

Spatial governance and planning systems and the capacity for public control of spatial development: a European typology

Original

Spatial governance and planning systems and the capacity for public control of spatial development: a European typology / Berisha, E.; Cotella, G.; Janin rivolin, U.; Solly, A.. - ELETTRONICO. - (2019), pp. -951. (Intervento presentato al convegno Planning for transition tenutosi a Venezia nel 9-13 July 2019).

Availability:

This version is available at: 11583/2789974 since: 2020-02-06T18:22:26Z

Publisher:

IUAV

Published

DOI:

Terms of use:

This article is made available under terms and conditions as specified in the corresponding bibliographic description in the repository

Publisher copyright

(Article begins on next page)

Spatial governance and planning systems and the capacity for public control of spatial development: a European typology

Erbilin Berisha¹, Giancarlo Cotella², Umberto Janin Rivolin³, Alys Solly⁴

¹ Politecnico di Torino - DIST, erblin.berisha@polito.it

² Politecnico di Torino - DIST, giancarlo.cotella@polito.it

³ Politecnico di Torino - DIST, umberto.janinrivolin@polito.it

⁴ Politecnico di Torino - DIST, alys.solly@polito.it

Abstract: Although the functions of spatial governance and planning systems are generalizable, 30 years of comparative studies, especially in Europe, have shown the heterogeneity characterising these “institutional technologies”. Particularly, they differ in the capacity for public control of spatial development, a crucial aspect for the life of entire cities, regions and countries. The proposed contribution builds on the materials of the recently concluded ESPON COMPASS research project to propose a European typology on this issue. Based on the opinions expressed by respective national experts, the systems of 39 countries (28 EU and 11 non-EU) are compared in relation to the mechanisms to allocate land use and spatial development rights as well as to the prevalence of public vs. private interests in guiding the development decisions. As a result, the European systems are placed on an X-Y diagram, which makes it possible to cluster them in consistent types that raise new comparative observations and general findings. In summary, the capacity for public control of spatial development looks variegated in Europe, and is conditioned by a mixture of factors. In this scenario, the different models adopted for allocating spatial development rights need to be understood in the context of actual state-market relations.

Keywords: spatial governance; spatial planning; spatial development; systems.

Introduction

The political and technical practices used to order space date back to very ancient times, and the establishment of modern states has led to the creation of their respective “systems” of spatial governance and planning (usually known as “planning systems”), which allow the public authority to guide and control spatial development in respect of property rights. Ultimately, these “institutional technologies” (Janin Rivolin, 2012) allocate the rights to use and transform the physical space through the concurrence of constitutional and legal devices, administrative provisions and tools, and the activity of technical cultures. It is needless to add that, since any social and economic activity requires a space to take place, the spatial governance and planning systems (SGPSs from now on) are determinant for the economic and social life of entire cities, regions and countries, contributing also to shape the “citizenship” affected by their action (Mazza, 2015).

The SGPSs have been subject of comparative analysis especially in Europe in the last 30 years, also for the need of mutual knowledge in the context of Community integration (for a compendium, see: Nadin and Stead, 2008, 2013). The first “comparative study” labelled as such was commissioned by the British government in order to understand the various effectiveness of public control over spatial development in few major countries of Western Europe (Davies et al, 1989). This study clarified that the “legal basis” on which the systems are pivoted constitutes a crucial element for determining the degree of certainty/flexibility in the state-market relations that concur to the spatial development. It showed in practice that, while most Western European systems are based on binding plans, which provide complete and detailed sets of rules created in advance of each punctual decision of spatial development, the British system – inspired by the principles of Common law

– is mostly based on non-binding plans, which allow the planning authority more flexibility (and discretion) in deciding case-by-case.

Without prejudicing this fundamental distinction, the first comprehensive comparative study commissioned by the institutions of the European Union (EU) highlighted that the functioning of SGPSs is characterised by various other factors, such as the scope of the system, the extent and type of planning at national and regional levels, the locus of power, the relative roles of public and private sectors (CEC, 1997). These factors contribute, together with the constitutional provisions and administrative traditions, to determine the maturity and completeness of the system and, ultimately, the distance between expressed objectives and achieved outcomes in each of them. More recent studies have also emphasized the role of “planning cultures” (Sanyal, 2005, Knieling and Othengrafen, 2009) in shaping the concrete practices through which the SGPSs make their purposes operational (Reimer et al, 2014).

However, whatever the various possible analytical distinctions among the systems, it seems clear that their effectiveness in the public control of spatial development (with the related socio-economic consequences) depends to a large extent on the specific methods of assigning the rights to use and transform the physical space (Janin Rivolin, 2008, 2017, Muñoz Gielen and Tasan-Kok, 2010). In other words, the process of operating these institutional technologies is certainly very complex but, ultimately, ‘the final output of such a process is the act of physical development (or, in some cases, the decision not to develop, but to leave the land as it is)’ (Hall, 2002, 3). The most recent comparative study on European SGPSs is the ESPON COMPASS research project, addressed ‘to provide an authoritative comparative report on changes in territorial governance and spatial planning systems in Europe from 2000 to 2016’ (ESPON, 2018a, vii). Although the goals of this research project were multiple, the raw material with which the project was developed makes it possible for the first time to compare how the rights to use and transform the physical space are specifically allocated in 39 European (EU and non-EU) countries, as well as whether the public or private interests prevail in guiding the development decisions.

Having taken part in the research, the authors of this paper have elaborated some meaningful information derived from the questionnaires compiled by the national experts, enabling them to propose a typology of European SGPSs in terms of capacity for public control of spatial development. After this introduction, the paper continues with an illustration of the research context and of the methodology adopted in the study. A following section presents the results of the analysis. The emerging European typology of SGPSs is then proposed and commented. Finally, a concluding section completes the contribution by reflecting on the findings both for the purpose of future research and for the policy implications on spatial governance and planning in Europe.

The COMPASS project and what it can say about the public control of spatial development

The ESPON COMPASS research project – launched in 2016 for a “Comparative Analysis of Territorial Governance and Spatial Planning Systems in Europe”, and concluded in October 2018 – provides a structured overview of investigations, on the one hand, to compare the state of SGPSs in the 39 countries¹ and, on the other, to understand how the EU policies contribute to the change of these systems, with particular attention to the years of the new millennium. Based on a survey that has involved national experts of the respective countries through detailed questionnaires, providing quantitative degrees of perception supported by qualitative evidence and observations, the research project concluded, amongst other things, that (*ibid.*, 28)

The overall formal structure of planning systems and territorial governance is consistent across Europe with governments managing rights to develop through a hierarchy of planning instruments and development regulation. Governments use spatial planning to manage spatial or territorial development and to engage stakeholders and citizens in that process. There is considerable variation in the precise arrangements of instruments and procedures which tends to reflect the legal and administrative structure of government. There are no other significant patterns in the variation of systems. There is strong consistency in the way that countries are reforming planning, particularly to

¹ In addition to the 28 EU Member States, the research was extended to Albania, Bosnia Herzegovina, Iceland, Kosovo, Liechtenstein, Macedonia, Montenegro, Norway, Serbia, Switzerland and Turkey.

reduce the administrative burden of decision making by simplifying plan and regulation procedures; and to provide more speedy decisions and certainty in the system.

Moreover (*ibid.*, 40),

The analyses have shown that the level of policy integration is generally increasing in spatial planning and territorial governance; that spatial planning now engages citizens and stakeholders more strongly than it did in 2000; and that in most countries, spatial planning instruments were more robust and able to adapt to changing circumstances in 2016 than they were in 2000.

In the framework of this research, ten questions addressed to national experts were considered of particular meaningfulness for the purposes of the present work (Table 1).

Table 1 – ESPON COMPASS questions used for the analysis of SGPSs (based on: ESPON, 2018b).

1.	Describe the constitutional framework for spatial planning in your country by indicating what rights exist, who holds such rights and how they are regulated and supervised (I.19*).
2.	Provide a simple diagram explaining the main steps in the process of making a plan that allocates development rights, or provides a policy framework for the allocation of development rights, as at the end of 2016 (I.20).
3.	Provide a simple diagram explaining the main steps in the process of applying for and granting of development rights (permit or permission) (I.21).
4.	Provide a diagram depicting the main planning instruments in the spatial planning system at the end of 2016 (I.5).
5.	Name the local level 1** spatial planning instruments, if any, that are part of the formal planning system in 2016. In the case of local variations choose one or two typical examples of type of instrument (I.15).
6.	For each local level 1 spatial planning instrument, describe briefly what are the main changes since 2000, and any expected changes in the near future, specifically in regard to form or character, scope and content, and procedure within (I.16).
7.	Name the local level 2 spatial planning instruments, if any, that are part of the formal planning system in 2016. In the case of local variations choose one or two typical examples of type of instrument (I.17).
8.	For each local level 2 spatial planning instrument, describe briefly what are the main changes since 2000, and any expected changes in the near future, specifically in regard to form or character, scope and content, and procedure within (I.18).
9.	Explain the extent to which each instrument was actually produced in 2016 – complete coverage, partial, patchy, or none. Are the plans produced still ‘up-to-date’, timely or relevant according to local expectations? Has the production of planning instruments improved, worsened or varied since 2000 (are more or less plans produced now according to national expectations)? What reasons explain performance in the production of planning instruments? (II.1).
10.	Explain what is the degree of influence of each planning instrument (or group of instruments) in guiding or controlling spatial development in 2016. Does the distribution and form of spatial development follow the policies, proposals and regulations set out in those instruments? What reasons explain the degree of influence of planning instruments? Has the influence of planning instruments improved, worsened or varied since 2000? (II.2).
* This number refer to the Questionnaire in which the question was listed, as well as to the number of the question within the latter (e.g. I.19 refers to question 19 from Questionnaire I).	
** The questionnaires asked to define local “level 1” and “level 2” in terms of Local Administrative Units (LAUs).	

In particular, the answers provided by the national experts to questions 1-8 have been carefully analysed, and subsequently compared in order to attribute to each SGPS an X score according to Table 2 below. Here the minimum (0) and maximum (5) scores correspond, without any attribution of value, to the extreme ideal-types of the conformative and performative models of spatial governance and planning (i.e. on the local level, general binding plans decide any detailed transformation vs. plans are non-binding and transformations are decided case-by-case; see: Janin Rivolin, 2008). On the basis of the answers analysed, the SGPSs could therefore be grouped and scored according to four progressive degrees of relevance between the ideal conformative and performative planning models. The first group includes those SGPSs in which, more closely inspired by a conformative model of planning, the public authority tends to allocate land use and development rights through general and rigid binding plans (1). A second group includes SGPSs still inspired by a conformative planning model in which, however, the common use of binding general plans is somehow attenuated by the recurrence of specific variants or other devices that allow the plans to be modified (2). A third group concerns the SGPSs in which land use rights are established in general plans but, in the apparent attempt to pursue the logic of the performative model, the binding plans that assign spatial development rights are negotiated, detailed and very

specific (3). A last group regards the SGPSs in which, more closely inspired by a performative model of planning, the public authority tends to allocate the land use and development rights on a case-by-case basis, against a background of non-binding plans (4).

Table 2 – Scores attributed to SGPSs according to respective positions between conformative / performative models of planning (authors' own elaboration).

X Score	Description
0	<i>Ideal conformative model (general binding plans decide any detailed transformation)</i>
1	The public authority tends to allocate land use and development rights through general binding plans
2	The public authority allocates land use and development rights through binding general plans, but devices that allow to modify plans (e.g. variants) are recurring
3	The public authority allocates land use rights through general plans, and spatial development rights through detailed binding plans
4	The public authority tends to allocate land use and development rights case-by-case
5	<i>Ideal performative model (plans are non-binding and transformations are decided case-by-case)</i>

Furthermore, the answers provided by the national experts to questions 5-10 have been analysed and compared in order to attribute to each SGPS a Y score according to Table 3. Here the actual model of spatial development resulting from each system is at stake, centred around three ideal benchmarks that, without any attribution of value, are: the ideal state-led model of spatial development, where the public interest dominates (3); the ideal market-led model of spatial development, where the dominance of the private interest is absolute (-3); and the ideal balance between public and private interests (0). The SGPSs could therefore be potentially grouped and scored according to four progressive degrees of relevance around those ideal benchmarks, namely: on the one hand, the SGPSs in which the spatial development is mainly driven by public interest (2) and those in which it is driven by a mix of public and private interests, with a prevalence of the former (1); on the other hand, the SGPSs in which the spatial development is mainly driven by private interest (-2) and those in which it is driven by a mix of public and private interests, with a prevalence of the latter (-1). However, due to the extreme variety of answers analysed and to some difficulty to score them the same way, the possibility of intermediate scores (0,5 etc.) was also envisaged.

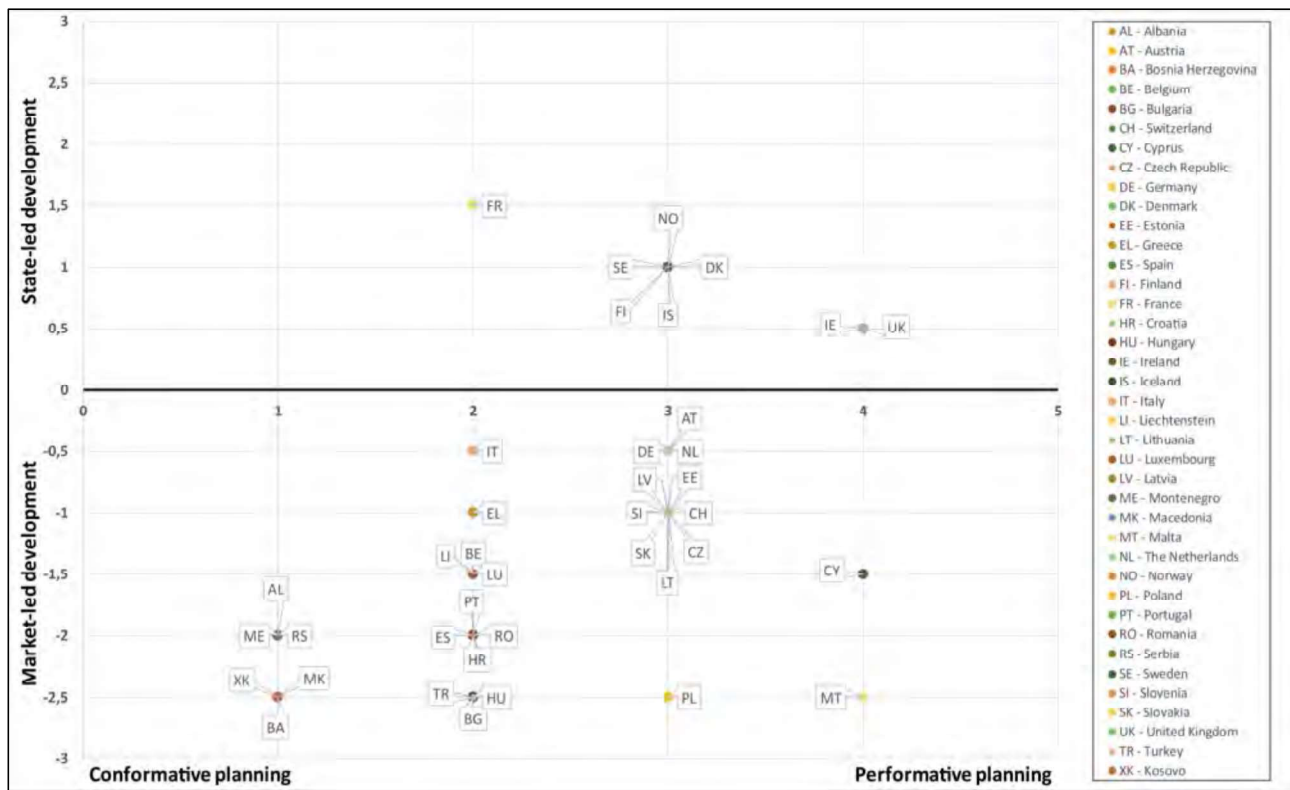
Table 3 – Scores attributed to SGPSs according to respective positions between state-led / market-led models of spatial development (authors' own elaboration).

Y Score	Description
3	<i>Ideal state-led spatial development (absolute dominance of the public interest)</i>
2,5	
2	Spatial development is mainly driven by public interest
1,5	
1	Spatial development is driven by a mix of public and private interests, with a prevalence of the former
0,5	
0	<i>Ideal balance between public and private interests</i>
-0,5	
-1	Spatial development is driven by a mix of public and private interests, with a prevalence of the latter
-1,5	
-2	Spatial development is mainly driven by private interest
-2,5	
-3	<i>Ideal market-led spatial development (absolute dominance of the private interest)</i>

How European systems are positioned with respect to the models of planning and of spatial development

In accordance with the methodology illustrated above, the 39 systems analysed are positioned in the X-Y diagram as shown in Figure 1.

Figure 1 – Positions of European SGPSs with respect to the models (X) of spatial planning and (Y) of spatial development (authors' own elaboration)



Following the X axis of the diagram, 6 SGPSs all belonging to non-EU countries in the Western Balkan region look more closely inspired by a conformative model of planning, since the public authority tends to allocate land use and development rights through general and rigid binding plans. These systems have in general a very hierarchical character and the allocation of spatial development rights is commonly issued by the approval of local binding plans, general for their administrative extension but very detailed in their form and rigid for their duration, although in some cases (e.g. Albania, Kosovo) the national authorities can directly provide building permissions through plans of national importance (Berisha, 2018, Berisha et al, 2018).

A further 13 SGPSs, which in general belong to Mediterranean countries (France, Greece, Italy, Portugal, Spain, Turkey) but also to some Eastern (Bulgaria, Croatia, Hungary, Romania) and Western (Belgium, Liechtenstein, Luxembourg) European countries, are still inspired by a conformative planning model, although the prevalence of binding urban plans is here compensated by the recurrent use of specific variants and other devices that allow the plans to be modified over time. To give just one example of how the system operates in these cases, the 1995 Turin city plan in Italy has so far been subject to around 400 variants. Furthermore, in many Italian municipalities the “variation request” is now commonplace, so that every citizen or person who has an interest in it can present projects that differ from the plan. While in Mediterranean and Eastern European countries the proximity to a conformative planning model seems to be mainly due to a path-dependence on respective administrative traditions and technical cultures (Muñoz Gielen and Tasan-Kok, 2010, Benedek, 2013, Janin Rivolin, 2017), the Western SGPSs in Liechtenstein and Luxembourg look somehow conditioned by the limited geographical dimension of countries and, in Belgium, by the actual operation of three systems of regional extension in Brussels, Flanders and Walloon (Hanocq, 2011). In Turkey, spatial planning has been subject to centralisation mechanisms since 2000. Here, the political authority attempts to centralize urban politics, to eliminate mechanisms of participation in decision making and to impose an authoritarian and top-down decision-making style as the dominant mode of decision (Lovering and Turkmen, 2011, Tansel 2018).

Almost half of the SGPSs (16), mostly located in Western Europe and in the Baltic region but also in some Eastern European countries (Czech Republic, Slovakia, Slovenia, Poland), seems to be aimed at pursuing the logic of the model of performative planning, since land use rights are generally established by general urban plans, but the binding plans that assign spatial development rights are specific for small areas (therefore subject to verification on a case-by-case basis). Furthermore, as is clear for example in Denmark, the Netherlands, Germany and Sweden, ‘binding land-use rules (whether this concerns a new land-use plan or a modification of one to create new building possibilities) are only approved once negotiations with developers/land-owners have taken place or, at least, when there is enough certainty about their successful conclusion’ (Muñoz Gielen and Tasan-Kok, 2010, 1100). Ultimately, the emergence of “development-led practices” has been recognised in the vast majority of Western and Nordic countries as an opportunity to reform the respective systems in order to achieve, albeit with mixed success, more felicitous public control over spatial development (Buitelaar et al, 2011, Kule and Røsnes, 2011, Gerber, 2016, Valtonen et al, 2017, Humer, 2018, Zakhour and Metzger, 2018). The same transition occurred in those Eastern European countries that saw the exit from the Soviet regime in the late 1980s as an opportunity to re-launch their economies through more flexible spatial development (Cotella, 2007, 2014, OECD, 2018).

Finally, 4 SGPSs that, by possible coincidence, belong to “islands” surrounding the European continent (i.e. the United Kingdom and Ireland to the north, and Cyprus and Malta to the south) are more closely inspired by a performative model of planning, because the public authority tends here to allocate the land use and development rights on a case-by-case basis, against a background of non-binding plans. As is well known, the system was radically changed in the U.K. with the 1947 Town and Country Planning Act, which attributed the right to build to the Crown (the State) and established that ‘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’; rather, ‘in granting permission to develop, local authorities could impose “such conditions as they think fit”’ (Cullingworth and Nadin, 2002, 93). Then the 1968 Town and Country Planning Act assigned to structure plans the provision of strategic orientations for development and to local plans (non-mandatory and concerning only specific areas) the provision of detailed guidance on land use, establishing, despite various reforms under Thatcherism, New-Labour and recent governments, the current features of the British (especially English) system (Nadin and Stead, 2014). Very close to the British administrative and technical culture, the Republic of Ireland has adopted a similar system. The same is true for Cyprus and Malta as former British colonies (Gauci, 2002).

Looking at the Y axis of the diagram, it is worth noting, first of all, that no European SGPS appears nowadays, in the opinion of the respective national experts, mainly driven by the public interest. The system that comes closest to this definition is the French one, in which even the tendency to move from a redistributive planning idea to a more market-oriented notion has not particularly weakened the power of public control of spatial transformations (Waterhout et al, 2013). In another 5 SGPSs, that characterise the Nordic countries, spatial development seems to be driven by a mix of public and private interests, with a prevalence of the former. In Denmark, for instance, a shift from welfare strategies towards more growth-oriented policies, ‘which can be understood as a necessary change of governmental style in order to complete a shift from a demand- to a supply-led economy, has not been accepted by provincial politicians in general, and in particular those from the peripheral regions’ (Andersen, 2008, 12). In Sweden, the 1990s recession led to an oversupply of the housing and construction market, as well as to a massive privatisation process, but the municipal “planning monopoly” remains traditionally very strong, as well as the social policies and democratic welfare state (Caesar, 2016, Zakhour and Metzger, 2018). More generally, the neo-liberal turn that has also affected the Nordic countries and Iceland has given rise to new soft urban planning instruments, non-statutory planning methods and public-private partnerships which, however, have weakened the public authority’s capacity to promote the public interest only to a limited extent (Ilmavirta, 2018). The same has occurred, although to a lesser degree, in the 2 SGPSs belonging to the UK and Ireland where, despite the major effectiveness of systems in terms of public control, recent national governments have explicitly pursued neo-liberal policy agendas and market-oriented policy-making (Kitchin et al, 2012, Waterhout et al, 2013).

Contrastingly, in 12 SGPSs across Western Europe (Austria, Germany, the Netherlands and Switzerland), Central and Eastern Europe (Czech Republic, Estonia, Latvia, Lithuania, Slovakia and Slovenia) and Mediterranean Europe (Greece and Italy) Europe, spatial development seems to be driven by a mix of public

and private interests, but with a prevalence of the latter to varying degrees. The results of spatial planning in Italy are seen as a permanent mediation between public and private needs, in which ‘Patronage and familism are often associated with the establishment of urban coalitions including politicians, developers, landowners, professionals, etc. seeking to maximize urban rent through benevolent land-use planning’ (Vettoretto, 2009, 196). In Austria, Germany and the Netherlands, ‘some impacts of a more neo-liberal (political) agenda have been cushioned by national spatial policies’ (Waterhout et al, 2013, 151), although more recently the financial crisis and economic recession have put the planning culture under pressure (Buitelaar and Bregman, 2016). The major crisis that has struck Greece has also affected its SGPS, the subject of a series of direct and indirect changes with a greater effect on the promotion of private investments (Papageorgiou, 2017, Karadimitriou and Pagonis, 2019). The “managerial turn” that has occurred in the Swiss public administrations has been leading to a more market-oriented approach to face public problems, and a growing influence of flexible private-law or incentive-based instruments in land-use planning practices has highlighted a shift towards a market driven land use planning approach (Gerber, 2016). In the Central and Eastern countries that show similar tendencies, the transition from the socialist economic system to the market one has taken place in parallel with a series of structural reforms (privatization, liberalization, decentralisation etc.) which, in the field of spatial governance, tend to accelerate the release of building permits to attract and facilitate private investment (Ruoppila, 2007, Brade et al, 2009, Notermans, 2015, Liepa-Zemeša and Hess, 2016).

Another 11 SGPSs distributed across Western Europe (Belgium, Liechtenstein and Luxemburg), Balkan and Eastern Europe (Albania, Croatia, Montenegro, Romania, Serbia) and Mediterranean Europe (Cyprus, Spain and Portugal) show, albeit to different degrees, that spatial development is mainly driven by private interests. This trend appears to be more moderate in the Western countries, where however actors, operating in self-interest, frequently bypass, undermine, and reconfigure governance arrangements through informal circuits of decision-making and networked exchanges (Affolderbach and Carr, 2016). Here the setting of building permits has been oriented to the protection of private property, which hinders the government’s ability to implement a coherent spatial policy (Van den Broeck and Verachtert, 2015). In Cyprus, the increased interest of the international real estate market immediately before and after joining the EU has led to the explosion of the phenomenon of second homes (Potsiou et al, 2009). A prevalence of private interests in the spatial development is even more evident in Spain and Portugal, where the development of the urban space is often seen as a sum of private development projects, leading to frequent real estate bubbles (Mantiñán, 2010, Mirò, 2011). This is also the case in the Balkan region, where a high level of corruption, the limited capacity of the public authority to withstand the pressures and logic of the market, and a low level of administrative know-how in spatial planning have led to the privileging of private rather than public interests, even in spite of what the law establishes (Berisha et al, 2018).

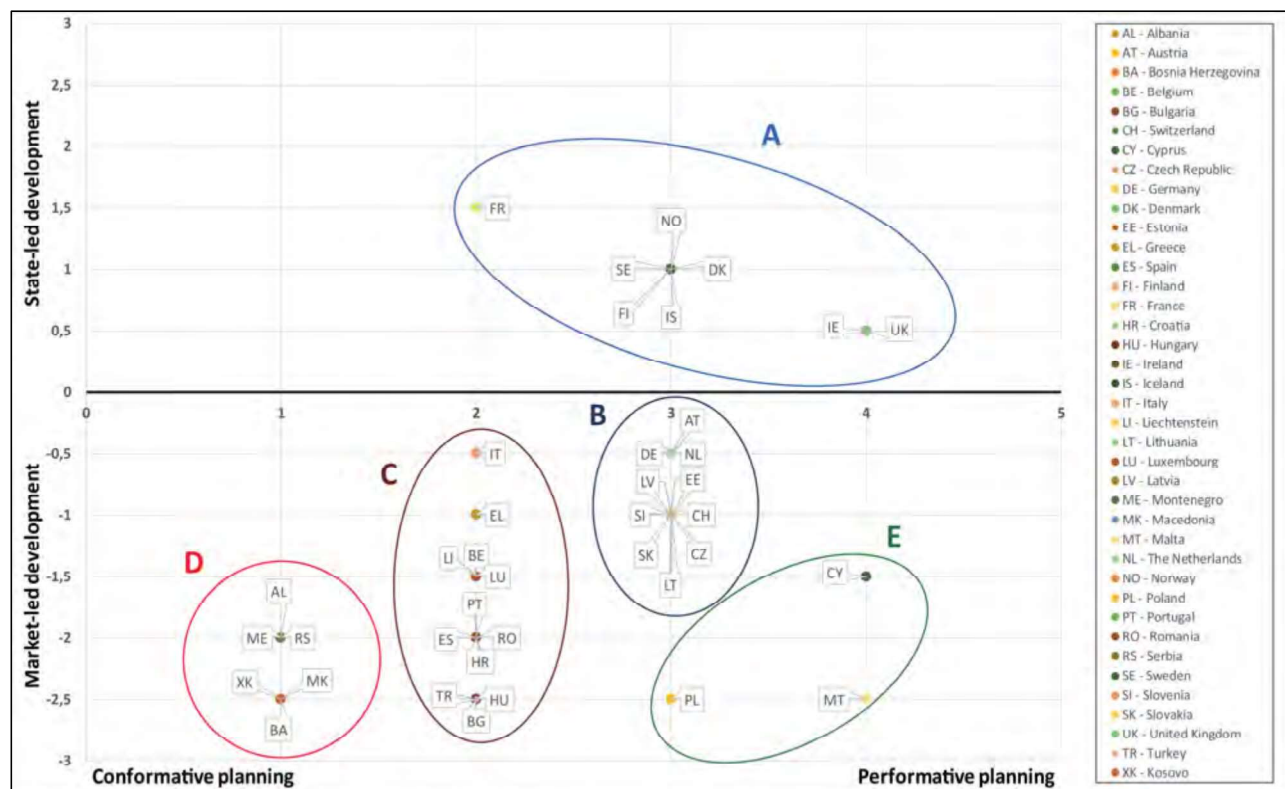
However, spatial development seems to be driven by private interests especially in another 8 SGPSs located in the Balkans and Eastern Europe (Bosnia and Herzegovina, Bulgaria, Hungary, Kosovo, Macedonia and Poland), as well as in Malta and Turkey. Although in these Balkan countries spatial planning is often considered a technical device that aims to limit the free initiative of private individuals, corruption, informality, illegal development, poor public control over spatial development – in a social contest characterized by a high level of fragmentation based on ethnic, political and economic reasons – are widespread (Boussauw, 2011, Stefanovska and Kozelje, 2012, Djurasovic, A., 2016). In Bulgaria, the power relation between state and market in spatial governance has changed drastically since the 1990s, and it seems currently that market-led development has definitively taken over from the state-led development (Slaev and Nikiforov, 2013, Kovachev et al, 2017). In Poland, about 80% of spatial transformations are legitimised through the so-called “decisions on development conditions” (*edecyzja o warunkach zabudowy*) which, on the basis of the investors’ proposals, are approved on a case-by-case basis even if in contrast with the local plan (Cotella, 2014). A prevalence of market-led development, particularly for the tourist economy, over state-led development is also evident in Malta (Gauci, 2002). Finally, a sort of “authoritarian neoliberalism” would seem to push public authorities to act as market actors in dealing with land use and spatial development in Turkey (Tansel, 2018).

A (new) European typology of spatial governance and planning systems

The analyses summarised in the previous section have led to the identification of five types of SGPSs which, with reference to the capacity for public control of spatial development, can currently be found in Europe. Without neglecting the margins of uncertainty that such complex interpretations inevitably imply, this

typology can be represented in Figure 2 in the form of SGPS clusters with close characteristics in terms of capacity for public control of spatial development, understood as the final product of the respective models of spatial planning and development. Figure 3 shows how the various types of SGPSs are mapped on the European continent.

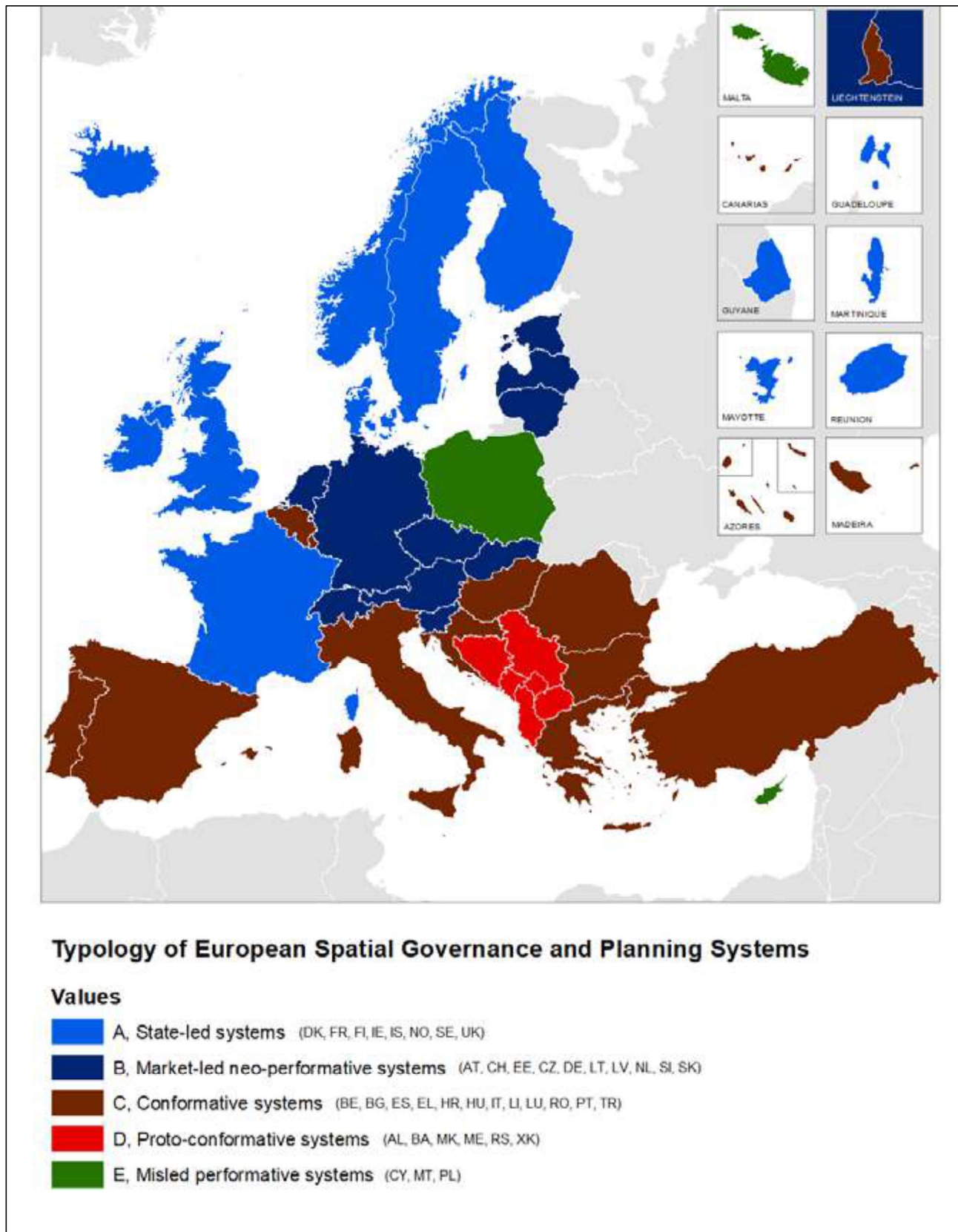
Figure 2 – Typology of European SGPSs with respect to the capacity for public control of spatial development (authors' own elaboration)



Type A in the figures, which includes 8 SGPSs that are mainly found in Northern and Western Europe, can be defined as that of the *state-led systems* because, despite the different models adopted for the allocation of spatial development rights, spatial development is here mainly driven by public interests, even if to different degrees with respect to the influence of private ones. It should be noted that most of these systems (5 out of 8, all located in the Nordic countries) are “neo-performative” in terms of allocating spatial development rights, in the sense that they generally avoid a “blind” pre-allocation through the use of general plans, preferring to postpone it until after specific negotiations with landowners and developers within detailed plans (Janin Rivolin, 2017, 1004-1006). In this framework, the minor capacity of the performative systems of UK and Ireland to guarantee the public interest seems to be due to the explicit political orientation of the respective governments, rather than to the planning model adopted. On the other hand, France seems an exception as it is characterised by a tendentially conformative system that is able to better guarantee the public interest in spatial development, due to the traditional strong role maintained by the central government in orienting the overall process of spatial governance (CEC, 2000).

Type B, which includes 10 SGPSs across Baltic, Central-Eastern and Western Europe, corresponds to *market-led neo-performative systems*, since the model adopted for the allocation of spatial development rights has the characteristics described above (i.e. the rights are assigned through detailed plans previously negotiated with the private actors) so that spatial development is driven by a mix of public and private interests, but with some prevalence of the latter. This prevalence is minimal in the case of Austria, Germany and the Netherlands, and in any case due to the more or less recent neo-liberal tendencies in the orientation of governments. It seems to be increasing in Switzerland for similar reasons (Solly, 2018). In the Baltic Republics and in the concerned countries of Central and Eastern Europe, a greater prevalence of private interests is probably due to the more difficult application of this planning model in the face of the socio-economic and political changes occurred since the fall of the Soviet bloc (Cotella, 2007).

Figure 3 – Map of European SGPSs with respect to the capacity for public control of spatial development (authors' own elaboration)



Type C, which concerns 12 other SGPSs adopted mainly in the countries of Southern and Eastern Europe, but with a few exceptions also in Western Europe, is that of *conformative systems*. Here the public authority

assigns the rights to use and develop the land through the more traditional method of binding general plans, but with the recurrent use of variants that can subsequently modify them. With the sole exception of France, discussed above, with this model spatial development is generally driven by private interests, although by very different degrees in terms of the simultaneous influence of public ones. The general tendency in this regard is that the capacity of public control is relatively less weak in the countries of Southern and Western Europe, where the systems have been established for longer periods, and shows more difficulties in the Eastern countries which, after the fall of the Soviet regime, have embraced this model of planning.

Type D, which includes 6 SGPSs belonging to non-EU countries in the Balkan region, can be defined as that of *proto-conformative systems*, since the method of assigning land use and development rights through binding general plans is based on the original and most authentic ideals of hierarchy (top-down relations between the levels of planning) and of dirigisme (state-led implementation of the plans). However, spatial development proves to be mainly driven by private interest in all these countries, which have embraced this model of development rights allocation after the fall of the Soviet regime. This type of SGPSs, even more than the previous one, seems to confirm that, in current times, ‘when municipalities fix development possibilities early in the development process, this might stimulate land price increases and might also lead to the loss of a valuable negotiation tool’ (Muñoz Gielen and Tasan-Kok, 2010, 1126).

Finally, type E concerns the 3 SGPSs in force in Cyprus, Malta and Poland and can be indicated as that of *misled performative systems*. As we saw in the previous descriptions, the public authority tends to assign land use and development rights on a case-by-case basis or through the use of detailed negotiated plans, but the overall result is that territorial development is driven primarily by private interests, with some moderate attention to the public interest only in Cyprus. In these cases, the “treasure” of public authorities that a performative model of assigning rights can generally guarantee – ‘that of being the only institution entitled to decide, with certain discretionary powers, if, when and what is allowed to be built’ (*ivi*) – is somehow given away to market forces, which have enough power to direct public decisions towards their own interests.

Conclusions

Spatial governance and planning systems (SGPSs) are institutional technologies by which, in every state of the world, the public authority guides and controls spatial development in respect of property rights (Janin Rivolin, 2012). Elaborating the materials of the ESPON COMPASS research project, concluded in 2018, this paper has compared the current capacity for public control over spatial development in 39 European countries. The compiled evidence led to developing a European typology of SGPSs focused on their main functions which, taking into due consideration some necessary warnings, opens a series of final reflections.

The warnings are especially related to the high degree of interpretation that any comparative study on such a complex issue as spatial governance and planning fatally implies. In particular, as explained above, the analysis carried out in this contribution was based on information and opinions provided by individual national experts in the framework of the COMPASS research project. Furthermore, an attempt at simplification was required to reduce the complexity of the data and ratings to a single score, with respect to the land use and spatial development rights allocation model and the public/private interest model that drives spatial development. However, the attribution of each individual score was explained in the previous sections, and the overall typology that emerges from their combinations seems to present a certain degree of coherence with respect to the current debate on the subject.

If so, one general conclusion of the comparison carried out is that spatial development is currently driven more by private interests than by public ones in the vast majority of European countries (31 SGPSs out of 39). This is not surprising and reference can be made to the discussions on the alleged “neo-liberal turn” affecting spatial governance and planning (Brenner et al, 2010), as well as on the correlated effects of the recent global crisis (Ponzini, 2016). In this context, the model of allocation of land use and spatial development rights is not in itself a guarantee of the promotion of the public interest, since the prevalence of private interest in the orientation of spatial development is found in combination with all the models analysed, although in different degrees. After all, as institutional technologies at the service of public authority, the SGPSs – whatever the model of allocating rights – can certainly be used to promote spatial development driven by the market, if this is the declared political direction of governments. But since the political orientation of national governments

in Europe is varied and fluctuating, especially in current times (Hancock et al, 2014), from a technical point of view it is perhaps more interesting to note the trend performances of spatial rights allocation models with respect to the possibility for public control of the spatial development.

In this regard, it cannot be overlooked that the so-called “neo-performative” model (which avoids a blind pre-allocation of rights by general plans, and assigns them through previously negotiated detailed plans) is the most widespread within the few *state-led systems* (type A) and that which characterizes SGPSs in which a prevalence of private interest is contained to a minimum extent (type B). On the contrary, the more traditional conformative model for the allocation of spatial development rights (i.e. their pre-allocation through general plans) is generally unable to guarantee the containment of private interest in driving spatial development (type C) and, as it seems, can work in favour of the public interest only in the very specific institutional, administrative and cultural conditions that are present in Europe only in the French *aménagement du territoire*. Furthermore, the situation worsens in those Balkan countries that have rigidly embraced the conformative model (type D) with ambiguous spatial development consequences and illegal practices. In any case, these countries, like those that have adopted the opposite performative model (i.e. allocation of land use and development rights case-by-case) in the absence of sufficient institutional guarantees of public control (type E), show above all that highly unbalanced state-market relations can end up undermining the very nature of the institutional technology for spatial governance.

Overall, the comparative analysis carried out shows that the capacity for public control of spatial development is highly differentiated in Europe, as a consequence of multiple factors ranging from the political direction of governments to the actual relations between state and market that affect each institutional context. As institutional technologies created to obtain public control of spatial development, the variable characters of the SGPSs existing in Europe are arguably the main reason for this differentiation. The different ways in which systems allocate land use and spatial development rights explain to a large extent the capacity for public control, but each model adopted must be understood in relation to the respective political and socio-economic context. It should be emphasized that these considerations remain valid also in reference to only the current 28 EU countries, which are distributed across the entire typology elaborated here, with the sole exception of *proto-conformative systems* (type D). From a research perspective, this can offer new insights in the field of governance and spatial planning, especially in the context of comparative studies increasingly oriented to assess the performance of systems. From a policy perspective, the coexistence of such diverse SGPSs in Europe also draws attention to issues of coherence as regards the EU economic, social and territorial cohesion policy, whose implementation is ultimately filtered by these systems.

Acknowledgements

The authors are grateful to all the partners of the ESPON COMPASS research project, and particularly to the Delft University of Technology as the lead partner. The authors would also like to thank Donato Casavola for his contribution to the analysis of the questionnaires during his Master thesis work.

References

- Affolderbach, J., and Carr, C., 2016, Blending Scales of Governance: Land-Use Policies and Practices in the Small State of Luxembourg. *Regional Studies*, 50(6), 944-955.
- Andersen, H.T., 2008, The emerging Danish government reform – centralised decentralisation. *Urban Research and Practice*, 1(1), 3-17.
- Benedek, J., 2013, The Spatial Planning System in Romania. *Romanian Review of Regional Studies*, 9(2), 23-30.
- Berisha, E., 2018, The evolution of spatial planning systems in the Western Balkan Region. Between international influences and domestic actors. Doctoral dissertation, Politecnico di Torino.
- Berisha, E., Colic, N., Cotella, G., and Nedovic Budic, Z., 2018, Mind the gap: Spatial Planning Systems in the Western Balkan Region. *Transactions of the Association of European Schools of Planning*. Vol. 2, 47-62.

- Boussauw, K., 2011, Challenges, threats and opportunities in post-conflict urban development in Kosovo. *Habitat International*, 36(1), 143-151
- Brade, I., Herfert, G. and Wiest, K., 2009, Lull Before the Storm? Recent Trends and Future Prospects of Sociospatial Differentiation in Urban Regions of Central and Eastern Europe. *Cities*, 26(5), 233-244.
- Brenner, N., Peck, J., and Theodore, N., 2010, Variegated neoliberalization: Geographies, modalities, pathways. *Global Networks*, 10(2), 182-222.
- Buitelaar, E., and Bregman, A., 2016, Dutch land development institutions in the face of crisis: trembling pillars in the planners' paradise. *European Planning Studies*, 24(7), 1281-1294.
- Buitelaar, E., Galle, M., and Sorel, N., 2011, Plan-Led Planning Systems in Development-Led Practices: An Empirical Analysis into the (Lack of) Institutionalisation of Planning Law. *Environment and Planning A: Economy and Space*, 43(4), 928-941.
- Caesar, C., 2016, Municipal land allocations: integrating planning and selection of developers while transferring public land for housing in Sweden. *Journal of Housing and the Built Environment*, 31(2), 257-275.
- CEC - COMMISSION OF THE EUROPEAN COMMUNITIES, 1997, *The EU Compendium of Spatial Planning Systems and Policies*. Regional Development Studies, 28 (Luxembourg: European Communities).
- CEC - COMMISSION OF THE EUROPEAN COMMUNITIES, 2000, *The EU Compendium of Spatial Planning Systems and Policies. France*. Regional Development Studies, 28E (Luxembourg: European Communities).
- Cotella, G., 2007, Central Eastern Europe in the global market scenario: Evolution of the system of governance in Poland from socialism to capitalism. *Journal fur Entwicklungspolitik*, 23(1), 98-124.
- Cotella, G., 2014, Spatial Planning in Poland between European Influences and Dominant Market Forces. In: *Spatial planning systems and practices in Europe: A comparative perspective on continuity and changes*, edited by M. Reimer, P. Getimis, and H.H. Blotevogel (London, U.K.: Routledge), 255-277.
- Cullingworth, B., and Nadin, V., 2002, *Town and country planning in the UK*. 13th ed. (London, U.K.: Routledge).
- Davies, H.W.E., Edwards, D., Hooper, A.J., and Punter, J.V., 1989, Comparative study. In: *Planning control in Western Europe*, edited by H.W.E. Davies (London, U.K.: HMSO), pp. 409-442.
- Djurasovic, A., 2016, *Ideology, political transition and the city: the Case of Mostar, Bosnia & Herzegovina*. (New York, U.S.: Routledge).
- ESPON, 2018a, *COMPASS – Comparative Analysis of Territorial Governance and Spatial Planning Systems in Europe*. Final Report (Luxembourg: ESPON).
- ESPON, 2018b, *COMPASS – Comparative Analysis of Territorial Governance and Spatial Planning Systems in Europe*. Final Report - Additional Volume 2 Methodology (Luxembourg: ESPON).
- Gauci, P., 2002, Structure Planning in the Maltese Islands: An Assessment of Contemporary Endeavours in the Establishment of a Policy-led Planning System in Malta, Volume I & II, School of Architecture, Planning and Landscape. England, University of Newcastle upon Tyne.
- Gerber, J-D., 2016, The managerial turn and municipal land-use planning in Switzerland – evidence from practice. *Planning Theory and Practice*, 17(2), 192-209.
- Hall, P., 2002, *Urban and Regional Planning*, 4th ed. (London, U.K.: Routledge).
- Hancock, M.D., Carman, C.J., Castle, M., Conradt, D.P., Nanetti, R.Y., Leonardi, R., Safran, W., and White, S., 2014, *Politics in Europe*, 6th ed. (London, U.K.: Sage).
- Hanocq, Ph., 2011, The territorial planning system and the urban development in Belgium: from a deterministic to a strategic model, Final report, COST Action TU 0602 Land Management for Urban Dynamics (Strasbourg: Publications Office of the European Science Foundation).

- Humer, A., 2018, An Austrian perspective on negotiated land use plans: A means for municipalities to mobilise building land. In: *Instruments of land policy*, edited by J.-D. Gerber, T. Hartmann, and A. Hengstermann ((London, U.K.: Routledge), 114-117.
- Ilmavirta, T., 2018, Livability in New Urban Helsinki. In: *Livable Cities from a Global Perspective*, edited by R.W. Caves, and F. Wagner, (New York, U.S.: Routledge), 15-28.
- Janin Rivolin, U., 2008, Conforming and performing planning systems in Europe: An unbearable cohabitation. *Planning Practice and Research*, 23(2), 167-186.
- Janin Rivolin, U., 2012, Planning systems as institutional technologies: A proposed conceptualization and the implications for comparison. *Planning Practice and Research*, 27(1), 63-85.
- Janin Rivolin, U., 2017, Global crisis and the systems of spatial governance and planning: a European comparison. *European Planning Studies*. 25(6), 994-1012.
- Karadimitriou, N., and Pagonis, T., 2019, Planning reform and development rights in Greece: institutional persistence and elite rule in the face of the crisis. *European Planning Studies*, Online, pp. 1-18.
- Kitchin, R., O'Callaghan, C., Boyle, M., Gleeson, G., and Keaveney K., 2012, Placing neoliberalism: the rise and fall of Ireland's Celtic Tiger, *Environment and Planning A: Economy and Space*, 44(6), 1302-1326.
- Knieling, J., & Othengrafen, F. (Eds.), 2009, *Planning cultures in Europe: Decoding cultural phenomena in urban and regional planning* (Farnham: Ashgate).
- Kovachev, A., Slaev, A.D., Zeković, S., Maričić, T., and Daskalova, L., 2017, The changing role of planning and the market in the process of urban growth in Belgrade and Sofie. *Spatium*, 37(1), 34-41.
- Kule, L., and Røsnes, A., 2011, Balancing Developers' Interests in Planning Control: Tendencies in the Revision of Planning Legislation in Latvia and Norway. In: *Core-Theme of Land Use Politics: Sustainability and Balance of Interests*, edited by E. Hepperle, R. Dixon-Gough, T. Kalbro, R. Mansberger, and K. Meyer-Cech K. (Zurich, Switzerland: Vdf Hochschulverlag), 161-187.
- Liepa-Zemeša, M., and Hess, D.B., 2016, Effects of public perception on urban planning: evolution of an inclusive planning system during crises in Latvia. *Town Planning Review*, 87(1), 71-92.
- Lovering, J., Turkmen, H., 2011, Bulldozer Neo-liberalism in Istanbul: The State-led Construction of Property Markets, and the Displacement of the Urban Poor. *International Planning Studies*, 16(1), 73-96.
- Mantiñán, M.J.P., 2010, Expansion and crisis in the neoliberal town planning process in Spain. *Semestrare di Studi e Ricerche di Geografia*, 12(1), 53-71.
- Mazza, L., 2015, *Planning and citizenship* (London, U.K.: Routledge).
- Mirò, V.S., 2011, Producing a "Successful City": Neoliberal Urbanism and Gentrification in the Tourist City – The Case of Palma (Majorca). *Urban Studies Research*, Online, 1-14.
- Muñoz Gielen, D., and Tasan-Kok, T., 2010, Flexibility in planning and the consequences for public-value capturing in UK, Spain and the Netherlands. *European Planning Studies*, 18(7), 1097-1131.
- Nadin, V., and Stead, D., 2008, European spatial planning systems, social models and learning. *disP - The Planning Review*, 44(172), 35-47.
- Nadin, V., and Stead, D., 2013, Opening up the compendium: An evaluation of international comparative planning research methodologies. *European Planning Studies*, 21(10), 1542-1561.
- Nadin, V., and Stead, D., 2014, Spatial planning in the United Kingdom, 1990-2013. In: *Spatial planning systems and practices in Europe: A comparative perspective on continuity and changes*, edited by M. Reimer, P. Getimis, and H.H. Blotevogel (London, U.K.: Routledge), 183-207.
- Notermans, T., 2015, An Unassailable Fortress? Neo-Liberalism in Estonia. *Localities*, 5(1), 103-138.

- OECD - ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT, 2017, *The Governance of Land Use in the Czech Republic. The case of Prague* (Paris, France: OECD Publishing).
- Papageorgiou, M., 2017, Spatial planning in transition in Greece: a critical overview, *European Planning Studies*, 25(10), 1818-1833.
- Ponzini, D., ed., 2016, Crisis and renewal of contemporary urban planning. *European Planning Studies*, special issue, 24(7), 1237-1318.
- Potsiou, C., Theodorou, M., and Elikkos, E., 2009, Informal Development Due to Market Pressure – A Case Study on Cyprus and the Role of Land Administration. *Nordic Journal of Surveying and Real Estate Research*, Special Series, 4(1), 28-52.
- Reimer, M., Getimis, P., and Blotevogel, H.H. (Eds.), 2014, *Spatial planning systems and practices in Europe: A comparative perspective on continuity and changes* (London, U.K.: Routledge).
- Ruoppila, S., 2007, Establishing a Market-orientated Urban Planning System after State Socialism: The Case of Tallinn. *European Planning Studies*, 15(3), 405-427.
- Sanyal, B. (Ed.), 2005, *Comparative planning cultures* (London, U.K.: Routledge).
- Slaev, A., and Nikiforov, I., 2013, Factors of Urban Sprawl in Bulgaria. *Spatium*, 29(1), 22-29.
- Solly, A., 2018, Spatial Planning and Well-being: A Survey on the Swiss Case. Doctoral dissertation, Politecnico di Torino.
- Stefanovska, J., and Kozelje, J., 2012, Urban planning and transitional development issues: The case of Skopje, Macedonia. *Urbani izziv*, 23(1), 91-100.
- Tansel, B.C., 2018, Reproducing authoritarian neoliberalism in Turkey: urban governance and state restructuring in the shadow of executive centralization. *Globalizations*, 16(3), 320-335.
- Valtonen, E., Falkenbach, H., and Viitanen K., 2017, Development-led planning practices in a plan-led planning system: empirical evidence from Finland. *European Planning Studies*, 25(6), 1053-1075.
- Van den Broeck, P., and Verachtert, K., 2015, Whose permits? The tenacity of permissive development control in Flanders. *European Planning Studies*, 24(2), 387-406.
- Vettoretto, L., 2009, Planning cultures in Italy – Reformism, Laissez-Faire and Contemporary Trends. In: *Planning cultures in Europe: Decoding cultural phenomena in urban and regional planning*, edited by J. Knieling and F. Othengrafen (Farnham, U.K.: Ashgate), pp. 189-204.
- Waterhout, B., Othengrafen, F., and Sykes, O., 2013, Neo-liberalization Processes and Spatial Planning in France, Germany, and the Netherlands: An Exploration. *Planning Practice and Research*, 28(1), 141-159.
- Zakhour, S., and Metzger, J., 2018, From a “Planning-Led Regime” to a “Development-Led Regime” (and Back Again?): The Role of Municipal Planning in the Urban Governance of Stockholm. *disP - The Planning Review*, 54(4), 46-58.