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CONFORMING AND PERFORMING PLANNING: AN UNBEARABLE COHABITATION

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Territorial governance in Europe is managed by two models of planning: a more traditional and common one, aspiring to 'conform' single projects to a collective strategy; a novel and less institutionalised one, promoting projects able to 'perform' the collective strategy. The present contribution argues that current cohabitation of these two models is no longer bearable and that, particularly, conforming ambitions should be abandoned.

"The idea of a co-ordination of human activities by means of a system of impersonal rules, within which what spontaneous relations arise are conducive to mutual benefit, is a conception, at least as subtle, at least as ambitious as the conception of prescribing each action or each type of action by a central planning authority".

Lionel Robbins, *Economic planning and international order*, 1937, p. 229.

1. Introduction

Spatial planning traditions and institutional planning approaches in Europe are several (Newman & Thornley, 1996; CEC, 1997; Balchin *et al.*, 1999; ESPON, 2007a). It seems plausible to admit, however, that they convene generally (exceptions, discussed later in this section, are rare) in treating local implementation in terms of 'conformance': spatial development projects must conform themselves to the collective strategy proposed by the plan through a land use zoning design.

This model of 'conforming planning' is largely widespread, not only in Europe, for historical and cultural reasons. It is agreed indeed that modern planning and its institutionalisation put down roots in the phase of industrial and bourgeois revolution and of the formation of modern states (Chapin, 1965; McLoughlin, 1969; Faludi, 1973; Hall, 2002). For the most of the 20th century, particularly, the pressing needs of post-war reconstruction and of Fordist urbanisation have supported almost everywhere in the world a planning model based on the ideals of hierarchy (vertical relations between planning tiers) and of dirigisme (horizontal relations in the plan management). Even the most progressive

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planners, conditioned (and guaranteed) by an institutional and cultural context inspired to the welfare state paternalism, generally have nourished the assumption that the State, as unique keeper of the collective interest, must conform individual projects of property development to its own strategy.

Only the Fordism crisis, the explosion of globalisation and the consequent processes of spatial reorganisation have let emerge, with increasing evidence since the '70s, the limits of conforming planning. They regard precisely plan implementation and, particularly, the increasing difficulty of reconciling multi-level collective strategies to more and more relevant local/individual projects of spatial development (Amin & Thrift, 1994; Healey, 1997, 2006; Albrechts *et al.*, 2001; Allmendinger & Tewdwr-Jones, 2002; Albrechts, 2006). This has determined multiple discussions in the international planning debate and the pursuit of new directions in planning research and practice, being the 'revival of strategic planning' (Salet & Faludi, 2000; see also: Healey *et al.*, 1997; Albrechts *et al.*, 2003; Albrechts, 2004, 2006) one of the most significant.

After the Single European Act (1986), triggering the European Community integration in face of globalisation (CEC, 1985), the European Union has found necessity to deal with spatial development and planning practices (Williams, 1996; Faludi, 2002; Janin Rivolin, 2004). However, being deprived of any formal competence of land use regulation, the EU has fostered territorial governance processes rather based on a principle of 'performance'. On the one hand, the ESPD (CEC, 1999; Faludi & Waterhout, 2002), being the 'proudest achievement' of European spatial planning at the moment (Faludi, 2001), is expected to encounter 'application' (rather than implementation) in the EU member states (Faludi, 2003; ESPON, 2007b). In this, of course, it fully embraces the logic of strategic spatial planning. On the other hand, according to EU regional policy regulations, only those projects able to perform the collective strategy agreed by Community programmes (under Structural Funds' mainstream, Interreg, Urban, Leader initiatives etc.), in their turn referred to the ESPD, can be funded for implementation. In this view, the selection of projects according to agreed and explicit evaluation criteria, conditioning their possible approval to even substantive changes, takes a pivotal role in the implementation process.

The absence of a land use regulation competence has certainly been an incentive to adopt a not-conforming rationale of implementation at EU level, but to identify this as a feature of a 'performing planning' model would be misleading. After all, one may rightly argue that also the United Kingdom planning system (responding obviously to a statutory competence of land use regulation!) is used to promote performing planning practices, since – being in this a very exception among all European countries – it has renounced to exercise conformance powers for a long time¹. In this case, the fundamental task of projects evaluation and negotiation is legitimately carried out by local authorities, which are not conditioned by a binding zoning design². The UK exception finds an historical explanation in the nationalisation of development rights in land in the post-war period³. But, again, this may have simply encouraged (rather than determined) the trigger of

performing planning practices (the EU territorial governance example would be otherwise inexplicable).

Therefore, the distinction between conforming and performing planning in the sense here addressed does not deal with matters of statutory competence (national states versus the EU), nor of planning scale (local plans versus regional plans), nor of type of plan (land use plans versus strategic plans). Since territorial governance as a whole is at stake, the backdrop is wider than the one usually assumed in current discussions about 'performance' in strategic spatial planning (Mastop & Faludi, 1997; Faludi, 2000). In other words, the relevant question here is not how the effectiveness of regulative planning and of strategic planning should be differently considered, but how the effectiveness of territorial governance is respectively pursued and attained by conforming and performing planning systems.

The topical distinction regards, therefore, the node of local implementation and, particularly, the modalities of delivering spatial development rights. In the 'conforming' model (the more traditional and largely widespread among the European statutory planning systems), development rights are assigned previously along with the design of the collective strategy (which assumes for this reason a binding power by a zoning map). In the 'performing' model (familiar to the EU not-statutory planning practices and exceptionally adopted in the UK statutory planning system), development rights may be assigned after the evaluation of projects, once they have been assessed to be in line with the collective strategy aims (which therefore constitute a not-binding policy reference).

In brief, the aforementioned planning models relate to respective cultural assumptions and technical procedures finally producing, in virtue of juridical effects, different operational consequences on spatial development and on territorial governance. The present contribution argues that, for various reasons, a performing planning system is preferable to a conforming one. Moreover, it argues that current cohabitation of these two models in Europe plays against the common interest of good territorial governance. Finally, it envisages the opportunity to agree the adoption at EU level of common principles able to foster performing planning practices possibly in all European countries.

With this intention, the paper prosecutes with a conceptualisation of the role and functions of a planning system, useful to frame the discussion (§ 2). Then, it focuses on features and effects respectively of conforming (§ 3) and of performing (§ 4) planning. The appearing contradiction between the wider diffusion of the former and the manifest advantages of the latter opens the complex topic of innovation in planning (§ 5). This aspect is helpful to understand current difficulties of EU territorial governance, as far as institutional improvements are especially concerned (§ 6). Finally, a concluding section sums up the main findings of the paper (§ 7).

2. Role and functions of planning systems and two spheres of interaction

Territorial governance is both allowed and conditioned by the functioning of planning systems. These may exert statutory and not-statutory functions. Since spatial transformations affect the use of land, however, planning must deal with a statutory function of land use regulation in accordance with the property regimes respectively acknowledged by constitutions in force.

In conceptual terms, the role of a planning system may be therefore imagined as a 'hinge' between the 'government system' (in a general sense) and the 'spatial production and consumption system'⁴ (Mazza, 2003, 2004). Particularly, the government capacities towards the spatial production and consumption system largely depend on the planning system ability to define land use rules and to make them effective. Since implementation is a typical productive function (not belonging to the planning system)⁵, however, the effectiveness of land use regulation passes through a complex prism of technical functions and of decision-making processes. The building of planning decisions is therefore a multi-level, multi-sector and multi-actor governance process, while the product of planning activities is a government act (since power to modify the existing use rights in land belongs anyway to public authorities).

The above conceptualisation of planning systems allows to overcome the recurring dichotomy between 'regulative' and 'strategic' planning⁶, because it draws the attention on the overall social usefulness of planning as an 'institutional technology' (the meaning and implications of this term will be discussed later; § 5). The validity of analytical distinctions between types of plans notwithstanding, the necessary coexistence of multiple technical functions within a planning system must not be disregarded indeed. Four functions of a planning system, in particular, can be summed up at least (Mazza, 2003, 2004):

- 1) a *strategic* function, concerning both the definition of goals and of policies to achieve them and the construction of (spatial) frameworks for action;
- 2) a *regulative* function, dealing with land use regulation;
- 3) a *design* function, regarding the definition of policies and projects for spatial development;
- 4) an *informative* function, dealing with the production and circulation of information.

Among them, only the latter is a general function, in the sense that it crosses the former ones with the aims of improving interaction, guarantying the planning process transparency and favouring the consensus building (Sager, 1994; Healey, 1997; Forester, 1999). The others are specific functions, in the sense that they respond to respective and autonomous objectives in the planning process. Particularly, the regulative function has by definition a *regulating nature*, led to acknowledge and to guarantee use rights in land. Therefore, it is based on established and agreed values. Differently, the strategic function and the design function have a *transformative nature*, led to define new goals and

subsequent proposals of transformation⁷. They are, therefore, referred to new values and possible rights in land.

According to the above tripartite relationship between government system, planning system and spatial production and consumption system, the planning system functions are variously applied in two (interlinked) spheres of interaction (fig. 1).

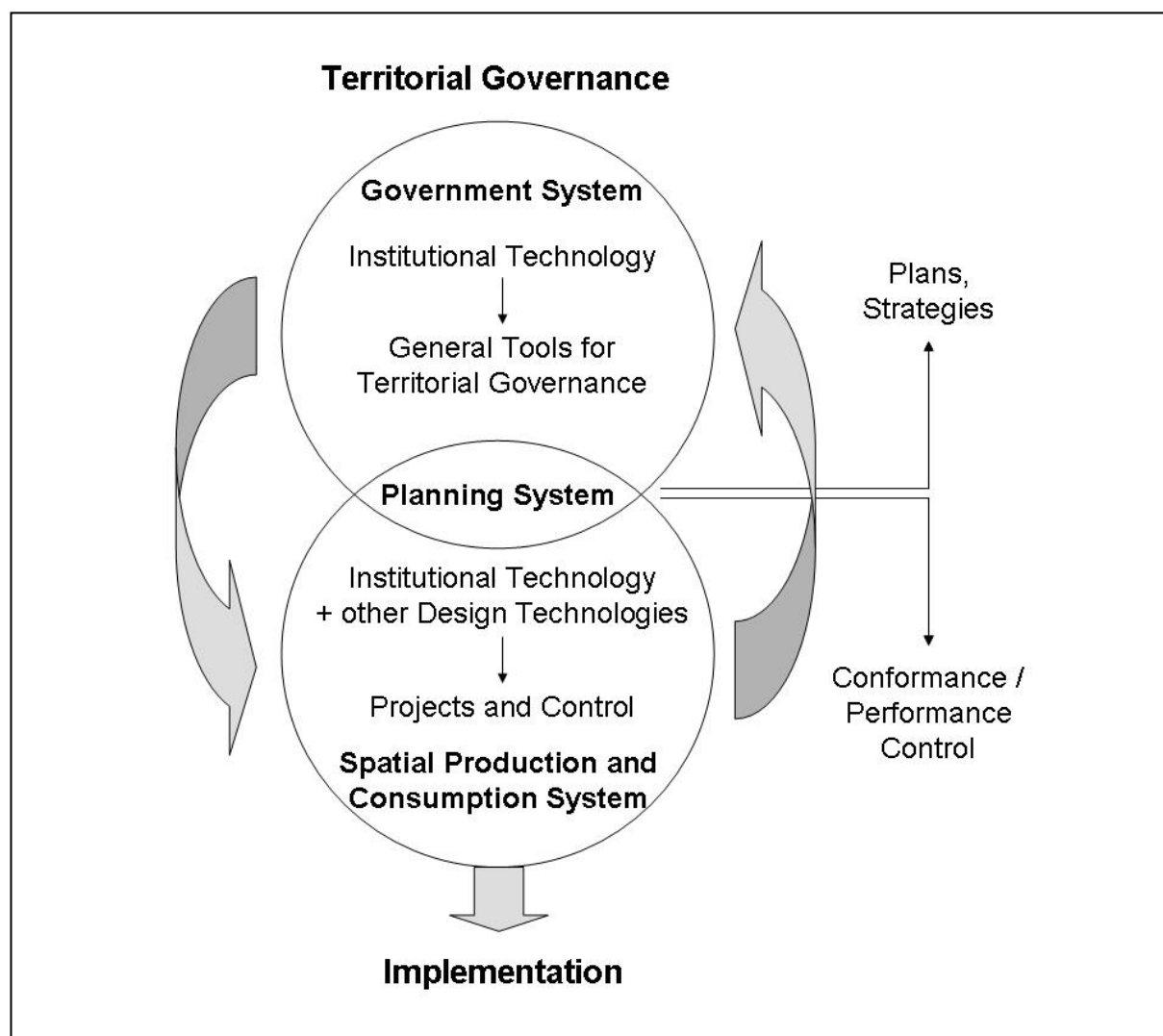


Figure 1 – Planning system as a 'hinge' and two spheres of interaction

The former regards the interaction especially between *government system and planning system*, within the 'institutional technology' framework. Here formal and informal interactive processes, producing strategies, plans, policies and projects, are developed. In this sphere the planning system combines its technical functions in order to produce general tools for territorial governance (usually plans).

The latter regards the interaction especially between *planning system and spatial production and consumption system*. The institutional technology framework is, therefore, open to further public and private design technologies. Here the general tools for territorial governance become subject and source of further formal and informal interactive processes, even more complex (the number and variety of stakeholders increase), finalised to implementation. This latter activity, however, is excluded from the sphere of interaction (it is an exclusively productive function) while, rather, the design of implementation projects and their control with reference to plans are included. In this sphere, therefore, the planning system exerts its technical functions according to *conforming* or *performing* objectives (§ 1).

Of course, the linkage between the two spheres of interaction is not hierarchical nor consequential. There is plenty of evidence that the described processes take place almost contemporarily and are continuously influenced by mutual interaction and mutual-learning activities. This also means that unsatisfactory experiences in one sphere may implicate changes and improvements in the other as well.

3. Assumptions and consequences of conforming planning

'Conforming planning' has been identified in the introduction (§ 1) with the traditional model of statutory planning system, widespread in almost all European countries (like in the USA and elsewhere as well). It was said also that, for historical and cultural reasons, it is based on the ideal assumption that plan implementation responds to the capacity of making spatial development projects conform to the collective strategy proposed by the plan. Such assumption is applied in practice by assigning (new) use rights in land in accordance with the designed collective strategy (usually transferred in a zoning map). Consequently, those projects which result to be conform to the plan will be automatically legitimated for development.

In brief, the *technical cornerstone* of the conforming planning model is that plan is intended to be a binding public strategy, to be achieved by the assignation of rules (use rights in land) which are expected to conform public and private projects implementation.

This principle implies a precise *systemic consequence*, with reference to the above conceptualisation of the planning systems role and functioning (§ 2). According to the present model, the two spheres of interaction (government system / planning system and planning system / spatial production and consumption system) result to be melted indeed in a unique pot of decision-making processes and of technical functions. In such melting pot, particularly, the transformative functions (strategic and design functions) and the regulative function (control of development projects) of planning are factually interlaced in the general tool of territorial governance. In other words, development control is

somehow pretentiously subsumed in the forecast supporting the strategy design, which is given a binding power indeed.

Therefore, as a *juridical consequence*, incoherencies between plan and development projects are to be resolved by conformance criteria: only those land use development projects (and all those projects!) which are conformed to the plan shall be legitimate for implementation. Of course, this regards especially the horizontal relations of plan management at local level. Since use rights in land are usually delivered at this level, the effects of conforming planning are less direct in the upper levels plans (which are indeed of an 'easier' concern of strategic planning practices). But, for the very same reason, incoherencies between plans of different scale (vertical relations) are often resolved in favour of local plans (or of the assigned use rights, however), to the detriment of wider spatial strategies and projects. This may explain, by the other, the most of difficulties encountered by EU territorial governance in many countries in these years (ESPON, 2007a, 2007b).

In brief, there are reasons enough to suspect that implementation problems, affecting territorial governance in Europe (and elsewhere), deal with the above described conforming planning attitude. More precisely, the main *operational consequences* of conforming planning practices may be pointed out in detail as follows:

- a) creation of binding property rights (once plan is approved, new use rights in land cannot be or can be hardly revoked);
- b) creation of additional property income (new use rights in land imply higher property values), counteracting possible changes in public strategies;
- c) rigidity and difficulty of public strategies (any change in public strategies implies new assignments of use rights in land, with the aforementioned consequences);
- d) incentive to spatial development but public control reduced to an 'administrative burden' (conformance control, with scarce or null possibility to improve projects apart from their formal coherence with the plan);
- e) decrease of political and of technical accountability in planning (because of the difficulty of public strategies and of development control reduced to an administrative burden);
- f) creation of decision-making contexts open to corruptive practices (because of the decrease of political and of technical accountability in planning);
- g) trigger of a vicious circle in territorial governance processes (spatial strategies at whatever scale, when agreed for local implementation, are transfigured by what above illustrated at points 'a' to 'f').

4. Characters and advantages of performing planning

As explained in the introduction (§ 1), a different 'performing planning' model has been institutionalised only in the UK planning system and, for other historical and contextual reasons, is being increasingly practiced across Europe thanks to the EU not-statutory territorial governance processes fostered since the '90s. The ideal assumption featuring this model is that plan is a policy reference, the implementation of which passes through the approval of projects which prove themselves capable to perform the agreed collective strategy. Such assumption is applied in practice by assigning new development rights only if and when projects have been positively evaluated, both under the political and technical profiles.

Therefore, the *technical cornerstone* of the performing planning model is that plan is developed as a not-binding public strategy, the power of which is political and not juridical. Rules (use rights in land) are assigned for implementing those public and private projects capable to attain the public strategy. In other words, the ideals of hierarchy and of dirigisme inspiring the conforming model are substituted by principles of vertical and horizontal subsidiarity in the performing model (Janin Rivolin, 2005a).

The *systemic consequence* with reference to the above planning systems conceptualisation (§ 2) is that the two spheres of interaction (government system / planning system and planning system / spatial production and consumption system) remain quite distinct ambits, as for both decision-making processes and technical functions. Particularly, the transformative functions (strategic and design functions) and the regulative function (control of development projects) are clearly separated and equally determinant for implementation⁸.

As a *juridical consequence*, incoherencies between plan and development projects can be resolved by performance criteria, since the use rights in land are the existing ones till different public decision. Again, this regards especially the horizontal relations in the plan management at local level, where use rights in land are delivered. As for the vertical relations between different tiers of planning, however, this implies that spatial strategies and projects at wider scales may be expected to shape the implementation process more effectively, once agreed at local level. What said is nothing but a confirmation of the main conceptual findings on strategic planning: the need of agreed spatial visions and of incentives to local action (Healey *et al.*, 1997; Salet & Faludi, 2000; Albrechts *et al.*, 2003; Albrechts, 2004, 2006), rather than pretentious attempts of top-down imposition. Moreover, it suggests that the modalities of assigning development rights at local level are not indifferent as for the final effectiveness of strategic planning too.

In brief, the *operational advantages* of performing planning may be summed up as follows:

- a) better control of spatial transformation and of property income (no development rights in land nor higher values are previously guaranteed);
- b) more flexibility and political autonomy in the design of public strategies (changes in public strategies do not imply the assignation of new use rights in land);
- c) pivotal function of spatial development control through technical evaluations (performance control, led to improve projects with regard to the collective strategy aims agreed in the plan);
- d) better accountability of political and of technical responsibilities (not simply in the strategy design, but especially in projects approval);
- e) incentive to social responsibility and to democracy (better accountability of political and of technical responsibilities means more transparency);
- f) trigger of a virtuous circle in territorial governance processes (local implementation ensures, for spatial strategies at whatever scale, what above illustrated at points 'a' to 'e').

An additional warning is perhaps necessary, however. Of course, what above said does not mean that the UK is considered here the wonderland of territorial governance, nor that European spatial planning will be the salvation of planning in Europe. As British literature is full of critical examples on domestic planning practices (Healey *et al.*, 1988; Tewdwr-Jones, 1996; Allmendinger & Tewdwr-Jones, 2002), European planners are usually aware of the limits of EU spatial development programmes. Hence, what above discussed is led to argue more simply that performing planning works *in principle* better than conforming planning.

5. Innovation in planning

If what argued in the above sections is convincing, a performing planning model appears to be preferable to a conforming one. Besides, the widest diffusion of the latter among almost all European countries and further for a long time may explain, if not the 'great planning disasters' (Hall, 1982) of which planners are conscious however, the difficulties of plan implementation daily affecting territorial governance.

Of course, this may appear somehow counterintuitive: why has the conforming planning model been adopted as the statutory system in the large majority of countries, if there was evidence (in the UK experience, for instance) of a preferable model? Answers to this question might be multiple and complex, and the historical and cultural reasons previously recalled (§ 1) constitute only a partial attempt of explanation. The concept of planning as an 'institutional technology', introduced above in the paper (§ 2), may be helpful for a more comprehensive answer.

First, it helps to consider that, as for other technologies, planning is subject to innovation. This means both that innovation is possible and that, in certain circumstances, it is even necessary to avoid the techniques obsolescence in face of change (Friedmann, 1987).

Secondly, it says that, differently from other technologies, innovation in planning is strictly related to institutional frameworks and processes. This means that the 'cumulative synthesis' process leading to innovation (Schumpeter, 1949) passes through a complex cycle of social experience, administrative reception and institutional codification (Albrechts *et al.*, 2001; Gualini, 2001), which make the process much longer and uncertain than for any productive innovation.

Thirdly, it suggests that planning is a relatively young technology, if compared to other, developed for ages in order to satisfy needs as oldest as the human race. If the need of a land use regulation may date back to the foundation of Jericho indeed, historical conditions have required and allowed a widespread institutionalisation of modern planning systems and techniques only since the 19th century (Chapin, 1965; McLoughlin, 1969; Faludi, 1973; Hall, 2002).

In brief, innovative processes in planning as an institutional technology have to be considered in the light of relationships actually established between the government system and the spatial production and consumption system (which constitute the institutional and practical framework inducing the planning system to play as a 'hinge'; § 2). On the one hand, this leads all in all to justify the worldwide adoption of conforming statutory planning systems as the result of nothing but a true historical innovation at that times. On the other, it may help to interpret performing planning practices as (not predictable nor totally programmable) exceptions due to albeit subtle (and even much different) variations occurred somewhere in the established relationships between government system and spatial production and consumption system: in the examined cases, the UK nationalisation of development rights in land in the post-war period and the EU integration process, pivoted on the territorial cohesion principle (Husson, 2002; Faludi, 2006, 2007), after the middle '80s.

It is clear enough, however, that planning as an institutional technology does not simply exert the application of a static knowledge, since it cannot limit its action to an 'adaptive response' to change (Schumpeter, 1949). Rather, as to deserve its social usefulness, it has to innovate the government system command options on a fatally ever changing spatial production and consumption system. Especially when such command options appear to be blunt, planning has to find a 'creative response' to change.

It was said above that social experience, administrative reception and institutional codification are in broad outline the steps of the innovation cycle in planning. If so, the increasing pervasiveness and appreciation of EU territorial governance practices in these years, unattended effects included (Janin Rivolin & Faludi, 2005), should perhaps encourage European planners and institutions

towards those “new mental maps and removal of Cartesian inhibitions” that European integration requires (Williams, 1996, p. 265).

6. Time for EU territorial governance principles?

Territorial governance is allowed and conditioned by the functioning of planning systems (§ 2) but, of course, EU territorial governance cannot lean on its own planning system. Rather, the EU fosters various spatial development initiatives and not-statutory planning processes (Williams, 1996; Faludi, 2002; Janin Rivolin, 2004) which need to pass through national planning systems (CEC, 1997; ESPON, 2007a, 2007b), in order to achieve effectiveness in terms of implementation. The ESDP (CEC, 1999; Faludi & Waterhout, 2002), often said to be the ‘proudest achievement’ of European spatial planning (Faludi, 2001), is not by chance expected to find ‘application’, rather than implementation, at the national, regional and local levels (Faludi, 2003; ESPON, 2007b).

The not-statutory and often informal nature of EU territorial governance practices does not mean these are weak or not relevant planning initiatives, however. Since the EU spatial intervention aims are deeply embedded in the European Community integration reasons (Janin Rivolin, 2002, 2004; Faludi, 2007), EU territorial governance practices are widespread and usually appreciated in all European countries. Moreover, they have shown themselves to be even capable to trigger mutual-learning processes among national planning cultures and innovative changes in the existing statutory planning frameworks (Janin Rivolin & Faludi, 2005; ESPON, 2007a, 2007b).

The node of spatial development implementation remains unsolved, though. Particularly, the performing planning processes fostered in order to achieve the agreed EU political objective of ‘territorial cohesion’ (Husson, 2002; CRGMS, 2004; Faludi, 2005, 2006, 2007; Janin Rivolin, 2005a, 2005b; CEU, 2006) are inevitably conditioned by the conforming planning procedures established in almost all European countries. Besides a lot of success stories, research recently carried out from the European spatial planning observation network (ESPON) supplies plenty of evidence of difficulties and of scarce coherence that cohabitation of performing and conforming planning generate: both in the general view of territorial and urban governance processes (ESPON, 2007a) and in the more specific one of the ESDP application (ESPON, 2007b). Overall, difficulties and scarce coherence in EU territorial governance may be explained as a permanent consequence and source of problems of:

- *efficiency of the overall government system*, because no interaction is established between the EU territorial cohesion policy and national statutory planning systems⁹;
- *fairness of the governance process*, because the 27 planning systems currently in force in the EU work accordingly to distinct procedures and principles¹⁰;

- *territorial cohesion policy performance*, since spatial development procedures are established almost everywhere by statutory planning systems of a conforming nature.

This, of course, constitutes only an aggravating circumstance of what above observed about the negative impacts of conforming planning in the respective national frameworks (§ 3).

Therefore, the possibility of agreeing some EU territorial governance principles which may encourage performing planning in all European countries should not be seen in terms of a 'competence issue' (Husson, 2002; Faludi & Waterhout, 2002, pp. 89-92), as a dispute between the EU and the national states' interests. This would be instead a joint opportunity of mutual interest to improve territorial governance practices in Europe. I argued elsewhere (Janin Rivolin, 2005a) that these principles might be adopted in the form of simple 'minimum standards for spatial development policy' in Europe (Ritter, 2003), namely:

- 1) *vertical subsidiarity*, confirming that regulative land use powers are a matter for local planning;
- 2) *horizontal subsidiarity*, establishing that regulative land use powers are addressed to the existing use rights in land, without affecting strategies for transformation till different public decision, based on single projects evaluation, is taken;
- 3) *coordination between subsidiarity and cohesion*, providing for compensation clauses in favour of collective and individual interests adversely affected by spatial development, according to projects evaluation.

It is clear enough that, coherently with what above observed (§ 3), performance evaluation and control, with specific regard as for the cohesion objective, would assume a pivotal role in all statutory planning systems after the adoption of such possible principles. The relevant work going on in the framework of ESPON on cohesion indicators (Grasland & Hamez, 2005; Bachtler & Wren, 2006; Camagni, 2006) could therefore find a more generalised and effective application in daily planning practices as well.

Would it be feasible? Well, the EC Treaty in force establishes, under the environmental policy section (Title XIX), that "the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions, shall adopt [...] measures affecting", by the others, "town and country planning" and "land use, with the exception of waste management" (Art. 175). If ratified, the current EU Constitutional Treaty (CRGMS, 2004) would reinforce further this possibility: on the one hand, since it recognises formally territorial cohesion as a "shared competence" of the EU and the Member States (Art. I-14); on the other, as it admits the adoption of "European laws or framework laws" both in the

framework of territorial cohesion policy (Art. III-221) and for the aforementioned environmental policy measures (Art. III-234).

The point is, rather, that European decision-makers' attention is today engaged in quite other business. The 'Territorial agenda' of the EU ministers responsible for spatial development, to be discussed in the Leipzig informal conference on 24 and 25 May 2007¹¹, is once again addressed to depict an agreeable perspective for the European territory, more than to worry about its concrete achievement. Meanwhile, the risk of a re-nationalisation of EU regional policy, with the result that funds would be given not to regional and local stakeholders able and willing to propose projects but to national authorities (as it was before the '80s reform), is nothing but far¹². This, of course, would be one serious result of the wider political crisis that has affected the EU integration process in these last years. To what extent such crisis is related to a scarce performance of the announced objectives, to the eyes of European citizens, is certainly a question of relevant interest for European planners too.

At least, current events provide with a concrete demonstration of how complicated innovation in planning is actually (§ 5). Therefore, while relying on 'the intelligence of institutions' (Gualini, 2001), a 'creative response' appears to be left at the moment in the hands of planners willing and capable, as far as possible, to promote performing planning in their daily activities.

7. Conclusion

The present paper argued that, the variety of planning traditions notwithstanding, two conceptual models of planning may be currently acknowledged according to their respective ways of conceiving implementation. In one case, implementation is intended as the capacity to 'conform' development projects to a spatial strategy; in the other, implementation consists in promoting projects able to 'perform' the strategy.

In virtue of public powers by which planning activities are exerted, the above said difference is put in force by opposite modalities of assignation of rules (rights) for spatial development. In one case, rules are previously merged into the spatial strategy, with the ambition of implementing projects conformed to the strategy. In the other, rules are (possibly) assigned after the evaluation of projects, as to ensure that their implementation can perform the strategy.

Theoretical assumptions and practical consequences of conforming and performing planning have been examined, concluding that the latter appears to be preferable to the former. However, since innovation in planning is an extremely complicated process, dealing with the complexity of historical and cultural backgrounds, social experience and institutional behaviours, theoretical evidence is permanently held in check by practical circumstances.

Both conforming and performing planning models are indeed active in current territorial governance processes in Europe. Particularly, the former inspires the

statutory planning systems of almost all European countries. The latter is exceptionally adopted only in the UK statutory planning system and has been recently promoted everywhere in Europe thanks to the EU not-statutory spatial planning practices.

Current cohabitation of conforming and performing planning in Europe is considered unbearable, since it determines contradictory results, playing against the common interest of good territorial governance. Such cohabitation could be overcome by an agreement at EU level, encouraging the adoption of performing planning practices in all European countries. This, particularly, would play in favour of the EU objective of territorial cohesion and, more generally, would contribute to improve planning activities in all European countries. Be that as it may, the possibility of such an agreement is quite far from the political agenda at the moment. The lack of awareness on the advantages of performing planning, both at the EU and national levels, appears to be the most reasonable explanation of current lack of attention.

A final remark is that, complexities notwithstanding, innovation in planning cannot be totally uprooted from the scientific community's behaviour. One may suspect therefore that current stalemate may also depend, after all, on the difficulties of European planners to abandon conforming ambitions in their daily and local practices and discourses. This paper aspires to be hopefully a contribution to face such difficulties.

¹ After the UK 1947 Town and country planning Act, "the development plan did not of itself imply that permission would be granted for particular developments simply because they appeared to be in conformity with the plan" (Cullingworth & Nadin, 2002, p. 93). The UK planning system was subsequently improved in 1968, assigning to *structure plans* the provision of strategic tiers of development and to *local plans* the provision of (not binding) detailed guidance on land use. The effects of the '80s 'deregulation' notwithstanding (Healey *et al.*, 1988; Tewdwr-Jones, 1996; CEC, 2000), "[t]he essential features of the 1968 system are still in place today" (Cullingworth & Nadin, 2002, p. 93).

² The 1947 Act established that "in granting permission to develop, local authorities could impose 'such conditions as they think fit'" (Cullingworth & Nadin, 2002, p. 93). Therefore, "it is fundamentally a discretionary system in which decisions on particular development proposals are made as they arise, against the policy background of a generalised plan" (*ibidem*, p. 92).

³ "All the owners were thus placed in the position of owning only the existing (1947) use rights and values in their land" (Cullingworth & Nadin, 2002, p. 21).

⁴ According to the author definition (Mazza, 2003, 2004), a 'spatial production and consumption system' is the complex of practices contributing to the physic environment transformation: private and public housing, buildings, infrastructures, heritage

preservation and renewal, mining activities, rural and forest exploitation, management of the environment etc..

⁵ Implementation could perhaps be a function of the planning system only in a (idealistic) totalitarian regime, in which the spatial production and consumption system would be basically included in the government system (Pressman & Wildavsky, 1979). In this light, of course, the recurring term 'plan implementation' may be somehow misleading.

⁶ In recent years "a shift has taken place in planning from a regulative, bureaucratic approach towards a more strategic, implementation-led and development-led approach within administrations on all policy levels. But this approach is still in its infant stage" (Albrechts, 2006, p. 1488). In theoretical terms, "the objectives have typically been to articulate a more coherent and coordinated long-term spatial logic for land use regulation [...]. The normative viewpoint produces a quite different picture than traditional planning in terms of plans (master plans or land use plans versus strategic plans), type of planning (technical/legal regulation versus framework), governance type (government-led versus government-led but negotiated form in governance and purpose (plans as an end versus plans as a vehicle for change)" (*Ibidem*, pp. 1490-1492).

⁷ "Strategic spatial planning is a transformative and integrative [...] process through which a vision, coherent actions and means for implementation are produced that shape and frame what a place is and might become" (Albrechts, 2006, p. 1491).

⁸ "Even today [in the UK], the main substance of the planning system is administered by governmental profession planning officers, either within forward planning teams (responsible for preparing planning policies) or development control teams (responsible for determining applications for planning permission by individuals and organisations)" (Tewdwr-Jones, 1996, p. 1). The nodal importance of this separation as for the planning system performance is somehow confirmed by the '80s experience of 'deregulation', which was precisely addressed as to make local authorities "unable to control development effectively in their areas" (*Ibidem*, p. 5).

⁹ "First, a European spatial policy that is based on the principle of cooperation can only be created in any meaningful form if all Member States contribute their ideas on spatial policy" (Ritter, 2003, p. 9).

¹⁰ "And second, states completely foregoing any kind of spatial policy control in their own territory – or which exercise such control only on a marginal basis – would have an unfair advantage in intra-European competition" (Ritter, 2003, p. 9).

¹¹ See: <http://www.bmvbs.de/en/-,1872.963636/Territorial-Agenda-of-the-EU.htm> (acc. 15/03/2007).

¹² "Since the current system of 'multi-level governance' forges links between the Commission and these stakeholders, re-nationalizing EU regional policy would deprive the Commission of political leverage – this being surely the intention" (Faludi, 2007, p. 571).

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