importance of the environmental lobby across the whole of Europe. Planning has an important role to play in promoting sustainable development and minimising environmental degradation with increasing emphasis being placed on integrating environmental and spatial planning policies, particularly at the local level.

## Heritage

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### Introduction

Heritage policy includes measures to protect and enhance buildings and sites of particular

archaeological, historic or architectural merit. The threat to the EU's built heritage from further urban development, the difficulties of funding preservation and conservation and the value of EU funding, are widely acknowledged. There is some consistency in the general approach of Member States to valuing and protecting important heritage, but with variation in detailed implementation. Heritage policy is often linked with other measures, including those on economic development, leisure and tourism, and environmental protection.

### **Context and issues**

All Member States acknowledge the increasing importance of public pressure for the preservation and conservation of the built environment, and the rejection of comprehensive redevelopment of urban areas that took place in the 1960s and 1970s. The built heritage is also now recognised as an important component in policies for economic development, tourism and sustainability. This has led in many countries to an overwhelming increase in the mapping, listing and classification of buildings, monuments or sites which are deemed to be worthy of preservation. But it has also led to the awareness that resources, particularly public resources cannot keep pace with this demand. As a result many countries are actively looking at a variety of mechanisms such as tax concessions, incentives and subsidies in order to encourage private investment in the repair and maintenance of buildings worthy of preservation.

### **European Union policies**

Article 28 of the Treaty on European Union encourages cooperation among Member States and the provision of EU support for the conservation of cultural heritage of European significance. The protection and enhancement of the historical heritage of cities was a key area for action in the Green Paper on the Urban Environment (Com (90)218). Its inter-related role in improving the urban environment was also recognised. Responsibility for

heritage policy is for the Member States but exchanges of experience and promoting good practice and innovation have been supported through a number of EU programmes such as URBAN and the programme for the Conservation of European Heritage.

### **National level policies**

In many countries, there is considerable public investment in building and monuments of national significance. Budgets for restoration of important properties and sites have been increasing although funding is not able to keep pace with the increase in demand. Nearly all countries have a national scheme which lists or classifies buildings, sites or monuments which are worthy of preservation. Details of their characteristic features are recorded. There has, however, been increasing recognition in countries such as Belgium, Germany, Finland and the Netherlands that it is not just buildings which require special protection but also the environs in which they are set. The wider geographical areas worthy of preservation and protection are extended to townscapes (Belgium, Germany) and landscapes (Finland) and to conservation areas (Germany, Ireland and the UK). Some historic areas are listed as world heritage sites.

The preservation of heritage is increasingly seen in several Member States as part of an overall package of urban or village renewal, for example in Austria, Netherlands and in the eastern Länder in Germany. Also there is acknowledgement of the contribution that heritage can make to economic enhancement and a very strong link between heritage and tourism policies in countries such as Greece and Ireland. A number of countries are investigating how private resources can be utilised. For example, repair work on listed buildings by private owners is tax deductible in the Brussels Region in Belgium; in Ireland there are tax concessions for private owners' works on listed monuments on condition that public access is allowed; and in Germany tax incentives and public subsidies are available for private owners. Both Italy and Finland are

looking at tax incentives for repairs by private owners.

### **Regional level policies**

The federal states of Belgium and Germany have responsibilities for approval of proposals for alterations, repairs and changes of use to listed buildings and monuments. Germany also provides financial aid to owners and to local authorities. Elsewhere, the national and local levels play the main roles in heritage policy formulation and implementation.

### **Local level policies**

The approach to heritage policies at the local level varies considerably across the European Union. In Belgium the municipalities have an extremely limited role as the functions are undertaken at the regional level, but in Ireland and Sweden most of the implementation concerned with heritage policies takes place at the local level.

In addition to the national listings of buildings/monuments, municipalities can also identify and classify buildings and sites which are worthy of protection and preservation but which are of local significance, for example in Finland, Germany, Portugal, Spain and the UK. Building permits which are determined at the local level for changes in areas worthy of protection usually have to go to special committees (e.g. Greece) or to a higher tier of authority (e.g. Belgium) for approval. Municipalities in Finland, Germany, Ireland and the UK identify large areas of urban fabric which have a special character and appearance worthy of conservation where special policies regarding demolition, alterations and development apply.

### **Trends**

One of the most significant trends is the increasing recognition of the importance of the setting for historic buildings for conservation. Policies for conservation areas, special town-

scapes and landscapes and also policies which apply to adjacent buildings to those which are listed are very common throughout Member States. Integration of heritage policy with other economic and tourism objectives is also increasing.

The refurbishment and renovation of residential areas and town centres has been a key feature in the 1990s and the use of private investment in partnership with public funds is becoming more widespread. Responsibility for heritage policy and implementation is also being decentralised in two ways. First, there is a decentralisation of roles, responsibilities and financial aid from the national level to the regional level as in Spain, or local level as in the Netherlands. Second, there is a decentralisation trend away from concentration of public resources for heritage in the main cities to more provincial areas and medium size towns and cities as in France and Germany. The increase in the role of voluntary organisations and local consultative groups and associations has been noted particularly in countries which have decentralised responsibilities to the more local level.

## **Housing**

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### **Introduction**

Housing policies include both explicit spatial policy and programmes, and other measures intended to influence the construction of new housing in favoured locations, manage existing stock efficiently, improve the quality of housing in areas of decline, provide changes in the balance of housing tenure; and to meet specific cases of housing need. All Member States have extensive policy related to housing but they sometimes pursue very different objectives, and the co-ordination of spatial, fiscal and other measures is seldom addressed. National government is mostly concerned with fiscal incentives such as tax relief and subsidies, whereas the location of housing is mostly the responsibility of local authorities. Policies described here are often closely linked to other



policy relating to economic development and urban growth.

### **Context and issues**

Demand for new housing is increasing across most of the EU. In some Member States, including Austria, Belgium, Germany, Ireland and the UK this is mostly a problem of declining household size and an increase in the elderly population. Increasing second home ownership is also an important factor, especially in Austria and Luxembourg. In Greece, Italy, Portugal, and the eastern *Länder* of Germany there are significant housing problems with, in some cases, extensive homelessness and/or dwellings below acceptable standards. In Greece and Italy, Portugal and Spain previous unauthorised building of homes has left a legacy of urban areas poorly served by physical and social infrastructure, although significant progress has been made on addressing these problems.

The rate of new housing development is strongly affected by economic conditions and fiscal policies, especially the availability of credit for house purchase. Thus fiscal policy often takes precedence in national policy. The significance of spatial planning policy for housing and its co-ordination with fiscal policy varies. The share of housing in different tenures and established approaches to housing provision and funding, constrain current policies. For example, Germany has a relatively low level of owner occupation (less than 10% in the eastern *Länder*, whereas Ireland has a very high level, almost 80%). German policy is concentrated on the promotion of owner occupation, Ireland's on the promotion of the rented sector. However, like many other Member States, both are promoting a more balanced provision in housing tenure and a reduced role for direct provision from the public sector.

Physical conditions, including existing spatial settlement structure, the distribution of housing types, and the condition of property are obviously important in shaping policy. The perception of the spatial problem varies, for example, Finland identifies the problem of

containing urban sprawl and Belgium the problem of ribbon development, and a number of States focus on the need for urban renewal and slum clearance in inner city areas. Immigration and internal migration has led to further demand for housing in some countries, especially Germany, and the repatriation of citizens has been important in Greece.

### **European Union policies**

The EU is not seen to have a significant impact on either fiscal or spatial policies for housing, although some structural funding has been used for related projects.

### **National level policies**

There are few examples of clear spatial housing policy at national level. National housing policy is usually concentrated on setting the legal framework for policy making at regional and local level (in some cases with constitutional rights established in relation to housing as in Greece and Spain); setting general goals and targets for total housing provision; and creating a particular tenure balance through tax incentives and subsidies. Promotion of owner occupation is a primary policy objective in the majority of Member States, especially where it is currently low, for example in Germany and Italy.

Deregulation and 'privatisation' are common features of housing policy. In the northern Member States, public sector intervention and expenditure on housing provision is being reduced. This has had a major impact on the provision of housing, notably in Sweden where the number of new dwellings constructed in 1995 is less than a quarter of the 1990 figure. In the southern Member States the magnitude of the housing problem often requires a public sector lead, but this is often linked to relaxation of rent controls in favour of a more free market approach, seeking to encourage a more responsive and flexible housing market. However, national policies to counteract social segregation and promote social mix are being promoted, for example in France and Ireland.

There is much less attention to the spatial distribution of new housing at this level, although government may set important priorities for particular types of location for new housing and/or priorities for action, as in Italy and the UK. There are exceptions in northern Europe, especially in Denmark and the Netherlands, where there are very explicit national policies on housing location. Where national policy addresses the spatial question it is directed at the containment of urban areas and the reuse of vacant urban land.

National government usually has responsibility for allocating funds for special measures, especially urban renewal and property renovation. This is a concern across Europe and has been particularly successful in Ireland where a combination of fiscal and spatial policy measures at the national level has made a major contribution to the provision of many new dwellings within the urban area. Central government also usually sets out national standards for existing housing and new construction. In the southern Member States the need to ensure that more houses meet such standards is a major priority.

### **Regional level policies**

Regional housing policy is particularly important in the federal States of Austria and Germany, where the Länder adopt their own spatial and fiscal policies. In Belgium the regions have complete autonomy in housing policy. Elsewhere the regional organisation of government is responsible for the distribution of resources to local authorities, as in Italy.

One important example of spatial policy at the regional level is the urban-rural zoning practised in Denmark which has a significant impact on the location of new housing. In the UK, 'green belt' policy has prevented urban sprawl at the regional and local level. Spain and the UK adopt housing programmes and a broad strategy at the regional level which includes targets for the construction of new dwellings in different parts of the region.

### **Local level policies**

This is the level where questions about the spatial distribution of new housing are mostly considered. Local authorities have the primary responsibility for identifying and designating land for housing, and formulating policies to guide the development of those areas. Policies will include controlling the location and density of development (often with an emphasis on increasing the densities of existing urban areas); the containment of settlements, the protection of areas of special environmental quality; and the promotion of urban renewal and renovation of property where there is an ageing housing stock.

Implementation is also generally controlled at the local level (although national bodies have played an important role in Greece and Portugal). State led housing development has been the norm in some countries, with local authorities playing an important role in the provision of housing land by acquisition and selling on to public companies, the private sector or other agencies (as in Austria). This may include infrastructure provision and 'urbanisation works' funded by land transactions (e.g. Germany); or even construction of homes by the state (e.g. in Finland and the Netherlands).

In other Member States such as France, Greece, Spain and the UK implementation has been primarily through private and independent sectors, although public sector regulation of location and scale of development has been important, particularly in the UK. State aid has been concentrated on providing housing for those who are unable to buy on the open market.

### **Trends**

A distinct trend for less state intervention and provision of housing is evident in the majority of Member States, with more emphasis being placed upon private sector funding and implementation, with special agencies and co-operatives being set-up for the promotion of social housing. In some Member States this is argued on the basis that the provision of

housing is no longer a major problem, or a priority for state spending. The increasing market orientation of housing policy is also reflected in the relaxation of rent controls, for example in Finland, Germany, Italy and Spain. Also, for those countries with high owner occupation rates there is a general reduction of tax relief, and more attention to encouraging the private rented sector.

In the northern Member States, there are signs of a shifting emphasis from new housing provision to renewal, although the provision of new housing is still a problem in almost all countries. Spatial policies concentrate on continuing to restrict urban sprawl accompanied by intensification of land use in existing built up areas with smaller mixed developments on infill sites. In the southern Member States and Belgium where control has not been so rigorous there is more emphasis on the containment of urban areas and stronger restrictions on building in the countryside.

Innovative policies are evident in many Member States. For example the 'residential content of development' policy in Ireland seeks to ensure that all new developments incorporate a measure of social housing. In Finland, Ireland and Luxembourg there are attempts to co-ordinate more closely spatial and fiscal policies. In Germany, new speedier procedures have been introduced to encourage house building and renewal.

## **Industrial development**

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### **Introduction**

Industrial development policy includes a mix of measures used to encourage the relocation of industry through assistance in one area and constraints in another, thereby contributing to economic development, regional policy and other policies on industry such as privatisation. Key factors shaping the responses in all Member States are the need to improve the competitiveness of the industrial sector whilst minimising its impact on the environment; and the

changing locational requirements of industry. This section links closely with that on economic development, and also commercial development.

### **Context and issues**

The key issue for all Member States is the creation of an efficient and productive industrial sector to improve competitiveness and participate effectively in the Single Market. Regional disparities within countries need to be addressed although in countries such as Denmark this is not a key issue. Many Member States are faced with the problem of the structural adaptation of older industrial areas and are utilising EU Structural Funds to achieve their renewal strategies. In Germany, this is a particular problem in changing the industrial sector in the new *Länder* to a more market orientated approach. Industrial investment has been, in the past, a cornerstone of regional development policy, for example in France. Industrial restructuring has shifted the focus to improving the effectiveness and competitiveness of industry, new technologies and innovation, and supporting small and medium size enterprises.

Environmental considerations in the siting and operation of industries are assuming more importance with policy responses defining different types of locations for various industrial sectors (as in the Netherlands), integration with commerce and housing to prevent urban and industrial sprawl (e.g. Germany) and issuing guidelines for location of industrial development at national or regional level (e.g. Denmark). Two main types of approach to locational policy for industrial development can be discerned. The first approach is typical of countries such as Austria, Denmark, Finland, Germany, Ireland, the Netherlands and Sweden, where the emphasis is on creating the right framework for industry by providing a suitable range of locations, a good environment, appropriate education/training and infrastructure. This allows industrial companies the choice of locations to maximise their efficiency and competitiveness. There is, however, in these countries, significant public control of

locational guidelines and on the designation of industrial zonings. In the Netherlands, for example, municipalities take the initiative for designation, acquisition and servicing of land for industry. The second approach is where the public sector has a more interventionist role actually diverting/encouraging industries to selected locations by means of tax concessions, subsidies, permits etc. in order to reduce regional disparities and strengthen areas in decline, (e.g. France, Greece, Spain).

### **European Union policies**

Member States receive funding from the Structural Funds for investment in areas lagging behind in development (Objective 1 and 6) and for declining industrial regions (Objective 2) and from the Cohesion Fund. Community Initiatives reinforce the EU's regional policies by providing funding through a number of programmes for specific sectors where industrial restructuring is taking place (e.g. RECHAR, KONVER, RETEX and RESIDER).

### **National level policies**

Most Member States have national policies and/or guidelines for industrial development. This may be in the form of a national plan such as the Greek, 1994-95 Regional Development Plan; a policy document such as the Irish *Culliton Report: A Time for Change: Industrial Policy for the 1990s* (1992) or through legislation, for example the Portuguese Law 39-A/94. A key element where there are former heavy or traditional industries, is policies for revitalisation and renewal using EU and national funds in partnership with regional and local authorities and agencies.

At this level, the need to provide the right conditions for industry in terms of suitable locations, environmental conditions, education and training of the workforce and good infrastructure is evident. The requirements of modern industry and new technology are being addressed as is assistance for industrial productivity, restructuring, technological innovation and access to capital. Member States

diverge on whether creating the right framework for private industry to operate in and expand is sufficient or whether more direct intervention in the form of subsidies, grants and special permits is necessary to direct industry to suitable locations.

Several Member States stress the importance of research and development, for example Germany emphasised this element contributing to CERN and EUREKA. Assistance to small and medium sized enterprises was a key priority throughout the EU but especially in France, Portugal and Spain. All the countries mention a high level of commitment to the promotion of industry compatible with environmental quality. Denmark, Finland, the Netherlands, Germany and the UK all have specific policy towards sustainable industrial development. In Luxembourg, government designate national industrial zones to prevent dispersal of industry, retain industrial centres and ensure compatibility with tourism and environmental protection policies.

### **Regional level policies**

Regional policy within Member States, emphasises the need to tackle regional disparities through the allocation of EU funding, notably in Spain, Italy, Greece, Portugal and Ireland (the recipients of Cohesion Fund money). It is part of the Greek 1994-1995 Regional Development Plan to link the "competitive strength of industry with new technology and infrastructure" in order to strengthen policy at a regional level.

The implementation of national policies such as assisting declining industrial areas, reducing regional disparities and carrying out projects under the various Community initiatives is undertaken at this level in partnership with local authorities. In Denmark and the UK, in addition to the formulation of policies to guide and regulate industrial development, regional level policies/guidance seeks to coordinate and provide a framework for infrastructure provision at the local level. Austria, Germany and Netherlands all identify suitable industrial locations and infrastructure at the

regional level and contribute funds for implementation. Suitable locations in the *Länder* are identified in the *regionalpläne* (regional plans) and are translated into land use zonings in the urban land use plans.

### Local level policies

The role of municipalities varies from one of having significant influence especially for implementation of national and regional policy as for example in the Netherlands, to one of having virtually no role at all, as in Greece. At the local level, policies are primarily concerned with the zoning of land for industry through framework and detailed plans.

Also important is the acquisition and servicing of land for industrial development which is a key policy area for municipalities in the Netherlands. Spain's municipalities have a complex system of development profit distribution to pay for local services (water, electricity, etc.) to industry. Local authorities in many Member States provide some limited assistance to industry at the local level through local economic development policies e.g. promotion of the area for inward investment. For example, Ireland's *County Enterprise Boards* provide advice to businesses and provide a link between business and education.

### Trends

There has been a trend away from direct intervention by governments to more emphasis on creating the right framework at national and regional levels which is conducive for modern industries to make their locational choices. This more market led approach is more prevalent in the northern and central Member States. Several countries are adopting locational policies which identify suitable locations for different types of industries and introducing policies of urban/industrial containment. Environmental considerations are influencing industrial policy particularly with regard to suitable locations and sustainable development.

## Leisure and tourism

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### Introduction

Leisure and tourism includes policies for both active and passive recreation, and also business travel. Achieving a balance between increasing levels of leisure activities and environmental protection is a key priority. There are close linkages between policies here and those for heritage, environmental protection and economic development.

### Context and issues

Over the past two decades there has been significant growth in tourism in all Member States. The tourism industry is of increasing economic importance, although growth has led to increased pressures on the countryside and other popular tourist destinations, for example coastal and mountain areas.

Rapid modernisation and investment in tourist infrastructure to keep pace with changing tourist demand patterns is now of primary importance especially in a number of the peripheral states, for example Greece, Portugal and Spain. Regional imbalances in tourist development and excessive saturation of specific areas has initiated programmes to extend the tourist season in order to reduce seasonal variations that exist in many countries, for example in Austria, Denmark, Greece and Luxembourg.

### European Union policies

Aspects of tourism are affected by European policy and legislation. The Treaty on European Union, recognises the need for measures dealing with tourism. In April 1995 the European Commission adopted a Green Paper which aims to facilitate and stimulate the development of tourism in all Member States. This is to be achieved through the reinforcement of economic and social cohesion, implementation of the concept of sustainable devel-

opment, support for SMEs in the tourist sector and harnessing structural and technological changes to promote tourist development.

Many European regional policies and Community initiatives have a direct impact on tourism provision and development. Funding is available for infrastructure developments which improve or create tourism potential within an area, through the European Regional Development Fund (Greece, UK, Italy); the conservation of coastal areas (*ENVIREG*) (Denmark, France, Greece, Sweden); diversification of the rural economy (*LEADER*) (Germany and UK) and area promotion and marketing of tourism initiatives in border areas (*INTERREG*).

### National level policies

In all Member States recognition of the importance of the tourism and leisure sectors has led to a varying degree of responsibility for regulation, promotion and development at the national level. Each Member State has its own unique problems associated with the development of tourism for which policies have been formulated. However, there are a number of common policy themes which are evident in the majority of countries. General recreation and tourism policies include:

- protection of tourism facilities from conversion to other uses;
- environmental impact of tourism on the physical and cultural environment;
- promotion of accessibility to and supply of tourist facilities;
- reduction of resource consumption;
- protection of identified special tourist areas for example Alpine areas and coastal resorts;
- marketing associated with the extension of the tourist season.

In countries such as Denmark, France, Ireland, Netherlands, Spain and the UK national government is primarily responsible for coordinating and guiding tourism and leisure development through guidelines and legislation. There are numerous examples where a strong lead is taken by national government, for example the *Operational Programme for Tourism* in Ireland, the (4th) National Report On Spatial Planning in the Netherlands, the National Development Plan in France and *national planning policy guidance* in the UK, which set out guidance for the development of tourist related facilities; the "*National Tourism Plan — Futures*", 1991-1995 in Spain; and the 1950 Shore Act in Sweden and the 1994 Coastal Bill in Denmark for the protection of coastal tourism areas. Many countries have national government departments or affiliated departments to assist in the promotion, development and implementation of national tourism policy. Examples include the National Centre for Tourism Industry Services in Denmark, the Tourism Department in France (part of the Ministry responsible for infrastructure, transport and tourism), the Ministry of Public Affairs in the Netherlands, the Inter-Ministerial Tourism Commission in Spain, the Hellenic Tourism Organisation in Greece and National Tourist Boards in the UK.

In a number of countries financial assistance is provided by central government in the form of grants and/or subsidies, which are transferred to the relevant tier for allocation/distribution. In Denmark, Germany and Italy for example, financial assistance is provided from the region and local level to the private sector for the development of tourism enterprise and the maintenance and development of tourist facilities. In France, financial assistance is allocated to the region and local tourism agencies, to promote and develop new tourism products and for the management of tourism facilities.

### Regional level policies

To varying degrees each Member State has a regional structure with responsibility for the formulation or implementation of tourism related policy. In many countries including Belgium, France, Germany, Italy and Spain the

regional tier is of primary importance. For example in each region of Belgium there is a *Commissariat — General* for Tourism, who is principally responsible for the preparation and implementation of specific tourism legislation and directives concerning hotels, travel agencies, camping and social and rural tourism. Tourism development planning is based on sub-regional plans, and leisure facilities are identified in detailed plans which designate zones for recreation.

In France the region defines medium term objectives for regional tourism development policy. The regional structure plan for development of tourism and leisure activities formulated by the regional tourism committee specifies the procedures and conditions for the implementation of these objectives. In its executive role it is responsible for development and infrastructure provision, financial assistance for accommodation facilities, technical advice for the marketing of tourism products and vocational training. In Germany the *LEP* (state comprehensive development plan) sets out the aims for the planning of recreation and tourism throughout the *Länder*, where regional plans provide the detailed designation of areas for recreation and tourism, in accordance with the aims of the *LEP*.

Although other Member States do have a regional tier with responsibility for tourism and leisure development, many in addition have a regional plan for regulation of specific tourism — related sectors, for example: Austria (Alpine areas), Denmark (summer cottage zones and natural resources in rural areas), and Portugal (built heritage and diversification of tourist products).

### **Local level policies**

The importance of tourism and leisure at the local level varies in each Member State. In Denmark, Finland, Germany, Ireland and the UK tourist development, regulation and management primarily takes place at the local level. In other countries such as Austria, Greece, Italy, Portugal and Spain there has been an emphasis on comprehensive leisure

and tourism policy at this level. In Denmark, Germany, Ireland, Netherlands, Sweden the preparation of detailed plans, are the primary policy instrument for regulation and site identification for tourism and leisure related development at the local level. In Germany the *BauNVO* (federal land use ordinance) identifies special areas serving recreational purposes, for example weekend home areas, holiday homes and caravan and camping areas.

To assist in the promotion of local leisure and tourism, a number of countries have special organisations which work in cooperation with the local authority to assist in the provision of tourist information, management and in some countries the development of new tourist products.

### **Trends**

A number of significant trends are identifiable across the Member States. Environmental degradation caused by rapidly increasing levels of tourism in key locations, for example in Alpine areas (Austria) and coastal areas (Denmark, Greece, Spain and the UK) has led to policies to protect the physical and historic/cultural environment from further damage, through the promotion of sustainable development and "green tourism". To reduce the pressure on these areas many countries are now actively marketing tourist resorts throughout the year to reduce seasonal variations.

A number of countries are seeking to strengthen coordination between all spatial levels and promote participation between the public and private sectors, for the implementation of tourist and leisure related development. Recently the recognition of the need to integrate transport infrastructure with tourist and leisure facilities, is now viewed as an important priority. This trend is consistent with the aims of sustainable development and "green tourism". Finally, a recent emerging trend is the re-use of military bases and training grounds for tourist and leisure related development, for example in Germany.

## Natural resources

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### Introduction

Natural resource management policy includes measures to plan the working and use of such natural resources as agricultural land, forests, minerals and water. The need to control the exploitation of natural resources is widely accepted and policy is particularly strong at the national and regional levels, although there is considerable variation reflecting the very different resources and conditions in the Member States. Policies described here are linked closely to those in environmental protection.

### Context and issues

The key issue is how can the natural resources that a country possesses be best managed. This involves a careful balancing between, on the one hand, the growing demand for the exploitation of some natural resources and, on the other hand, the implication for sustainable development and the need to protect, conserve and manage the natural environment.

Within the agricultural sector there are signs of a shift of policy away from maximising production. This is partly related to greater awareness of the harmful environmental effects that such policy goals have had towards the landscape and ecological richness of the countryside. At the same time agriculture continues to shed labour and there is an important issue as to how to diversify the rural economy and support agricultural communities, particularly in peripheral areas. In the forestry sector the general orientation of policy is to extend the area under woodland cover. Self sufficiency in timber production is an important economic reason. But, landscape enhancement, nature conservation, job creation and recreational advantages are highlighted also. In the minerals sector, the key issue is how to reconcile the needs and demands of the economy for the exploitation of finite natural resources with the implications for sustainable development. Once mineral work-

ings have ceased, after care and restoration of sites is also a common concern.

Water resource planning and management have many transnational implications. Transnational and bilateral agreements are mentioned as being important in Greece, Spain and Portugal. With fairly localised exceptions, normally in southern Europe, the issue is not one of quantity but rather the quality of water. Whilst industrial and household discharges into water are increasingly being treated, reduced and subject to more stringent control, the pollution of surface and groundwater, as a result of run-off from agriculture, is still cause for much concern. The problem of water pollution helping to create water shortages is more important than the absence of water *per se*.

### European Union policies

In the area of agriculture, reforms of the Common Agricultural Policy have had a significant influence in shaping change. The reduction of land needed for agriculture may have important implications for alternative land uses, whether for forestry or other forms of development. Furthermore, through Objective 5b, 6 and LEADER programmes, the EU has an important role to play in helping to promote diversification of the rural economy. With forestry, there appear to be few major EU forestry programmes, though agricultural reforms may create opportunities for woodland planting and in some countries European funds may be used to monitor and manage the health of forestry areas (see Environment section).

In respect of minerals exploitation, the policy responses have been largely national in orientation, with little evidence of EU influence. Because of the transnational nature of water, whether by discharges into rivers, groundwater systems or seas, the EU has been particularly active in promoting minimum standards which have important spatial planning implications. EU directives for example, the quality of drinking water, discharges into rivers, quality of water on bathing beaches have all helped to promote more stringent discharge standards



and upgrade, renew or replace waste water treatment plans.

The European Union is also an important player in helping to broker international cooperation on the protection of water resources. For example, representatives from Germany, Switzerland, France, the Netherlands, Luxembourg and the EU have all agreed common measures for the protection of the Rhine. In some countries, particularly those eligible for Cohesion Fund money the European assistance in upgrading facilities is also seen as important.

## **National level policies**

### **Agriculture**

Reduction and re-orientation of agricultural support has led several countries to promote more environmentally friendly forms of farming. This usually involves more extensification of practice and the adoption of environmentally sensitive agricultural practices, the farmers receiving various fixed incentives. In Ireland, for example, under the *Rural Environment Protection Scheme* (REPS) farmers who agree to follow a basic code of good environmental practice will receive an annual payment of £125 per hectare. In certain designated areas with environmental problems farmers can receive a 20% addition to the basic premium. Despite this approach to reducing agricultural production in some countries, there is still considerable disquiet at the rate of loss of good quality agricultural land for urban expansion. This was particularly noted in Greece around Athens.

### **Forestry**

In many national policy documents and plans there is a widespread expectation at the national level that the area under forestry should increase. Furthermore, this expansion of woodland is not merely to provide local timber needs but also multipurpose forestry with greater emphasis on nature conservation and recreational

uses. In some of the Nordic countries forest expansion has been a long standing policy. In Sweden, for example, it dates from 1903, and over the last 100 years timber supplies in forests have more than doubled. In Finland forestry strategy includes a commitment to maintain biodiversity. In Ireland national policy is to plant 80,000 hectares of woodland per annum until the year 2000. Other countries with a strong intention to manage and/or expand their forestry resources include Greece, Luxembourg (where tree felling requires both quantitative and qualitative replacement), and Denmark where the policy is to double woodland area by 2010. This requires the planting of at least 5000 hectares per annum. Farmers are being encouraged through financial incentives to meet some of this anticipated growth.

### **Minerals**

The nature of national policy inevitably reflects the geology of the country and the location of mineral resources. There is a general attempt to reduce the demand for minerals by recycling as much as possible, and control supply through a national policy framework of restraints. The exploitation of minerals requires careful planning. In the Netherlands national policy is to promote sustainable development and seeks to reduce the demand for sands and gravels by recycling building rubble. Nevertheless there is often opposition to extraction proposals. In the Wadden Sea, a national decision was made to extract natural gas which required a further gas storage terminal. Whilst the local municipality were willing to modify their *Bestemmingsplan* in order to facilitate this development, this would have also necessitated changes to strategic policy. The provincial authority refused to make these changes on environmental grounds. The case currently remains unresolved. Such environmental concerns have usually meant that application for the right to exploit minerals usually have to be accompanied by an environmental impact assessment (EIA).

Another issue that does not receive much comment is the after care and restoration of land after mineral workings. Government guidance, in the UK at least, requires developers

and local authorities to consider the issue carefully when deciding whether to give permission to exploit mineral resources. In the former East Germany, uranium mining has left behind seriously contaminated land and dangerous waste. The original company has been transferred to a *Bund* semi-public company charged with closing down the mine and reclaiming the land for cultivation. National government therefore provides a broad framework within which regional and local policies can be placed.

## Water

For many countries water planning is seen as an important resource issue. However, with the exception of Spain, where both the quality of available water and its national distribution are of national importance, most other countries are concerned with the contamination of surface and groundwater supplies. The nature of water planning at the national level varies considerably among Member States, from Greece which reported adequate water resources but no national strategy, to Spain where the National Water Council, with widespread national regional and local representation, has produced a 20 year plan. The main focus of the plan revolves around water transfer schemes and some 87% of the 1994 water budget is targeted at this activity rather than waste disposal. Elsewhere the emphasis is on modernisation of facilities to reduce loss (e.g. Luxembourg) or dealing with pollution of water courses. In Italy a twinned pronged focus is creating a raft of legislation protecting against discharge into water and this is being complemented by research into the effectiveness of the operation. Pollution from agricultural sources is noted as a major problem in Denmark, Ireland and the Netherlands. In Ireland community support framework money is being used to address this problem. In Denmark and the Netherlands national policy notes the relevance of groundwater to development decisions. In particular there is a need to protect the water table from further lowering and this policy has to be accommodated in lower order plans and incorporated into development decisions.

## Regional level policies

In some cases, it is at the regional or second tier level that plans for exploiting, managing or conserving natural resources exist. In the Netherlands the provincial authorities are responsible for producing plans and granting permission for surface mining. It is felt that only at this regional scale can appropriate strategic decisions be made properly. The plans identify three types of zone — those where surface mining in principle is acceptable, those areas where under certain conditions it may be acceptable and areas where mining will not be permitted. In Denmark it was felt that comprehensive sectoral planning of natural resources at the regional level was too onerous and not really necessary. However, basic mapping at this scale is a useful source of information providing a framework for local plans.

In Germany a major element of sector planning for coal, which takes place at the *Länder* level and is integrated into their spatial plans, is the reclamation of land formerly used for coal mining purposes. Such reclamation is often supported by financial aid from the *Bund*, *Länder* and EU (see IBA Emscher Park case study).

Perhaps the most interesting developments are with water planning at the sub-national scale. Regional planning of water resources is seen as an important function, but in several countries, plans are being made not on the basis of administrative boundaries but rather related to catchment areas. This either requires the agreement and co-operation of local regional administrations or has to be undertaken by a separate agency. This latter approach has been adopted with the *National Rivers Authority* and the proposed *Environment Agency* in the UK. Neither of these bodies, though vital for water in the UK, are accountable directly to local administrations, but rather to national government. In Italy the concept of regional basin plans to manage water resources is relatively new. Plans for water regions in Italy are still being formulated. Problems of co-ordination and co-operation between the various partner authorities are reported. In Portugal, France, Spain and Greece

the idea of *water basin management plans* are finding favour. Often they have a transnational orientation. For Spain, with acute water shortages, the need to collaborate over the management of shared resources is particularly critical.

### **Local level policies**

In framework and detailed plan preparation and decision making, local authorities have to consider the frameworks set by higher tier authorities. Thus, in Denmark and Finland, the local authorities are responsible for the supply management of minerals. In Spain, it is the local authorities' responsibility to improve the drainage and sewage facilities of the towns and cities within their jurisdiction, though such investment is often co-financed by regional administrations. In making decisions about where new development can be located, local authorities need to consider the potential risk of the site being flooded or alternatively the development lowering the water table. The promotion of forestry and to a lesser extent more environmentally sensitive farming practices can often be encouraged but largely lie beyond the scope of spatial planning.

### **Trends**

It seems likely that the move towards less intensive forms of agricultural production will continue, as will the desire to increase the amount of wooded land. These changes are being achieved in part due to revisions of the fiscal incentives available to the occupiers. Denmark is moving towards an area based, rather than case by case approach where the character of the whole area can be enhanced. With minerals planning there is growing recognition of the finite nature of the resource. Furthermore, local opposition to applications for mineral exploitation raise the question as to what is the most appropriate scale for strategic mineral planning and decision making to be made. Finally there is widespread concern over the planning and management of water resources. With the exception of Spain, the quantity of water does not appear to be a

major issue. Of much greater concern is water quality. It is interesting to note the emergence of water basin planning through which problems of transnational and inter-regional cooperation are reported.

## **Transport**

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### **Introduction**

Transport policy includes proposals for the construction of new infrastructure, traffic management, support for public transport, measures to coordinate traffic movements and policy to improve access to services and the mobility of the population. The problems of congestion or peripherality affect all Member States and the relationship between transport networks, urban development patterns and economic performance are often recognised. The policies described here are closely related to many other spatial policy topics.

### **Context and issues**

The upward trend in traffic levels of all types and forecasts of increased demand are noted by most countries. The costs of congestion on roads and in major cities is an issue of particular concern in transit countries such as Austria, Belgium and Germany, and in the core cities region. The role of transnational transport links, particularly road and rail, is acknowledged by all Member States both in terms of dealing with congestion in urban areas, and in improving accessibility to more peripheral regions. There is recognition of new axes of communication such as east-west to central and eastern Europe; and north-south to the Nordic countries, but also the existence of significant gaps, for example Greece and its links to the rest of the European Union, which are currently affected by the situation in the former Yugoslavia. The whole issue of peripherality and development potential in relation to the transport network, both internal and external linkages, is raised as a particular concern by Finland, Greece, Ireland, Portugal and Spain.

Increasing attention is being paid to the need for sustainable development which has focused attention on the environmental impact of transport infrastructure and the need to reduce dependency on private road transport through spatial planning policies. The conflict between continued growth in road transport and its environmental impact present a major challenge to achieving sustainable development. Policies to reduce dependency on road transport are being promoted. The lack of integration between land use planning and transport in order to achieve sustainable growth and development is a key issue in many Member States and one which is being addressed.

The close connection between transport and other sector policy areas is recognised but there are weaknesses in integration between land use planning and transport planning, and in some countries a lack of integration between different transport sectors. Transport planning for roads, railways, airports, waterways and ports is often undertaken as a number of separate sectoral policies, as in Austria, France, Portugal and UK. Integrated transport strategies which cover the whole range of transport modes is a feature of some Member States, such as Finland, Sweden, Denmark and Luxembourg. The Netherlands is proposing new integrated transport plans for 'transport regions', to address regional level aspects of transport policy.

The development of inter-modal links is a key factor for countries such as France, Germany, Netherlands and Spain. Public concern for the environmental affects of new transport infrastructure is an issue in many countries, in particular the effect on environmentally sensitive areas such as Alpine areas and areas of ecological value or natural beauty. In cities there is particular concern of the environmental effects of traffic congestion and pollution and their social and economic disbenefits.

### **European Union policies**

The Treaty on European Union specifies the development of Trans-European Networks in

transport with the "need to link islands, land locked and peripheral regions with the central regions of the Community". The White Paper "Growth, Competitiveness, and Employment" identified the creation of major infrastructure networks as a key priority to improve the competitiveness of the European economy. Guidelines have been established at the European level for road, rail, waterways and airports networks, particularly for the planned development of links between different forms of transport. Priority programmes were identified in 1994 for a number of road, rail links and airports with implementation to start within a few years. As well as developing transport networks within the Community and establishing links with Mediterranean countries and eastern Europe, there are proposals to combine existing forms of transport for example, combining conventional rail and freight lines and for promoting inter-modal changes with local bus and metro services. These measures, together with proposals for both spatial coordination and fiscal policies to curb traffic growth in the future, continue to set a very important framework for national policy.

### **National level policies**

The European transport networks and guidelines have been assimilated into the national policies of Member States with regard to the road, rail, water and airports strategies. New axes of communication are being developed particularly the north-south axes for the Nordic countries with proposed links between Sweden, Denmark and Germany, plus additional links to eastern Europe such as that between Finland and Russia and the integration of the new *Länder*. Coordination between countries on their national policies on transport is particularly evident in the transport sector.

A key feature of transport policies in nearly all Member States is the promotion of the rail network and particularly high speed rail links especially in France, Belgium, the Netherlands, Germany and Spain. Both passenger and freight movements are encouraged through upgrading existing lines, provision of new links and service improvements. This is

part of a much wider policy theme to strengthen and promote public transport as an alternative to car use to achieve sustainable growth and reduce negative environmental effects. The expansion and promotion of the rail network also takes place alongside the completion of the motorway and major routes network in several Member States for example Austria, Germany, Greece, Ireland, Italy, Portugal and Spain.

Approaches to the formulation of national transport policies vary across Member States. Some have, at national level, an integrated approach to national transport policy covering all or most sectors such as road, rail, airport, waterways/ports etc. (at least in theory). These include Austria, Denmark, Finland, Germany, Ireland, Italy, Luxembourg and Spain. Others tend to formulate transport policy on a sector by sector basis at the national level, for example, in France, Greece, Belgium (part), Portugal and the UK. Most of the transport competence in Belgium is, however, at the regional level (the exceptions being the federal railway network and policies, and Brussels national airport). The Netherlands is proposing to create 'transport regions' from groups of municipalities who will prepare integrated transport plans for local and regional public transport, roads, parking, and to integrate these with other elements of spatial planning. Policies for integrating land use with transport policy are identified in Germany, Ireland, Netherlands and the UK. Germany, the Netherlands and Spain identify special freight routes and logistics sites for the more efficient transportation of freight. In some countries transport de-regulation and the increasing use of private sector resources is a key feature of transportation policy.

### **Regional level policies**

The most regionalised approach to transport policy occurs in Belgium (except for railways and Brussels airport). In most other Member States, national transport policies are translated into regional plans and programmes in accordance with national policies. A regional emphasis with regard to equal development

opportunities for regions through transport infrastructure is evident in France where there is a policy objective that no part of France should be more than 50 km/45 minutes by car from a motorway which is linked to the national network or a rail station served by the TGV.

The strengthening and improvement of public transport at the regional level, particularly in cooperation with adjoining regions is a key feature in Denmark and Germany. Key nodes for road/rail/water/air transfers, that is, a multi-modal approach, are identified, for example in Germany (regional freight haulage centres), the Netherlands, and Spain (transport logistics centres) and the UK.

In regions of sparse population there are policies to improve existing regional roads and maintain low traffic routes. In cities, which have regional authorities or where municipalities work together, there are groups of policies aimed at tackling specific city problems such as congestion, pollution, accessibility, and safety. These include new underground railways, (Athens region), new metro/tram systems (UK); peripheral road systems to relieve pressure (Dublin), and improvements to suburban rail services (Portugal).

### **Local level policies**

Local level transport policies tend to elaborate and detail the policies of the higher level, although within Member States some municipal authorities take a more proactive role than others. Urban municipal authorities are looking at ways of reducing cars in towns and cities, improving public transport and improving conditions for pedestrians, cyclists and less mobile persons, especially in Denmark, France, Italy, the Netherlands and the UK. New tramways (France), new Metro lines (Paris), light rail transit in several cities in the UK and extended/improved suburban rail links (Portugal), are examples.

### **Trends**

There is a clear trend in many Member States to take a more integrated and multi-modal

approach to transport sectoral policies at both the national and regional levels. This finds an expression in the identification and promotion of bi-modal and multi-modal nodes for interchanges between one transport mode and another. As part of this integration trend in sectoral policy, there is a clear recognition in many Member States of the need for the integration of land use, transport and sustainable development policies, and for this to be incorporated in national, regional and local plans. The trend of decentralisation of some transport policy making was evident in Sweden and Netherlands.

## **Waste management and pollution**

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### **Introduction**

Waste management and pollution control are two closely related policy areas. They include spatial planning measures to regulate the location of related land uses, fiscal measures to promote reductions in waste and pollution, standards and regulations governing operations and movement of goods, and measures to bring contaminated land back into use. All Member States give this issue a high priority but with varying combinations of policy measures. National governments tend to set standards and administer regulations, whilst lower tiers deal with the locational issues. The policies described here are closely linked to those for environmental management.

### **Context and issues**

In recent years there has been a sharp increase in the amount of waste produced by society that needs disposal. Many countries are beginning to recognise the need for a broader more integrated approach to waste management, with a shift of focus from the end (i.e. disposal) to the beginning (i.e. production) of the waste chain. The principles and policies of the EU in this area are being applied to national legislation. In many countries, despite agreement on the principles of waste manage-

ment to reduce, recycle, and re-use, there is still widespread concern that the quantity of solid waste that needs to be safely disposed of is still increasing. In Belgium, the production of solid waste products is expected to increase by 2.5% per annum until 2010, in Denmark the volume of waste is expected to increase from 9.3 million tonnes in 1985 to 11.5 million tonnes by 2000, and in the UK, household waste (approximately 20% of total waste production) is growing by 5% per annum. In some countries the problems of waste disposal are particularly acute in certain localities and there is considerable evidence of illegal dumping. In Greece, such problems are evident in the Athens metropolitan region and key tourist areas. Similar difficulties were reported in Italy and Portugal.

In most countries the self sufficiency principle appears to be operating, though some limited examples of bilateral agreements to transfer waste have been mentioned. In Luxembourg, toxic waste is exported abroad, though this has been safely negotiated. Between France and Germany, border transfers of waste produce have been agreed. Despite the attempts to reduce the need to dispose of waste, the most convenient method remains landfill. The location of disposal sites is always controversial and there is growing evidence of articulate local groups opposing the specific siting of these facilities.

With respect to other forms of pollution, air quality and discharge into water courses were seen as the most critical issues. Much progress has been made in reducing the damaging impacts of air and water pollution, largely through the adoption of cleaner technologies and investment in water treatment plant. Problems appeared to be more acute and critical in Spain, Greece, Italy and Portugal. In Belgium, degradation of the environment as a result of air and/or water pollutants has largely been stabilised. However, this should not cause complacency as the situation is still far from ideal. In Austria, the transnational nature of the air pollution problem is highlighted, along with the need for international or European-wide responses. In 1990 90% of the sulphur dioxide deposits in Austria

are estimated to have originated outside the country.

Water pollution, whether of rivers or groundwater, is perhaps less significant due to improvements in sewage facilities. Contamination as a result of agricultural activities is however, of widespread concern. In Spain, Greece and Italy improvements in waste water treatment allied to more effective, accurate and sophisticated monitoring procedures of discharge into water courses were identified as priorities.

With both air and water borne pollutants there has been much regulation activity, often to ensure discharge complies with European legislation. This appears to have been reasonably successful and often beyond the scope of the spatial planning system. Several Member States have identified a new and emerging form of pollution associated with transport emissions. The need to consider the implications of the location of new development on patterns of transport needs careful consideration. This more integrated approach is recognised by both Sweden and the Netherlands, amongst others. No country reports the disposal of nuclear waste as being a major policy issue.

### European Union policies

In attempting to address the problems associated with the disposal of solid waste, EU regulations, agreements, principles and funding mechanisms were all deemed to be important. The principles of the Fifth Action Programme and the Waste Framework Directive were important contextual factors in shaping national policies. Nearly all countries advocate adherence to the principles of reduce, re-use and recover waste before disposal, the need to adopt the self sufficiency principle for states or regions and the proximity principle to treat waste as close to the source as possible.

Furthermore, for several countries, primarily Objective 1 areas, EU funding was seen as an important mechanism to improve waste disposal facilities. In Greece, Ireland, Spain and Portugal significant ERDF or Cohesion Fund

monies are being used to locate or modernise waste disposal facilities.

On pollution control, numerous European environmental regulations and directives are important in establishing minimum criteria, though frequently these emission standards are not issued and monitored through the spatial planning system. Upgrading of sewerage facilities in the new *Länder* of Germany, Portugal, Spain, Ireland, Italy and Greece could all be supported by European funding mechanisms.

### National level policies

It is at the national level that the inter-relationship between national policy and EU policy programmes and secondary legislation is most clearly articulated. National governments set the principles, standards and approaches to waste management and pollution that need to be applied at the local level. The approach to be adopted is often set out in key legislation, for example, in Austria the Federal Waste Management Law, 1990. In other countries the legal requirements are spread through a series of discrete and sector orientated rules and regulations. This is the case for example in Italy, Spain and Sweden. The minimum standards set by the EU are normally complied with, though more stringent regulations are being applied (see below). In some countries the range of legislation and agencies responsible for waste management and pollution is being consolidated, with the concept of integrated pollution control becoming more evident. This is clearly the case in Ireland with the establishment of an *Environmental Protection Agency* and the UK with the *Environment Act* (1995) and the creation of an integrated *Environmental Agency*.

National legislation usually sets the detailed legal framework and identifies the broad policy principles to reduce, re-use, recycle and safely dispose of waste and improve the quality of land, air and water by controlling hazardous discharges into them. Such legal frameworks are often accompanied by a series of policy statements or targets, often monitored through

periodic national environmental plans as policy programmes. In Denmark, the policy target set in the Recycling Action Plan 1990-2000 is to increase recycling from a current 30% to 50% by the year 2000. In Ireland it is hoped to increase recycling from 7.4% of waste production to 20% by 1999. In the Netherlands the national environmental policy plans and the National Environmental Perspective 2 (1990-2010), state in order to cut the amount of waste to be processed by 10% by 2000, recycling must increase from 50% to 65%.

In two countries policy on waste has been much more pro-active, going well beyond target setting. In Germany from 1991 onwards the *Verpackungsordnung* (packaging ordinance) made under the *Abfallgesetz* (1986 Federal Waste Disposal Act) requires manufactures to take back and reuse packaging for their products. In France, such principles are being taken still further with a new law of 1995 which classifies waste as '*dechets ultimes*' i.e. ultimate final waste that cannot be treated or recovered any further. Within 10 years waste disposal sites would be authorised to deal with this residual waste. In both countries the capacity and availability of suitable waste disposal is rapidly being reduced.

In some countries, notably Austria, Luxembourg and Portugal, the safe disposal of hazardous waste was seen as particularly problematic. Luxembourg dealt with the problem through national agreements to export, and Austria and Portugal are seeking to develop new processing facilities (the latter utilising financial support from the EU).

In many countries industrial pollution of air and water is largely being addressed through tighter emission standards and the introduction of cleaner technologies into the industrial production process. In other words, beyond the scope of spatial planning. (The issue of water resources and water quality is dealt with in the section on Natural Resources.) Whilst such improvements are to be welcomed, several countries note the problems of air quality associated with increased vehicular usage. Whilst technological responses are important in Italy, Greece the Netherlands and the UK,

amongst others, the need to consider the location of new facilities and the implications that such planning decisions have for private car use, need careful consideration. In the Netherlands this is articulated in the 'ABC' profile locations, where sites with large numbers of visitors (A sites) need to be accessible by public transport, whilst the C profile activities which have few workers or visitors but require high accessibility by car or lorry (e.g. warehouses) can locate close to motorways.

### **Regional level policies**

The importance of regional authorities particularly in the area of waste management is emphasised by many European Member States. At this level the primary function is to identify suitable locations for waste disposal. The most common method adopted is the production of *waste management plans*. Within these regions two of the key principles to be applied are self sufficiency, that is, within the region there ought to be sufficient disposal facilities to meet that region's waste disposal needs; and proximity such that the transportation of waste is minimised as far as possible. In the federal and regionalised states of Austria, Germany, Spain and Belgium, the autonomous regions have much greater scope to influence policy. In Belgium, for example, the regions have the power to set financial instruments to pass on the real cost of waste disposal to the producers. This, it is hoped, will act as a deterrent to waste production.

Elsewhere, for example, Denmark and Italy, regionally based waste management plans set a framework for the implementation by lower tier authorities for determining the location of waste disposal facilities and managing the collection and disposal of household and industrial waste. In two countries the importance of waste management planning at a 'regional' scale is being promoted. In France the regions are reported to be thinking about requesting further decentralisation of responsibilities so that they can more effectively manage waste disposal issues. In the Netherlands, the problems that municipalities or provinces might have finding suitable disposal sites, has



been recognised by establishing four 'super regions'. These collectives of provinces, covering the North, Randstad, South and Gelderland are responsible for cooperating to produce waste plans complying with the self sufficiency and proximity principles. In most cases it appears that the regional administration is responsible for drawing up waste disposal strategies, though this may be through special agencies.

### Local level policies

It is at the local level that the frameworks set at the national level and the strategies of the regional tier are implemented. In some countries, for example the UK and Ireland, the production of *waste plans* is also a local authority responsibility. It is normally the responsibility of the municipalities to organise the collection and safe disposal of household and industrial waste. This service is sometimes supplied by private contractors. Also it is normally at the local level that the necessary permits for tipping are issued.

With local authorities being expected to meet regional targets through their actions and activities, raising public awareness is seen as being important. In parts of Belgium, a limited house-to-house recycling collection service is provided, in France increasing the tax on waste is intended to reduce the quantity, and in Denmark raising public awareness is seen as a useful side product, even if targets are not met. Furthermore, local authorities are often responsible for monitoring water and air pollution levels and can take measures to curb atmospheric pollution. For example, in Italy and Greece traffic calming measures may be taken within urban centres.

Whilst the local administrations are normally responsible for waste management activities and managing air and water polluting activities, there is some evidence to suggest such functions are being focused at the national and regional levels. In Greece, in order to address the poor environmental conditions around Athens, these functions are dominated by the national Ministry of the Environment. In France

the *Agence de l'Environnement et de la Maitrise de l'Energie* (AEDME) acts as the regulatory body for waste disposal. In Ireland and the UK, pollution control is increasingly being taken out of the hands of local authorities and placed within the remit of *environmental protection agencies*.

### Trends

Waste management and pollution are seen as important issues across Europe. In Belgium the situation is described as having stabilised, whilst in parts of the Mediterranean the environment is deteriorating. This is often focused on key urban centres e.g. Athens or tourist areas in Spain, Greece, Portugal and Italy. Every State is seeking means to reduce the quantity of waste needing disposal. Waste management is becoming an increasing problem, not least because of growing local opposition to the location of waste disposal facilities. NIMBYISM (not-in-my-back-yard) and vehement pressure groups are reinforcing the need to reduce and recycle. Many Member States are looking to raise public awareness to help minimise waste production. It seems likely that significant extension of taxes on waste disposal will be widely introduced, to act as a further disincentive to waste production.

With pollution control, more stringent standards and more effective monitoring and implementation, agencies are helping reduce the amount of pollution emitted by industry to land, air and water. Much of this activity is beyond the scope of the planning system, though new development proposals have to comply with higher environmental standards. However, there is one area of growing concern and that is the increase in atmosphere pollution arising as a result of increased car use and urban congestion. Whilst there is growing recognition of the problem and notion that spatial planning systems can have an important role in alleviating the situation, as yet people are grappling with the problem rather than having discovered the solution.

# G Towards an understanding of systems in operation

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## Introduction

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The previous sections have examined the elements that make up spatial planning systems in the Member States, that is the framework of plans and policy making, the procedures for regulation of development and implementation mechanisms. This section attempts to bring together all those aspects in order to discuss the relationships between the instruments of planning, decision-making and what actually happens on the ground to achieve stated planning objectives. This task is taken up more systematically in the case study volumes where the role of spatial planning in the implementation of projects of European-wide interest are illustrated. This section takes a more general view of the operations of systems. It is based upon material provided by sub-contractors and references to views of Member States or regions which follow are views provided by the experts in those countries.

The main contact of individuals with spatial planning systems is usually through detailed plans at the local level and the permit mechanisms for regulation, undertaken by local authorities. However, such decisions are not made in isolation from higher level plans or administrative bodies responsible for spatial planning, although the strength of linkage between higher and lower order policies will vary. A system may possess a rigid hierarchy of

plans with high levels of vertical integration, it may be generally conforming, but include elements of discretion, or there may be gaps in the hierarchy of plans. This will affect the relationship between the system (as reflected in its plans and regulatory instruments) with the actual decisions taken.

## The relationship between objectives, plans and decisions

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There is no simple relationship between spatial planning instruments and decisions or actions. Three principal factors will affect the extent to which plans are able to guide and control actual land use change. First, the planning system may allow for some discretion in matching actual decisions with approved plans and policies. This will be particularly the case where plans have not been prepared at all or not kept up to date. Also it inevitably raises questions regarding the functions that plans might perform. A plan may be perceived as a 'blueprint' to implement in its entirety, or a document that is intended to inform and guide decision making. In the latter case the system may incorporate provisions for decisions to be made which are not in accordance with the plan, and for the regulation of that development to ensure that broader objectives are still met.

Second, there is the problem of ensuring that new development is in conformity with plans, policies and regulatory mechanisms, and the avoidance of unauthorised or illegal development. Hence, this issue is about the extent to which development has been properly authorised by relevant public bodies, and whether monitoring and enforcement procedures are able to cope with problems, where this is not the case.

Third is the problem of designing policies and planning instruments which recognise and cope with inevitable uncertainty in their implementation. The implementation process in all Member States, including those with extensive public sector control, is complex with many interests and organisations having a role. Increasingly, in many Member States market demand and private sector investment rather than government intervention are the determining factors in realising development objectives. Furthermore, there is a general need for plans, decisions and actions to respond to rapid economic, social, and cultural change. The result is that decisions and actions may be made in the light of quickly changing circumstances and important considerations other than formal planning instruments. At one level of analysis there is in this situation a lack of conformity between the action taken and the plan. However, the objectives for spatial planning may still have been achieved and the formal planning instruments may still have been significant in considering the proposal. The important question, as posed in the introductory section to the report is — what role did the spatial planning system play?

All spatial planning systems seek to achieve a balance between a committed plan which provides certainty to developers and other interests by making decisions in advance of specific proposals coming forward, and responsive mechanisms which allow for individual decisions on each proposal in the light of changing public needs and market conditions. The complex relationships that exist between planning and action, and the influence that particular institutions and can bring to bear on this cannot be considered fully here. But the Compendium also provide an introduction to

these issues and the case studies illustrate the interplay of forces in particular situations. The next two sections consider the extent to which discretion can be exercised through the formal systems of spatial planning and the extent of development which takes place 'outside' the system.

### **Discretion in decision making**

All Member States have a hierarchical organisation of plans and regulation with, in theory, each plan generally providing a framework, and sometimes being legally binding on lower tier plans and regulation. However, there are numerous gaps in the theoretical hierarchies, both in the setting up of the systems and the actual production of plans. These omissions effectively establish some discretion, since ad hoc arrangements often apply where there are no plans. In some countries (for example Finland) some lower tier plans are produced in advance of upper tier instruments, which may also introduce some flexibility in the system.

In examining the relationship between plans and decision making there has been a tendency to categorise the system according to whether it is rigid and committed or discretionary. Most countries can be characterised as having a planning system that is essentially rigid where the detailed plan at the local level should be in conformity with higher order plans and provides a high degree of certainty about what development will be permitted. Where detailed plans at the local level have been prepared they are generally binding with limited discretion to allow for contrary decisions either to the detail or the general objectives of the plan. However, such an approach, whilst creating a degree of certainty, suffers from lack of responsiveness in dealing with rapid technological, social and economic change, the growing demands for greater consideration of environmental matters, and for providing a wider role for the private sector to be increasingly engaged in implementation. As discussed in section A, this is widely recognised with a trend for new mechanisms to be introduced increasing the flexibility of systems. In

effect, this loosens the relationship between plans, decisions and action.

Where the public authority is in agreement with proposed development which would not be in accordance with the plan, then the plan itself has to be changed. This is usually through the same procedure as for the original production of the plan, which may be very lengthy. A number of countries, for example, Austria, Finland, Italy and the Netherlands, have commented on the problems of modifying and updating plans. In these countries, mechanisms have been introduced to permit greater flexibility in decision making. In Italy the *accordo di programma*, is an agreement between different levels of government administration regarding development proposals, and allows for decisions to be made which go beyond the provisions of plans, with possible amendments to the plan at a later date. In Spain, departures from the plan are possible, especially for larger developments, and these are similarly incorporated into the next plan review. In the Netherlands, the role of municipalities' pro-active land acquisition programmes in accordance with an approved *bestemmingsplan* help to ensure that public policies are implemented. Whilst this provides the impression of a committed approach, there is considerable scope to make a decision in anticipation of a plan, as an exception to a plan, or to produce a more general scheme identifying policy principles with the details being elaborated close to the time of decision. Therefore, whilst certainty is embodied into all planning systems there is scope for discretion which is regularly used. It would appear that some planning systems are becoming less rigid and more discretionary.

In the United Kingdom the plan is not a legally binding document, however decisions must accord with the plan unless there are convincing reasons to support a proposal which is contrary to the plan. Here, the tendency over recent years has been to increase the significance of the plan as a consideration in decision making.

Notwithstanding the fact that each system is different there appears to be three general

types of relationship between plans and decision making:

- committed systems where, in theory, there is little formal discretion for departures to local planning instruments, though in practice a more discretionary approach may be adopted. Examples of Member States falling within this category include, Austria, Denmark, France, Germany, Greece, Italy, Luxembourg, Portugal, Spain and Sweden;
- moderate systems where there is an expectation that decisions and plans should be in conformity, but where mechanisms have been introduced to enable greater discretion and flexibility in decision making in practice; examples include Belgium, Finland, Ireland and the Netherlands;
- discretionary systems where development proposals are considered on their individual merits, though there is an expectation that the development plan should prevail, for example, the UK.

### Departures from plans

Despite the apparent rigidity of most systems, departures from plans are commonplace. Of the countries with rigid binding plan systems only Denmark, Luxembourg and Germany actually report that few departures take place. Elsewhere, departures are not uncommon although they are usually subject to safeguards to ensure that the decision is in the 'general interest'. In cases where departures are made, conditions are generally imposed on development to ensure that it meets required standards and objectives. For example, in France a departure is only possible when the state (national government) and the relevant commune agree to it. Where there is a moderate number of departures the plans are usually effectively updated to bring them into conformity with the actual decisions made.

In Italy and Greece the planning systems are struggling to keep official plans up to date with the reality of development actually taking place. In both cases the spatial planning system

appears to be heavily reliant on very elaborate, detailed and sometimes old zoning plans which are often unrealisable. The more flexible framework policy documents tend not to be in place, and there is a very real problem of unauthorised development as discussed below.

### Unauthorised development

In addition to the extent to which planning decisions conform to the plan or public policy, there is the further issue of development complying with planning regulations, whether this is a plan or a regulation decision. A few Member States continue to have particular problems with unauthorised building work outside of that authorised by the planning system. Considerable efforts are being made in these countries to address the problem which is linked to particular pressures they face. Two countries, Italy and Greece report high levels of unauthorised development, but historically it has also been a significant problem in other Member States. In Greece unauthorised development has been a particular problem, with much effort expended on bringing the plans up to date with actual development. In 1983 a new law was introduced to legalise existing unauthorised buildings, which otherwise could not be 'urbanised'. That is, they could not be legally connected to water, electricity, sewerage and other infrastructure because they lacked planning permit authorisation. Other measures have also been introduced to protect special areas including the coastal zone, from unauthorised building. The public authorities have been taking stronger action against unauthorised building by issuing an increasing number of demolition orders.

In Italy similar action has been taken with a law in 1985 to legalise much of the very extensive unauthorised development or *abusivismo* particularly in some central and southern regions and towns. The state has since sought to legalise these buildings through the *Condono* law which required a payment of money, part of which goes towards the costs of infrastructure and service. The income however, has been very small in comparison with the costs

of infrastructure provision. Nevertheless, a second *Condono* was to be approved in 1994.

A number of Member States have had a recent history of unauthorised development or moderate levels in particular localities, for example, Belgium, Portugal and Spain. This tends to represent an historic problem rather than a contemporary issue, with the planning systems recently becoming better able to regulate new development. In Spain there has been extensive development of housing and industrial works on so called 'undevelopable land' beyond the urban limits of settlements. Coastal areas have been particularly vulnerable. These buildings do not have the benefit of necessary infrastructure. The local authorities do have the power to require demolition (within four years of building) but over recent years much of the unauthorised development has been retrospectively legalised by new plans, followed by necessary urbanisation works being undertaken. Tighter controls are being exercised together with enforcement action, and violation of planning law is now a criminal offence. Similar problems have affected Portugal, especially through low income housing *clandestinos*, and illegal development along the coasts, but this is now becoming less significant. In Belgium the problem of unauthorised development has affected particular locations and sectors of activity, notably the creation of offices in residential areas of Brussels and weekend residences.

Elsewhere, the planning systems have been relatively effective in regulating development and in limiting the amount of unauthorised building, for example, Austria, Denmark, Finland, France, Germany, Ireland, Luxembourg, Netherlands, Sweden and the United Kingdom.

It is important to note that where the problem of unauthorised development occurs, the particular characteristics of the planning system may only play a small part in explaining it. Greece and Italy have quite different systems in many ways, for example the Greek system has been highly centralised whereas the Italian system is regionalised with the considerable involvement of very many small local authori-

ties. Factors outside the formal planning system will play the determining role in its operation and effectiveness. Factors such as the historical relationship between citizens and government, attitudes towards land and property ownership, and the spatial and land implications of economic and social relations will all play a part, amongst other historical, and cultural conditions.

From the preceding analysis it is possible to categorise the systems again into three broad categories, according to whether the objectives of the system are being realised in practice. The simple categorisation is 'close', moderate or distant.

- A system may be described as 'close' where there is a good match between the expressed objectives of the system and what happens in practice. In other words there tends to be congruence between policies and outcomes (although the precise role of spatial planning in this relationship may be quite different from one system or even situation to another).
- Second, some systems may be categorised as 'distant' where objectives are not realised in practice. There may be some variation from area to area but there are significant areas where the system is apparently not functioning. This may arise because instruments that form part of the system in theory, are in practice not produced or kept up to date. It may be that regulation decisions are not enforced, and in both cases other economic and social factors may be very significant.
- Third, many Member States can be located between these two extremes, where there is generally a fair match between objectives and reality, but also examples where this is not the case.

It is important to note that many of the systems are undergoing change which is intended to ensure that they overcome perceived weaknesses and thus become more responsive to market circumstances, and/or rigorous in controlling unauthorised development. This is par-

ticularly true of those systems described as moderate or distant.

## **A broad classification of systems in operation**

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The discussion above has categorised systems in two ways. First, the level of discretion allowed in the system between plans and decisions and second, the realisation of planning objectives in practice. The two categories can be usefully drawn together. The following discussion takes each of the categories of 'realisation of objectives' — close, moderate and distant — and examines the relationship with the extent of discretion in the system.

First, are systems that exhibit a close relationship between objectives and reality.

- The UK has a discretionary system and yet there tends to be a close relationship between objectives of the system and practice. The enhanced status of the *development plan* together with the introduction of mandatory local authority area-wide plans is intended to create greater certainty.
- Four countries, Denmark, Finland, Ireland and the Netherlands already have a moderate degree of flexibility in decision making, and planning objectives and policies are relatively close to development that takes place. In these cases, the intention is that the local plans are binding, although in practice mechanisms have been instituted to ensure a greater degree of flexibility in decision-making than may initially appear possible.
- There are also systems in this category which have little flexibility in operation. In some countries this very firm framework has been successful. France, Germany, Luxembourg and Sweden all have systems where development is generally in conformity with the planning framework, and where the systems appear to operate relatively effectively.

Second, are systems that exhibit a moderate relationship between objectives and reality. Effective control across the whole of the country has not been achieved and for particular regions or parts of these countries there are important gaps in the planning framework, or significant levels of unauthorised development.

- There are two countries which have mechanisms allowing for departures but where the system has not been able to maintain control in given areas. Belgium is a special case where the three systems are currently established, with new instruments and procedures being introduced. There has been unauthorised development in particular locations, with the private sector often making development decisions in advance of, or contrary to, any planning framework. In Portugal, the system has been characterised by a significant amount of unauthorised development. There is considerable progress being made to review the system. At the local level, the political, subjective and potentially biased determination of 'autonomous' planning applications is giving way to a much more objective and technical analysis based upon the new regulating frameworks of the municipal plans. Most municipalities are working hard to ensure that they have an approved *Plano Director Municipal* (PDM) without which they are unable to access central government funding. Thus it is clear that there are attempts to ensure a closer correspondence between the objectives and the way the system operates in practice;
- Spain has an essentially committed system though there is variation across the country regarding the rigour by which the system operates in practice. Recent trends have been to establish a much more rigorous system than hitherto.

Finally, there is a group of countries, where the system in theory is based upon the principle of committed decisions in plans, but where in practice there has been considerable discrepancy between the objectives of the system and reality in significant parts of the country. Greece and Italy both have little apparent

discretion in decision making but are characterised by high levels of unauthorised development and a plan-making framework which has important omissions; some areas do not have plans, and existing plans may be outdated. These systems are, however, undergoing substantial review.

## How systems work in practice

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This brief discussion highlights the difficulty of going beyond the formal descriptions of systems to consider their operation in practice. The relationship between plans, regulation and development is complex. Nevertheless, the discussion does draw attention to the very important point that planning systems that are organised according to very different principles can be equally effective in the sense that the broad objectives of policy are realised. Systems that operate a very firm zoning approach to control where few decisions can be made that are not in accordance with adopted plans can be effective. But also a system which has allowed for considerable discretion at the time that decisions are made can also be effective. It is also interesting to note that increasing complexity or rigidity in approaches to planning will by no means guarantee success. The system of spatial planning has to be appropriate to the circumstances of the particular country or region. Crucially, the historical, cultural, political and other conditions within which a system operates will play a determining role in the way that it is used.

This volume has provided a description of the formal systems and policies, together with a brief discussion of important factors in the operation of the systems in practice. To understand how the systems operate it is necessary to consider how the systems are used and policies applied in particular development situations. The thematic case study volumes investigate the role of spatial planning in a series of major projects which are of transnational interest.

By focusing largely on projects that have been or are in the process of being realised the case

studies draw out the way that different agencies and mechanisms interrelate, the way that policy initiatives are incorporated into the systems and the growing importance of the role of European Union policies, initiatives and programmes in shaping spatial planning in individual Member States. There are seven case studies from each country, five are mandatory to all countries and a further two case studies have been from a selection of six topic areas.

**Mandatory Case Studies include:**

- **Trans-European Networks:** the planning and development of major infrastructure within Member States, for example, road, rail and airports. Examples focus on links that are built or under construction.
- **Regional Policy:** the implementation of industrial/ commercial development using Structural Funds. These case studies will address the effectiveness of the funds in areas where market forces alone are insufficient.
- **Cross-border Cooperation:** examples of joint projects strategies etc., which address cross-border issues (for example, development perspectives, tourism initiatives); use of INTERREG funding. Some concentrate on information building or policy formulation but others relate to specific development or environmental projects.
- **Management of Urban Growth:** ways in which policies and practice address the problems of urban growth, for example, major peripheral extensions, and new settlement proposals. Case studies will include areas where there are substantial pressures for growth and environmental protection
- **Coastal Planning:** how different pressures on coastal areas are reconciled for example,

how a balance may be achieved between recreation/ tourism, industrial/ commercial interests and nature conservation.

**Optional Case Studies include:**

- **Environmental Policy:** examples of where environmental policies are adapting to local conditions and integrating with spatial planning (for example, environmental impact studies) and projects where development pressures and environmental considerations are being reconciled.
- **Industrial Decline:** how policies and practice achieve the revitalisation of old industrial areas tackling problems of vacant/ derelict buildings, poor infrastructure and lack of investment, etc.
- **Neighbourhoods in Crisis:** to illustrate integrated responses to urban regeneration through multi-dimensional projects aimed at employment promotion, infrastructure improvements and environmental, crime prevention and image enhancement.
- **Rural Revitalisation:** to illustrate initiatives which respond to problems of rural areas through rural development, tourism promotion, commercial networks, diversification of rural economies, etc.
- **Heritage Preservation:** to illustrate the conservation and promotion of historic areas in the context of urban revitalisation and economic and social re-conversion.
- **Special Events:** case studies to illustrate the role of special events in the reconstruction of urban areas or the promotion of regional development.



## H Appendices

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### Appendix 1: References

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## Appendix 2: Glossary

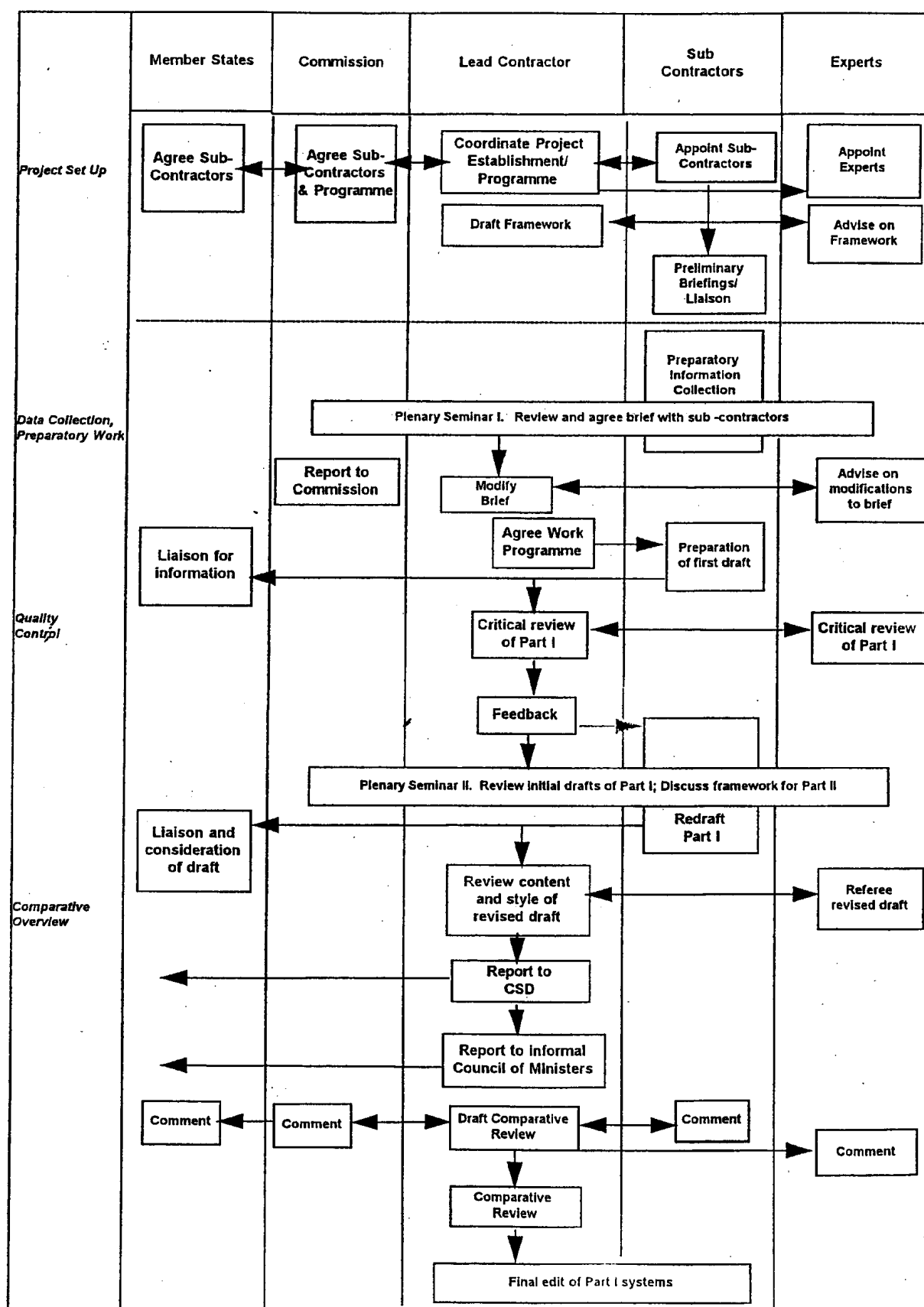
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Each country volume of the Compendium includes a glossary, giving brief explanations of the principal terms used in the text in the home language. The comparative review makes use of a number of terms which are translated and which are used in different ways in the Member States. The glossary has been prepared for the purposes of the Compendium only and should not be taken as necessarily the interpretation of the Commission.

betterment	The unearned increase in the value of land and property which accrues as a result of the actions of government, typically through the granting of rights to develop, and which often attracts a tax or other duty.
central government	See national government.
development.	Converting the form of land and property or its use. This is defined specifically for each system and may be further elaborated through planning instruments. It usually includes new building, alterations to existing buildings, engineering operations such as minerals excavation, demolition of buildings and certain changes in the use of property.
development rights	The legal right to develop or change to undertake development granted some limited development rights are granted by constitutions.
framework plan/instrument	Instrument providing a general spatial framework for a town or city. It is implemented through more detailed regulatory instruments and sometimes described as a municipal masterplan.
local authority/ local government	The lowest tier of elected government. There may be more than one tier of local government.
national government	The government of the Member State.
planning instrument	The means by which planning policy is expressed and implemented, including plans, briefs and other map based documents, but may also include fiscal or other measures.

planning system	The combination of legal, institutional and other arrangements in place in a country or region for undertaking spatial planning. The elements of a system may not be interdependent but will be interrelated in their impact on spatial development.
regional government	The tier of government between national and local. There may be two tiers of 'regions' for example in Germany, the Länder and Regierungsbezirk.
region	An area of territory which can be defined for spatial analysis and planning purposes as distinct and coherent, and/or the division of a country into administrative areas.
regional planning	Planning for a region. This is usually undertaken by regional authorities, but may also be undertaken by national government, or local authorities working jointly. It will generally be strategic planning but with different degrees of integration between land use and other sectoral planning.
regional policy	Policy intended to bring forward measures to address social and economic disparities between regions. It will usually entail promoting the economy of relatively poor regions through financial aid, training and other action, and controlling growth in relatively rich regions. Regional policy operates at the EU and national levels although it might also operate to address disparities between sub-regions within a large 'region'.
regulation	That part of a spatial planning system which deals with the issuing of permits to allow development to proceed and to enforce compliance with decisions.
regulatory plan	Instrument regulating or implementing land development, building, or changes of land and property use. Such instruments identify specific locations for development and are usually legally binding.
spatial development	Changes in the distribution of activities in space and the linkages between them through the conversion of land and property uses.
spatial planning	Public policy and actions intended to influence the distribution of activities in space and the linkages between them. It will operate at EU, national and local levels and embraces land use planning and regional policy.
strategic planning	Preparation of strategy or framework, identifying the broad patterns of growth but not detailed land allocations or zoning. Strategic planning is generally long term and comprehensive, bringing together social, economic and spatial considerations.
worsenment	A decrease in the value of land and property which results from the actions of government, and which may attract financial or other compensation from government.

Figure 1: Methodology for producing the Compendium



### **Appendix 3: Approach & Method**

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This appendix describes the method used to produce the Compendium. The Compendium is intended to provide an authoritative, consistent and comparable source of information on spatial planning systems and policies throughout the Member States of the European Union. It does not attempt to evaluate the relative merits or shortcomings of different national systems. The Compendium is divided into two parts. Individual country volumes and this Comparative Review describe the institutions, instruments and policies of spatial planning that exist in the Member States. Separate thematic volumes examine the ways in which spatial planning systems work in practice through a series of case studies. This report provides a comparative review of institutions, agencies, mechanisms and instruments of spatial planning in the fifteen Member States.

A team of sub-contractors, one in each of the then twelve Member States, was appointed by the lead contractor. Following an open call for tenders, Plan Local was appointed by the Commission as the lead contractor to produce the Compendium. Plan Local comprises a UK partnership between the private consultants of Chesterton Planning & Consulting and the School of Planning, University of Central England. Each national sub-contractor was approved by their Member State government, usually through representatives on the Committee on Spatial Development. The sub-contractors are experts on spatial planning systems in their respective country and are mainly academics or work in semi-public consultancies with close links to government depart-

ments. Each sub-contractor was responsible for liaising with their national administration and representative on the Committee on Spatial Development, in the production of individual Member States reports.

During 1994, in anticipation of their membership of an enlarged Union, Austria, Finland and Sweden requested participation in the Compendium and became full members of the team.

Four experts with specific knowledge of several systems and European-wide issues were also appointed to advise the lead contractor. These experts were drawn from Italy, Spain, Sweden and the UK. A full list of sub-contractors and experts are provided on page iii.

The methodology for producing the Compendium is set out in Figure 1. The complexity of the task and sheer volume of information contained in the compilation of the Compendium for fifteen Member States meant that all sub-contractors have followed a clearly defined framework. Each sub-contractor prepared an initial report of the country's planning system within this framework. Despite this rigorous approach some compromises had to be made in order to accommodate the many variations and differences in systems which exist. All the systems described in the Compendium have adopted the same overall format. Each report has been thoroughly scrutinised by the main contractor and two of the appointed experts. Considerable editing has subsequently been undertaken to try to ensure consistency between volumes.

Each Member State volume of the Compendium provides a description of the institutions which formulate and influence plans and policies at national, regional and local levels; the policy instruments such as regional and local plans; the procedures for regulating development, the mechanisms which exist for implementation and the policies pursued at EU, national, regional and local levels. A glossary of key terms in the original language, with a brief explanation of their meaning and purpose is also provided in each individual volume.

Thematic volumes illustrate how the systems operate in practice through a series of case studies.

A number of guiding principles have helped to guide the preparation process. The inevitable comparisons made in the structure and presentation of such a large amount of material have been made with these principles in mind. The Compendium is intended to be:

- **Authoritative:** The work is prepared by planning experts in each of the Member States who have been approved by their own national governments, usually through representatives on the Committee of Spatial Development. Each sub-contractor was responsible for liaison with the Member State government. Members of the Committee on Spatial Development have all had an opportunity to comment on the individual volumes and the Comparative Review. In addition, each of the national texts has been reviewed by at least two external experts, and Member State governments have had an opportunity to comment.
- **Consistent:** A detailed brief outlining the format, style and content of the Compendium was issued by the lead contractor. Two plenary seminars have been held (December 1993 and July 1994) in Brussels, attended by the lead contractor, sub-contractors, experts and representatives from

DGXVI. The first meeting enabled the brief to be explained and for the sub-contractors to begin to develop a common understanding and approach. The second seminar enabled further sharing of ideas and exchanges of best practice for revised briefs to be drawn up.

- **Comparative:** Due to the consistency of approach between the sub-contractors it should be possible to find comparable information at similar points in the individual reports making up the Compendium. However, care is needed in interpretation and generalisation because of the many subtle differences between mechanisms, and the significance of the particular institutional and political contexts in which they operate.
- **Contemporary:** At the first plenary session it was agreed that 1 January 1994 should act as the benchmark for the Compendium. This was a pragmatic decision made in the full knowledge that planning systems throughout Europe are in a state of flux. Nevertheless the Compendium provides an accurate description of the systems at this particular date and how the systems may be likely to change in the near future. There is a clear recognition that the Compendium will need to be regularly updated to maintain its accuracy and usefulness.
- **Comprehensive:** The Compendium attempts to cover all aspects of spatial planning for each of the Member States. However, it does not specify all the details of different systems within a Member State. This is an important limitation particularly for those States with a federal structure.

The Compendium is being prepared on behalf of the European Commission, but it is hoped it will be of wider value to Member State governments, regional and local authorities, the private sector, public interest groups and academics.

## **Appendix 4: Terms of Reference**

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### **1. Context**

The document "Europe 2000: Outlook for the Development of the Community's Territory\*" states that 'planning in relative isolation is no longer possible'. Member States, regions and many municipalities are becoming more aware of this fact. Patterns of activities and land use in their territory are being increasingly influenced directly or indirectly by developments and policies in other countries. The Single Market will bring a further internationalisation of economic and other activities and the mobility of firms and people will increase. The locational patterns of these activities are changing. Community policies, such as on trans-European networks, are having a growing influence directly or indirectly on land use. There is a need within the Community for a greater co-operation between planners at national, regional and local levels.

Yet there is, and will remain, a great diversity of planning systems in the Member States, which have all evolved in response to the different social, economic and geographical conditions as well as of the political traditions prevailing in the individual country. It is therefore important under the present circumstances that planners, politicians and the private sector in different parts of the Community should be informed of the administrative traditions, planning laws and regulations and planning procedures in other Member States. There is a

growing need for more insight into the mechanisms of these different systems. In addition, as the socio-economic interactions between the Community countries increase, so too will the need for a further exchange of information regarding the main planning policy priorities of the different Member States.

It is from this perspective that the Ministers of Regional Policy and Planning at their 3rd informal meeting in the Hague in November 1991 supported the preparation of a Compendium — an overview of the different planning systems and policies — in the various EC Member States. This was reaffirmed during their 4th informal meeting in Lisbon in May 1992.

The compilation of this Compendium will form an important element of the Commission's work programme in the field of spatial development for 1993 — 1994.

### **2. Objective and Use of the Compendium**

The main objective of the Compendium is to provide an authoritative and comparable source of information about planning systems and policies in the Member States of the Community. Provision of information is thus the paramount function, to improve knowledge on a comparable basis of the different planning systems and policies within the Community.

A second function is to illustrate some of the problems and opportunities which arise as planning policies are actually implemented, taking into account differences between the

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\* COM (91) 452 final, October 1991.

formal procedures as laid down in laws and regulations, and the experience in practice.

The principal users of the Compendium will be:

- the *Member States*, including the *regions* and *local authorities*: for example when making proposals for policies and programmes within the framework of Community policy, implementing Community policy initiatives or Directives, developing cross-border and other transnational programmes; to enable decision-makers to see how Community or other transnational policies and programmes with a territorial impact can be assimilated into national planning policies;
- the *European Commission*, when formulating policy initiatives and analysing their potential impact on Member States' territories and their implementation by Member States; to understand the context within which Directives, programmes and other aspects of Community policies affecting land use will operate in practice in the Member States;
- the private sector: to give information on procedures and regulatory and financial instruments for industries and private citizens to make location and investment decisions within the Community;
- for public interest groups: to give general information about policies and practices in other countries which might be of use in reviewing policies in their home country.

For all four groups, a particularly relevant use will be in cross-border planning exercises, whether in cooperative ventures — to know the planning procedures in the countries concerned within the framework of which such ventures must take place — or in assessing the potential transnational impact of planning policies and procedures on a neighbouring country.

### 3. Principles of Approach

A number of facts and principles will determine the content and the working method of the Compendium:

- it is essentially a *project of cooperation* between the Member States and the European Commission for the mutual benefit of both;
- as a complex and potentially very broad area of work, *limits* will have to be placed on *the extent of its coverage*, and these will have to be decided at the outset, according to the objectives and envisaged use of the Compendium;
- it must be built up *step by step* and not in a comprehensive way at once;
- it will be set up as an *on-going exercise*, requiring regular *updating* and a structure that will enable the inclusion of new Member States as the need arises;
- although the comparable basis of the Compendium is considered of utmost importance, it will *not evaluate the relative merits or shortcomings* of the different national systems, but focus on the facts and their implications in practice.

### 4. Scope and Coverage

The Compendium will be concerned with *spatial planning and development in the widest sense* (strategic, regional and physical, land use planning). It will have to deal not only with the "Physical Planning Acts" (or their equivalents), but also with other legislation and procedures directly affecting the spatial distribution of development at national, regional and local levels of government.

However, it will not be possible for the Compendium to cover all *aspects of sectoral legislation and policies* having an impact on spatial development, such as in the fields of transport, environment and energy. These and other closely related policy areas must also be looked at in terms of their relationship with the planning system.



## 5. Elements of the Structure

Firstly, considering the diversity of user needs and the need for flexibility in up-dating etc., the most appropriate structure for the Compendium would be to have a separate section for each Member State.

Secondly, a clear distinction will be made in the Compendium between:

- *planning systems*, described in terms of their general objectives, competences, legislative and administration basis, plans, guidelines and instruments, and procedures;
- *planning policies*, referring in terms to the broad principles and objectives at national, regional and local levels, in particular those relating to Community policy and initiatives, or having a transnational effect;
- the *implementation of policies through planning systems* in reality, by the use in particular of case studies.

This distinction will enable a *step-by-step approach* to the preparation of the Compendium. The first step will deal with the systems, legislation and responsibilities; a second step will identify policy interests; a third step will involve the choice of case studies to illustrate how things proceed in reality.

It is also important with regard to *up-dating*. Although planning systems do adapt to new circumstances, the first part of the Compendium would retain its value for a reasonable period — some 5 to 10 years — without having to undergo a major revision unless circumstances in a particular Member State made it necessary to do so for that country alone. The part on planning policies would necessarily have to be revised and up-dated more frequently, say once every two years, with Member States reporting new policies or shifts in existing policies. The third part on implementation in practice will be revised and up-dated as frequently as deemed necessary, as new major forms of development or policy initiatives arise following Community, Initiatives or

other matters of concern, or previous case studies used cease to be relevant.

## 6. Elements of the Content

### *Introductory*

Introductory aspects will include a brief analysis of the development of planning insofar as it has an influence on administrative traditions and prevailing attitudes, the broad definition, aims and principles of the planning system and the constitutional, political and administrative structure of government, the relevance of closely related policy areas to planning, the intergovernmental relationships, and the areas of competence in each Member State.

### *Planning Responsibilities*

The Compendium will cover all levels of planning administration, this in most countries being the three tier system of national, regional and local levels. It will describe for each level:

- the main characteristics in each Member State's system;
- the legislative basis of planning
- legal and financial instruments
- the plans/guidelines (form, type, coverage, content, status and authority, function, characteristics, procedures for preparation and approval, review and time taken, relationship with and/or authority over other policy areas).
- powers and responsibilities etc.
- the implementation of planning policies
- the regulation and control of development
- public/private partnerships
- other planning instruments (regional development, National parks etc.)

- how the national systems can handle the assimilation of Community policies into the national territory.

The Compendium will also describe the interactions and interrelationships between the different levels of planning administration, dealing in particular with:

- the degree of independence and autonomy;
- procedures (coordination, checks and balances, public participation etc.).

The Compendium will be of interest to users of all three principal levels of government. The national, regional and local levels will be important for public authorities; the local level is likely to be of great interest to the private sector, when deciding for instance where to locate a new investment within the Single European Market.

Due attention will have to be paid to the question of differences between the competence and geographical scale of administrative levels in the different Member States. In some Member States, smaller geographical units have greater planning powers than larger geographical units in neighbouring states. Federal states have the additional problem of comparable administrative units at the regional level with different planning systems and policies. The transnational aspects of planning systems, such as agreements on cross-border public participation and consultation, are of particular importance.

However, the Compendium cannot enter into all sorts of procedural details or policies at every regional and local level:

- at the *regional level*, especially in Member States with a federal structure, the approach will be to describe the planning system and policies with a) in one region, or b) in a "typical" region, and to refer to variations in policies and procedures in other regions;
- at the *local level*, the approach will be to describe the principle features of the planning system at that level, in particular the

competences of local authorities and their degree of autonomy in determining policies and their implementation.

The precise limits will have to be determined at the start of the project, with reference to useful literature and addresses of contacts as a means of avoiding excess detail.

### ***Issues and Policies***

Current issues and policy developments will be described for each level of administration.

Of particular importance to a Community planning Compendium are the transnational issues and policies. It will therefore identify those current and emerging issues and policies of a transnational nature at whatever level they appear:

- in a neighbouring Member State or external border country as a result of developments or policies within the country;
- within the country as a result of developments or policies in a neighbouring Member State or external border country (for example a major proposal for a nuclear power station)
- issues, policies and programmes of interest for networking and exchange between municipalities, regions or Member States (for example the results of research into the effectiveness of enterprise zones and urban development grants).
- transborder areas where cooperation was being planned and greater clarity was required on matters of mutual concern or competences on either side of the border.

Lastly, the Compendium will deal with issues and policies relating to the Community as a whole. It will identify current and emerging issues and policies at whatever level in the Member State which could potentially affect, or be affected by, emerging EC policies of a more general nature. The relationships between Community regional policy and planning poli-

cies in the Member States at national, regional and local levels is of particular interest.

### ***Case Studies***

In order to illustrate how the planning systems operate in practice, which is sometimes different from the intentions of the original laws and regulations, and how planning policies are actually implemented within those systems, case studies will be used. They will be used for illustrating the interrelationships of policy implementation between different levels of administration, in particular concerning Community policy, as the impact of this is usually not dealt with in existing national planning systems. Case studies could also help provide a better understanding, for example, of differences in Member States between similar types of development (for example business parks), investment (for example infrastructure) or planning situation (for example declining rural areas).

Case studies will be selected carefully, to ensure that they are sufficiently typical of the operation of planning systems in Member States.

### ***Terminology***

The Compendium will clarify the problems of terminology which are increasingly evident in the Community. In every Member State, the characteristics of its planning system and traditions determine the meaning of the different terms used in the planning profession. It is, therefore, vital that the Compendium includes a glossary, describing the meaning of the most important terms being used in each Member State, and not attempting to translate terms from one language to the other.

The Compendium will also contain reference to more detailed sources of information and to contacts and addresses where more detailed information can be found.

### ***General Analysis***

With every update of (a part of) the Compendium, a brief non-judgmental analysis will be made in order to identify certain emerging evolutionary tendencies (for example towards more flexibility, more or less political interest, greater decentralisation etc.) within the Community.

# I Illustrations of planning instruments

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## ILLUSTRATIONS OF PLANNING INSTRUMENTS

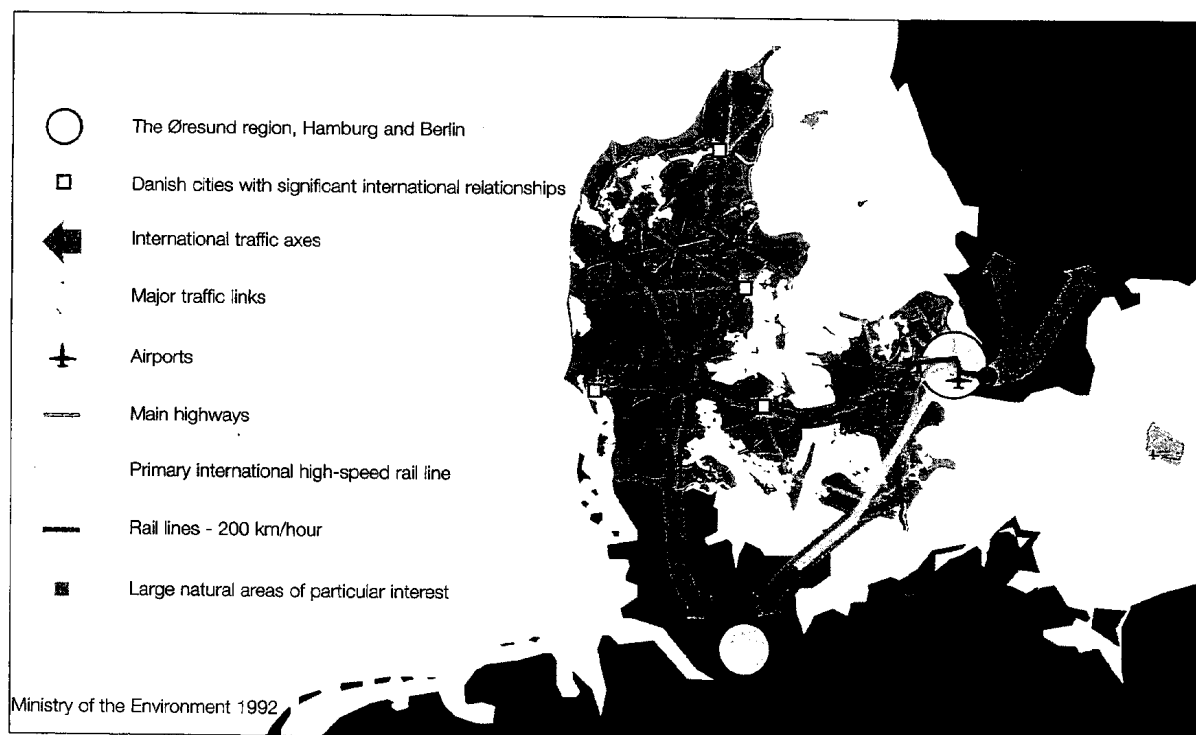
Maps, plans and diagrams are essential tools for planners. Most planning instruments include some form of map or diagram which expresses the essential spatial dimension of planning policy. The following illustrations give a general impression of the variety of forms of graphical representation used. They also help to elabo-

rate on points made in the Compendium text. The illustrations have been selected to show typical plans for each main category of instrument. Further examples of planning instruments are given in the country volumes, and include an explanation of their form, content and procedure for adoption.

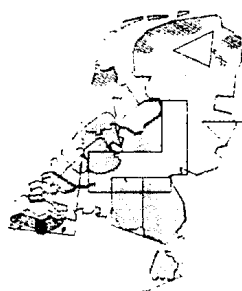
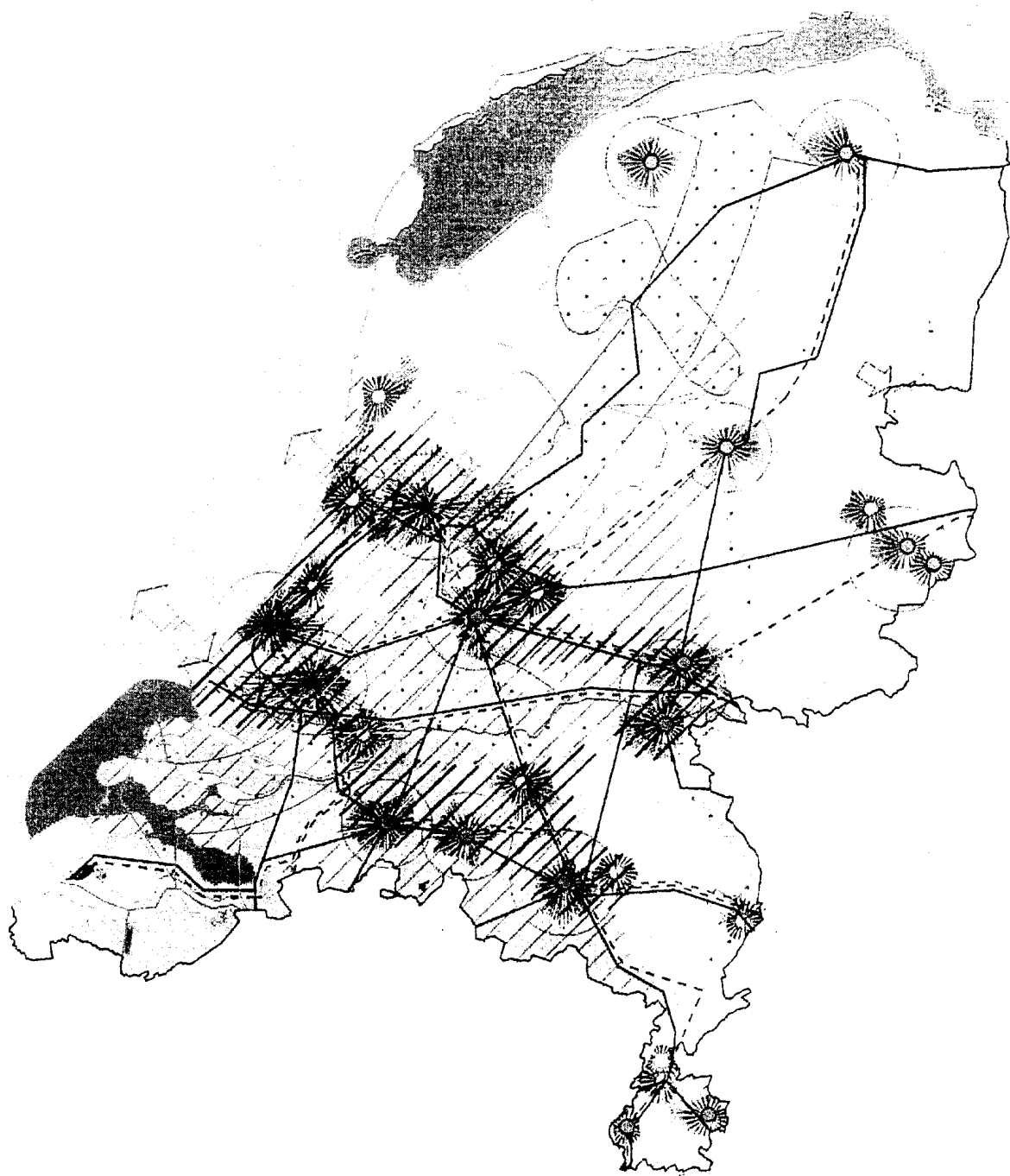
## NATIONAL SPATIAL PERSPECTIVES

Only a small number of countries have a national planning instrument which gives an explicit spatial development framework for the whole territory. Extracts from three national planning instruments are illustrated here - Denmark, the Netherlands and Luxembourg. These perspectives give a broad indication of the existing distribution of urban structure, transport links and natural areas needing special protection. There are a number of other examples where spatial development patterns are illustrated in map form within national statements on planning policy, such as Austria and Finland. However, the

examples here go beyond description to elaborate on the preferred future development patterns. In the Danish case, there is a strong emphasis on the relationships between the country and its neighbours, and the perspective provides a basis for cooperation with other countries in northern Europe. The Dutch Perspective, illustrated on the next page is the most elaborate example. This is one of a number of maps which presents a national framework for growth and environmental protection in some detail.



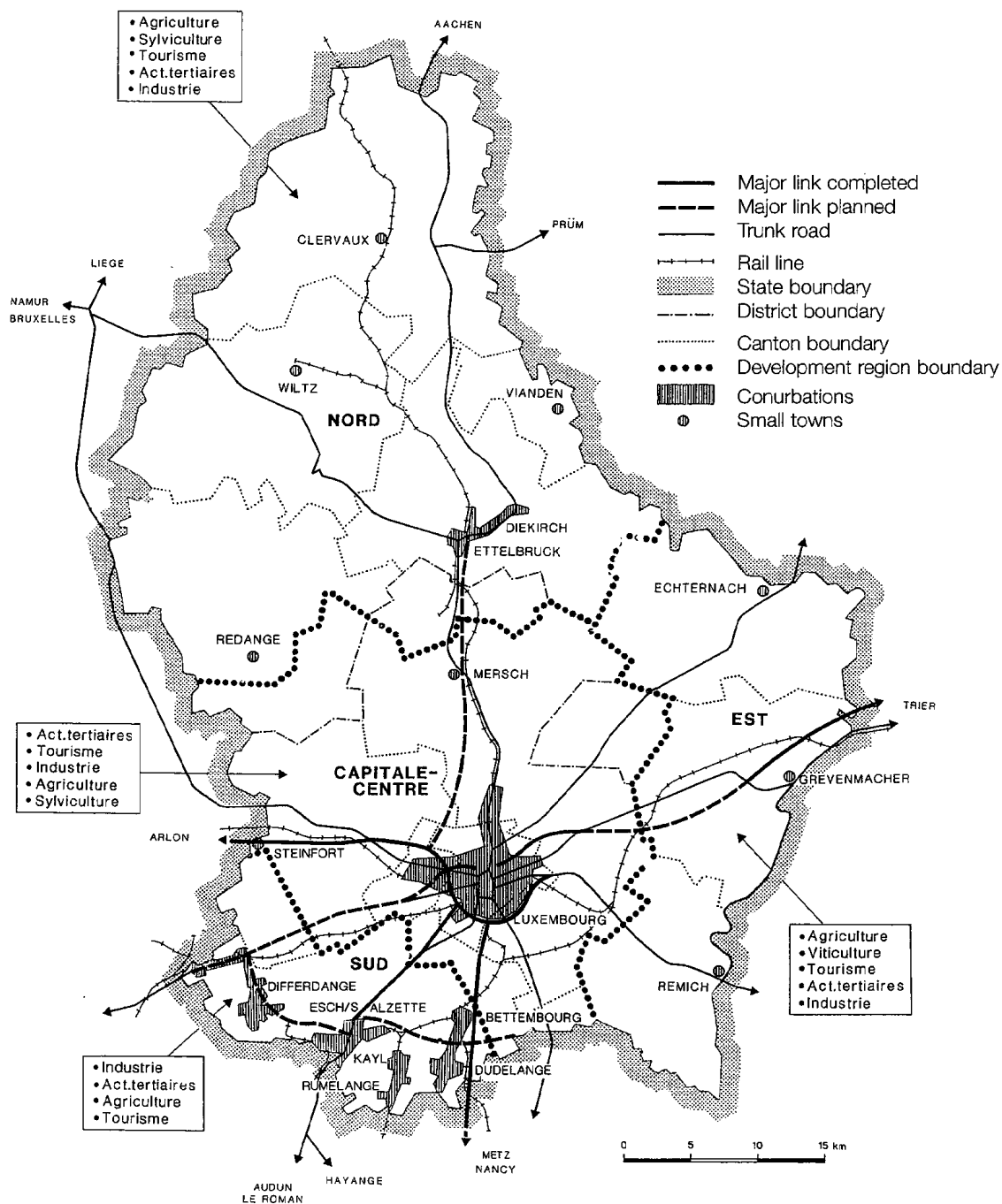
**1. DENMARK - Landsplan perspektiv**  
**Development perspective towards the year 2018**



- |       |                                    |   |  |
|-------|------------------------------------|---|--|
| ●     | urban node                         | — | main transport axis water                              |
| ★     | international location climate     | — | main port  |
| ///   | urban ring                         | — | inland terminal  |
| —     | main transport axis road           | — | nature and/or tourist recreational development zone    |
| - - - | main transport axis rail (persons) | — | further detailing                                      |
| - - - | main transport axis rail (freight) | — | physical planning-cum-environmental policy area (ROM)  |
|       |                                    | — | special areas of attention with respect to liveability |

## 2. THE NETHERLANDS - Vierde Nota Over de Ruimtelijke Ordening Extra





#### 4. LUXEMBOURG - Programme Directeur d'Aménagement du Territoire (PDAT) - Limites des régions d'aménagement et tableaux synoptiques des activités

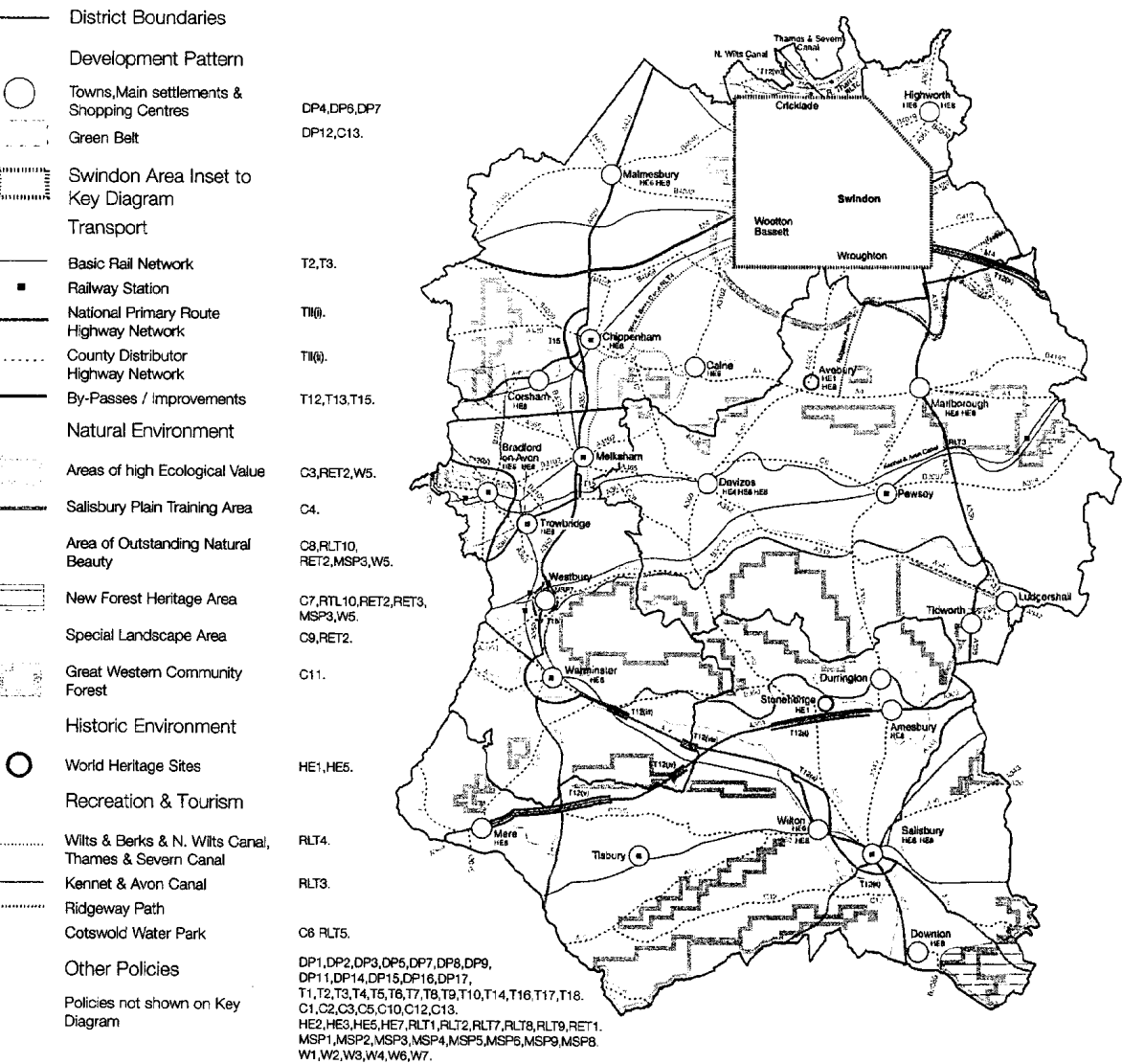


STRATEGIC-REGIONAL INSTRUMENTS

There are a wide range of strategic-regional planning instruments. Four examples are given here ranging from the very general to more specific in graphical representations, although it should be remembered that these maps are usually accompanied by other documentation and illustrations specifying policy and programmes. All the illustrations here are reduced from their original size.

The first example is a structure plan from the UK which gives very broad indications of policy areas in a diagrammatic way. General locations

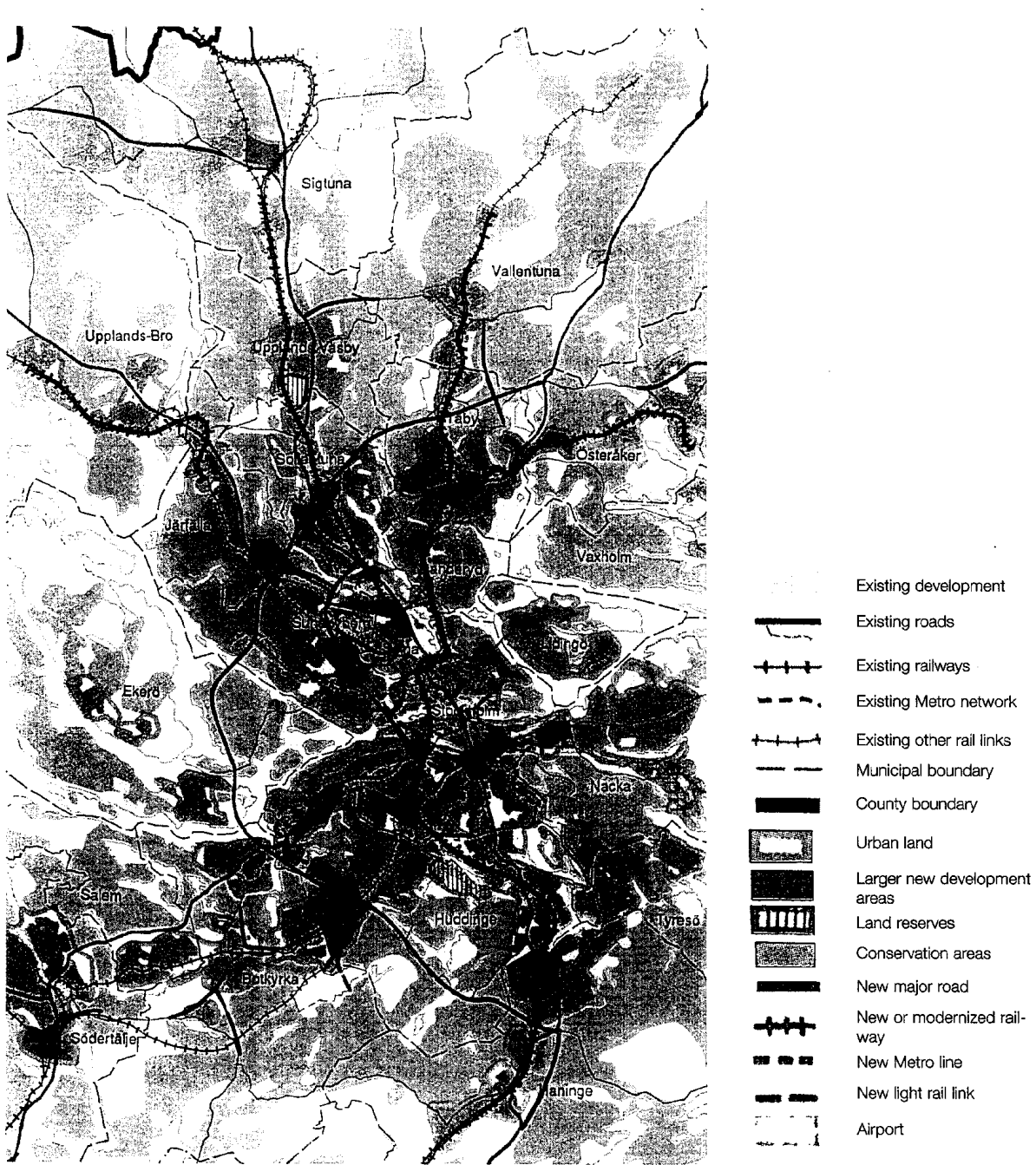
for green belt and areas of special landscape value are indicated where new development is strongly resisted. The diagram identifies key transport improvements but not their precise route. The allocation of new development is shown but only by cross referencing the diagram to the written statement. The written policies indicate how much development is allocated to a particular settlement during the plan period, but no locations are shown. Precise boundaries of areas to be protected, general settlement growth and specific sites for development are identified in lower-tier plans.



5. UNITED KINGDOM - Wiltshire Structure Plan Key Diagram (Deposit Draft)

The Swedish regional plan is based on a map and thus the locations of new development are identified more precisely, but again at only a very broad level with an original scale of 1:400,000. Areas are identified for new urban development

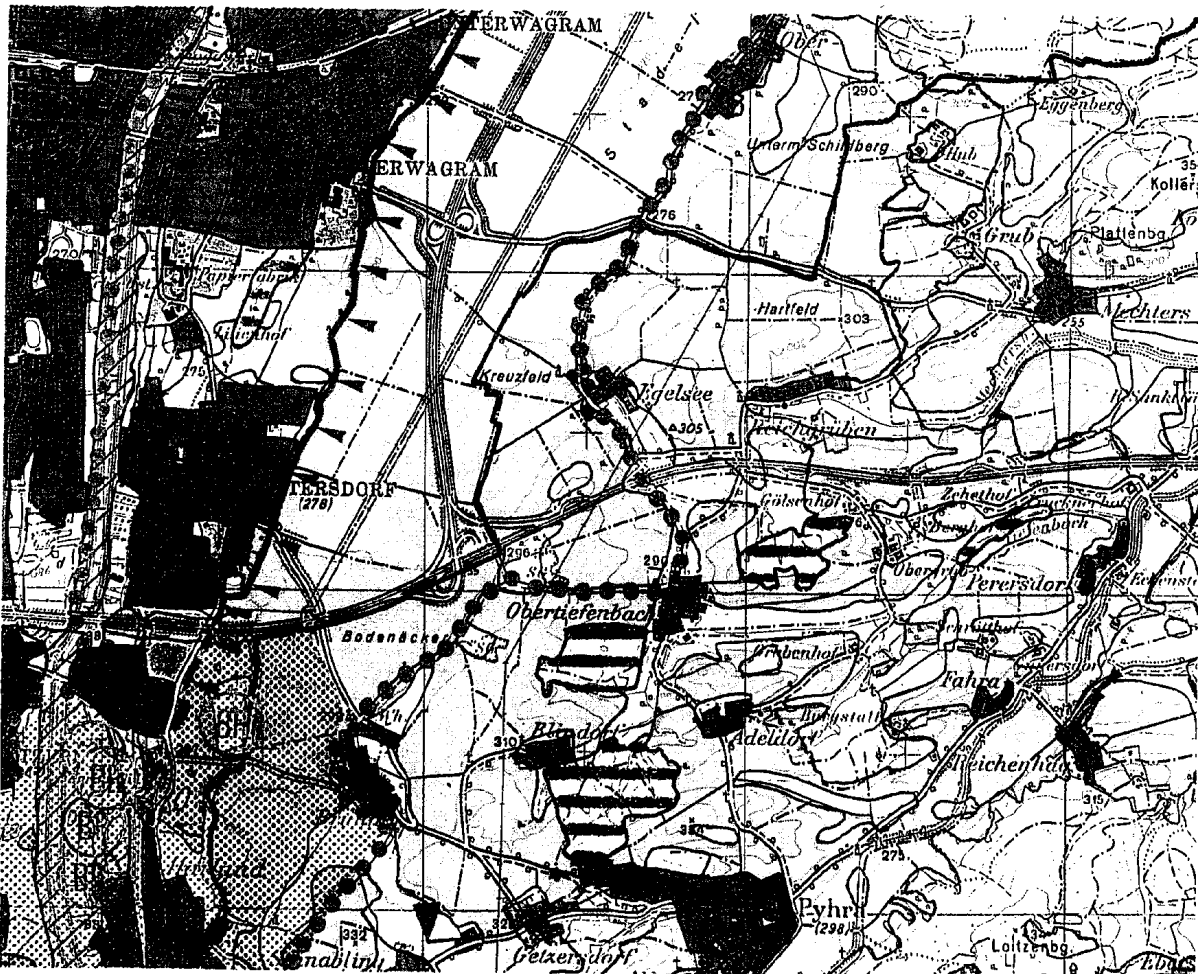
and conservation. Future reserves of building land beyond the plan period are also allocated, together with planned new transport routes including major roads, railways and light rail.



6. SWEDEN - Regional Plan for Stockholm

The third and fourth illustrations of regional-strategic instruments are more detailed. The Austrian Landesraumordnungsprogramm has an original scale of 1: 50,000. This is a very detailed instrument and defines specific locations, boundaries and land zonings which could be identified reasonably precisely on the ground using the map. The plan shows the planned extent of the built up area; green zones to be protected; valuable landscapes and agricultural zones. This instrument is more detailed than some of the framework plans that follow, but it operates over a much larger area.

The final plan in this section is the Portuguese Plano Regional de Ordenamento do Território. This is a regional zoning plan, with an original scale of 1:100,000. All land is given a broad land use classification, for example, urban zones, tourist development zones, mineral extraction zones and agricultural zones. The accompanying documentation sets out general principles for each zone which should guide decisions on land uses and development within them, including the use of agricultural land.



Part of the key :

- |  |                          |  |                                      |
|--|--------------------------|--|--------------------------------------|
|  | valuable landscape areas |  | demarcation of settlement boundaries |
|  | regional green zones     |  | water protection zone                |
|  | agricultural zones       |  |                                      |














**7. AUSTRIA - Landesraumordnungsprogramm Lower Austria**









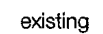



## 8. PORTUGAL - Plano Regional de Ordenamento do Território do Algarve

Part of the key :

**ZONING**

	Urban development areas
	Urban areas
	Tourist development areas
	Natural areas and environmental protection areas
	Mandatory land use
	Water system protection areas
	Agricultural areas
	Nature conservation areas
	Priority land use
	Agro-forestry development areas
	Agro-forestry protection/recovery areas
	Scenic areas
	Nature conservation areas

**URBAN HIERARCHY AND FUNCTIONS**

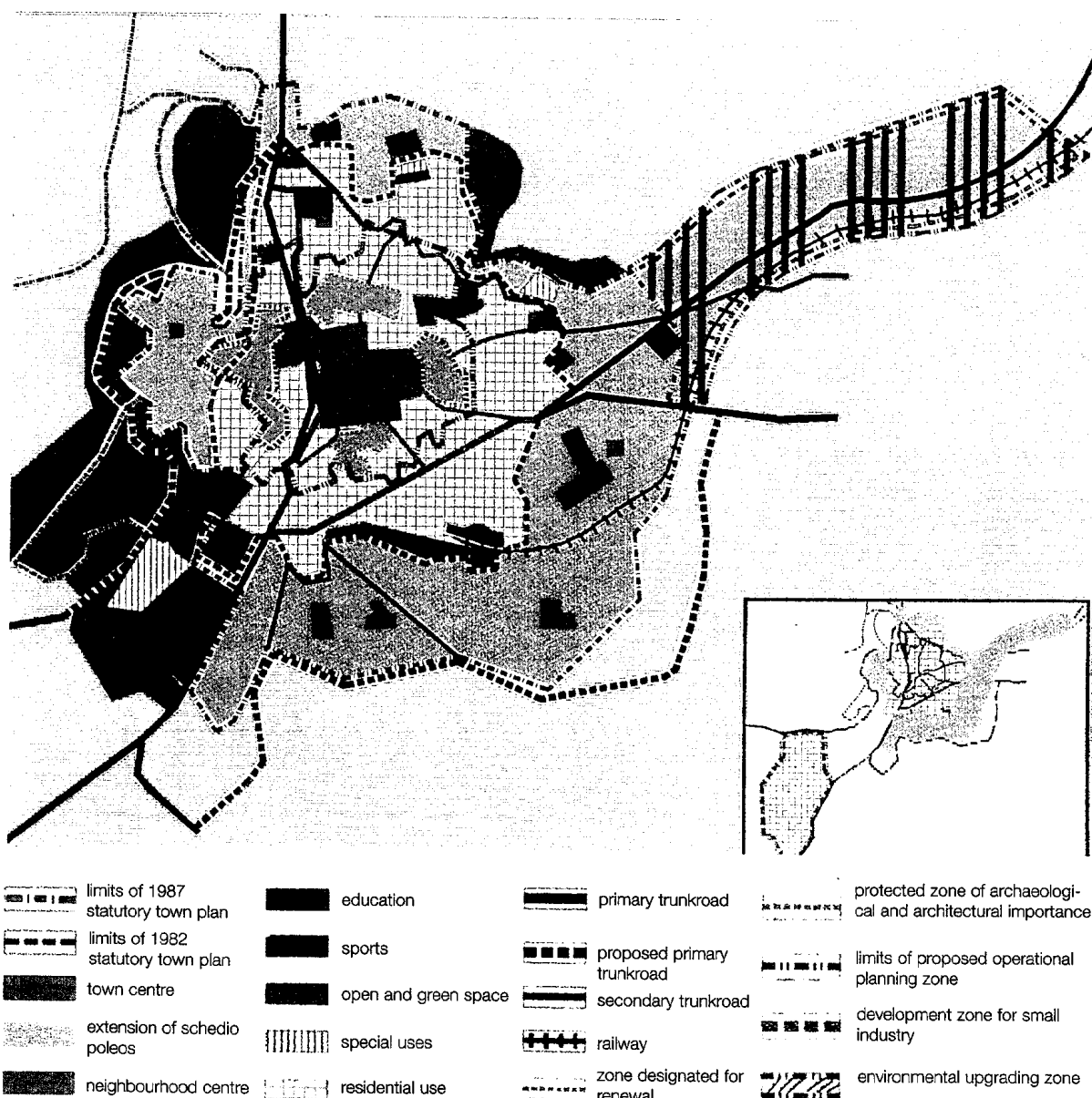
	Hierarchy of urban centres
	Subregional centre
	Infrastructure
	Commercial port
	Fishing port
	Communications hierarchy
	Communications network
	Interregional communications link
	Regional communications link
	Intermunicipal communications link

## FRAMEWORK INSTRUMENTS - MASTER PLANS

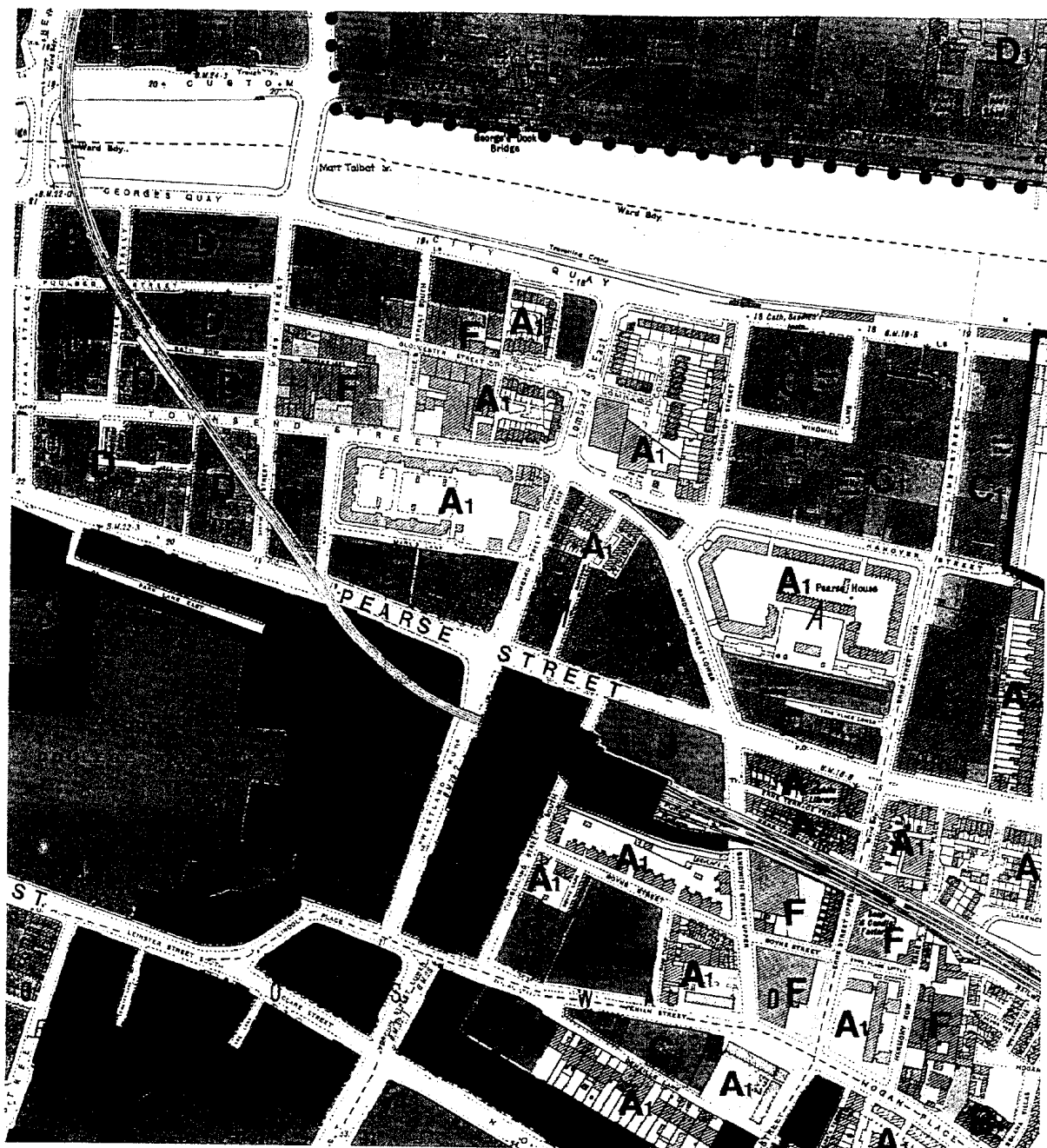
The examples shown here illustrate the variety of graphical form from general to very specific. The first example from Greece illustrates the way that such plans provide a summary of the current spatial structure, allocate areas for further urban growth, and designate zones for special attention such as for urban renewal.

The other examples in this section are shown as extracts of the plan at their original scale. This allows some comparison of the level of detail of

such plans. The Danish *Kommuneplan* uses a mixture of broad zonings for urban, commercial, industrial and natural areas with symbolic notation. The German, Italian, Finnish, and Spanish examples are more detailed, including, for example plot ratios, building heights and different categories of residential development. The Irish *Development Plan* is interesting because the zones are linked to policy objectives, such as to improve city facilities or protect residential amenities.











### 9. GREECE - Geniko Poleodomiko Schedio, Kozani

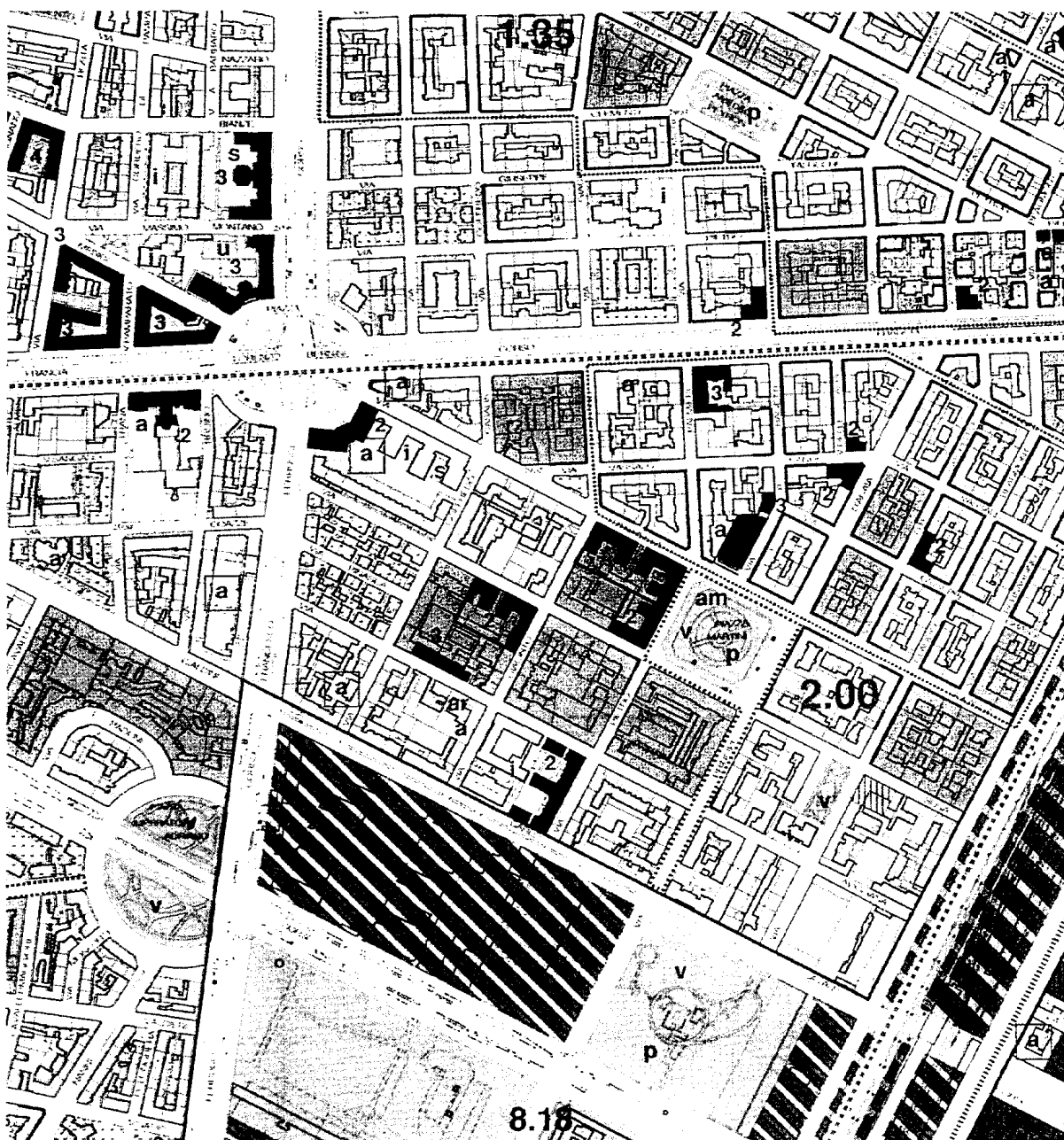


Part of the key :




### USE ZONING OBJECTIVES






	Objective A1	To protect and or improve residential amenities		Objective F	To provide for services, small scale manufacturing and distribution in the Inner City
	Objective A2	To protect and or improve the amenities of residential conservation area		Objective H1	To protect the existing architectural and civic design character, to allow only for limited expansion consistent with the conservation objective
	Objective C1	To provide for and improve business and service centre facilities (Inner City)		Objective H2	As H1 and To allow primarily residential and compatible office uses and institutional uses
	Objective D	To provide for and improve city centre activities		Objective K	To preserve recreational amenity including open space

### 10. IRELAND - Development Plan, Dublin






Part of the key :

-  Private green areas with existing buildings
-  Reinforced hillside areas:  
Reception activities  
Services (letter = classification)
-  Woodland

-  Urban redevelopment areas:  
(designated areas)
-  Services
-  Residential
-  Tertiary activities and facilities for personal and business services
-  General interest amenities (university, music academy, etc.)

Regulated areas

-  Residential R2
-  Residential R3
-  Residential R4
















# 11. ITALY - Piano Regolatore Generale, Turin



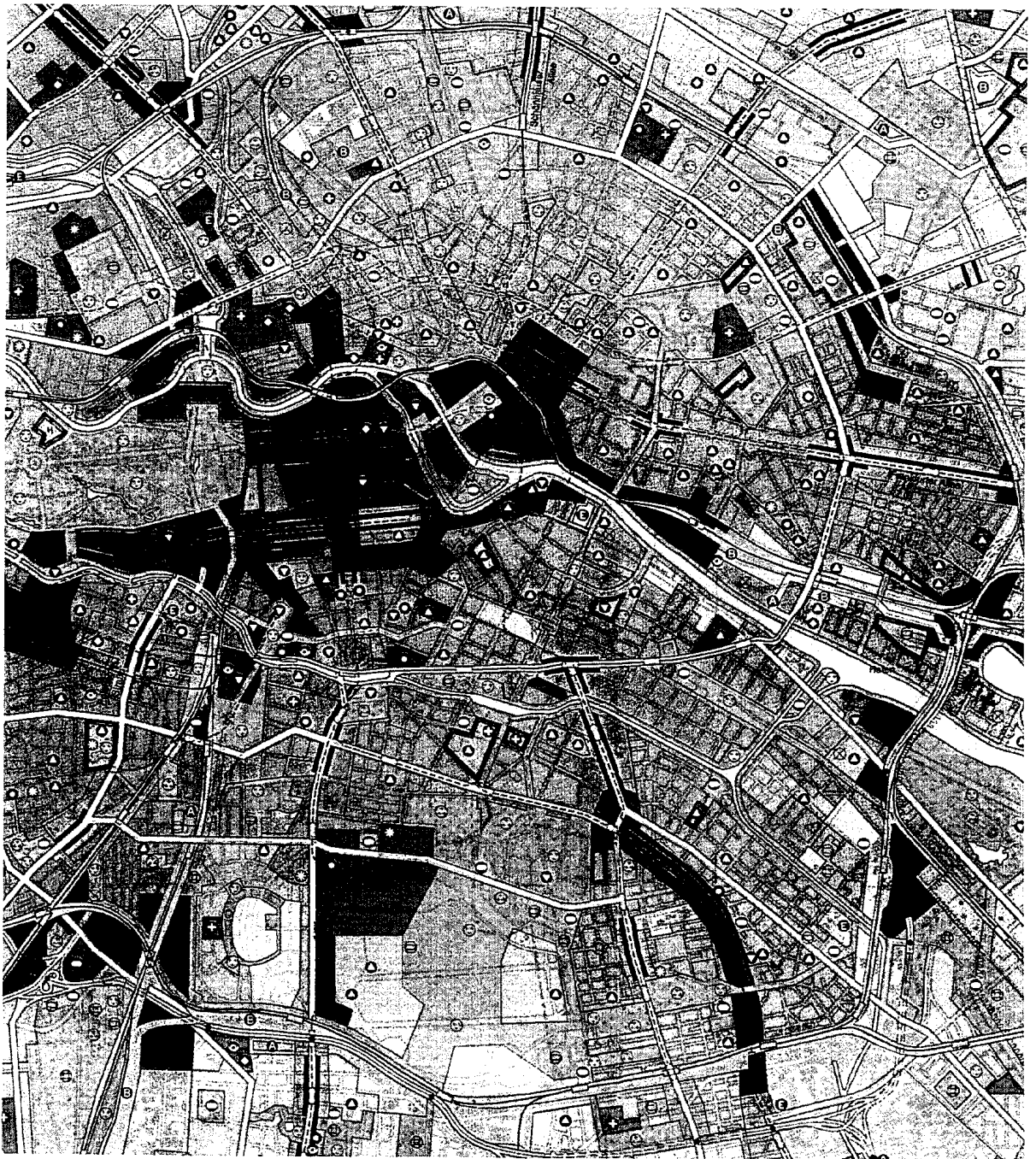


Part of the key :

### Odense municipal plan 1993-2005

	Main centres		Office and services districts		Agricultural areas (in rural areas)
	Local centres		Port areas		Villages, category 1
	Central areas		Residential and services areas		Villages, category 2 (rural areas)
	Industrial districts		Open areas		Protected areas (drinking water)
	Light industry districts		Outlying urban areas (in urban areas)		New business and services districts
			Agricultural areas of outstanding natural interest (in rural areas)		











### 12. DENMARK - Kommuneplan Odense



13. GERMANY - Flächennutzungsplan, Berlin

Part of the key :





Building Areas

	Residential - Plot Ratio over 1,5
	Residential - Plot Ratio up to 1,5
	Residential - Plot Ratio up to 0,8
	Residential - Plot Ratio up to 0,4
	Special Building Area - Capital City Functions
	Special Building Area - Commercial Character
	Mixed Building Area, M1
	Mixed Building Area, M2
	Commercial Building Area
	Concentration of Retail Facilities

Municipal Facilities

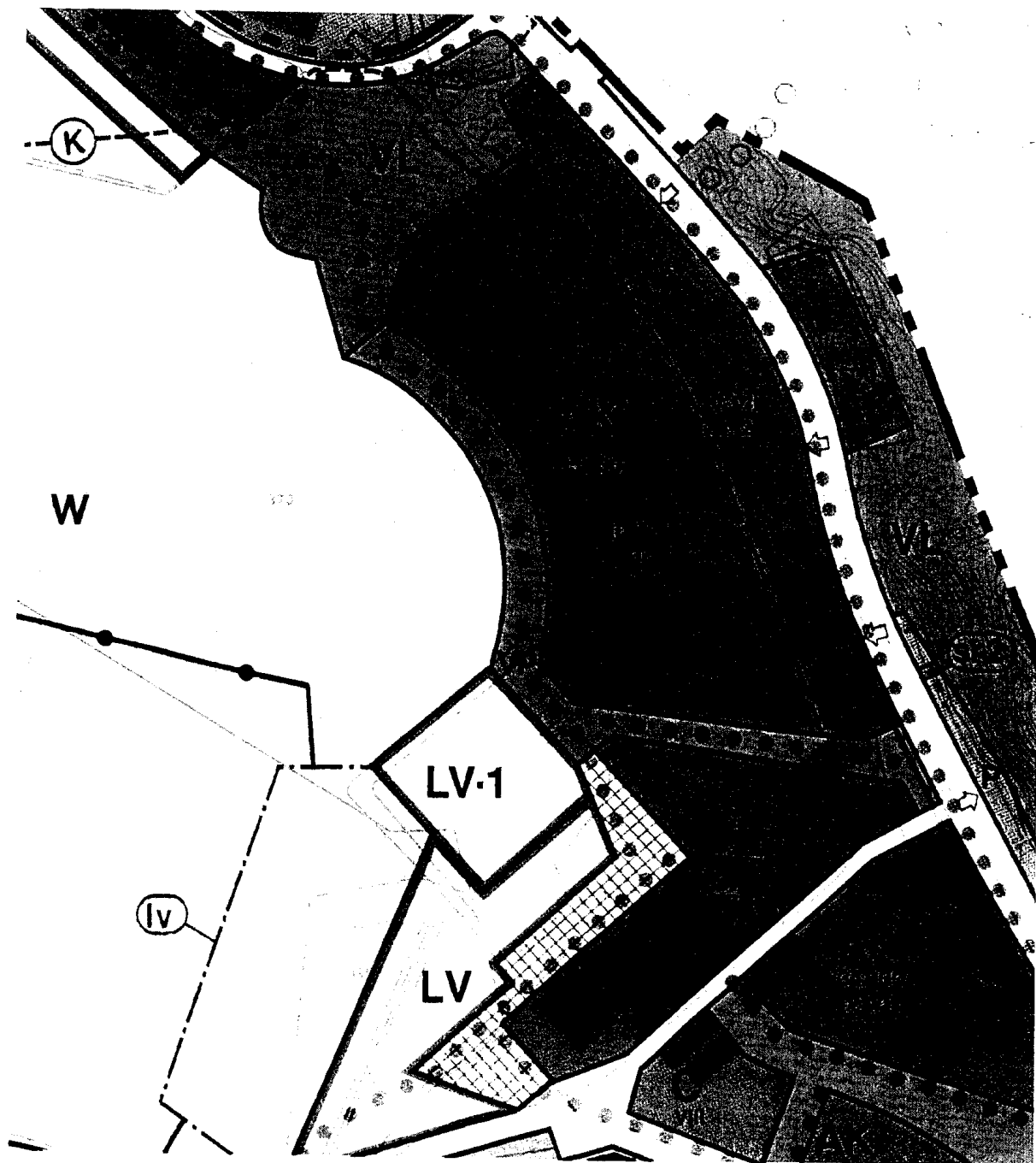
	School
	Culture
	Energy

Supply and Disposal

 / 	Area with Commercial Character / Area with Mixed Character
 / 	Area with high % Open Space / Area with Agricultural Use

Open Spaces, water areas

	Green area
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14. FINLAND - Osayleiskaava, Ankkurin, Lahti

Part of the key :

**General plan, Lahti**  
**Local plan, Ankkuri**  
**GENERAL PLAN - KEY**  
**Local area key**

AK: Residential area  
Predominantly apartment buildings  
Also restricted space for offices and services

C: City centre  
Space for offices and services; residential buildings suited to the city centre area

C-1: City centre, with planned pedestrian links  
Space for offices and services; residential buildings suited to the city centre area  
The city layout is to be amended and other plans drawn up to preserve current pedestrian links between blocks and provide for new public pedestrian links within blocks

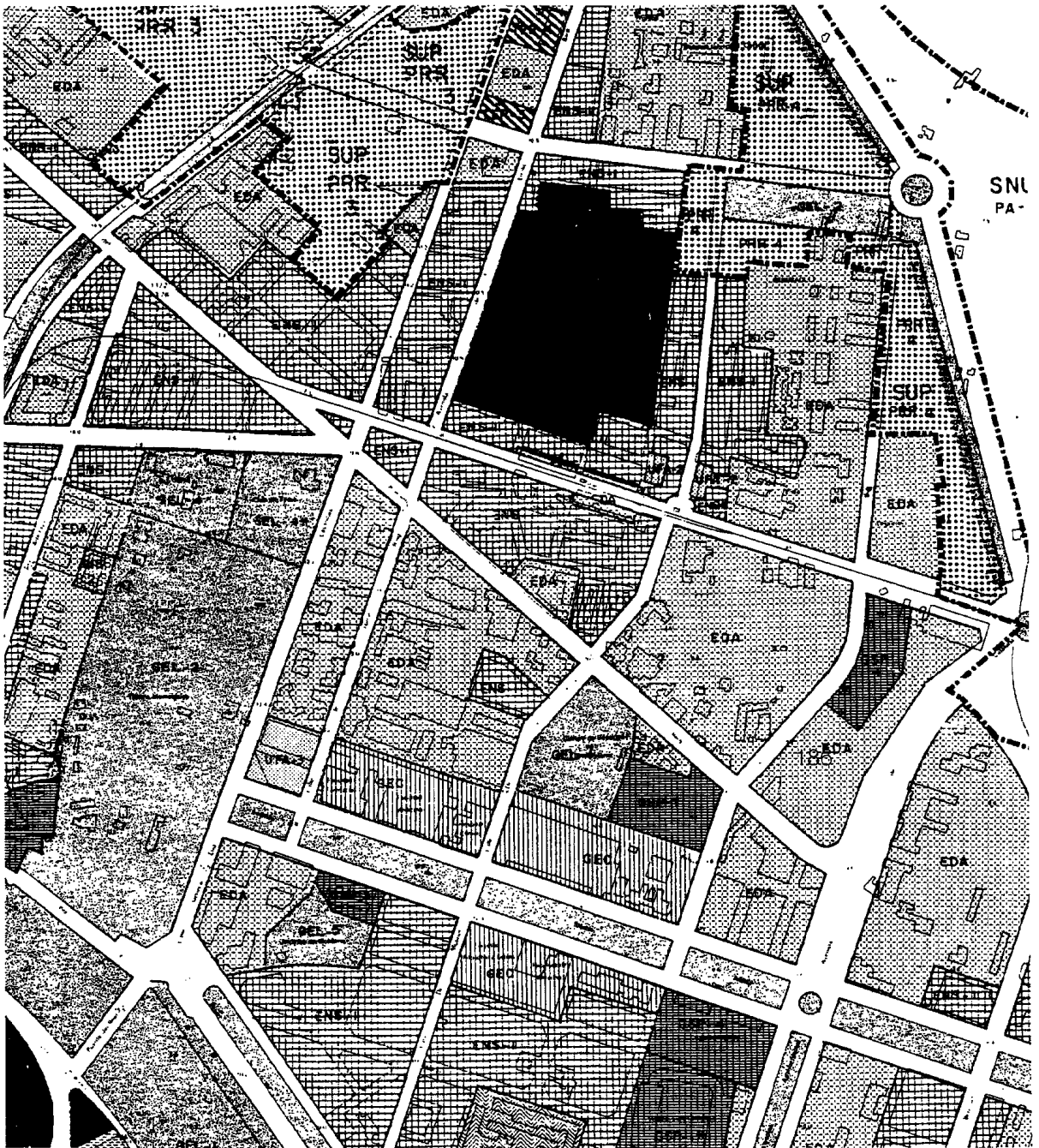
P: Services and administrative area  
Public and private services and administration

VL: Local recreation area  
Daily recreational and sports activities  
To offer sports and other general recreational amenities in small buildings and infrastructure, along with essential facilities for local traffic and parking space  
Local woodland to be treated as park land  
Areas of water and timber bordering on open spaces to be protected

LV: Water traffic area  
Port and quay facilities; warehouse, terminal and service areas for port activity and shipping; and a lakeside park; also planned for other suitable water traffic activities

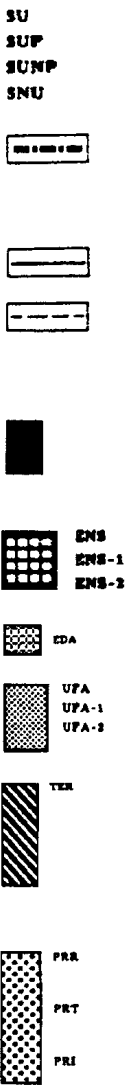
LV-1: Water traffic area, with quays reserved for use by local residents  
Port and quay facilities and a lakeside park and market, with provision for other suitable water traffic activities.  
Quays predominantly reserved for use by local residents

W: Water area  
Area is reserved as a lake area. Special attention to be devoted to maintaining the highest possible water quality.



15. SPAIN - Plan General (PGOU), Valencia

Part of the key :



Types of site

SU: urban site  
SUP: site for which development is planned  
SUNP: site for which development is not planned  
SNU: protected site

Site boundary

Designated urban development areas

Urban development area boundary

Protected area boundary

On urban site

CHP-1: Ciutat Vella

ENS: NEW DEVELOPMENT  
ENS-1: New development  
ENS-2: Protected new development

EDA: Open building

UFA: Single-family home  
UFA-1: "Cases de Poble"  
UFA-2: Terraced

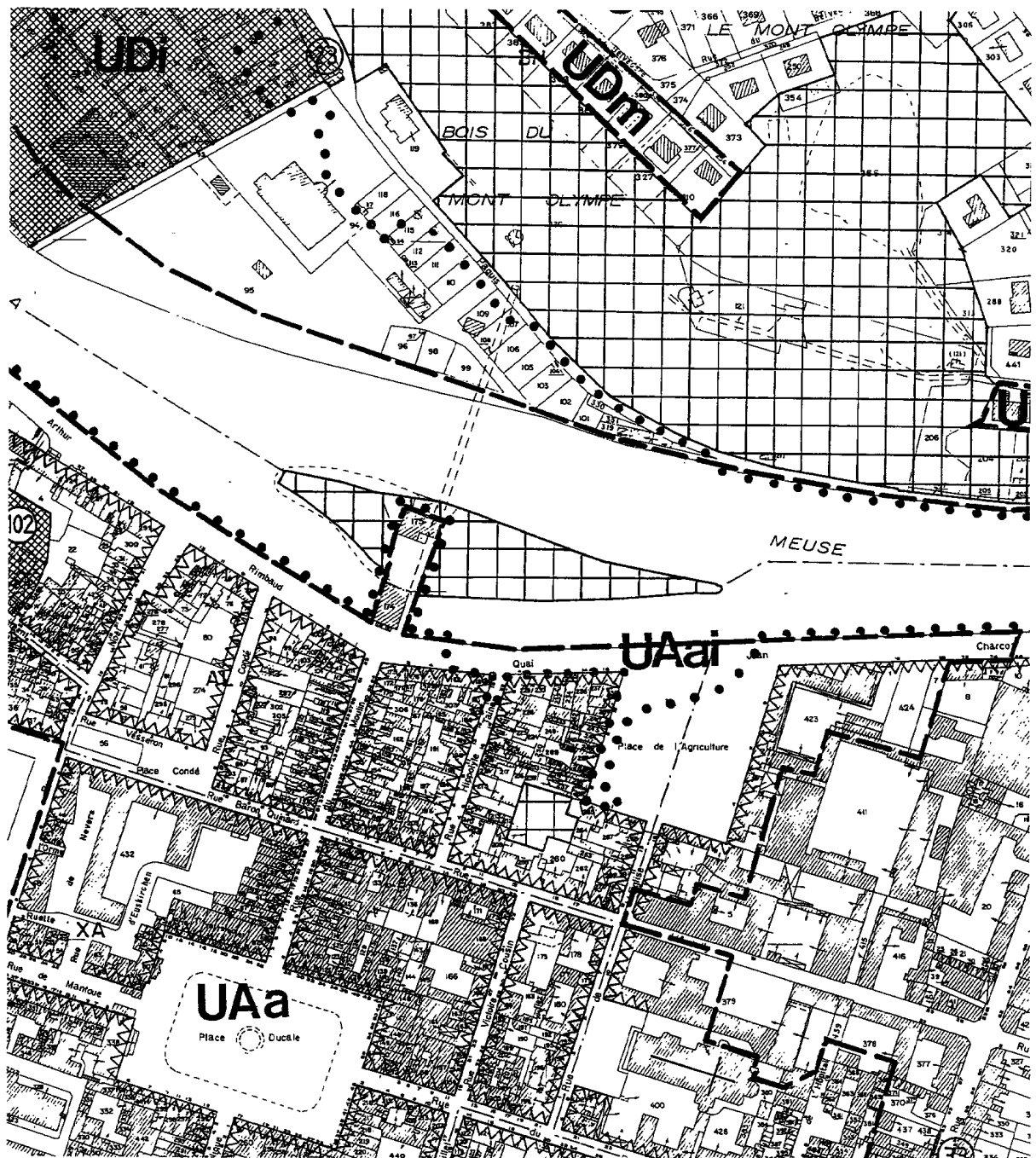
TER: Services

On sites for which development is planned:  
PRR: Planned for predominantly residential use  
PRT: Planned for predominant use by the services sector  
PRI: Planned for predominantly industrial use

## REGULATION INSTRUMENTS

Regulation instruments provide for the implementation of planning policies by establishing development rights through zoning, by enabling public sector land acquisition, by directing public sector investment, and other means. This sample of regulation plans illustrates a typical selection of these plans. The French Plan d'Occupation des Sols (POS) uses a national

code of land use categories for zoning. For example, UA designates central area uses. The remaining examples (the Dutch Bestemmingsplan and the Belgian Plan Particulier d'Aménagement) show more detailed approaches with the characteristics of each parcel of land identified separately. The original scale of these examples have been reduced by 50%.



16. FRANCE - Plan d'Occupation des Sols de la ville de Charleville-Mézières (POS)



Part of the key :



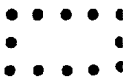
Municipal boundary



Area boundary



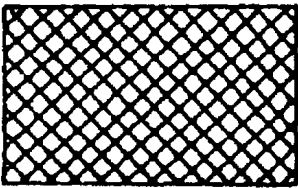
Industrial area



Sector boundary



Protected woodland



Site reserved for public works, green areas,  
street development



Operation number



Specific architectural provision















ZUP/ZAC boundary

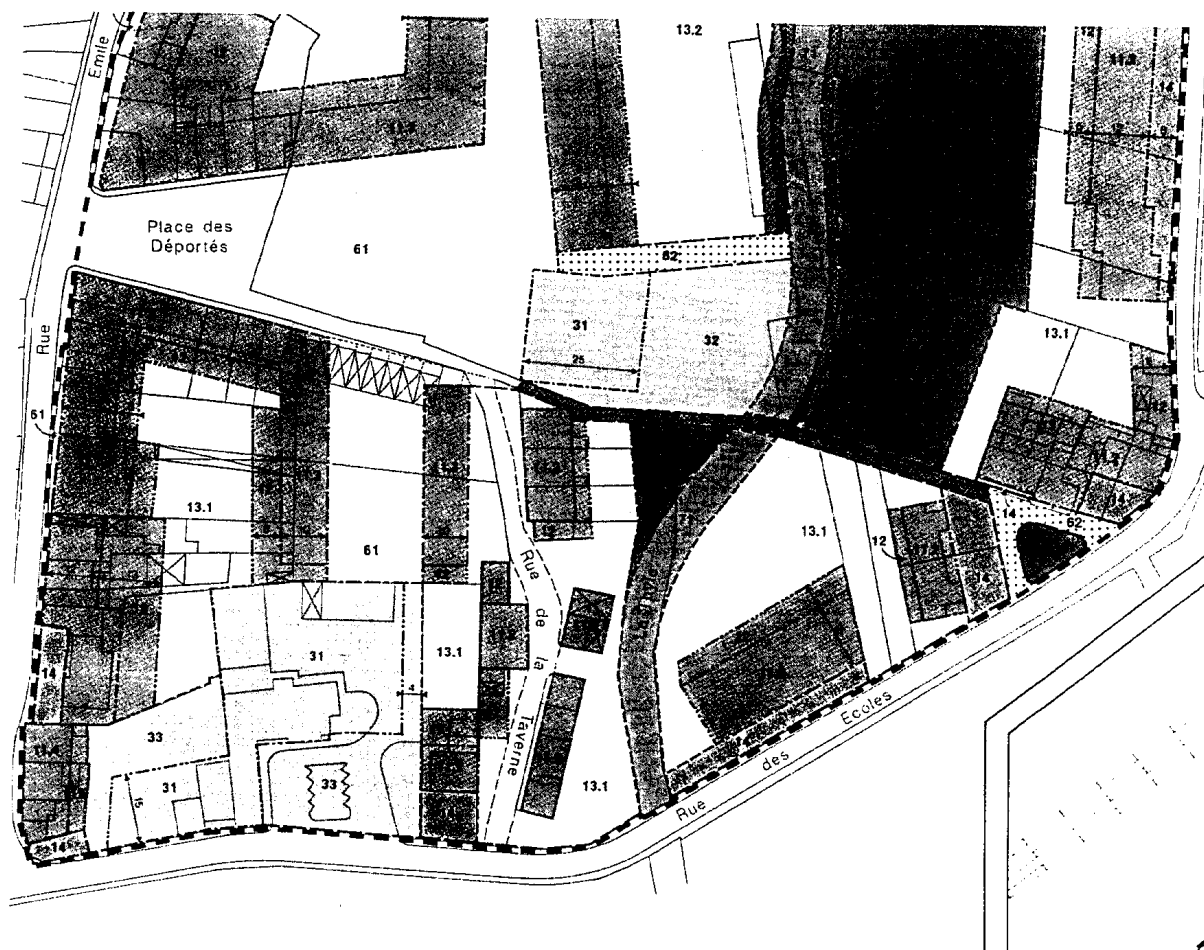


Part of the key :

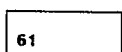
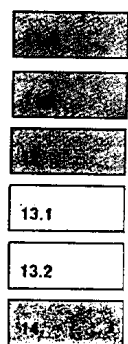
#### USE

	Single- and multiple-family residences		Mixed construction
	Multiple-family residences (Art. 11 of the regional planning act)		Mixed construction
	Specific residential buildings		Passive recreational uses
	Specific uses		Protected groundwater mining area I, for passive recreational uses
	Business buildings		Mixed construction and/or office space
	Businesses in the catering sector		Workshops

## 17. THE NETHERLANDS - Bestemmingsplan Stadscentrum Omgeving Kronenburgerpark



Part of the key :



### RESIDENTIAL AREAS

Terraced housing

Semi-detached housing

Ancillary development

Yards and gardens

Yards and gardens with common garages

### COMMUNITY AMENITIES AND PUBLIC SERVICE AREAS

### GREEN AREA

Public green area

### PUBLIC ROAD AND AREA

Public road and square

European Commission

**The EU compendium of spatial planning systems and policies**

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