

Global crisis and the systems of spatial governance and planning: a European comparison

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GLOBAL CRISIS AND THE SYSTEMS OF SPATIAL GOVERNANCE AND PLANNING: A EUROPEAN COMPARISON

Abstract

Inadequate regulation of spatial development is at the origin of the current global crisis and increases, in years of crisis, the unequal distribution of wealth. The importance of the related risks for democracy draws attention to the systems of spatial governance and planning, through which States regulate the spatial development. In Europe, the countries most affected by the unequal effects of the crisis have spatial planning systems that are traditionally based on the preventive assignation of rights for land use and development through a plan. The systems of other countries had established beforehand that new rights for land use and for spatial development are rather assigned only after the public control of development projects and their distributional effects. Despite the evidence that some models can operate better than others in ensuring the public government of the spatial development, the improvement of spatial planning systems is however limited by their complex nature of “institutional technologies”. Especially in a context of crisis, planners are responsible for the increase of public awareness concerning the role of spatial governance in economic and social life.

Keywords

crisis, space, governance, planning, systems, Europe.

Introduction

The political and technical practices used to order space play an essential role in all societies (Sassen, 2006). Any social and economic activity needs a space to take place and, through the ordering of space, can therefore be promoted, addressed or, if necessary, prevented. Moreover, **due to** their deep involvement in the economic and social life, such practices contribute to shape the citizenship in places concerned by their action (Mazza, 2015). Although, for the reasons given, the origin of the spatial governance processes and of spatial planning practices is lost in the mists of time, their contemporary characters took shape with the establishment of the modern State. Every State in the world provides constitutional functions of spatial governance, thus setting also the conditions for the technical development and social affirmation of spatial planning in its institutional context. By virtue of constitutional powers, States exert the public control of spatial development through **their** respective 'systems' of spatial governance and planning. Implying the comprehensive action of legal devices, administrative bodies and technical cultures, these can be described as complex 'institutional technologies' (Janin Rivolin, 2012) that allow and rule the spatial development in each institutional context, with the resulting consequences for the life of entire cities, regions and countries.

Due to its long history and the most recent events, Europe has a variety of characteristics, which is also reflected in the different ways of ordering space through the spatial governance and planning. Foremost, the European continent is characterized by a very large number of independent States (almost a quarter of the world's nations) in relation to its total land area, which is the smallest of the continents, with Oceania, amounting to less than a quarter of America and Asia and about one-third of Africa. However, this can hardly suggest the extreme diversity of the European territory, which is made more evident by the wide variety of environments, landscapes, cultures and languages (Dubini, 2002), consolidated in modern times within relatively circumscribed spaces of territorial sovereignty, the States.

The particularity of Europe is recognized also for the existence of the European Union (EU), a supranational organization of currently 28 member States that, however, does not hold formal powers of spatial governance and planning (Faludi, 2002; Janin Rivolin, 2010; Zonneveld et al., 2012; Schmitt and Van Well, 2016). In promoting 'informal' spatial policies, the process

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3 of EU integration has nevertheless pushed for almost 30 years the comparative study of
4 systems, cultures and practices of spatial governance and planning in the European States
5 (Davies et al., 1989; Healey and Williams, 1993; Newman and Thornley, 1996; CEC, 1997;
6 Balchin et al., 1999; Larsson, 2006; Janin Rivolin, 2008; Nadin and Stead, 2008, 2009;
7 Knieling and Othengrafen, 2009; Muñoz Gielen and Tasan-Kok, 2010; Nadin, 2012; Reimer
8 et al., 2014). The results of this long-term comparison can be valuable to understand how
9 different systems of spatial governance and planning **influence the economic and social life in**
10 **respective institutional contexts, therefore exhibiting also** different impacts on the current
11 global crisis. One assumption in support of this argument is the evidence that ‘[i]n its causes
12 and consequences, the global financial crisis of 2008 was fundamentally an urban
13 phenomenon’ (Siemiatycki and Siemiatycki, 2016, p. 1258). Another is the ‘evidence that the
14 perception of the impact of the crisis on planning has been different in different regions of
15 Europe’ (Kunzmann, 2016, p. 1317).

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26 Although the functions of a spatial governance and planning system can be generalizable (e.g.
27 Healey and Williams, 1993; Mazza, 2003), these comparative studies have shown that
28 systems developed over the last century in Europe operate in different ways, producing
29 different specific and overall outcomes by virtue of the legal, technical and cultural
30 characteristics that are attributed in various institutional contexts. With particular respect to
31 the modalities of assigning rights for land use and for spatial development, the course of
32 history has delivered in the world and within Europe a variety of models, which are discussed
33 and compared in this paper. Without disregarding the **major variables involved in the**
34 **phenomenology of the current crisis – such as the various features of the ‘neoliberal turn’**
35 **(Brenner et al., 2010), the role of different fiscal policies (Cottarelli et al., 2014) and the**
36 **varying behaviours of market investors (Mattarocci and Pakdemir, 2015) –**, the proposed
37 comparison is aimed at discussing how different systems of spatial governance and planning
38 can affect differently the economic, social and even political life of a country. This may
39 contribute to explain some main differences in the long run, and to suggest why, at least in
40 Europe, some countries are suffering the **unequal effects of the** current crisis more strongly
41 than others.
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54 The next section highlights the crucial role of space in determining the unequal effects of the
55 current crisis and shows how inequality is distributed differently in the EU countries. The
56 following section illustrates the development of comparative research on spatial governance
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3 and planning systems in Europe as a context for the analysis. On this basis, the section after
4 distinguishes the features and effects of the so-called ‘conformative’, ‘performative’ and ‘neo-
5 performative’ models of spatial planning systems, which are currently in operation throughout
6 Europe, arguing that the first model is a contributory cause of the unequal effects of the crisis.
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8 A further section considers whether the current crisis could be also an opportunity for the
9 renovation of the systems of spatial governance and planning that are less effective. The last
10 section rounds off the contribution by summing up the main findings, which indicate a
11 possible commitment for planners.
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20 Space and the effects of global crisis in Europe

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23 Since modernity, the role of space in economic and social life ‘is less and less neutral, more
24 and more active, both as instrument and as goal, as means and as end’ (Lefebvre, 1992, p.
25 411). And more and more this has to deal with politics, since a ‘politicized space destroys the
26 political conditions that brought it about’, and often ‘the management and appropriation of
27 such a space run counter to the state’ (*ibid.*, p. 416). This has become even more evident
28 under the cultural conditions of postmodernity, insofar as space can be more ‘flexibly’
29 exploited for purposes of power (Harvey, 1989). Indeed, no one should forget that the current
30 global crisis, originating from the US subprime mortgage crisis in 2008, was triggered by a
31 generalized financial speculation on the housing market under the lack of adequate
32 regulations (Zandi, 2010; TFCIC, 2011). Moreover, due to the lack of adequate regulations,
33 urban markets are worldwide the main ‘space’ through which the crisis is being metabolized
34 through privatizing gains and socializing losses (Forrest and Yip, 2011; Fujita, 2011; Harvey,
35 2012).
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46 According to Thomas Piketty (2014), one effect of the current crisis is that in many countries
47 the capital (i.e. wealth in the form of real estate property and financial assets) is growing now
48 at a faster pace than the economy (more precisely, with a growth rate of 4-5% vs. 1-1.5% per
49 year). The income produced by capital tends to be concentrated in the hands of a small group
50 of people, while labour income is dispersed through the entire population, although with
51 notable contractions and the consequent use of social welfare and public spending.
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53 Considering that wage growth depends on the growth of the economy as a whole, if the latter
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3 is slower than the increase of capital income, the unequal distribution of wealth appears
4 destined to be screwed into a spiral of very serious growth. Aside from suggesting the solid
5 interests in favour of the continuation of the crisis, Piketty's analysis casts ominous shadows
6 beyond its technical findings, as history has shown that, beyond certain limits, social
7 inequality ends up undermining the most solid democracies (Fukuyama, 2011); a risk that,
8 seventy years after the second world war, has apparently become topical again even in
9 wealthy Europe (Regan, 2013).
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16 Although Europe is considered as a whole one of the continents most developed and richest in
17 the world, the high diversity of the States that compose it is confirmed by differences of
18 indicators of productive capacity and of well-being. According to the International Monetary
19 Fund (IMF, 2016), the distribution of the gross domestic product (GDP) in the world in 2015
20 varies in Europe between the 4th position of Germany and the 154th of Montenegro, and GDP
21 per capita varies between the 2nd position of Luxembourg and the 104th of Kosovo. While the
22 whole EU competes with the main economies of the world (Figure 1), the level of national
23 wealth is highly variable within its borders (Figure 2).
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31 FIGURE 1 INDICATIVELY HERE
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38 Southern European countries are **known in general** as the EU member States that have been
39 most affected by the current crisis, and those where the unequal distribution of wealth and its
40 increase are more evident. 'PIGS' is an offensive acronym used in economics and finance,
41 popularized during the European sovereign-debt crisis of the late 2000s, which refers **usually**
42 to the economies of Portugal, Italy, Greece and Spain (Dawber, 2015). **These countries** were
43 unable to refinance their government debt or to bail out over-indebted banks on their own
44 **(therefore the term became 'PIIGS' when in 2011 also Ireland – not of course a southern**
45 **country – had to take on the guarantee of banks' debt)**. Apart from the most known and
46 worrying case of Greece's impoverishment, **which got worse after fiscal practices imposed by**
47 **the EU (Bitzenis et al., 2013)**, the official studies concerning Italy show that from 2007 to
48 2013 the net wealth of households decreased from 9,500 to 8,728 billion euro (2013 prices),
49 with a drop of over 8% (Banca d'Italia, 2014, p. 5). In the same years, the concentration of net
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3 wealth grew so much that in 2012 the richest 10% of the population owned 46.6% of the
4 wealth (compared to 41% twenty years **before**).
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8 The most widely used measure for income inequality is notoriously the ‘Gini coefficient’, a
9 number between 0 and 1, where 0 corresponds with perfect equality (everyone has the same
10 income) and 1 corresponds with perfect inequality (one person has all the income and
11 everyone else has zero income). A recent comparison within the EU shows that southern
12 European countries – such as Cyprus (CY), Greece (EL), Italy (IT), Portugal (PT) and Spain
13 (ES) – are among those characterized by the highest values of the Gini coefficient (Figure 3).
14 The others are the post-Soviet countries of eastern Europe – Bulgaria (BG), Estonia (EE),
15 Hungary (HR), Latvia (LV), Lithuania (LT), Poland (PL) and Romania (RO) –, whose socio-
16 economic conditions of course are strongly influenced by their different political regime in
17 the recent past and the sudden transition to a market economy **from the 1990s**. Moreover, the
18 analysis of income inequality measured by the Gini coefficient across the EU countries in the
19 period 2008-2012 ‘showed high levels of inequality across southern Europe’, while ‘there is
20 no dominant pattern in central- and northern-European countries’ (Di Falco, 2014, p. 2).
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31 FIGURE 3 INDICATIVELY HERE
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34 In light of the spatial valence of the crisis’ unequal effects, it is legitimate to ask **whether –**
35 **amongst the many aspects involved –** the systems of spatial governance and planning **may be**
36 **considered one variable in the equation**. The relevant suffering of southern European
37 countries and cities (Knieling and Othengraphen, 2016; Ponzini, 2016) leads one to wonder,
38 in particular, whether **also their systems of spatial governance and planning may be part of the**
39 **problem**. In general terms, the **high** complexity of the matter and the current lack of more
40 specific analyses exclude the establishment of certain and exhaustive correlations between the
41 operation of spatial governance and planning systems and the **effects of crisis, as well as too**
42 **firm conclusions about this point**. However, comparing the different mechanisms through
43 which different types of system manage in different ways the social distribution of profits and
44 losses in spatial development **can at least** ‘offer insights regarding how the planning apparatus
45 in various different urban contexts might have been leveraged or manipulated in the run-up to
46 the financial crisis’ (Siemiatycki and Siemiatycki, 2016, p. 1259). Such comparison is
47 possible within Europe, thanks to international comparative research in the field of spatial
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3 governance and planning, which has matured in the last decades in coincidence with the EU
4 integration process.
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9 10 **The evolving comparison of spatial planning systems in Europe**

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13 The first ‘comparative study’ of spatial planning systems in Europe (Table 1) was part of a
14 survey on public control of the spatial development, commissioned by the British government
15 in the late 1980s (Davies et al., 1989). Focused on five States of north-western Europe –
16 namely Denmark, France, the Netherlands, the United Kingdom (particularly England) and
17 West Germany –, this study adopted the ‘legal basis’, in more detailed terms of legal certainty
18 provided by the system, as the sole analytical criterion. It led to **the distinction of** two broad
19 ‘legal families’ of planning systems: a) the Continental family, based on the legal traditions of
20 Roman law, the “Napoleonic Code” and the Scandinavian law, merged into the modern age in
21 the juridical model of civil law; and b) the English family, inspired by the juridical model of
22 the common law. In particular, while the continental legal systems (Nadin and Stead, 2008, p.
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33 seek to create a complete set of abstract rules and principles in advance of decision-making [...],
34 the English common law system offers far fewer rules. Government does not provide a
35 complete set of legal rules in advance, rather the law has been built up case-by-case as decisions
36 of the courts are recorded.
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44 A few years later, other British authors have tried to apply the same analytical criterion to the
45 planning systems of as many as 14 European states (Newman and Thornley, 1996), taking as
46 reference the models of legal system defined by the most known international studies of
47 comparative constitutional law. This resulted in the distribution of the systems analysed in
48 four families – i.e. Germanic, Scandinavian, Napoleonic, British – with the addition, in the
49 absence of cases analysed, of the east-European family or **of a family** ‘in transition’ from the
50 Soviet influence. This initial comparative approach however proved to have various
51 limitations, namely the abstraction of the real variety of the planning practices, and a tendency
52 to overemphasize the role of the legal and administrative structures. Other analyses began
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3 therefore to consider further contextual variables, like property markets' behaviours as
4 observable in representative cities (Berry and McGreal, 1995).
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8 **The EU Compendium of Spatial Planning Systems and Policies** (CEC, 1997), the first EU
9 attempt to investigate the field of spatial governance and planning **in a systematic way**,
10 adopted a more complex approach in order to position the planning systems of the then 15 EU
11 member States. Here the legal context is one of seven 'interrelated factors' that were used to
12 analyse and distinguish planning systems, namely (*ibid.*, p. 34):
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- 17 1) the scope of the system;
- 18 2) the extent and type of planning at national and regional levels;
- 19 3) the locus of power;
- 20 4) the relative roles of public and private sectors;
- 21 5) constitutional provisions and administrative traditions;
- 22 6) the maturity or completeness of the system;
- 23 7) the distance between expressed objectives and outcomes.
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31 This led to the identification of four 'ideal types' of planning system existing in the EU –
32 namely the 'regional economic planning approach', the 'comprehensive integrated approach',
33 the 'land use management', and the 'urbanism tradition' (*ibid.*, pp. 36-37) – representing
34 approximate reference models to guide an understanding of the concerned systems. Despite a
35 considerable caution in judgments, the EU compendium makes, albeit implicitly, some first
36 assumptions of comparative evaluation of systems, which are suggested by the formulation of
37 the last two 'factors' that are listed above. At a distance of a dozen years, Nadin and Stead
38 (2009) – the first was one of the compendium's authors – have revealed the summary of
39 evaluations that emerges from the intersection of the seven factors with the four ideal types
40 (Table 2). In particular, this summary highlights – even if the compendium was careful not to
41 make explicit these conclusions – the lower maturity of system and the wider distance
42 between goals and outcomes (or lesser effectiveness) of the 'urbanism tradition'
43 characterizing the southern European countries.
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54 TABLE 2 INDICATIVELY HERE
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3 **Overall**, progress and challenges in this nascent field of comparative analysis have mainly
4 served to emphasize the need to define the ‘nature’ of a system of spatial governance and
5 planning for a better understanding. Further reflections on the **role** of the ‘planning cultures’
6 in guiding the operation of the systems (Sayal, 2005; Knieling and Othengraphen, 2009) and
7 on the final outcomes of the systems’ action (Janin Rivolin, 2008; Muñoz Gielen and Tazan-
8 Kok, 2010) have thus led to more advanced methodological considerations (Nadin, 2012) and
9 to more careful comparative analyses (Reimer et al., 2014).

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16 In **this** evolving debate, the **observation** that spatial governance and planning systems are
17 ‘institutional technologies’ (Janin Rivolin, 2012) can be of particular value as regards what is
18 discussed here. A technological approach, aware **at the same time** of the institutional nature of
19 the processes in question, focuses on the overall effectiveness of the system in relation to
20 expected results. In the case under discussion, it helps to compare how systems based on
21 different mechanisms **to assign** the rights for spatial development can achieve different effects
22 in the **related** distribution of profits and losses, **thus attenuating or amplifying the unequal**
23 **effects of the current crisis**. In this respect, **and** excluding the ‘exception’ of the eastern
24 countries previously subjected to the influence of the Soviet regime (Balchin et al., 1999, pp.
25 161-192; Adams et al., 2011; Maier, 2012), three models **can be currently recognized** in
26 Europe.
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38 **Three models of rights assignation for spatial development**

39 *The ‘conformative’ model affecting southern Europe*

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45 The institutionalization of modern spatial governance and planning put down roots in the
46 phase of industrial and bourgeois revolution and the formation of modern States (Taylor,
47 1998; Hall, 2002). In the past century, particularly, the pressing needs of greater urbanization,
48 of Fordist development and of post-war reconstruction have supported the establishment of a
49 model for the public control of space based on the ideals of hierarchy (top-down relations
50 between planning tiers) and of dirigisme (State-led implementation of plans) almost
51 everywhere in the world. The universal success of the model, which has resulted in a
52 pervasive consolidation throughout the whole western world, depends precisely on its
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operating through the progressive assignation of rights for land use and for spatial development, as the main legal effect of urban plans. In times of greatest change and uncertainty, **this model could indeed ensure some degree of ‘certainty’**: to owners and developers **for their investments**, and **to public authorities** and reformist planners, convinced that **it was thus possible to** ‘conform’ any project of property development to **public strategies**.

This traditional model of a spatial planning system, still largely prevailing in the world and applied in southern European countries, can be labelled as the ‘conformative’ model, as it pursues literally a ‘correspondence in form, manner, or character’ or actions ‘in accordance with some specified standard or authority’ (Janin Rivolin, 2008, p. 168). It pivots on a ‘preventive’ binding zoning of a comprehensive urban area, which implies in general that:

- a) a public spatial strategy is transposed in a binding plan, which assigns rights for land use and for spatial development;
- b) based on this rights assignation, the delivery of building permits is subject to a control of the proposed development projects in terms of conformity (whether they conform to the plan);
- c) **if** projects are considered for any reason preferable to the existing assignation of rights, a new plan (or a substantive variation of the existing one) is needed in order to assign new rights for land use and spatial development.

In Europe, countries like Greece, Italy, Spain and, to some extent, France and Portugal have shown a structural path dependence on their ‘urbanism tradition’, characterized by ‘a strong architectural flavour and concern with urban design, townscape and building control’, and by regulations ‘undertaken through rigid zoning and codes’ (CEC, 1997, p. 37). But this allegiance to the traditional model of spatial governance and planning has proven to be deleterious over time in terms of ‘public-value capturing’, which means ‘the level at which public bodies manage to make developers pay for public infrastructure – infrastructure provision, public roads and space, public facilities and buildings, affordable and social housing – and eventually capture part of the economic value increase’ (Muñoz Gielen and Tasan-Kok, 2010, p. 1097).

For if the public authorities claim to rule the spatial ordering through the ‘preventive’ overall assignment of rights of land use and of spatial development (for the effect of zoning plans and

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3 variants), the first overall outcome of the model is the progressive generation of property
4 incomes. While the privatization of profits derivable from the spatial development is thus
5 guaranteed (even in the absence of development), this is not the case of the social loss
6 compensation that may arise from development. The public control of respective projects at
7 the time of issuing the building permit is in fact reduced, **in general**, to mere formal aspects of
8 conformance with the plan. In point of law, a permit to build in conformity with the plan,
9 even if the project proves to imply unexpected social costs, cannot be denied. While spatial
10 development for private (**and speculative**) interests is thus incentivized, the public control of
11 development projects is **generally** reduced, despite more or less genuine expectations, to a
12 mere ‘administrative formality’, **with the possible creation of patronage and corruptive**
13 **practices (Vettoretto, 2009).**

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23 Ultimately, the spatial planning systems that regulate the spatial ordering practices in southern
24 European countries, still strongly impregnated with their ‘urbanism tradition’ and the cult of
25 preventive binding zoning as a guarantee of the public interest, are shown in fact to condition
26 the public strategies of development to the advantage of the most relevant private interests.
27 **This may have contributed to create in the long run the speculative urban markets on which**
28 **the current crisis has posed its foundations. But especially in the years of crisis, despite the**
29 **search for more stable markets by investors (Matarrocci and Pekdemir, 2015) and thus a**
30 **general decline in local real estate values (Abate and Losa, 2017), this has contributed to**
31 **boost – rather than alleviate – the effects of progressive social inequality, continuing to**
32 **support** the process of privatization of profits and socialization of losses in the spatial
33 development.

44 *The British ‘performative’ model*

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47 As **suggested** above, one remarkable price paid in exchange for the certainty afforded by the
48 conformative model was the ‘rigidity’ of public strategies, **inhibited somehow** by the
49 progressive creation of binding rights on land and of additional property incomes. **Inspired by**
50 the juridical tradition of common law, the United Kingdom reacted early to this problem with
51 the 1947 Town and Country Planning Act. This law put the right to build in the hands of the
52 Crown (i.e. the State) and established that ‘the development plan did not of itself imply that
53 permission would be granted for particular developments simply because they appeared to be
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3 in conformity with the plan'; rather 'in granting permission to develop, local authorities could
4 impose "such conditions as they think fit"' (Cullingworth and Nadin, 2002, p. 93). As a
5 consequence, in the UK '[a]ll the owners were thus placed in the position of owning only the
6 existing (1947) use rights and values in their land' (*ibid.*, p. 21), and the British spatial
7 planning system became 'fundamentally a discretionary system in which decisions on
8 particular development proposals are made as they arise, against the policy background of a
9 generalised plan' (*ibid.*, p. 92). The new system was completed by the 1968 Town and
10 Country Planning Act, assigning to structure plans the provision of strategic orientations for
11 development and to local plans (non-mandatory and concerning only specific areas) the
12 provision of detailed guidance on land use. Despite various subsequent changes, '[t]he
13 essential features of the 1968 system are still in place today' (*ibid.*, p. 93; Nadin and Stead,
14 2014).

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24 This different type of spatial planning system, established in the UK (especially England),
25 Ireland and some Commonwealth countries since the post-war period (Booth, 2007), can be
26 labelled as the 'performative' model by virtue of its distinct address to 'the execution of an
27 action' or 'the fulfilment of a claim, promise, or request' (Janin Rivolin, 2008, p. 168). It is
28 based on indicative and non-binding zoning for the comprehensive urban area, which means
29 in general that:
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- a) a public spatial strategy is transposed into a non-binding plan, i.e. not having juridical implications for the assignation of rights for land use and for spatial development;
 - b) for this reason, the delivery of building permits is subject to control and the negotiation of the proposed development projects in order to ensure their performance towards the plan (i.e. their capacity to perform the public strategy);
 - c) new rights for land use and for spatial development are assigned contextually with the possible delivery of the building permit.

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50 Although it may seem counterintuitive, removing from the spatial plan the power to establish
51 rules that are legally binding does not weaken, but rather strengthens, the action of public
52 authorities. Without legal obligations, the public authority manages in fact to reserve the right
53 to assign new rights only to those projects that have been checked – and possibly improved,
54 after negotiation – in their ability to pursue (or 'perform') the spatial strategy. In this model,
55 unlike the previous one, the 'developmental' and 'regulatory' functions of the spatial planning
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3 system (Healey and Williams, 1993, p. 702) are therefore well separated between the
4 activities of spatial planning and of (actual) development control. As a matter of fact, in the
5 UK 'the main substance of the planning system is administered by governmental profession
6 planning officers, either within forward planning teams (responsible for preparing planning
7 policies) or development control teams (responsible for determining applications for planning
8 permission by individuals and organisations)' (Tewdwr-Jones, 1996, p. 1).

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14 With the passing of time, while the urban regeneration needs have taken over on the large
15 urban expansions, the performative model seems to have ensured greater 'flexibility' to public
16 action of spatial governance. On the other hand, uncertainty, discretionary decisions and
17 higher administrative costs are the limitations complained about most frequently in the case of
18 the British system (Faludi, 1987; Tewdwr-Jones, 1999; Booth, 2007). The loss of certainty
19 supplied by the original model is complained about mainly by property owners and
20 developers, but also often by planners, whose choices and behaviours – deprived of a 'legal'
21 power – are more exposed to political and social judgment. **Be that as it may, it seems that an
22 institutional device that allows the public authorities to decide if, when and what is allowed to
23 be built – not in a general plan, but after specific project control – is crucial in order to ensure
24 an effective public government over the distribution of profits and losses in spatial
25 development. This does not mean, of course, that all spatial developments in the UK or
26 Ireland are automatically 'more equal' than elsewhere, but simply that, in principle, public
27 powers in those countries are endowed with more effective means to manage economic and
28 social effects of the spatial development.**

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32 In the years of crisis, Ireland had to take on the guarantee of banks' debt in 2011 and in the
33 UK, as a possible collateral effect of global trends, the majority of citizens voted for leaving
34 the EU in a referendum in 2016. But in the same years these countries did not record an
35 increase of inequalities like the southern European countries (Di Falco, 2014). Moreover, a
36 renewed emphasis over local control in the British planning system (Haughton and
37 Allmendinger, 2011, 2013) might be witness of an attempt to leverage the particular and
38 better capacities of this model.

The spread of a 'neo-performative' model in north-western Europe

Despite their juridical regime of civil law and the constitutional linkage between land ownership and right to build (as opposed to the UK), other European countries have experienced over time the need to reform their spatial planning systems in order to pursue the effects of the performative model. The evidence of decision-making difficulties in growing societal complexity (Dahrendorf, 1968; Pressman and Wildavsky, 1973), on the one hand, and the Fordism crisis, the explosion of globalization and the consequent processes of spatial reorganization (Harvey, 1989; Amin and Thrift, 1994), on the other, have indeed highlighted further the limits of the conformative model of spatial governance and planning. The difficulty of plan implementation in the context of reconciling multilevel collective strategies to a growing plurality of local and individual projects of spatial development has been faced through substantial reforms in the north-western European countries – for instance Denmark, Germany, Sweden and the Netherlands – favoured perhaps by their traditional ‘comprehensive integrated approach’ to spatial planning (CEC, 1997, pp. 36-37).

Sweden has tried early on to emulate the UK in establishing a spatial planning system that distinguishes, at the urban level, between the ‘general plan’ (*översiktsplan*), mandatory but not legally binding, and the ‘detailed plan’ (*detaljplan*), legally binding but optional for some limited areas (Lundström et al., 2013). Also in Germany, as confirmed with the reforms that followed the country’s reunification in the 1990s, the ‘zoning plan’ (*F-plan*) is binding on the administrative activities but has no legal value on property. The legally binding tools on the land use are the so-called ‘building plans’ (*B-plan*), which cover only some specific areas of the municipal territory that are generally indicated by the F-plan (Schmidt, 2009). In Denmark, the 2000 Planning Act introduced the concept of ‘municipal planning strategies’, which meant that ‘the scope of planning at the municipal level was formally extended beyond its traditional focus [...] to encompass more pro-active and strategic modes of planning’ (Damsgaard, 2014, p. 48). Despite the formal rigidity of the Dutch system and criticism on more recent reforms (Buitelaar et al., 2011), in fact, municipalities have been allowed for a long time ‘to delineate the boundaries of the plan area’ without any ‘legal prescription [...] to determine when a land-use plan should be approved in relation to the rest of the development process’ (Muñoz Gielen and Tasan-Kok, 2010, p. 1121). This has resulted in (Buitelaar and Bregman, 2016, p. 1287)

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3 a collaboration between private and public actors [...] with arrangements about the building
4 programme, the urban design as well as phasing of the various aspects of the area development,
5 supported by a land account, upon which the plan would ultimately be turned into a legally
6 binding land-use plan.
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10 A third type of spatial planning system can be thus labelled as a 'neo-performative' model
11 insofar as, while continuing to be based on binding zoning, it has neutralized in one way or
12 another the 'preventive' legal effectiveness of the plan. Rather, as discussed for the British
13 model, new spatial development rights are assigned as a 'final balance' after development
14 projects (at least the main ones) have been negotiated, and thus controlled in detail by the
15 public authority before that plan has assumed the force of law. Therefore, in this case:
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22 a) a public spatial strategy for the comprehensive urban area is used as a basis for the
23 collection of projects, their control and negotiation, which are finalized to share their
24 final form and substance;
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26 b) a binding plan assigns consequently the rights for land use and for spatial
27 development;
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29 c) building permits are delivered according to the plan.
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34 'In the Netherlands, Germany, Sweden, and Denmark', in practice (Muñoz Gielen and Tasan-
35 Kok, 2010, p. 1100),
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39 binding land-use rules (whether this concerns a new land-use plan or a modification of one to
40 create new building possibilities) are only approved once negotiations with
41 developers/landowners have taken place or, at least, when there is enough certainty about their
42 successfully conclusion.
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46 Despite the same juridical regime of southern European countries, their systems of spatial
47 governance and planning tend thus to reproduce the operational advantages of the
48 performative model in terms of 'public-value capturing'. As in the case of the performative
49 model, and unlike the conformative model, the neo-performative model prevents a 'blind'
50 pre-assignment of rights for land use and for spatial development through the plan, and
51 postpones the assignment of rights until after the public control of development projects.
52 Privatization of profits derivable from spatial development is therefore not guaranteed by the
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3 plan and may even be at least partly transformed in compensation for social losses that could
4 arise from the spatial development. This can occur thanks to public control of the spatial
5 projects that – in the absence of acquired rights – can be extended to their overall performance
6 with respect to the plan objectives.
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11 This seems to have created in the long run more stable urban markets (Mattarocci and
12 Pekdemir, 2015), because the speculative purposes are generally discouraged. The German
13 urban markets, for instance, have been considered for a long time ‘boring’ by international
14 investors, who preferred deals elsewhere, such as in southern and eastern European countries.
15 But, as the shrewder realtors suggest: “Boring” real estate offers gradual, stable increases in
16 property value over long-term periods of time, that provide a predictable return on investment’
17 (Hartman, 2014, p. 1). After the crisis had started to hit Europe, indeed, investors suddenly
18 became very interested in the German urban markets, because of the rather robust real estate
19 values, which have remained stable throughout the last ten years (Just and Maennig, 2016).
20 And this has rewarded somehow this country, in comparison to others, bringing new financial
21 resources even in difficult times.
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33 **The crisis as a possible breaking point**

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36 Overall, the three models described above (Figure 4) show that different combinations
37 between plan and control devices within a spatial governance system are possible, and can
38 achieve very different effects in the whole process of spatial, economic and social ordering.
39 The historical evolution of these models also shows that the systems of spatial governance
40 and planning are not immutable, but may change over time. Moreover, a common adherence
41 to the legal tradition of civil law and to the constitutional relationship between land ownership
42 and right to build – unlike the UK, and similarly to southern European countries – by the
43 States that are applying the neo-performative model has been highlighted. This is perhaps the
44 best evidence that the legal system established does not predetermine once and forever the
45 whole operation of the spatial governance system and, therefore, cannot become an excuse to
46 give up on change.
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56 FIGURE 4 INDICATIVELY HERE
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However, it must be observed that the systems of spatial governance and planning are very complex social constructs, which can be seen as an ‘institutional technology of government’, operating ‘as a hinge between the government system [...] and the spatial production and consumption system’ (Mazza, 2003, p. 54, translated). This means that **systems of** spatial governance and planning not only contribute to design citizenship (Mazza, 2015), but also by their nature are themselves shaped by the social structure and change (Nadin and Stead, 2008, 2009).

In **principle**, a spatial governance and planning system is potentially oriented, like any other technology, to renovate its own ‘**capabilities**’: in this case the command options of the ‘government system’ on the ‘spatial production and consumption system’, which in general is led by individual profit and thus equally pressed by the search for innovation (Harvey, 1989; Lefebvre, 1992). Paraphrasing Schumpeter (1949), a planning system is continuously called upon to provide the public action with a ‘creative response’, because any simply ‘adaptive response’ is driven to leave the production of space the permanent hostage of prevailing interests of individual profit. However, ‘in practice the process to adopt changes is rather slow and restrained by high transactions costs’ (Fürst, 2009, p. 31), because of path dependence (Booth, 2011; Sorensen, 2015), the complexity of institutional processes and the conditions imposed by political conflict and economic dynamics, against the background of innate social struggle for land use control (Plotkin, 1987).

In **current times**, ‘the loss of legitimacy of existing institutions resulting from crisis allows a heightened opportunity for policy entrepreneurs or other actors to reshape existing institutions and create new arrangements’; as far as spatial governance is concerned, ‘[p]articularly important is the specification of the rules that apply to new capital investment in urban space, and the distribution of the costs and benefits of such investment’ (Sorensen, 2015, pp. 25-26). **Ultimately, the current crisis might pose the conditions to allow that the more obsolete systems of spatial governance and planning, which contribute to limit the socioeconomic development of southern European cities and countries, are improved according to the better performance of other models. On the other hand, institutional change in the field of spatial governance and planning is not easy for the aforementioned reasons.** In this light, the most **worrying** suspicion is that **the** southern European **systems** will have a hope to be substantially

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3 changed only when the social costs of crisis will have overcome the ‘transactions costs’ that
4 have prevented so far this opportunity.
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9 10 **Conclusions**

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13 Basically, ‘there is a bidirectional relationship between planning and the crisis’ (Ponzini, 2016,
14 p. 1239):
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18 On the one hand, urban planning contributed to the conditions for the mortgage and financial
19 bubble to occur by seconding the real estate market and allowing great surpluses in different
20 manners. On the other, the crises and their subsequent stages showed the weaknesses of
21 planning systems in different countries and put pressure on their reform or reorientation.
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26 It is arguable, to a certain extent, that in Europe the effects of crisis and the weakening of
27 planning have been boosted since most EU countries and the European Commission have
28 based their economic policies on the neoliberal free market ideology (Kunzmann, 2016).
29 Comprehending the variety of the European context, however, has been valuable to
30 understand that different systems of spatial governance and planning may have had different
31 impacts on the crisis evolution, especially with regard to its effects of increasing inequalities.
32 In particular, the southern European countries, which are more seriously affected by the
33 unequal effects of crisis, are still ruled by ‘conformative’ systems of spatial governance and
34 planning. In spite of the most ancient customs and noble expectations, these prove incapable
35 of ensuring an effective public government of the ‘production of space’ in the contemporary
36 socio-economic contexts.
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46 It is clear that the extreme complexity of the matter and the absence of more systematic
47 analysis to this respect impede too assertive conclusions. It seems difficult to deny, however,
48 that a balanced social distribution of profits and losses resulting from the spatial development
49 – always desirable, but essential in times of crisis – can be achieved with some effectiveness
50 if, as these systems determine, new rights on land use and on spatial development are
51 allocated in advance of an effective public control of development projects. Ultimately, it
52 (Muñoz Gielen and Tasan-Kok, 2010, p. 1126)
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3 seems that when municipalities fix development possibilities early in the development process,
4 this might stimulate land price increases and might also lead to the loss of a valuable negotiation
5 tool. Municipalities might be giving away their 'treasure': that of being the only institution
6 entitled to decide, with certain discretionary powers, if, when and what is allowed to be built.
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10 This appears to have been understood **over time** in other European countries, which have
11 modified the operation of **their** respective systems of spatial governance and planning **long**
12 **before the crisis**. Their 'performative' systems ensure **thus** that in one way (e.g. the UK) or
13 another (e.g. **some** north-western European countries) new rights on propriety are assigned
14 only after that the related projects of development have been controlled by the public
15 authority and appropriately renegotiated to rebalance profits and losses within the urban
16 community. **This does not mean, of course, that** these systems are **immune from** the pressure
17 of crisis (Buitelaar and Bregman, 2016), **nor that they should not** be improved. The effects of
18 crisis have suggested, looking for instance at the British system, possible reforms in order to
19 **make it** less 'growth dependent' in future (Rydin, 2013). This kind of proposal assumes,
20 however, that a minimum of 'planning gain' is already ensured by the system that needs
21 improvement. In other words, one precondition is that '[p]olicies that weaken this regulatory
22 control, for example, by establishing a firm presumption in favour of development' (*ibid.*, p.
23 45) are **already** prevented by the system, which does not happen in the conformative model.
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35 **More in** general, the coexistence of such different systems of spatial governance in Europe
36 **poses serious problems to the** effectiveness of the EU policies (Janin Rivolin, 2008). **Looking**
37 **beyond Europe, the circumstance** that the traditional conformative system is arguably still
38 prevalent in the world may **suggest** to the vast majority of 'careless' planning scholars
39 (Siemiatycki and Siemiatycki, 2016) **a commitment far more effective than simply**
40 **complaining against the neoliberal turn (Moroni, 2016)**. After all, if 'a bridge exists from the
41 technical knowledge that planners embrace to the institutional change that seems necessary
42 for planning to be effective' (Beauregard, 2005, p. 206), this is made by an increased public
43 awareness of the crucial role **that** the whole system of spatial governance and planning **plays**
44 for economic, social and even political life. **Against the global crisis, rather than engaging in**
45 'sophisticated international academic discourse aiming to bridge theory and practice and to
46 come from knowledge to action' (Kunzmann, 2016, p. 1317), **the planning scholars should**
47 **foster this awareness**.
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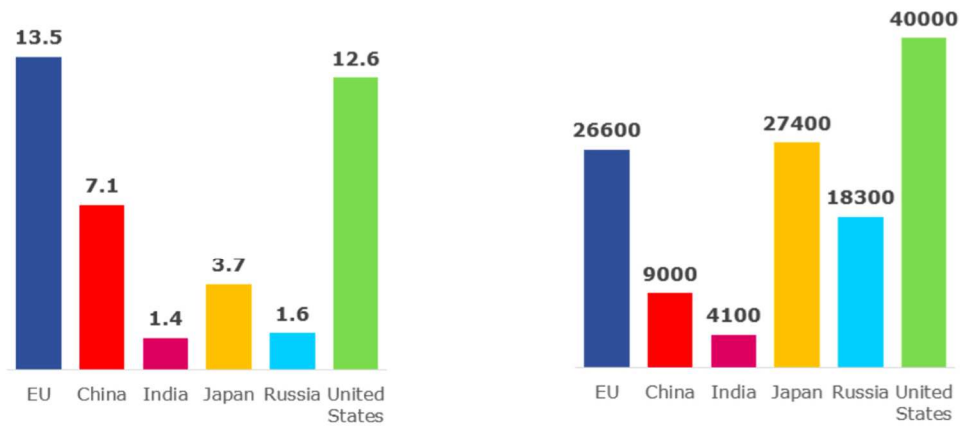


Figure 1: Size of economy (GDP in trillions euro) and wealth per person (GDP per person) in the main economies of the world, 2013 (source: europa.eu).

FIGURE 1 INDICATIVELY HERE
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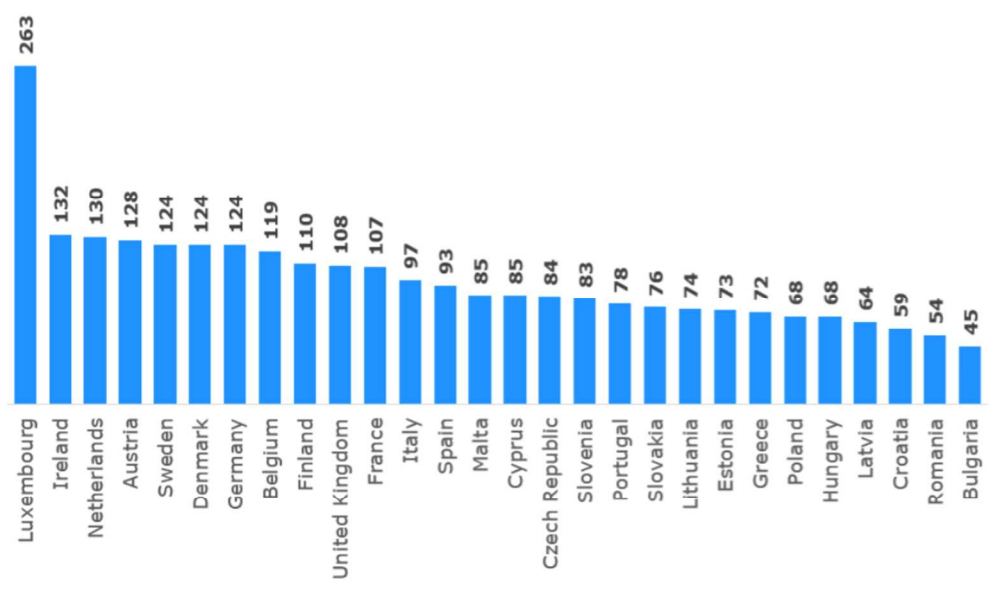


Figure 2: GDP per inhabitant in the 28 EU member States in 2014: index where the average is 100 (source: europa.eu).

FIGURE 2 INDICATIVELY HERE
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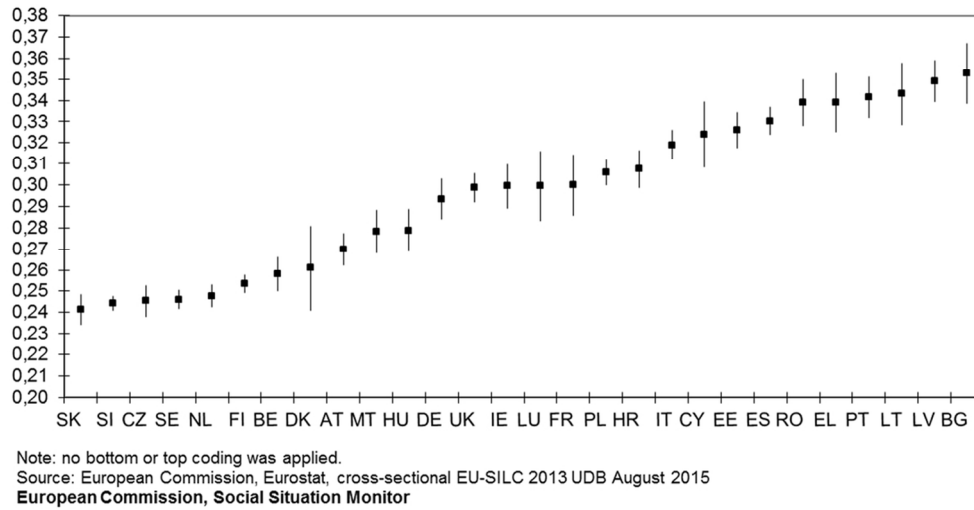


Figure 3: Gini coefficients and 95% confidence intervals for disposable household income in EU Member States, 2012 income year (source: CEC, 2016).
FIGURE 3 INDICATIVELY HERE
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Davies et al, 1989 [1]		Common law England		Napoleonic codes DK, DE, FR, NL	
Newman & Thornley, 1996	Nordic DK, FI, SE	British IE, UK	Germanic AT, DE	Napoleonic BE, FR, IT, LU, NL, PT, ES	East European
CEC, 1997 [2]	Comprehensive integrated AT, DK, FI, DE, NL, SE	Land use regulation IE, UK (+ BE)		Regional economic FR, PT (+ DE)	Urbanism GR, IT, ES (+ PT)
Farinós Dasí, 2007 [3]	Comprehensive integrated AT, DK, FI, NL, SE, DE (+ BE, FR, IE, LU, UK)	Land use regulation BE, IE, LU, UK (+ PT, ES)		Regional economic FR, DE, PT, (+ IE, SE, UK)	Urbanism GR, IT, ES
	BG, EE, HU, LV, LT, PL, RO, SL, SV	CY, CZ, MT		HU, LV, LT, SK	CY, MT

Notes:

1. Davies et al. do not give a specific name to the two groups but contrast England and other systems based on their legal frameworks.
2. The EU Compendium identifies 'ideal types' of planning traditions. Each country may exhibit combinations of ideal types in different degrees. The ideal types are dominant in the countries indicated here.
3. The ESPON project took the EU Compendium traditions as a starting point and examined how countries, including the transition states of central and eastern Europe, were moving between them.

Table 1: Most known typologies of spatial planning systems in Europe (source: Nadin and Stead, 2009).

TABLE 1 INDICATIVELY HERE
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	Legal basis	Scope of planning	Scale of planning	Locus of power	Public or private	Maturity of system	Distance between goals and outcomes
Regional economic planning	Mixed	Wide	National planning	Centre and local	Public	Mature	Mixed
Comprehensive integrated	Mixed	Wide	Multi-level planning	Mixed	Public	Mature	Narrow
Land use management	Discretion	Narrow	Local	Centre	Mixed	Mature	Narrow
Urbanism	Code	Narrow	Local	Local	Mixed	Immature	Wide

Table 2: Traditions and criteria from the EU Compendium of spatial planning systems and policies (source: Nadin and Stead, 2009).
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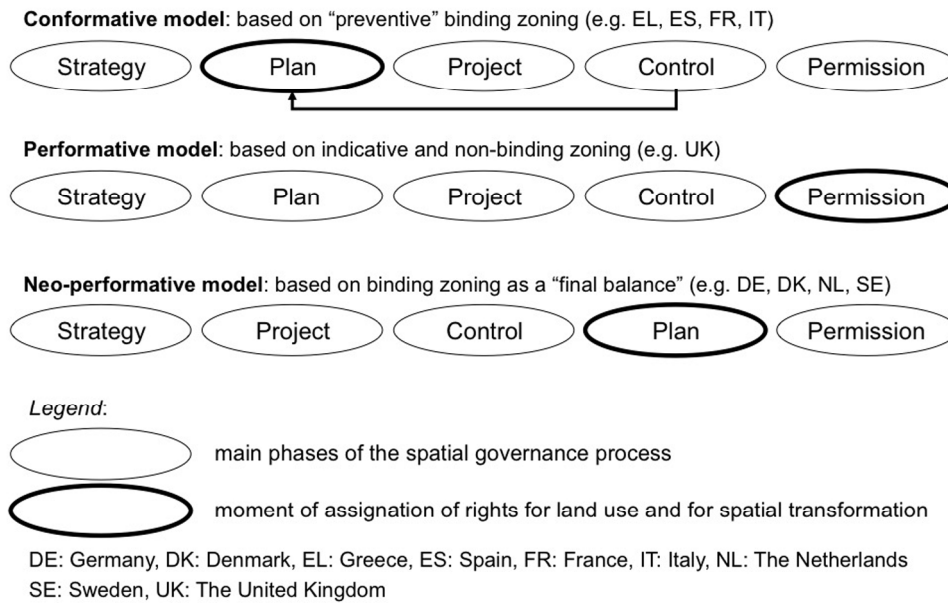


Figure 4: Three models of spatial governance systems (adaptation on: Knieling et al., 2016).

FIGURE 4 INDICATIVELY HERE
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Response to the reviewer

Comments - Referee 1	Author's answers and corrections
<p>The paper starts from a very provocative and stimulating idea: the real estate and financial crisis which started 2007/2008 relates to European planning systems. The distributive impact of the crisis, the idea continues, also depends on the nature of the respective planning system.</p>	<p>This is correct, although the author's intention is not intended to be provocative. The paper's attempt is simply to recall the attention on the institutional and political value of the overall system of spatial governance and planning, which in some European countries seems to be recognized better than in others. The context of global crisis supplies a suitable opportunity for doing so. <i>Some corrections have been included throughout the paper in order to avoid the (annoying) impression of being provocative.</i></p>
<p>Unfortunately, the author fails to implement this idea in the course of the paper. Rather, a misleading representation of European planning systems takes over the narrative. This representation distinguishes between performative, neo-performative, and preventive planning systems.</p>	<p>A distinction between conformative, performative and neo-performative planning systems has already been welcomed by the scientific literature, as shown by various references in the paper. Such possible modelling can be of course rejected as "misleading", but the proposed article limits itself to resume it against the backdrop of the global crisis. <i>Having said this, however, various amendments have been made especially in section 4, according to the following and more detailed reviewer's observations, in order to achieve a less misleading representation.</i></p>
<p>None of these systems is properly examined from the perspective of spatial justice (as promised in the article's title).</p>	<p>It is true that the topic of spatial justice is addressed much too indirectly by this paper, which certainly does not justify the mention in the title. On the other hand, the space allowed for one article prevents facing this topic with the complexity of arguments that would be deserved. <i>The term "spatial justice" has been therefore deleted from the article's title, and specific references to this topic have been also eliminated from the text.</i></p>
<p>Also, it remains unclear why performative, neo-performative, or preventive planning would have had ANY impact on the financial crisis.</p>	<p>The proposed article argues that, having a different effect in the public control of the social distribution of profits and losses in spatial development, the three models of planning systems are not set to counteract the unequal effects of the crisis with the same effectiveness. <i>However, further implications with regard to the preconditions for investors on the real estate markets have been added in section 4, according to what is discussed below.</i></p>
<p>The reviewer remembers quite well from before 2007, that German land markets were considered "boring" by international investors, who preferred the UK and Ireland, but also countries in Southern and Eastern Europe. Many a shopping mall was put into the landscape, with little or no regard to the aspirations of local planners. After the crisis had started to hit Europe, however, investors suddenly became very interested in "boring" land deals in Germany. The reason for the re-allocation of funds was not the nature of the German planning system, but the rather robust market value of real estate in Germany. Surely, this has nothing to do with the -- wrong -- characterization of the German planning system as "neo-performative".</p>	<p>This is an interesting objection. In the author's view, however, it does not weaken but supports the paper's arguments. The point is that the proposed article does not differentiate the planning systems for the "performance" of respective real estate markets but, more simply, for their capacity of public control on spatial development. In this view, the "boring" real estate market in Germany can be seen (also) as one consequence of more effective public regulation in the long run (less speculation is allowed). As in times of crisis investment choices become wiser, the sudden attentions of investors for the German real estate market after 2008 are also understandable. And these have rewarded somehow this country, in comparison to others, bringing new financial resources even in difficult</p>

	times. <i>These considerations have been included in section 4.</i>
In Ireland and Greece, the financial crisis also was influenced by peculiar tax practices (with no connection to the planning system).	This is certainly true (also in consequence of the EU impositions). However, the proposed article does not argue at all that the planning systems are the unique reason of countries' trends with respect to the crisis. It recalls more simply that also the spatial planning systems are one variable in the equation, and tries to argue how this variable should be understood. <i>Some amendments have been made to the text, especially in the introductory and concluding sections, in order to avoid this possible misunderstanding.</i>
The paper claims that the countries of Southern Europe (why not also Republic of Ireland?) are entrenched in preventive planning from which fact the author concludes that these countries inevitably will remain in crisis. This conclusion is not convincing.	This is not completely exact. The proposed article argues rather that: a) a conformance planning system can be one reason of the increasing inequalities of South European countries, especially in times of crisis (section 4); and b) if so, these countries should improve their systems according to the better performance of the other models, but institutional change is not easy for various reasons (section 5). As regards Ireland, it is true that this country had to take on the guarantee of banks' debt in 2011, but was the second in the EU for GDP per inhabitant in 2014 (fig. 2) and, however, seems to be less hit by the problems of unequal distribution of wealth that characterize especially the southern (and eastern) countries. As far as the author is aware, the Irish planning system operates similarly to the British one, albeit with some differences. One might conclude that even a performative planning system cannot guarantee the refinancing of the government debt, but such a discussion would lead the article away from its more modest ambitions. <i>Amendments have been made, however, throughout the text in order to clarify these issues. The title of section 5 has been also changed.</i>
The reviewer does not buy into the accusation of neo-liberalism which is so prevalent in contemporary planning and geography literature.	Also the author believes that an excessive emphasis on the faults of the neoliberal turn – which are however demonstrable to a certain extent – can divert the attention of planners and planning authorities from the matter of which they are mainly responsible. This is one reason that has motivated the proposed article. <i>This point has been clarified in the conclusions.</i>
The reviewer insists, however, that academic reasoning must take into account all facts and theories available. And both the factual and the theoretical foundation of the strong conclusion are insufficient. The reviewer is convinced that the author has not yet identified and employed all possible arguments. Hence, the recommendation for a major revision.	From the author's view this is the most valuable objection, for which the reviewer should be thanked. <i>A major revision of the proposed article has been therefore carried out in accordance with all the detailed observations that were addressed above, in order both to consider further arguments and to lighten the impression of a much too "strong conclusion" (which the complexity of the matter cannot allow).</i>