

The Changing Institutional Landscape of Planning

Edited by

**Louis Albrechts, Jeremy Alden
and Artur da Rosa Pires**



THE CHANGING INSTITUTIONAL LANDSCAPE OF PLANNING



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First published 2001 by Ashgate Publishing

Reissued 2018 by Routledge

2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

711 Third Avenue, New York, NY 10017, USA

Routledge is an imprint of the Taylor & Francis Group, an informa business

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A Library of Congress record exists under LC control number: 2001087223

ISBN 13: 978-1-138-72154-8 (hbk)

ISBN 13: 978-1-315-19436-3 (ebk)

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Acknowledgements

This book has been the outcome of several contributors working together within the Association of European Planning Schools. The editors wish to acknowledge the assistance and enthusiasm provided by all the contributors to produce this volume within the time schedule required.

The editors would like to acknowledge the contribution of Adri Stoffaneller in co-ordinating and producing a camera-ready document for publication from a large number of international contributors. Without her effort input and professional standards, the production of this book would not have been so successful.

1 In Search of New Approaches for Planning

JEREMY ALDEN, LOUIS ALBRECHTS AND
ARTUR DA ROSA PIRES

Globalization processes have an impact on the state's capacity to govern and this, in turn is leading to a recomposition of the role of the state and to a search for new forms of regulation (see Le Galès, 1998). Globalization does not imply sameness between places but a continuation of the significance of territorial diversity and difference (Amin and Thrift, 1994). Each 'mode of regulation' is characterized by a series of formal or informal practices, embodied in the state or other scale defined formal or informal institutions or levels of governance, through which the conflicting nature of social relationships is guided and negotiated and which assure the reproducibility of the relationships as well as their transformation (Swyngedouw, 1997). This brings us to competences of different levels of government.

The New Economic Policy emerging in many countries is not against state interventions. It aims to reorient state intervention away from monopoly market regulations and restriction of civil behavior and public and ethical entrepreneurialism.

In contrast to the 1970s the 1990s witnessed a move away from the 'modernist' conceptions of the provider state to the adoption of a more 'entrepreneurial' style in which the government 'enables' through framing and promoting the activities of citizens and business. In many places of Europe there is a pervasive struggle in the terrain of governance at the present time between traditional representative democracy and a more direct democracy. There are critical shifts in the domains of intervention, actors, institutional structures and policy tools. This brings us to a rather fundamental shift from traditional governing structures to a more diffused, fragmented mode of governance. There is a plea for a change in the way in which public problems are dealt with and the governing activity is developed. It becomes more and more difficult to ignore citizen demands.

There is an accelerating policy rhetoric that calls for more integration between policy areas and for a stronger emphasis on managing, in strategic ways the evolution of the qualities of cities, city regions, valued landscapes.

Immediate Cause for the Book

Planning today has to deal with a completely different world from the one in which many of the basic ways of thought of the profession were founded. The traditional planning approaches often seem less relevant today when so much of the official rhetoric is of sustainable development, deregulation and competitiveness in a global world. Moreover, a growing number of citizens want to have a voice in the design of the future of their community, city, region etc. When problems and challenges change, often the institutions do not and, therefore, become a problem themselves. Institutions may need to change to address new challenges.

If one looks at planning in Europe one could witness a great deal of transformations in European spatial planning. Changes in national systems are by now well documented with the compendium of European Planning systems especially as the country reports are becoming available. New directions in governance modes, which are more sensitive to the consumers of public policy rather than producers of that policy, emerge.

Planning is embedded in social relations and is therefore heavily dependent upon a mix of cognitive, cultural, social and political institutions. Much more complex spatial systems emerge with a profound re-appraisal of the forms, functions and scope of spatial policy. This led in many places to new approaches, new scale levels, the development of new planning tools and institutions.

Planning theory and planning practice has provided us with new approaches (strategic, collaborative, communicative). Most of them seem to take a normative position for a participatory democracy in a pluralist society.

These new approaches and challenges are very often at odds with the institutional structures that have been designed to support the traditional planning system. So, new approaches (or new types of plans) are being produced or reinterpreted through traditional planning concepts and the legal terms of the traditional planning system. All this involves much more than the formal institutions of government. It involves formal and informal relational networks, which interlink individuals, firms, pressure groups,

trade unions, social organizations etc. It also involves ways in which power and influence is used in the old system. It is fair to say that there is often a mismatch between the new challenges and the new approaches on the one hand and with the traditional planning system (set of rules, procedures), the institutions related to that planning system and the planning culture that has developed over the years out of this system and these institutions.

The central theme of the book is to illustrate the robust nature of planning in some European countries, the changes which have recently taken place, and the modernization of planning to address contemporary issues. Planning now operates at all spatial scales to achieve sustainable development. The book examines carefully selected innovative examples of how this has been achieved in different countries and at different spatial levels. The special flavor of the book is to capture the spirit of planning in 2000, which seeks to cope with new challenges by adding new dimensions which have been lacking or need strengthening.

Focus

According to a common framework formulated by the editors all contributors were asked to deal with the tensions between the dynamics of new problems/challenges, the new approaches adopted to tackle these problems/challenges, and the rigidity of existing institutional structures and planning systems.

The focus is on a critical analysis of the new ideas in practice (practical consequences of new approaches, on legislation, on formal institutions and emergence of new planning instruments).

The contributions focus on:

- an innovative case
- on changes/developments in the last 10 years, i.e. 1990s to present time
- future directions: where are we going?
- what are the driving forces for change?

Structure of the Contributions

Planning now operates at all spatial levels, European, national, regional, metropolitan, local and community levels. Each contributor locates his contribution within the case study framework (Table 1.1).

On the basis of a discussion between the editors each contributor identified a case (Table 1.2.) which was seen as either innovative in its approach or at the leading edge of practice in his country.

Table 1.1 Case study framework

- Brief introduction indicating why the case study was selected (relevance of the scale level)
- Context of the case in terms of:
 - New policy agendas
 - Problems
 - Challenges
- Main characteristics of the approach adopted in the case (relation with context):
 - What issues are addressed?
 - What spatial concepts/images have been used?
 - In what way is planning as used in the case different than the prevailing planning?
 - In what sense and to what extent did the planning described in the case produce good (better?) results?
- Impact of the case on the overall planning discourse:
 - What are the main problems change is confronted with?
 - What stakeholders are involved?
 - Does the case provoke a change in the planning culture?
 - Have the new spatial scales led to more or less tensions within the planning system?
- Impact of the new approach on existing institutions:
 - Are there clashes between new approach and 'old' institutions?
 - What stakeholders/institutions are in favor of change?
 - Role of the public and the planner
 - Role of public/private sector partnerships.
- Reflections from the case study on the basic themes dealt with in the position paper.

Source: Editors

Table 1.2 The cases

Type of Area	Country	Case
Supra national	E.U.	ESDP European Spatial Planning
National	U.K.	England
Region	Belgium	Flanders
	U.K.	U.K. Regions
Metropolitan	Germany	Ruhr
	Italy	Milan
Municipality	Portugal	Aveiro
Community	U.K.	Merseyside
	Norway	Landäs

Source: Editors

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2 Complexity and Interdependency in a Kaleidoscopic Spatial Planning Landscape for Europe

MARK TEWDWR-JONES

Introduction

The planning map of Europe has changed significantly over the last twenty years. The increasing interest of the European Union towards spatial planning matters, a move towards enhanced inter-Member State and inter-regional integration and co-operation, and changing political and institutional contexts at the European, Member State, sub-national and local levels of governance - including devolution and decentralisation - have all impacted upon how planning is viewed and what role it performs in the 21st century. These changes, and the rapidity with which they have occurred, can appear confusing and kaleidoscopic. Additional changes have occurred to the nature, definition, purpose and remit of planning within different European Member States, often on different spatial scales. The emergence of governance, environmentalism, public-private partnerships, enhanced community and participatory processes and the global economy, meanwhile, further confuses an already complex picture.

What we know today as planning bears little resemblance to the same activity that existed just twenty years ago in different European countries. A planning system that was intended to facilitate development, regulate land use, and differentiate between the urban and the rural, has been almost decimated. A complex and on-going process of political and institutional restructuring, changing forces both within and outside Europe and Member

States, and the demands of high expectations by a never-ending number of agencies, stakeholders, public groups, individuals and governments have bombarded planning sectorally, territorially, and politically. The pace of change has been equally frightening. Associated with the new demands on planning and its delivery, professional planners and educators have had to adapt to the new demands, new knowledge and new skills required, to ensure that planning retains its place in governance and has some credence in the on-going web of change and complexity.

Within this chapter, I would like to dissect some of these planning webs and to reveal the new relationships and tensions that either presently exist or are emerging in 21st century Europe. My aim is to try and make sense of the complexity within planning by considering the various spatial and territorial scales in which planning operates both as a formal governmental process and informally as a co-operative partnership. I set out the features of planning from European to local levels of governance, conceptualising the relationships between these levels and highlight the various substantive demands that are currently being placed on spatial planning. In particular, I would like to examine tensions that are increasingly inherent within planning policy-making and plans by utilising some theoretical discussion to distinguish between the independence of different agencies of the state, their autonomy and their interdependence. Overall, I hope the picture portrayed is one of a complex but manageable matrix of planning activity in Europe, that will both provide a framework for the other contributions to this volume and assist students and researchers of planning identify new areas that warrant academic attention.

Following an introduction to European Union interest in planning matters and the institutions of planning, the chapter considers the changing definition and conceptualization of planning including the demands and expectations that are imposed on planning by various tiers of governance. There then follows a discussion of the various substantive issues that planning has been targeted to be responsible for, including economic, environmental and social, before considering the resultant competing claims on spatial planning in order to generate the mutually-agreed objectives of inclusiveness, coordination and ownership. Some aspects of planning theory are utilized to understand the complex inter-relationships between plans and planning at different spatial scales before the final section considers from a theoretical perspective the competing and

kaleidoscopic planning pattern now existing. Let us begin by considering the European dimension.

The European Context

The European Union's interest in what has become known as 'spatial planning' matters has increased significantly over the last twenty years or so (Fit and Kragt 1994; Giannakourou, 1996; Kunzmann 1996, 1998; Roberts 1997a; Williams 1996). For the most part, the European Union has not been able to intervene directly in statutory planning in Member States mainly as a consequence of the lack of legitimacy awarded to the EU in relation to planning matters; the impact has rather been felt indirectly. For example, a large number of EU spatial planning initiatives have had a significant indirect impact on the operation of each country's planning process. These include policies toward transnational cooperation, structural funds (Batchler and Turok, 1997), the Common Agricultural Policy (Grant, 1997), the Common Fisheries Policy (Gray, 1998), transportation policy (Richardson, 1997) and environmental and energy policy (Matlary, 1997; Zito, 1999). Even though many of these topics comprise nationally and regionally subject areas warranting national government intervention, different Member States have varied in their attitude towards including EU issues within the context of their planning policy-making functions. More significantly, in some cases, the EU dimension has also been largely absent from national and regional planning policy documents since the degree of acceptance of a European context to spatial planning policies in each country has rested on political will (see, for example, Tewdwr-Jones, Bishop and Wilkinson's (2000) discussion of the UK). Despite this policy vacuum at the national and regional levels of government, aspects of European policy have nevertheless been present as an important context in the formulation and development of planning strategies at the local level, both in Britain (Williams, 1996; Bishop, Tewdwr-Jones and Wilkinson, 2000) and in other Member States. The last forty years shows how the EU has steadily increased its attention to spatial planning issues even if it was originally intended for such a matter to rest primarily with Member States.

The Treaty of Rome of 1957 establishing the European Economic Community contained no reference to planning and both the European

Commission and the Council of Ministers possessed no mandate over planning matters. It was not until the passing of the Maastricht Treaty of 1992, 'The Treaty on European Union', that explicit references to 'town and country planning' and 'land use' were made, and included within Article 130s(2). It is beyond the scope of this chapter to debate the EU's mandate in relation to planning, other than to note that Article 130s(2) is problematic on two counts. First, it could be argued that it was inappropriate to include references to town and country planning within this part of the Treaty that was intended to deal with environmental issues. Secondly, it restricted town and country planning to unanimous voting of the Member States and therefore any future decision relating to planning could be subject to a national veto of a particular country. Further reference was made restricting planning to an area of government where legislation might be agreed by the ministers of the Member States rather than by qualified majority voting (Williams, 1996).

Research undertaken by Davies et al. (1994) and by Nadin and Shaw (1997) identifies a number of distinct periods over the last fifty years in the relationship between the European Union and UK which reflects the approach and experiences of other Member States. The first phase, between 1945 and the early 1970s, represents in planning terms a period of Member States operating in isolation from the rest of Europe. Planners operated discretionary or zoning systems, based either on professional judgment or on blueprint plans for future planning regulatory purposes (see Davies et al., 1989). The second phase, between Member States joining the European Economic Community and the late 1980s, represents a growing awareness of the transnational nature of both economic and environmental issues, and signifies the start of a trend towards increasing interest rather than direct involvement in planning matters broadly defined.

The third phase, from the passing of the Single European Act of 1986, marked a reactive phase with a 'broader-based involvement in Europe for the planning profession' (Davies et al., 1994, p.99) with increasing awareness amongst planners in each Member States about the operation of the European Community. This was especially noticeable at the local government level where planners started to develop an interest in fostering links and exchanges with Brussels, through the appointment (for example) of European Liaison Officers (Nadin and Shaw, 1997; Williams, 1996). The fourth phase, after the publication of 'Europe 2000' in 1991, marks a new interest in spatial planning issues (Martin, 1992). The introduction of

EU environmental initiatives and structural fund allocation has been accompanied by the emergence of planning as a pan-European activity (see Buunk et al., 1999; Fit and Kragt, 1994; Kunzmann, 1996, 1998; Roberts, 1996, 1997a and 1997b; Williams, 1996).

The last ten years or so have witnessed a significant number of developments that have taken place in European Union spatial policy development. At the 1989 Leipzig meeting of planning ministers, a decision was taken for Member States to work together informally on the future of European spatial planning issues. This marked the commencement of, to some degree, a new legitimate role for EU planning activity that had a direct impact upon other tiers of government and governance across Europe and within each Member State. The Leipzig agreement contributed to the development of two important EU instruments: INTERREG and Trans-European Networks. It also assisted in the development of the Compendium project (Shaw et al., 1995; CEC, 1997; Nadin and Shaw, 1997) that attempted to provide an overview of planning in each of the Member States. In 1991, the Committee on Spatial Development (CSD) was formed comprising senior officials from Member States to foster this inter-Member State collaboration, leading to the development of what Williams (2000) has referred to as a classic example of European governance by committee.

The European interest in planning therefore has a fairly recent history even if the scale of interest and its development has been informal. Despite this cooperative arrangement, which one might even call a 'formal informality', the impact of informal EU activity in spatial planning has been almost as significant as that that might have existed if the EU had been awarded formal planning powers. The effect has been noticeable on two levels: at the Member State level, for the most part only in terms of providing the political will and legitimacy to enter EU discussions, and; at sub-national levels, in the development of planning policies, financing and resourcing of projects, fostering inter-regional cooperation, and in ensuring policy implementation. Member States have therefore relied on sub-national levels of governance to ensure that planning has delivered substantively even if the decisions to enter cooperation with other Member States has occurred in principle at the national level.

The European Commission

Planning is operated predominantly by institutions of the state, at European, Member State, sub-national and local levels of governance, and increasingly in partnership with a range of private, non-governmental and voluntary organizations. The main institution that local or regional planners are likely to encounter is the European Commission. The EC, within the context of this book, is a catalyst for a number of changes that are occurring to and within planning in Europe, although as we shall see later in this chapter, they are being mirrored by changes occurring within Member States too.

The EC is the secretariat of the EU. It is a relatively small institution, employing fewer people than a medium sized local authority in the UK. It is under the overall direction of the Members of the Commission, which has 20 Members, two from each of the large countries and one from the smaller Member States. It is divided into a number of Directorates General (DG), each responsible for a particular sector of EU policy making, rather like national government departments. The DGs of greatest concern to planning are relatively small compared with those concerned with issues such as competition policy or agriculture. The DG for regional policy, known since 1999 as DG REGIO (formerly DGXVI), is the one most likely to be an immediate point of contact for local authorities as it administers the Structural Funds and other funding programmes of concern to planning including those targeted specifically at urban policy issues.

The EU has had a regional policy since 1975. The agreement on this was an outcome of the enlargement negotiations that led to the accession of the UK, Ireland and Denmark in 1973, but regional policy has undergone many changes since those days. The initial funding programmes were approved only on a temporary basis and were little more than budget transfer mechanisms. It became formalized under the EU Treaties with the passage of the Single European Act of 1986. The European Regional Development Fund (ERDF), the main policy instrument of regional policy, is now considered as one of three structural funds, the others being the European Social Fund (ESF) and the guidance section of the European Agricultural Guidance and Guarantee Fund (EAGGF). Since 1989 there has been a policy of integrating all forms of regional aid within a common framework for the coordination of the Structural Funds on the basis of a set of overall objectives.

The other DG of particular relevance is DGXI, responsible for EU environment policy. This DG has been responsible for many of the proposals leading to legislation to be taken into account in Member States' planning processes. During the 1990s, EU environment policy was largely pursued through legislation and this was, from time to time, the cause of difficulty for some national governments. It should be noted that, under the provisions of the Treaty of Rome, EU legislation is always superior in law to national member state legislation. Environment policy was not part of the original Treaty of Rome on which the EU was founded. The agreement to originate it dates back to a meeting of heads of government in 1972. It initially proceeded under general provisions of the Treaty, which required unanimity. As with regional policy, a specific legal competence was created in the Single European Act of 1986 which added an environment title to the original treaty.

The role of the Commission is to propose policy measures that implement the objectives agreed in the treaties, and to monitor existing policies. However, no proposal can enter into force until it has been adopted by the Council of Ministers. A council exists for every sector of policy making over which the EU has powers granted in the treaties. Its members consist of the appropriate minister from each member state. After presentation of a proposal from the Commission, the council is required to take into account views of other EU institutions and national governments, and may be involved in complex negotiations. However, every piece of European legislation must be enacted by the Council, either by unanimity (i.e. Member states have a veto) or by qualified majority voting (QMV). EU environment legislation has been the product of both systems. Funding programmes such as the ERDF do not require Council votes for individual proposals, although the basic regulations must of course go through this approval procedure.

Before a Council of Ministers can enact legislation, extensive consultations are always undertaken with member state governments, and the Opinions of the European Parliament, Committee of the Regions and Economic and Social Committee must normally be obtained. Parliament has had, since the Maastricht Treaty, a role in the legislative process along side that of national ministers. The Committee of the Regions consists of politicians elected to local and regional authorities who are nominated by their national government. In fields such as spatial planning its expertise is quite considerable, and therefore its Opinion is often very influential. The

Economic and Social Committee consisting of nominated representatives of employers, trades unions and independent professionals, may also be asked to offer an Opinion but in the planning field this is of less significance. A fuller explanation of the role of these bodies in the EU legislative process is to be found in Williams (1996).

EU interest in planning at the present time therefore remains confined to particular substantive areas, such as the Structural Funds, regional policy and environmental policy, which possess either a direct or indirect bearing on 'planning'. Directives possess a direct impact and are required to be transposed into domestic legislation of Member States; policy mechanisms may be written into planning policies of each Member States - at national or sub-national levels - but these are dependent on political will for their inclusion. This distinction strikes to the very heart of the notion about how one defines planning and how planning itself as a governmental activity is kaleidoscopic. More fundamentally, it questions how planning should be 'ring-fenced' and what components of the definition should be included and excluded. How planning is viewed, defined and operationalised will be different between different Member States. The distinction, between a strict narrow land use regulation definition and a broader contextual definition incorporating substantive policy areas, could parallel the use of the terms 'planning' and 'spatial planning'.

From Planning to 'Spatial Planning'

The term 'spatial planning' has come into widespread use only since the early-mid 1990s. It is a direct translation of German and Dutch planning terminology (*Raumordnung*, *ruijmtelijke planning*) and an approximate translation of the French *aménagement du territoire* (Williams, 1996). It is used to emphasize the difference between the traditional (British) approach to town and country planning and the underlying concepts of planning that have been developed in these three countries. The essence of spatial planning is that it is concerned with location of both physical structures and activities within the territory of the jurisdiction to which it is applied. Spatial planning can operate at any spatial scale from that of a neighbourhood to that of the EU as a whole. For this reason, it is preferable to the term regional planning which is also occasionally used as a translation of the words quoted above. Another essential feature of spatial

planning is that it aims to provide coherence and coordination of policy making for the variety of authorities and agencies that may need to take spatial decisions, and provide guidance and greater certainty for private sector developers. It therefore possesses a multi-agency legitimacy, broadening out planning as both a subject matter and as an activity.

The spatial planning phrase means different things to different Member States, and the European Commission has drawn attention to the confusing array of different terms employed across the territory to describe particular combinations of government activities designed to influence the use of space (CEC, 1997). The Commission's preferred use of the term spatial planning as a neutral, umbrella term is an attempt to embrace all the different national approaches to the management and coordination of spatial development without being specific (or even biased) to any one of them. Spatial planning should therefore be viewed as reference to a range of public organisations, policy mechanisms and institutional processes at various tiers of government and administration that, together, influence the future allocation and use of space. It would include the following activities (DETR, 1998), many of which overlap:

- urban and regional economic development;
- measures to influence the population balance between urban and rural areas;
- the planning of transport and other communications infrastructures;
- the protection of habitats, landscapes and particular natural resources;
- the detailed regulation of the development and use of land and property; and
- measures to coordinate the spatial impacts of other sectoral policies.

Spatial planning is therefore a useful term since it can be much broader than the planning terminology, even planning systems, utilized in single Member State countries. In relation to the UK, for example, the town and country planning term is a particularly narrow phrase that describes in essence the statutory planning process of development control and development plan preparation. But this is just one aspect of what planning is and what purpose it serves, and does not adequately address broader questions that planning is expected to be concerned with (Tewdwr-Jones, 1999b). A wider phrase possesses the ability to consider wider social, economic, environmental and cultural issues, many of which are often