

A HANDBOOK ON TERRITORIAL DEMOCRACY AND PUBLIC PARTICIPATION IN SPATIAL PLANNING

16th Council of Europe Conference
of Ministers responsible
for Spatial / Regional Planning

A HANDBOOK ON TERRITORIAL DEMOCRACY AND PUBLIC PARTICIPATION IN SPATIAL PLANNING

This handbook was prepared in preparation of the 16th session of the Council of Europe Conference of Ministers responsible for Spatial/Regional Planning (CEMAT) held in Nafplion (Greece) on 17 June 2014 with the aim to contribute to existing knowledge of basic theoretical and practical issues concerning public participation in spatial planning and development (including legislative and institutional aspects).

The Council of Europe Conference of Ministers responsible for Spatial/Regional Planning (CEMAT) is the only pan-European platform for co-operation, exchange of best practices and definition of common principles on spatial development.

The Handbook further contains the *"Nafplion Declaration: promoting territorial democracy in spatial planning"* adopted by the Ministers on the occasion of the Conference.

Since its inception in 1970, the CEMAT has played an important role in promoting efficient territorial development policies, drawing attention to the territorial dimension of human rights, democracy and social cohesion in order to ensure long-term sustainable spatial development. This requires a balanced and harmonious relationship between social and cultural needs, economic activity and the environment as well as efficient implementation and takes into consideration the needs of the inhabitants of European municipalities and regions.

"Spatial development policies... have a major impact on peoples' lives and their quality of life" and "They must be - and be seen to be - transparent, responsive and effective, in terms of public participation and delivery of appropriate responses to economic, cultural, social, environmental and demographic challenges." (Nafplion Declaration)

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

A HANDBOOK ON TERRITORIAL DEMOCRACY AND PUBLIC PARTICIPATION IN SPATIAL PLANNING

A Handbook for European institutions,
actors and participators



Greek Presidency of CEMAT

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The curators - Professor Elias Beriatos and Mr Anestis Gourgiotis PhD - wish to thank all the contributors for their work which has received the support of the 16th session of the Council of Europe Conference of Ministers responsible for Spatial/Regional Planning (Nafplion, 17 June 2014).

They extend their thanks, in particular, to the Ministry of Energy, Spatial Planning and Climate Change of Greece for their encouragement and constant support throughout the production of this document as a concrete and lasting achievement of the 16th session of the Conference.

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FOREWORD

The 16th session of the European Conference of Ministers responsible for Spatial Planning of the Council of Europe (CEMAT), was held in Nafplion (Greece), on 17 June 2014. The Conference dealt with the general topic *“Territorial Democracy: The role of Public Participation in sustainable Spatial Planning of the European Continent”*. During the period of preparation (2011-2014), the Committee of Senior Officials (CSO) adopted the proposal of the Greek Presidency / delegation to include in its work programme the elaboration of a Handbook (a sort of guide) on public participation in spatial planning.

This document was compiled / edited thanks to scientific work of the Department of Spatial Planning and Regional Development of the University of Thessaly (DSPRD-UTH), under the supervision of the Hellenic Ministry of Environment, Energy and Climate Change (Directorate of Spatial planning).

The main objective of the Handbook is to contribute to improving knowledge of the basic theoretical and practical issues (including their legislative and institutional aspects) on public participation in spatial planning and spatial development in general. In view of the importance of the right of citizens to define their space of work and other activities in the hierarchy of the list of human rights, (the guarantor of which has always been the Council of Europe), such knowledge becomes a condition sine qua non for planning towards sustainable human development and quality of life.

The first part of this document serves as an extended introduction and deals with the main theoretical issues (philosophy, meaning, importance, strategy and means) concerning public participation processes and governance through a historical approach.

The second part is dedicated to the presentation of a systematic classification of planning participation processes of all countries, members of CoE, based on their respective legislation and political and administrative structures, analyzed through bibliographical sources, web searches and a special survey by questionnaire.

The third part presents the text of the Declaration, unanimously adopted by CEMAT in Nafplion, promoting territorial democracy in spatial planning and comprising the basic guiding principles for participatory processes in urban and regional planning.

The whole document was commented by the majority of the CSO members (representatives of member states of CoE) through a consultation process of several months during 2014. Their effort and willingness to help and support this task must be appreciated as well as the invaluable contribution and work done by the Secretariat of CEMAT.

In my role as Chair of the CSO (2011-2014) I would like to express my sincere thanks to all people who contributed to the editing and the realization of this Handbook and also to wish the best use of it by all (citizens and stakeholders) involved in spatial planning participatory schemes and processes throughout Europe.

Elias Beriatos

*Chair of the Committee of Senior Officials (2011-2014)
of the 16th session of the Council of Europe Conference of Ministers
responsible for Spatial/Regional Planning (CEMAT)*

Part one

INTRODUCTION

1. Basic concepts and definitions

The right of citizens to define their space of home, of work and the surrounding environment, is high in the hierarchy of the list of human rights. This right is also expressed and implemented through participation processes in spatial planning. Consequently, urban, local and regional planning constitute the spatial dimension of human rights. The overriding principle of all spatial/regional planning is the involvement of citizens and societal groups. Successfully providing public participation opportunities to encourage and facilitate the public expression in its full diversity, aims to enlighten political leaders in their decision-making on spatial planning policies/ plans, in compliance with democratic rules (cfr CEMAT Nafplion Declaration 2014).

Below are presented and commented some basic notions and concepts, referring to public participation and related processes/procedures.

Public participation (in general)

“Citizen Participation is a community-based process, where citizens organize themselves and their goals at the grassroots level and work together through non-governmental community organizations to influence the decision-making process. Citizens get most involved in this process when the issue at stake relates directly to them. Furthermore, citizen participation occurs when all the stakeholders cooperate to implement changes” (In: Citizen Participation Handbook: People’s Voice Project, International Centre for Policy Studies). Citizens do also take part individually at local level in decision-making processes. Individual participation could be more typical than organized participation in local planning.

(Public) Consultation

Consultation is the action/process of *asking* (by an institution, authority) the *people's/citizens' advice* or opinion on a certain planning matter (e.g. project, plan etc.) before its approval. Consultation is a rather restricted form of participation in which it is possible to express one's opinion or advice, usually in writing.

Public participation (in spatial planning)

Public participation in spatial planning can take various forms. Evidence has shown that different groups of the public participate in spatial planning for different reasons. The participation strategies which might be used and the means for participation also vary and depend a lot on who is organizing participation and for what goals. Public participation may take the form of constructive collaboration with planners and local authorities, thus enriching the scope of participation and the variety of spatial planning projects in which participation occurs, but can also take the form of violent reactions against planning proposals put forward by planners and local authorities.

Accordingly, evaluation of participation varies for each participant, depending on its initial goals and objectives. In an effort to elaborate an approach in function of desired characteristics of participation it can be said that public participation should combine effectiveness and democracy - in other words, produce outcomes which satisfy the largest possible number of participants in the planning process.

At the present time, planning authorities and planning theorists must try to develop new techniques and strategies to *address competing interest groups and achieve consensus. Information and communication technologies -ICT-* can be of considerable help in the process of public participation and stakeholders' consultation and engagement.

Governance in general

Contemporary planning (sectorial or spatial) is *largely based on Governance* which is actually a social and organizational '*innovation*' using public participation and consultation in order to solve the various conflicts occurring in the planning process, especially in times of multifaceted crisis. For that reason, Governance could be considered a methodology and a process of planning in the broader sense. In fact, it constitutes an intensive process that involves the *collaboration of all stakeholders* at the outset of a project to develop a comprehensive spatial and/or socio-economic plan.

Among the various definitions of Governance we could state that Governance means the promotion of a *new way for managing public affairs*, founded on the

principles of social participation at all levels (local, regional, national, supranational and international) and the achievement of consensus -within civil society- by democratic means. In general terms Governance occurs whenever and wherever there are *networks of Public Private Partnerships and cooperation/synergy between the main planning actors* (leaders/ decision makers - planners/ experts - users/ citizens) with interactions among them.

According to the United Nations Development Program, Governance is defined as "*the rules of the political system to solve conflicts between actors and adopt decision (legality) and also as the proper functioning of institutions and their acceptance by the public (legitimacy)*". In any case Governance involves power relationships which create a system of mechanisms, structures and institutions through which sound policies are formulated and implemented in a given socio-political and spatial entity (city, region, country etc).

Spatial/Territorial governance

According to the CEMAT Glossary, "*Territorial governance is a global concept which characterizes the way how spatially-relevant policies, considered together, are applied. Territorial governance is assessed against its contribution to the achievement of the objectives of spatial development policies. It is the result of multi-level and cross-sectorial relationships in the field of public policies. It refers to horizontal and vertical cooperation in the shaping and implementation of these policies. In this respect, the principles of subsidiarity and reciprocity advocated in the Guiding Principles are of particular relevance*".

According to CEMAT Resolution no.2 (2006) on Territorial governance: empowerment through enhanced coordination, "*governance can be understood as the emergence and the implementation of innovative shared forms of planning and managing of socio-spatial dynamics. At its simplest level, territorial governance can therefore be understood as the cultural embeddedness and practical application of the general principles of governance to spatial development policies. . . sound territorial governance aims at managing territorial dynamics through indicating the spatial consequences of various policies planned by public and objectives sector actors. The aim is to negotiate a set of commonly agreed objectives as well as a framework of shared responsibilities by the use of spatial development strategies and policies*".

Nowadays, from the movement of *New Urbanism* in United States (combining traditional planning and modern technology, striving for environmental balance and social integration and re-examining the basic community development patterns), to the famous *Territorial Agenda of the European Union*, implemented at pan-European level, the notion of Territorial Governance constitutes an essential part of the content of related policies and institutional frameworks.

Participatory planning

According to the CEMAT Glossary, *participatory planning* is a specific form of planning activities practiced by public authorities mainly at local level which makes possible for the citizens to be involved in the planning process.

“The most common form of participatory planning is consultation of the population on projects before their formal approval. More substantial and creative forms of public participation are also in use, such as workshops, public debates, etc. The Internet plays an ever growing part in participatory planning, either for the dissemination of information on planning projects or the context or interactive communication systems”.

Tripartite partnership

It is the *partnership* entered into between a) the state (central administration authorities), b) the local/regional authorities and c) the civil society (NGOs and other legal entities (foundations, cooperatives etc) towards the achievement of an objective or the realization of a project or program.

The three parties of the tripartite partnership could also be a) the public sector (state and legal entities of public interest), b) the private sector (market) and c) the third sector (social economy, non-profit -NPOs, non-governmental organizations- NGOs). The idea of this partnership consists of bringing together all three parties in an effort to solve specific problems.

Public - Private partnership

According to the CEMAT Glossary, a *public-private partnership* is a formal agreement (generally a contract) by which a public body (government, regional or local authority) and one or more private entities decide to *cooperate for building assets or delivering services*.

“The choice of private entities is generally made on the basis of competition. The role of the public entity is to ensure that the public interests are respected in the operation. For this purpose, the contract stipulates precisely the tasks to be fulfilled by the private entities, in terms of services to be delivered, or capital to be invested or security norms to be respected, etc. Private entities generally participate in bringing equity and/or in operating services. There are many different forms of public- private partnerships (for instance concessions, BOT etc). In the context of the neo-liberal economic systems which prevailed during the past decades, numerous public-private partnerships were created throughout Europe.” (BOT = Build, Operate and Transfer projects).

2. Philosophy, meaning and importance of public participation

2.1. Why participation? (General context)

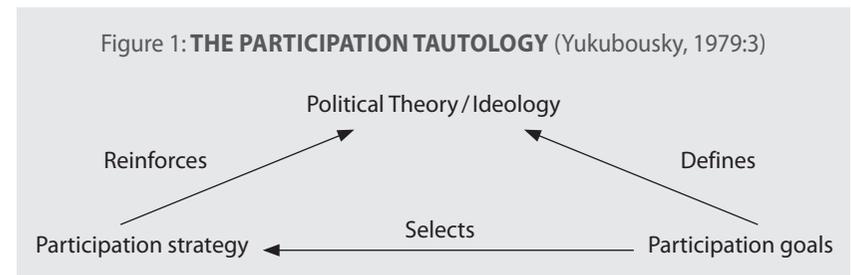
Political theory and participation

The scope of *public participation* in spatial planning is *too frequently undertaken* in considerable ignorance of the political philosophy of democracy. It has often been assumed that public participation should be used as simply an additional planning technique in the planning process. Little thought has been given to the complexities of democracy, its theory and its practice, or to the sensitive issue of representation and the public interest (Lalenis, 1993:3). In contrast to these assumptions, it is supported here that, in order to make an assessment of the effectiveness of public participation, it is necessary to have a clear conception of the role and purpose of participation itself.

For *the relationship between political theory and public participation in spatial planning* it can be claimed (Yukubousky, 1979:3) that:

1. A political theory determines and is reinforced by a degree of public participation.
2. A spatial planning approach expresses a political theory.
3. Hence, the degree of public participation in spatial planning signifies and is defined by a political theory.

The above assumption can be *further clarified* by the figure 1, below:



The above relationship has been further elaborated by Thornley (1996). He has shown that there are a *number of alternative perspectives* that have mutually exclusive objectives and approaches and, in order to avoid vagueness and confusion, it is always necessary to clarify the particular perspective chosen. In his work he demonstrates that there are two variables which influence participation in spatial planning:

- a. political environment and
- b. legislation and regulation.

These variables transmit the dominant ideology in the planning arena and they represent three main perspectives in spatial planning:

- a. *Consensus and Stability*: in this perspective, stability and equilibrium are stressed. Public participation in spatial planning is therefore primarily concerned with maintaining the adaptability of the system through measures and interventions. It puts emphasis on technocratic perfection of means, models, and methods applied while planners/scientists are the most significant agents in planning. The main means for public participation is the information exchange, organized by planners/technocrats. The main goals of planning and participation are the elaboration of a plan which is effective, operational, and technically sound. Conflicts between involved/affected parties should be avoided.
- b. *Containment and Bargaining*: this perspective recognizes the existence of conflict in society but it attempts to integrate it in the evolution process through a series of adjustments, alterations, and concessions. Participation is seen as a bargaining process between actors participating within a given set of rules. The State sets the rules and supervises the bargaining process. Local politicians, planners, economic agents, and the public -as collectivities and/or as individuals- are the participants in this process. The main goals of planning and participation are the elaboration of both, a plan which was collectively chosen from among a number of alternative scenarios and a process which implements the plan and embodies social interactions, aspects, and agreements between social partners.
- c. *Conflict and Increased Consciousness*: here, conflict is seen as fundamental to the operation of society in a non-stop struggle between social classes for the control of scarce resources. Basic structural changes are therefore needed in society. Main actors in the planning process are the collectivities of the public, which have decisive powers in planning. The production of a plan is not so much included in the main goals of planning, as is the development of increased consciousness in citizens as it concerns their dominant and decisive role in planning their own environment. In short,

this perspective is not concerned so much with plan making as with the creation of collective consciousness in people through spatial planning which is used as means.

From the above it becomes clear that:

- a. legislation and regulation are the reflections of ideologies in the planning arena and can be located in the theoretical perspectives of the participation framework,
- b. legislation and regulation play a significant role in the planning participation process, and
- c. planning participation processes are related to ideologies (Lalenis, 1993:41-42). The three perspectives are placed in a two axis system, with the x axis being "*degrees of participation*", and the y axis being "*degrees of social change*".

In today's Europe, the Containment and Bargaining perspective is most usually adopted in spatial planning, since it gives importance to a diversity of social actors from different positions (local politicians, planners, economic agents, public) who engage in a bargaining process. The role of the State as an arbitrator in this process is also recognized, as predefining the general political context, setting the legal and regulatory framework, and supervising the bargaining process. Finally, this perspective is the most suitable *to combine effectiveness and democratic principles* in the planning process, since it focuses on both the elaboration of a widely accepted plan and the establishment of an ongoing process which implements the plan and embodies social interactions, aspects, and agreements between social partners.

Spatial Governance as a local public good

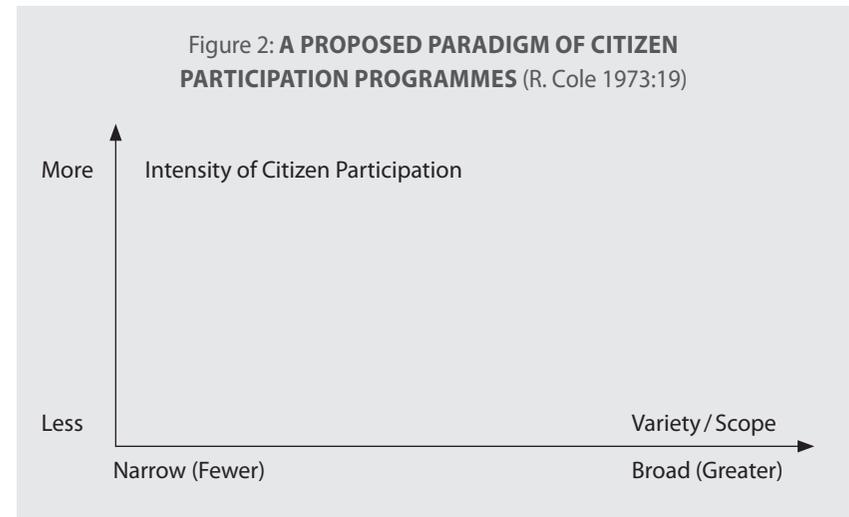
Spatial governance refers to local governments, local society and citizens. It assumes a multiple stakeholder scenario, where collective problems related to the quality of urban and regional life issues can no longer be solved by public local authorities alone, but require co-operation of other players (citizens, business, voluntary sector, media, etc). It deals with formal rules (laws, regulations, plans, and programs) and informal rules (codes of ethics, customs, and traditions). *Spatial governance is inherently political*, concerned as it is with the interplay of stakeholders. Good spatial governance can be considered as a local public good that can be used by all citizens. According to various theorists (Vassenhofen et al, 2010), characteristics of a good urban governance system are: Inclusion, Subsidiarity/Proximity, Acknowledgement of diversity, Accountability/transparency, Sustainability, Equity of access, Efficiency and effectiveness, and Openness to innovative public management.

2.2. Main Planning Issues

Planning Issues include both definitional characteristics and traditions associated with them. Different types of planning issues determine the assignment of different values of public participation and the adoption of different public participation processes.

In the theoretical analysis of public participation processes, frequently the basis of elaboration is a "single dimension" situation in which participation ranks from "low" to "high". A widely cited scheme of participation as described above is the "ladder of citizen participation" developed by Sherry Arnstein (1969). According to it, public participation can be conceived in terms of eight rungs of a ladder, ranging from least to most public influence. Nevertheless, this approach fails to adequately take into consideration the number and variety of spatial planning programmes and the different planning issues that might involve public participation programmes. For example, using a uni-dimensional scheme, assuming that each programme displayed the same intensity of public influence, one would assign the same value to a participation programme concerning a planning issue that cannot lead to major conflicts, as to one concerning an issue that would certainly create conflicts. Likewise, assuming intensity of participation to be equal, the same values would be assigned to a city/region with only one planning project in which public participation is organized, as to a city/region involving the public in a number of planning programmes.

An improvement of the above inefficiencies incorporates *the different types of planning issues triggering participation* (fig. 2) (Cole, 1973:18). This is achieved by adding the *dimension of scope and variety* in a two axis system, in which the other axis is the dimension of intensity of participation. "Scope" and "variety" refer to the scope of activities, in which particular programmes may be engaged, and the number and variety of programmes initiated by cities/regions.



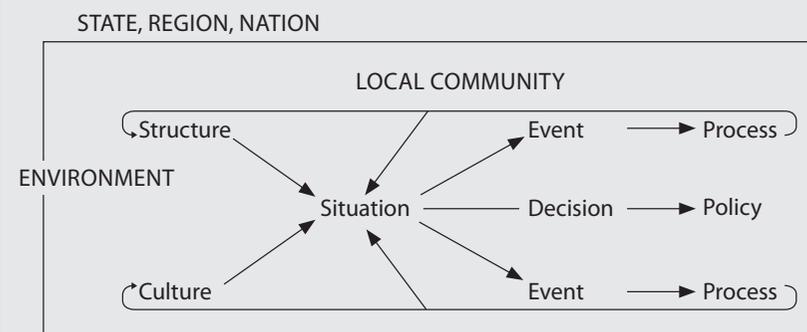
The relationship between the type of issue and the willingness of the public to participate has been investigated in the Report on Participation of Royal Town Planning Institute (1980 and 1983) and research of R. Alterman et al (1984:182). In an effort to combine their findings, one can say that characteristics of planning issues that may trigger participation are:

1. The degree that an issue affects the whole of population, all of the time.
2. Stronger elements of individual taste and political priority (as opposed to a higher premium on technical expertise observed in other fields such as health).
3. The degree of certainty related to the issue, whereby, generally, the shorter the time range of the issue, the greater the certainty and hence, the impetus, for involvement.
4. The degree to which an issue affects property rights.
5. The degree in which the issue involved is likely to set off conflicting interests among participants.
6. Negative factors are also identified as cost and delay.
7. The degree of clarity, tangibility, and immediacy of impact on potential participants.

Physical scale is a fine expression of the above since it determines a difference in participation initiatives in Master (structure) Plans compared to Local Plans. The major differences are as analysed above: *Master Plans attract* public participation high in the dimension of Scope and Variety, whilst *Local Plans attract* participation high on the axis of Intensity of Participation.

The local environment of planning issues is also a factor triggering participation. It deals with the physical, historical, political, economic and demographic characteristics of the environment in which an issue is raised. It emphasizes the significant implications that a planning issue might have for the demographic, economic and political characteristics relating to citizens, as well as for their motives to act collectively and participate in planning. Spatial/ regional policies, like other public policies, have a major impact on citizens' lives. They inspire the choices as to where citizens live, where businesses can establish themselves and how public utilities and public services are distributed across the territories and connections between them are ensured.

Figure 3: IS AN illustration of the influence of issue and local environment CHARACTERISTICS ON PARTICIPATION OPERATIONS



Local characteristics constitute the main factor for the formation of a "sense of belonging" of citizens to their local communities, cities and/or regions. This feeling encourages participation in every planning issue that concerns this sense. In local environments with low quality local characteristics ("run down" areas etc), where "sense of belonging" is rather weak, participation initiatives tend to be restricted also since there is a feeling of "apathy due to despair" which replaces the "sense of belonging". Also, demography, such as the ageing of the population or the expansion

of young generation -often distributed unevenly across the territory- climate change and the financial sustainability of projects are influencing the decision-making at domestic and European levels to an extent rarely experienced are important factors in public participation initiatives.

2.3. Participators in planning processes

Actors involved (actually or potentially) in public participation in planning have distinctive characteristics, perspectives and motivations to participate. They assume different roles which tend to be associated with their objectives in relation to an issue and their position and affiliations in their social surroundings. Various actors participating in different ways in spatial planning can be structured in three broad categories:

- a. local politicians / administrators,
- b. planners, and
- c. the public, which is further divided in more subgroups and agents that are either individual or collective in nature (Fagence 1977, Gutch et al 1979, Benwell 1980, Boaden et al 1980, RTPI 1980, Varveri 1986).

Local representatives

The concept of "representativeness" of the city/region and its citizens defines the local politicians/administrators. They are usually elected -except for a few cases- and they are expected to make decisions that become binding. In general, the distinguishing element of local representatives is that the representation of the city or the region is based on typically political grounds with "official" recognition stemming from the legal and regulatory framework. Other qualities such as technical expertise on specific subjects may exist, but they are neither the role defining element, nor a prerequisite (Lalenis, 1993:94).

Motivation is the determining factor as to whether local representatives will assume a role in a public participation programme concerning the spatial planning and what role this will be. A positive perception of participation is mostly characterized by perception of spatial planning as a process and not as a product. In such a case importance is given to planning issues. There is a positive attitude towards participation, corresponding political/ ideological beliefs and expectation of success.

Local representatives play a vital role in supporting participation in spatial planning. This requires the following characteristics: understanding of the specific context and issue, communication skills, abilities for group management and cooperation, technical assistance and time availability. The involvement of territorial authorities

in the participation / consultation processes at the most appropriate level is another important factor which boosts participation. Finally, *political affiliations* are also important for the formation of alliances with particular groups and lobbies. The general assumption that local representatives embody "*public interest*" on account of their role as representatives of local community interests is often interpreted in terms of a sectional interest rather than general public interest. Specific groups and lobbies seek to gain their support by convincing them of the merit of their particular demands. Political disposition is often a decisive factor for the formation of alliances.

Planners and related personnel

Planners are defined by "*technical expertise*" in spatial planning and in related areas. Distinction between planners is usually made on the basis of their professional status, either as public / civil employees, or as private / independent consultants.

Planners employed in the public / civil sector usually *regulate and control planning activities*, playing an essential role in decision making processes. They are able to develop their own approach to city planning. Thus, they should cultivate relations with other urban actors; contact land use related interest groups on a regular basis, and exercise advocacy planning.

Planning consultants are actors in the planning process with particular skills and professional competence. They are engaged by any of the other groups to remedy particular skill deficiencies and/or in order to provide a better representation of their arguments. Planning consultants may provide their services and advise public authorities, interest groups, industrial / commercial bodies and so forth, either in exchange for a fee or acting on behalf of disadvantaged groups, almost invariably at no cost to clients (advocacy planning).

Advocacy planning has emerged since about mid 60s (Davidoff, 1965). The main difference between the typical planning consultant and the advocate planner is that the latter chooses his / her clients, shares the same values with them, and he / she is not paid by them but seeks financial sources for both his / her clients and him / herself. Advocacy may stimulate spatial planning in three ways:

1. as a means of better informing the public of the alternative choices which might be open to them,
2. in forcing their clients to compete with other agents participating in planning process (groups of the public, economic agents, etc) to win political support, and
3. to force those who have been critical of plans presented by the "*establishment*" to produce superior plans rather than merely criticizing plans deemed to be improper (Davidoff, 1965).

A form of advocacy, different in structural characteristics than the one above, was developed in England and Wales. It is the *Planning Aid Service* operated by the Town and Country Planning Association and established in 1973. It had links to local groups and planning aid volunteers and provided planning aid through its case work. It was assessed that it "... *has been and continues to be the most significant planning aid service available*". (Curtis and Edwards, 1980:vii).

Advocacy in general, despite the occasional risk to slide towards manipulation (Blair, 1973; McConaghy, 1972), provides an effective way of *making the voices of the disadvantaged heard* in decision making bodies. In cases where advocacy planning was institutionalized in the planning process and adequate funds and appropriate resources were secured for it from public funds, it proved to be essential for both public participation and the planning process.

Planners usually play a vital role in *organizing spatial planning processes*, elaborating plans, and organizing public participation. For this, adequate resources and motivation to fulfill their role are necessary. *Important resources* are: theoretical knowledge; experience in participation operations; capacity for group management; local knowledge; understanding of context, issue and impact; and time availability. Accordingly, *important motivations* are: perception of planning as a continuous collaborative process, positive attitude towards public participation in planning (Lalenis, 1993). In terms of planners' resources and motivation towards collaborative planning and participation, evidence has shown for some time (Davidoff, 1965) that a breakthrough was essential from the technical to the political dimension of planning. There was a clear need for planners with general knowledge of the many elements comprising human settlements that have an education that would enable them to be engaged as professional advocates in the contentious work of forming social policy and the analytical skills for simulating urban growth processes so that both they and the public would be better able to predict the consequences of proposed courses of action.

In today's world, planners have to cultivate the *political dimension* in their performance. They have to know how to cooperate with politicians and powerful interest groups as well as with the public. They have to counterbalance the occasional preference of political authorities to consult with the major elites, by exercising (the planners) "*positive discrimination*" especially towards the disadvantaged groups of the public. At the same time they have to overcome shortages in terms of money, time, and human resources required for the organization of effective public participation. Finally, spatial planners should see public participation as a means of improving and validating their work not as an impediment to it.

The public

The concepts of “*consumption of public groups*” and the “*reception of the outcomes of planning*” distinguish the various categories of the public. The *participating or “active” public* usually comes from a varied background (educational, cultural, etc) and does not have the same understanding or level of awareness in crucial aspects of spatial planning (i.e. environmental, economic aspects, allocation of resources, etc). *Public interest groups*, be they physically connected (spatially based) to a territory or not (non-spatially based), compete on spatial planning issues at the level of urban politics and play significant roles in urban dynamics. It consists of groups, individuals, and agents of mainly economic substance. The roles of the latter have become increasingly important in urban governance, since urban administration has become more collective and participative in nature. They constitute a significant player in this structure and their interest in investing may promote local development.

As regards the category of “active” members of the public, a distinction can be made in terms of how they view participation, as described earlier. They can be categorized as follows: “*authority consultees*” that consist of institutionalized groups, organizations, public bodies, civil services etc. They are the ones who are formally - and often by law- invited to participate in spatial planning processes. Authority consultees usually have either a consensus or a bargaining approach of participation and it is possible to distinguish between Major Elites and Local Elites. Major Elites are those organizations without whose cooperation and advice the authorities will find it difficult or even impossible to prepare and implement a spatial plan. Consultation with some of these organizations is a statutory requirement in the planning process (Boaden et al, 1980:19). Local Elites have the same characteristics but are spatially based and their influence is restricted in their particular area. “*Much of their work is concerned with extending or replacing public services rather than with challenging official policies*”. (Gutch, 1979:20).

Pressure Groups can be distinguished in non-spatially based and spatially based ones. The former are usually well organized, articulate bodies. Some of them would take the place of Major Elites under different political conditions, and usually hold a bargaining view of participation. Some of the others aim to achieve a more fundamental change in the structure of society by, among other things, trying to change official policies in both the central and the local level. These groups usually hold a conflict view of participation. The spatially based groups consist of local groups of various interests and of single issue groups. The former comprise the voluntary

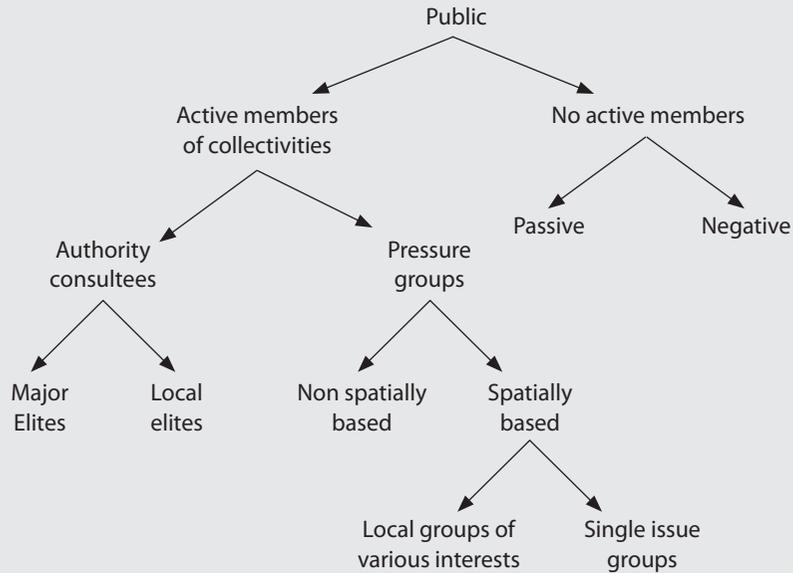
organizations which may be formed in any area and the similarities between them and the non-spatially based groups are analogous to those between Major and Local Elites. The single issue groups aim to alter some particular aspect of the plan under preparation, most frequently concerning property rights. These groups usually have multiple goals and adopt a variety of strategies. They usually have a bargaining view to participation, but in implementing their strategy, they might use means of a wider spectrum ranging from consensus to conflict approach to participation.

The public, besides its members which are “*active*” in the participation process, also contains “*passive*” ones. This category applies to individuals who would not disagree with the participation process but who refrain from actually being involved because of characteristics and goals that conflict with the predominant ones. Groups with special needs that belong to this category include the disadvantaged, disabled, ethnic religious minorities, elderly people, women in single parent families etc. Characteristics of these groups that clash with the predominant ones could be tradition, fear of intimidation, lack of time, reduced mobility, agoraphobia etc. Re-negotiation of conditions that would allow this type of public to participate, should be the focus of attention of participation programs. This strategy is usually aimed at the most underprivileged groups of the above, also called “*target groups*”, and offers positive conditions for participation, suitable to these groups. It is known as “*positive discrimination*”.

A last category of the public consists of *individuals with negative attitude* to participation in a planning process. They usually disagree with means and policies adopted by the other participants and would reject the participation process in terms of effectiveness and usefulness. They are not of a permanent nature but they adopt this role only under particular circumstances.

The above categorization of the public in participation processes in spatial planning is illustrated in figure 4.

Figure 4: **CLASSIFICATION OF PUBLIC IN PARTICIPATION PROCESSES IN SPATIAL PLANNING** (Lalenis, 1993:136)



Resources necessary for the public to efficiently participate in planning operations include sound group organization, technical and financial resources, consistency and realism, relations with other groups of public and sectors of the administration, local knowledge, good representation in decision making mechanisms/bodies and popularity of the group. Accordingly, motivations include political and ideological beliefs as well as the attitude towards participation and public good.

2.4. Strategy and means of participation

Sources and typologies of participation strategies

Strategy examines the type and characteristics of the program adopted to implement public participation in order to articulate a position and to influence a decision. *Strategies for public participation* in spatial planning may be developed by every/any category of participant. Initially, it was the local authorities and the planners who set "*the rules of the game*". Frequently, central government had also set a general framework for participation with binding requirements and regulatory guidelines with a varying degree of specification and intervention according to the political orientations of the State. Over the last decades though, different groups of the public also formulate their own strategies for participation. This phenomenon first appeared as negative reactions to initiatives taken by other participants but, gradually, as their resources increased and improved, these groups developed sophistication and were able to propose their own alternatives to spatial plans and manage their implementation.

Analysis and classification of strategies for participation were often attempted, seeking to answer the question "*How is public participation conducted?*" Consequently, their potential to explain and analyze was restricted by the fact that they would not take into consideration another important dimension, encapsulated in the question "*Why is participation done?*". This particular question deals with the objectives of the participants and with the political requirements of the general and local environment of the planning process, and it is reflected in the outcome. Thus, means and strategy are a reflection of the interdependence between planning and participation to such a degree that a certain type of participation can determine the planning process. Inversely, a spatial planning model usually predefines participation strategies used by most participants.

A variety of typologies for public participation strategies have been developed. The most widely known is Arnstein's (1969:216-224) "*ladder of citizen participation*" (fig.5). The typology, which is designed to be provocative, purposely categorizes ideal citizen participation as citizen power, and defines participation as the means

by which the underprivileged citizens can induce significant reform which enables them to share the benefits of the affluent society. Arnstein's concept has been criticized as inappropriate in a discussion of public participation in spatial planning (Hampton 1978:32). She, herself, recognizes limitations in her typology, concluding that it is unrealistic and suitable only for illustration purposes.

Figure 5: **EIGHT RUNGS ON A LADDER OF CITIZEN PARTICIPATION**
(S. R. Arnstein 1969:217)

8	Citizen control	Degrees of Citizen Power
7	Delegated power	
6	Partnership	
5	Placation	Degrees of tokenism
4	Consultation	
3	Informing	
2	Therapy	Non-participation
1	Manipulation	

Another typology worth mentioning is the one by Yukubusky (1979). In his typology of participatory ideology and strategy, he defined four types of strategies: consultation, partnership, advocacy/confrontation, and cooptation/manipulation/therapy. He further related each type to an equivalent ideology (democratic, liberal, socialist, and technocratic) with related participatory goals (fig. 6).

Classifications of participatory strategies do not have operational value. *They are conceptual* formulations and useful only to indicate the range and the various types of participatory activity and their political implications. A more functional analysis takes into consideration the integration of a public participation strategy in a planning process and it is based on the deconstruction of strategy to its causal variables/components.

Figure 6: **A TYPOLOGY OF PARTICIPATION IDEOLOGY AND STRATEGY**
(Yukubousky, 1979)

Ideology	Participatory goals	Participation strategy
Democratic	<ol style="list-style-type: none"> 1. Identify values, goals and needs 2. Foster human development 	Consultation
Liberal	<ol style="list-style-type: none"> 1. Enhance political sophistication 2. Protect freedoms and liberties 3. Identify social problems 4. Adopt marginal changes which insure long term stability 	Partnership
Socialist	<ol style="list-style-type: none"> 1. Win power for the poor 2. Retain dignity and self-respect 3. Enhance solidarity 	Advocacy confrontation
Technocratic	<ol style="list-style-type: none"> 1. Prevent project obstructionism 2. Maintain agency stability 3. Educate public 	Cooptation manipulation therapy

Planning models and participation strategies

Means and strategy are a reflection of the interdependence between planning and participation, up to such a degree that a certain type of participation can determine the planning process. Inversely, a spatial planning model usually pre-defines the participation strategies used by most participants.

The adoption of a specific planning model defines to a high degree the participation strategy which is going to be used by the organizers of the planning process. The degree to which every category of participants will adopt the strategy depends on the extent to which the objectives for participation of the various categories coincide. The relationship between types of planning and the degree of public

involvement is shown in figure 7. The categories of Rational Planning, Consensual Planning and Participatory Planning are associated with degrees of public involvement increasing from non-existing (in Rational Planning) to fullest extent (in Participatory Planning).

Figure 7: **IDEAL TYPES OF PLANNING AND INTERACTION INVOLVED**

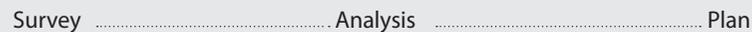
(R. W. Smith, 1973)



A large variety of planning models have been elaborated, varying in complexity, and each one reflecting particularities of its general context, the issue concerned and the local environment. Since the particular subject is rather wide, examples will be given from only two representative samples of the spectrum, in a successive order as regards their complexity.

The first example is the *Geddesian model*, developed by P. Geddes (1915). It is based on a single notion of a triad: *Survey - Analysis - Plan* (fig. 8). Public participation cannot be seen in the chart of the model but it is suggested by Geddes in three ways: involvement by education through public exhibitions, active participation in the collection of information, and involvement by offering alternative planning solutions and proposals to planning authorities or planning consultants. An obvious inadequacy of the model is the lack of an initial stage of goal setting.

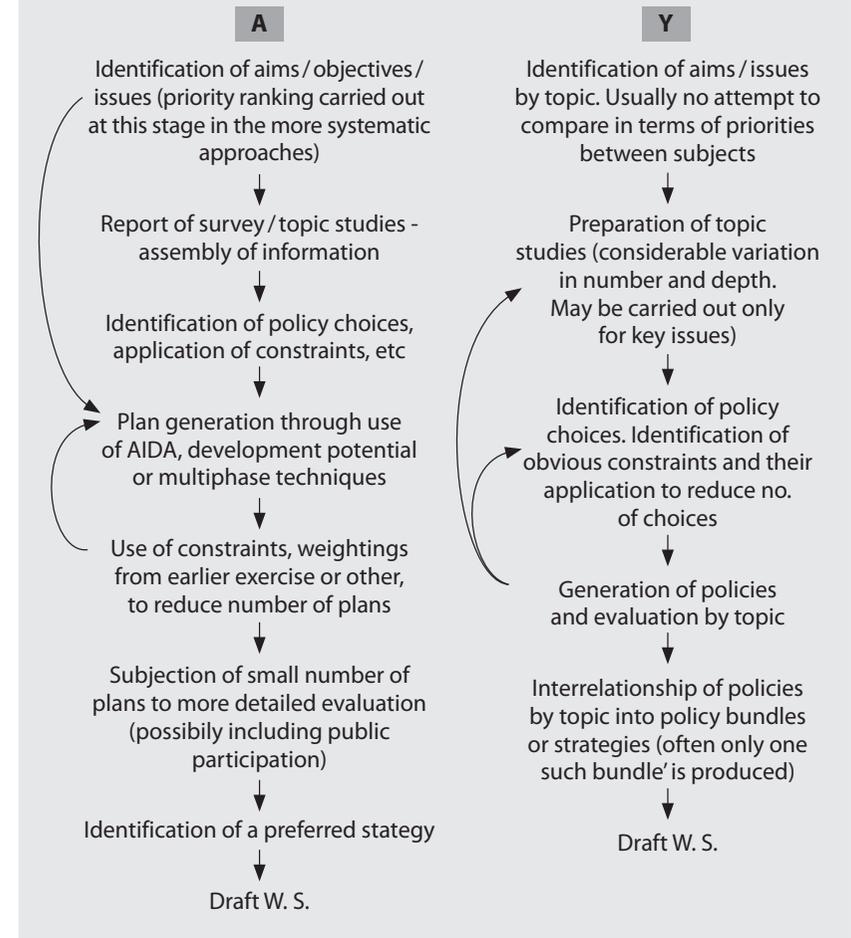
Figure 8: **THE GEDDESIAN MODEL** (Geddes, 1915)



The second example consists of *two models proposed by M. Benwell (1980)*. The basic structure is the same in both, but the distinguishing element between them is the incorporation of an *AIDA type technique* (Attention-Interest-Desire-Action) to consider options across subject areas at an early stage in the planning process (fig. 9).

The administrative, policy making and political processes characterizing land use change are expressed through *specific interactions* among these actors. Such interactions include communication, negotiation, exchange, cooperation, competition, influence, and control. The web of these relationships as they are generated and reproduced in each urban place expresses a specific set of urban processes which is assumed to lie behind contemporary spatial dynamics.

Figure 9: **TWO MODELS OF THE PLANNING PROCESS** (Benwell, 1980:73)



Structural characteristics of participation strategies

The variety in approach and complexity in the above examples necessitates a generalization about *some standard stages* in spatial planning processes and some common questions / "*denominators*" which have to be answered in order to distinguish the structural characteristics of the participation operations adopted. These questions are:

1. What is the focus of participation strategy?
2. When does participation take place during the planning process?
3. Who participates?
4. How is participation done?

The focus of a participation programme has three components: *information dispersal, information collection, and interaction* between participants. Information is one of the most important preconditions for participation. When the access to information is restricted, the citizens are closed out from the facts and data the (political) decisions are based on. Thus they are not able to evaluate whether the right decisions have been made. The equal right to information is essential also from the point of view of transparency. Information shall necessarily cover the objectives, modalities and financing of projects. It shall be comprehensive, unbiased and open to challenge. Different opinions shall be allowed to emerge and exchanged freely and fairly. Information dispersal and collection may have various shortcomings if they are used separately and not in an integrated manner and concern proposals already decided and/or are restricted to the purely factual kind, contained in census data etc. *Interaction between participants* should go further than the above and refer:

- a. to a further dispersal of information and thus to a widening of the debate,
- b. to the involvement, through various ways, of a wide spectrum of participants, including professional and/or scientific elites, as well as pressure groups in the planning process,
- c. to the encouragement of "*passive*" citizens - as it concerns participation - to be involved in the process (positive discrimination of "*target groups*").

If one attempts to relate the above to the three approaches to social order and participation, it can be seen that in the *consensus view* the emphasis is on information exchange. The authorities are always the source of information dispersed and they also organize, control and determine the use of information collection.

In the *bargaining view*, interaction is by definition a key aspect. Information exchange occurs but as preliminary to interaction. Relative control of information exchange is usually retained by the authorities but, in fact, all parties may disseminate and collect information. Genuine cooperation between the various categories of participating actors is considered as the main virtue of this approach. In the *conflict approach*, there are two elements which differ from the equivalent of the previous two approaches. Firstly, the authorities are not the main source of information dispersed any more. This role might be played by any of the participants adopting the conflict strategy, and either be an opposition councillor, an advocate planner or, more often, a particular pressure group. Secondly, emphasis is given to information dispersal and to interaction. Information collection is considered comparatively unimportant because the participating actors - being very often spatially based - consider themselves as bearers of good knowledge of the local issues and conditions, and, furthermore, "*because the whole aim of the group is to change, not record attitudes*" (Gutch et al, 1979:4).

Timing/phasing of participation has been an important element of the process. Participation is likely to occur at phases related to policy: i.e. at the time of: defining aims; choices within the topic or issue areas; the choice between alternative strategies; and of adoption of a final plan (Benwell, 1980). At these stages, values represent a dominant and deliberate input when judgments and choices are consciously being made. Although the above was the outcome of related research, it would be unrealistic to exclude participation from other planning phases such as generation of alternatives and plan preparation. This becomes even more obvious in cases of advocacy planning.

A general answer to the question "*who participates*" has been given earlier. Here it has to be stressed again that "*positive discrimination*" and by all means encouragement of social groups with special needs ("*target groups*") is an element of primary importance in every participation programme. Segments of the population that may have difficulties in taking part in the process may receive special attention in order for them not to remain on the side-line. This can take the form of - without being limited to - the following: direct mailing, translation of documentation and the holding of meetings in the local/regional/minority language, dedicated websites, special polling stations, etc. As suggested in the e-Europe 2005 Action Plan, a strategy on "*e-inclusion*" can also use new digital opportunities to ensure that disadvantaged people and less-favoured areas will not be left behind.

There is a *wide range of techniques aiming at public participation* in spatial planning that have been studied, recorded and documented. Nevertheless, their use *is subject to many limitations*. "*Citizen participation has been the victim of too little money, too little understanding, and too little patience*" (N.I.P.C., 1973:2). The diversity of planning situations, the shortage of available finances and the differences in the structure of the various participation processes, make it unlikely that a single, universally suitable set of techniques can be made available.

Here it is worth mentioning research related to *preferences of participation techniques expressed by the public* and the comparison with the equivalent techniques preferred by *local authorities* (Gutth et al, 1979). It was found that the preferences of the public were newsletters and the local press in this order, for both receiving information on becoming involved and on the proposals. On techniques for responding, people selected questionnaires, the advice centre, contacting a working party member, and getting in touch with councillors. Local authorities overlooked the techniques preferred by the public to an extent. This was mainly because they concentrated on public meetings and exhibitions for information exchange. Equally, they placed too great an emphasis on using existing local organizations (authority consultee groups) and straightforward publicity campaigns involving posters. According to estimations made by the researchers, one third to almost one half of the people could have participated more adequately if the techniques used, would have been the ones which they preferred. *The imbalance* between preferences of the public and of the local authorities was higher on the organized response levels which reduced the public's capacity to influence decisions.

It should be noted that there are *some limitations* of using a *case study approach* in assuming that the particular preferences of one area are general preferences. Normally differences in local conditions, public knowledge about options and alternative techniques, and participation consciousness influence preferences in different ways. It is very important though that this study unveiled the dimension of public preferences concerning participation techniques, and it is worth noting the approach and methodology adopted (Lalenis, 1993:194).

In the *era of e-information* and the Internet, information on spatial planning *has to be easily available to citizens*, through open source e-systems, provided in an easily readable presentation as well as in a technical form ready to use by non-experts. Moreover, a multilingual, multicultural social perspective requires *cross-lingual tools*.

The "*internet society*" and the exponential growth of the number of users of social media have immensely enlarged the number of participants in the consultation and decision-taking processes. Huge numbers of citizens sign petitions, acting as pressure-groups to promote their own priorities. In Europe, electronic democracy, as Hagen (1996) defines it, is expanding and computer networks are used to carry out crucial functions of the democratic process, such as information and communication, interest articulation and aggregation, and decision making (both deliberation and voting). Given that the *power of the Internet and of the social media* has become indisputable, the formal and compulsory use of the web in the participatory process should be encouraged. This does not mean that the process must be solely digital. It does mean however that participation through the Internet should *become fully equivalent* to the physical one so that all social and age groups are given an equal voice. To enable the full potential of Internet in the participation, *special tools need to be designed* to aid in the digital spatial debate. These tools should for example enable the citizen to search for a specific project, retrieve relevant documentation including maps and be able to post comments, with or without specific geographic reference. The tools should at the same time aid the authorities in charge in monitoring the process, in mass disseminating all information, as well as in summarizing the feedback they receive.

2.5. Outcomes and Evaluation

Outcomes of public participation include not only the decisions regarding the issues being addressed but also a number of *parallel consequences* which may occur as a result of participation, such as development of a strong community organization, decentralization of power to a community or reaffirmation of democratic values. Outcomes may be of a quantitative or qualitative nature and may be expressed through indicators.

Evaluation, in turn, considers the extent to which the outcome of a process involving public participation *fulfils the objectives* of the various participants as well as the ones set in General Context (by Central and / or Local Government, Legislative Framework etc). The "*power/influence*" question is resolved here since the strategy adopted and the outcomes, compared with the objectives and the specific characteristics of each participant, indicate the "*power/influence*" structure among the participants (including government / administration).

Outcomes of participation, besides the decision making and the related implementation, *may be considered as* substantive (i.e. improvement of physical conditions in a neighbourhood, better quality of social services, sustainability), organizational (i.e. legitimization of a social group), social (improvement of social relationships), educational (improving communication, expression, knowledge etc), therapeutic (i.e. alleviating alienation and social disorder), procedural (i.e. improved information exchange), administrative (i.e. efficiency, quality of programmes, coordination), bureaucratic (responsiveness, accountability), and democratic (i.e. representation, democratization of community institutions).

Participation programmes *may be evaluated according to*:

- a. quantity standards (i.e. proportion of population that participates by technique and overall, proportion of interventions by number of participants etc),
- b. quality standards (i.e. impact of participation on decision, impact on timing of decision and implementation, democratic legitimacy and coherence to spatial development etc),
- c. resources invested (time, money, human resources), and
- d. satisfaction of categories of participants in the participation process.

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Part two

A SPECTRUM OF PARTICIPATION PROCESSES IN THE EUROPEAN COUNTRIES - A SURVEY IN COUNCIL OF EUROPE MEMBER STATES

A survey of formal and informal processes of public participation in Council of Europe member States

Remarks on methodology

In order to collect the necessary information regarding participation at the European level (from Council of Europe member States), three types of documentation sources have been used:

- a) a *questionnaire* elaborated by the Secretariat and sent to *CoE member states* (i.e. to central administration authorities - mainly ministries-responsible for spatial planning),
- b) research through *web sites/internet*, and
- c) a *library search* through relevant bibliography.

For the countries which did not respond to the questionnaire (the majority of them 32 out of 47) the other two kinds of sources (library and internet research) were used to collect information. However, the data collected from these sources are of great value. This information was up to date as at October 2014.

Table 1 (see next page) presents the *different types of sources* used for collecting data in each country.

Table 1. Contribution of countries to the CEMAT Handbook

Countries/ Member-states CoE	Sources of documentation		
	Questionnaire	Internet research	Library research
Albania*	-	✓	✓
Andorra	-	✓	-
Armenia*	-	✓	✓
Austria*	✓	✓	✓
Azerbaijan	-	✓	✓
Belgium	-	✓	✓
Bosnia & Herzegovina	-	✓	✓
Bulgaria	✓	✓	✓
Croatia	-	✓	✓
Cyprus*	✓	✓	✓
Czech Republic*	✓	✓	✓
Denmark	-	✓	✓
Estonia*	✓	✓	✓
Finland	✓	✓	✓
France*	-	✓	✓
Georgia	-	✓	✓
Germany	-	✓	✓
Greece	-	✓	✓
Hungary*	✓	✓	✓
Iceland	-	✓	✓
Italy	-	✓	✓
Ireland	-	✓	✓
Latvia*	-	✓	✓
Liechtenstein	-	✓	-
Lithuania*	-	✓	✓
Luxemburg*	-	✓	✓
Malta	✓	✓	✓
Republic of Moldova	-	✓	✓
Monaco	-	✓	-
Montenegro	✓	✓	✓
Netherlands	✓	✓	✓
Norway*	✓	✓	✓

Countries/ Member-states CoE	Sources of Documentation		
	Questionnaire	Internet research	Library research
Poland	✓	✓	✓
Portugal*	✓	✓	✓
Romania	-	✓	✓
Russian Federation*	-	✓	✓
San Marino	-	✓	-
Serbia	-	✓	✓
Slovak Republic*	-	✓	✓
Slovenia	-	✓	✓
Spain	-	✓	✓
Sweden	✓	✓	✓
Switzerland*	-	✓	✓
"The former Yugoslav Republic of Macedonia"	-	✓	✓
Turkey	-	✓	✓
Ukraine	-	✓	✓
United Kingdom	-	✓	✓

* Reports on these countries were also upgraded and approved by the Country Officials.

ALBANIA

Main Planning Legislation

- ▶ The Law on Territorial Planning (Law no. 10119 of 24.4.2009, amended in 2010)
- ▶ The Law on Organisation and Functioning of Local Government
- ▶ Law on Environmental Protection (2002, amended in 2008)

Types of Plans (per level)

Types of plans at the central and local levels:

Classification of national plans of territory	Planning structure by level
a) National General Plan (NGP)	a) Planning at the national level
b) Partial National Plan (PNP)	b) Planning at the local level
c) National Intersectoral Plan (NIP)	c) Planning inter-local level
d) Sectoral National Plan (SNP)	d) The level of integrated planning

Permanent public bodies involved in consultation / participation process

- National Territorial Council (NTC) is the decision making body responsible for the approval of national instruments of territorial planning, pursuant to law.
- National Agency for Territorial Planning supports horizontal coordination between authorities in planning.
- Local governments and authorities.
- Civil Society. Their duties include suggestions, thoughts. They offer suggestions and advice for a number of objectives relating to the duties of regional councils or in relation to economic, social and cultural development in the region.

National authorities of territorial planning are: the Council of Ministers; the National Territorial Council; the National Territorial Planning Agency; as well as every ministry, every other public central body which has planning duties and responsibilities under the legislation in force, and any other body subordinate to these or to the Council of Ministers, that has been delegated or sub-delegated specific responsibilities for urban planning and environmental control. Development policy of the local government unit is the highest instrument of territorial planning that reflects the priorities, strategic goals, objectives, and expected outcomes to guide and promote the further processes of territorial planning at the local level, and reflects and elaborates on local priorities of the National Strategy for Development and Integration, affecting local government territory.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Public hearings during the process of drafting plans and before their final approval by NTC and Local Governments.

The role of citizens and their means in participation activities

Citizens have no actual decision-making power; they only have the possibility to participate in the planning process by submitting opinions.

Other Comments / Remarks

Since 1998 Albania has been a signatory of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention, 1998) and the country's legislation includes the law on environmental impact assessment (EIA). As such, Albania should follow procedures for public participation laid down in these acts but in practice it fails to do so.

ANDORRA

Main Planning Legislation

No available data.

Types of Plans (per level)

No available data.

Permanent public bodies involved in consultation / participation process

No available data.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

No available data.

The role of citizens and their means in participation activities

No available data.

Other Comments / Remarks

No available data.

ARMENIA

Main Planning and Participation Legislation

- ▶ The Law of the Republic of Armenia on Urban Development
- ▶ The Law of the Rep. of Armenia on Responsibility for violation of rights in Urban Development sphere
- ▶ The Land Code of the Republic of Armenia
- ▶ The Law of the Republic of Armenia On Legal Acts
- ▶ The Law of the Republic of Armenia On Local Self-Government
- ▶ The Law of the Republic of Armenia On Local Self-Government in Yerevan City
- ▶ The Law of the Republic of Armenia On Freedom of Information
- ▶ The Law of the Rep. of Armenia On Assessment of Impact on Environment & Examination
- ▶ The Government Decree of RA N1920 On Order of Development, Examination, Approval and Amendments to Master Plans of RA Communities (settlements)/ Dec. 29, 2011
- ▶ The Government Decree of RA N660 On Order of Informing about Planned Changes of Life Environment and Published Urban Development Programs and Projects Discussion and Public Participation in Making Decisions/ October 28, 1998/ regulating the public participation in the area of spatial planning

Types of Plans (per level)

- National level: - The General Settling Plan of the Republic of Armenia
- Regional level: - The Spatial Plans of the Territories of Regions, as well as the Spatial Plans of the Territories of more than one community (micro regional level)
- Local level: - Master Plans (local level strategic spatial plan)
- Zoning Plans (detailed/ operational spatial plan)
- Sectorial Plans (The Spatial Plans for areas of historical and cultural monuments, conservation areas, protected areas), (The Spatial Plans of landscape, functional and territorial organization systems, as well as of engineering, transport, social infrastructure)

Permanent public bodies involved in consultation / participation process

According to the legislation of the Republic of Armenia, the head of the local self community is responsible for the consultation/participation process. Neighboring communities, if their interests are concerned, should also participate in the consultation process. Usually the Union of Architects and the Builders Union of Armenia permanently perform consulting services in the fields of urban development and spatial planning and public participation in the examination process of the planning documents.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

In Armenia participatory democracy methods are used for the public participation and debates depending on the level of the spatial plan or the topic to be discussed. To ensure the participation of community residents in the process of development of spatial plans, the head of the community creates an advisory body which includes appropriate specialists from the staff and community organizations, involving community residents, experts and other stakeholders and organizes public hearings or open discussions for providing information on plans and programs before they are approved.

According to the Law of Urban Development of the Republic of Armenia, the Joint Committee Commission is established in the Ministry of Urban Development to coordinate the elaboration of communities' spatial plans by involving interested stakeholders. The aim of the Commission is optimizing the coordination functions of planning process and increasing its efficiency. Representatives of state authorities, public organizations, professional organizations, as well as media and others which are related to the issues included in the agenda, are participating in the sessions of the Commission which enables to ensure the transparency of the planning process.

The role of citizens and their means in participation activities

The provisions on forms and the procedures for public participation are defined by the Law On Urban Development of RA, Law of On Local Self-Government of RA, Government Decree of RA N660 On Order of Informing about Planned Changes of Life Environment and Published Urban Development Programs and Projects Discussion and Public Participation in Making Decisions/October 28, 1998/and by other legal acts.

The aim of the discussions and public hearings is to present the process in intelligible and accessible format in order to make it clear for all layers of the population, as well as to actively involve the public in the discussion of these issues. On the occasion of the preparation or amendment of a plan, citizens are thoroughly informed about the timetable, the date and place of public sessions, the venue of the discussion. In accordance with the Government Decree of RA No 1920 On Order of Development, Expertise, Approval and Amendments to Master Plans of RA communities (settlements)/December 29, 2011/depending on circumstances, the public discussion is carried out in two stages - at the preliminary stage (Terms of Reference) and at the stage of development of the Master Plans of community.

Armenian legislation on local level issues stipulates transparency and the necessity of making information available to the citizens. Citizens of Armenia also have the right to participate in a process of developing environmental protection laws and to control their implementation. Moreover, pursuant to ratification of the European Landscape Convention, Armenian citizens have the right and obligation to be involved in relevant projects.

Other Comments / Remarks

The involvement of the public was successfully tested in urban areas of the country (including the capital: Yerevan). Holding public hearings is mandatory in Armenia for spatial planning documents. Public debates are defined as a process organised in the community, through which people are informed about the planned changes and have their impact on the decisions. The discussions are held in the locations convenient and accessible for public, as well as necessary conditions are created, for disabled and low mobility groups of community who wish to participate in those events. The discussions are held ensuring the right of freedom of expression for participants. The representatives of society have the right to submit motivated comments based on the legal and normative acts, proposals, alternative projects and programs, to expertise the published urban development programs and projects independently at their own expense, to appeal in court against the actions of the state government and local self-government bodies and officials.

The rule of public participation in the discussions on spatial plans and in the decision-making procedures is established by the Parliament of the Republic of Armenia (Law On Urban Development of RA, Law of On Local Self-Government of RA and other legislative acts).

Main Planning Legislation

► Since Austria is a Federal Republic, each state (*Land*) regulates spatial planning with its own legislation. Therefore, planning legislation differs from one state to another. Nevertheless, various sectorial competencies with important spatial dimension and impact lie with the Federal level.

Types of Plans (per level)

Spatial planning in Austria is carried out at all three government levels. In terms of land-use planning, the local level has an important role.

Federal level: i. Austrian Spatial Development Concept (ÖREK 2011 as a non-binding strategic framework)
ii. Sectorial planning of some federal ministries

State level: i. State Development Plans
ii. Regional Development Plans
iii. Sectorial planning of the states

Local level: i. Local development schemes
ii. Zoning plan
iii. Building regulation plan.

In addition, there is a great variety of informal planning processes and plans which play an important role in the Austrian planning system.

Permanent public bodies involved in consultation / participation process

The Austrian Conference on Spatial Planning serves as the main public body for consultation and coordination of spatial planning at national level, comprising all governmental levels, as well as social and economic partners. In addition, Spatial Planning Councils are anchored in all of the 9 regional spatial planning legislations. At local level, municipalities can establish Spatial Planning Councils within their own responsibility.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Instruments for participatory democracy in Austria are constitutionally embedded at all three levels of government: the main instruments (besides others) are the "*Volksbegehren*" (public initiatives), "*Volksbefragungen*" (public opinion polls in the form of non-binding referenda) and "*Volksabstimmungen*" (referenda). Recently, these instruments of participatory democracy gained importance also for planning issues at a local and regional level. In particular at local level, also informal and individually designed participation processes are gaining importance.

Apart from that, specific sectorial legislation (e.g. environmental legislation) foresees formalised participation procedures, based on national and EU legal requirements (e.g. *Strategic Environmental Assessment*, *Environmental Impact Assessment*, etc).

The role of citizens and their means in participation activities

The establishment of qualitative and participatory planning processes has been identified as a key factor for successful planning years ago already (e.g. as laid out in the Austrian Spatial Development Concept 2001). According to the different needs and depending on the specific regional/local contexts, these instruments have a high degree of flexibility and variety.

For example, the region of *Vorarlberg* established so called "*wisdom councils*" (formed ad-hoc, upon the signatures of 1,000 people) as an instrument of participatory democracy, ordered / instructed to deal with the subject that triggered the initiative.

AZERBAIJAN

Main Planning Legislation

- ▶ Town Planning and Construction Code of the Azerbaijan Republic (2012)
- ▶ The Law of Fundamentals on Urban Development (1999)
- ▶ The Law on Architectural Activity (1998)

Types of Plans (per level)

- National level: - Territorial complex scheme for nature protection
- Regional level: - New Regional Plans for Individual Zones
- New Regional Development Plans
- Local level: - Master Plans and Land Coefficients (zones)
- Project of Detailed Planning
- Subdivision Project
- Project of building layout
- Preliminary - Permissive Documentation
- Development project's documentation
- Building permit

Permanent public bodies involved in consultation / participation process

No available data.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Public participation is formally foreseen by the legislation of Azerbaijan. Civic involvement is more strong at the local level, where citizens may participate in local government through a variety of forms, including referenda, assemblies and proposing municipal resolutions. Citizens may also initiate municipal decisions, which must be discussed at open council sessions, with the participation of citizens' representatives.

The role of citizens and their means in participation activities

No available data.

Other Comments / Remarks

Azerbaijan should articulate more specific guidelines regarding citizens participation in spatial planning procedures. Efforts should also focus on the access of citizens to information and the use of ICT.

BELGIUM

Main Planning and Participation Legislation

- ▶ Flandres Region: "Decreet houdende de organisatie van de ruimtelijk ordening" (DHORO, 2003)
- ▶ Walloon Region: "Code Wallon de l'aménagement, de l'urbanisme et du patrimoine" (CWATUP, 2003)
- ▶ Brussels Region: "Ordonnance organique de la planification et de l'urbanisme" (OOPU, 1991)

Types of Plans (per level)

In Belgium, the municipal and regional level have the planning responsibilities and powers.

Level	Brussels capital region	Flemish region	Walloon region
Regional	- Development Plan - Land-use Plan - Spatial Ordinances	- Structure Plan - Implementation Plans	- Structure Plan - Urban Ordinance
Sub-regional	—	—	- Sub-regional Plans
Provincial	—	- Structure Plan - Implementation Plans	—
Municipal	- Development Plan - Spatial Ordinances	- Structure Plans - Implementation Plans	- Structure Plans - Management Plans - Urban Ordinance
Sub-municipal	- Particular land-use Plans	—	- Particular Management Plans

Permanent public bodies involved in consultation / participation process

The Municipal Council is the strongest body for participatory democracy of all three Regions of Belgium. Moreover, the Act of 10 April 1995 introduced the Municipal Popular Consultation which is activated either at the initiative of the Municipal Council or at the request of the municipal electorate.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Participatory democracy in Belgium is achieved both by way of public participation and by way of consultation processes at all levels. Besides, the idea of participation and consultation in Belgium was introduced by the '*organic law on land use management and urban planning*', ratified in March 29, 1962.

The role of citizens and their means in participation activities

The most important means for public participation are the following:

- Public Hearings: these are held on both supra-local and local level and are recently used for the acceptance of local interventions. According to the level of planning, the duration of a public hearing can vary from in total 3 times 60 days for Regional Plans to 30 days for individual projects of renovation.
- Commission of consultation: these exist on various levels (Regions, Municipalities etc).
- NGOs: their role - amongst others - is to inform people through newsletters, websites, information sessions.

Other Comments / Remarks

Belgium has gone a long way regarding participatory democracy, especially in urban planning issues. Efforts should focus on making information available and accessible, and on lessening the gap between experts and citizens in matters of terminology and techniques.

Main Planning Legislation

- ▶ The "*Law on spatial and land-use planning*" ("*Official Gazette of the Federation*", 2/06)
- ▶ A draft of the State Law on Environmental Protection is also under examination. Its adoption however is pending since 2006

Types of Plans (per level)

The spatial planning system of the country is based on the following planning hierarchy:

- National Spatial Plan (for the whole territory of the country)
- Spatial Plans for Special Purpose Areas (national parks, maritime property)
- Municipal Spatial Plans
- Detailed General Urban Plans

Permanent public bodies involved in consultation / participation process

No available data.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

The legal framework for public participation mirrors the complexity of state structures. Indeed, the entity of Constitutions and Laws on Local Self-governance provide for different legal and statutory regulations for citizen participation.

However, according to the legislation, the responsibility to engage citizens in participatory procedures, lies with the local governments.

The role of citizens and their means in participation activities

Public participation in spatial planning decision-making is not a common practice in Bosnia & Herzegovina. Therefore the role of citizens is extremely weak in the formation of spatial Plans. Moreover, there is a large number of citizens that do not believe that it could be possible for them to play an active role in the decision-making process, which results a strong un-willingness to participate.

Other Comments / Remarks

Legislation in Bosnia & Herzegovina has to become more specific in terms of participation mechanisms and means for the participation of the public in the spatial planning procedures.

Concerning enhancement and improvement of public participation in planning procedures, local administrations can play the most significant role and in addition to saying what needs to be done, it should provide further rules on how to exercise participation.

Main Planning and Participation Legislation

- ▶ Law on direct citizens' participation in State and Local authorities
- ▶ Public finances Act
- ▶ Spatial Planning Act
- ▶ Regional Development Act

Types of Plans (per level)

- National Structure frame schemes (complex and/or specialized depending on the content)
- Regional Structure frame schemes (complex and/or specialized depending on the content)
- General Structure plan (defining the land-use patterns at the local level)
- Detailed Structure Plan (defining further land-uses and the building regulations)

Permanent public bodies involved in consultation / participation process

The permanent bodies for public consultation at the local level are public (consultative) councils. They emerge as a successful form of interaction between the local (or central government) and the public. They have a territorial basis (neighborhood/district councils) or thematic, according to their subject (Public Council on Economic Development, Council on traffic safety, etc). Some of them are regulated by law (e.g. Advisory Council on Tourism, Public Council for Social Assistance).

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

The procedures for citizen participation include democratic consultation process and citizens' participation. According to the level/tier of government, the approaches for engaging citizens in decision-making process are different, with the local level allowing a more essential communication and participation with citizens. In Bulgaria, public participation in spatial planning decision making is increasing, particularly at the local level (Municipal Plans).

The creation of citizens' fora is widespread practice (initiated by Agenda 21).

The role of citizens and their means in participation activities

Citizens can participate in decision making by attending:

- a) the Public Advisory Councils, and
- b) the Sessions of the Municipal Councils, in which planning issues or other relevant subjects are discussed.

Public participation serves the exchange of information, the achievement of consensus, and the facilitation of interaction between citizens and policy makers.

Other Comments / Remarks

According to the opinion of the public and the administration authorities, participation and consultation procedures could and should further improve in the country, mainly by:

- a) developing participation mechanisms at all levels of planning,
- b) ensuring more transparent procedures regarding the selection of participants, and
- c) providing the public with more information.

CROATIA

Main Planning Legislation

- ▶ The Physical / Spatial Planning and Building Act (Official Gazette 76/07, 38/09, 55/11, 90/11, 50/12)

Types of Plans (per level)

- The Strategy of Physical Planning of the Republic of Croatia (1997), and
- The Programme of Physical Planning of the Republic of Croatia (1999)

National level: Strategic Outline of Spatial Development

County level: County Spatial Plans

Local level: Municipal land-use Plans

Permanent public bodies involved in consultation / participation process

No available data.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Public participation in planning procedures in Croatia is foreseen by the Spatial Planning and building Act and it is stronger at the local level. Indeed, participation is of great importance in order to achieve spatial development objectives.

The role of citizens and their means in participation activities

Citizens involvement in the decision making was initially dictated by the European Charter on Regional / Spatial Planning at the regional and local level.

According to the Physical / Spatial Planning Law, citizens can be involved both in the course of preparation of spatial Plans and in the process of the adoption of spatial Plans (through public hearings). Citizens' involvement is also provided by law in the procedure of issuing building permits. Moreover, citizens have the right to appeal and to be judicial protected in case of discontent.

Other Comments / Remarks

Croatia should harmonize spatial planning legislation in line with the EU provisions and guidelines.

Moreover, legislation documents should also define in a more clear way both the operations that should be conducted in spatial issues and the role of public and stakeholders in the procedure of the preparation of plans.

CYPRUS

Main Planning and Participation Legislation

- ▶ Spatial Planning in Cyprus is under the authority of the Minister of Interior. Promotion of spatial planning the provisions of the 1972 Town and Country Planning law (L.91/72), which was enacted in 1990 due to the Turkish invasion of 1974 and the military occupation of a substantive portion of the island. The Department of Town Planning and Housing is a Government Department under the Ministry of Interior, and an important part of its mission is the implementation of the 1972 Town and Country Planning Law.

Types of Plans (per level)

The 1972 Town and Country Planning Law has introduced the three-tier hierarchy of Development Plans.

- a) "*Island Plan*": with the 1974 military occupation of a sizeable portion of the island by Turkey, the preparation of the Plan is no longer feasible.
- b) "*Local Plans*": refer to major urban areas or areas with rapid changes.
- c) "*Area Scheme*": refers to areas of a smaller scale and is more detailed.
- d) "*Policy Statement for the Countryside*": a legally binding document in the form of an adapted regional plan for the control of development in villages and rural areas.

Permanent public bodies involved in consultation / participation process

Participation in plan-specific *Joint Board*, which is an independent body for consultation, including members / representatives of:

- a) local authorities, government agencies and public bodies whose policies need to be integrated into plans under consideration,
- b) organized citizen's groups and NGO stakeholders with an interest in the area under study, and
- c) persons of special knowledge or expertise in relation to the study area.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Cyprus' planning system is centralised and public participation is primarily about informing the Minister of Interior of suggestions and opinions in relation to a development plan's proposed policies. The amendment of the Town and Country Planning Law in 2007, adequately specify procedures for public participation. These provide for much wider and officially documented citizen participation in the planning process.

The role of citizens and their means in participation activities

Public participation regarding spatial planning is realized by way of the following:

- The *open community meetings* which are organized by the relevant Local Authority and aim to gather views and opinions of the public regarding the preparation or revision of the Development Plan.
- The *written consultations*, which are advertised in daily newspapers and are open to the public as individuals, NGOs, local authorities and public bodies in order to express (in writing) opinions / suggestions on the area under study.
- The *public hearing* during which opinions or objections submitted during the written consultation are put forward for discussion.
- The *Joint Board* (see above).

Additionally, public participation is also realized though:

- The right to object against any of the plan's provisions.
- The consultation processes which are necessary in case of land-use changes, changes in the Plans, or in the event the development under study involves safety issues.

Other Comments / Remarks

Spatial Planning in Cyprus is to a large extent centralised with a discretionary nature. The 1972 Town and Country Planning law promotes the active public participation in the planning process and specifies how the public may influence the provisions of a Development Plan under study.

Main Planning and Participation Legislation

- The Building Act (183/2006 Coll.), passed in 2006 and put in force in January 2007

Types of Plans (per level)

- National level: Spatial development policy
- Regional level: Spatial development principles (obligatory for each of 14 regions of the Czech Republic)
- Local level:
 - i. Local Plan (binding for the whole community and most frequently used)
 - ii. Regulatory Plan (more detailed, binding for a part of the community)

There are also non-statutory planning materials:

- Planning analytical materials (continuously updated information on territory at regional and local level, also include sustainable development assessment).
- Planning study (used for finding alternatives and as supportive document for binding documents).

Permanent public bodies involved in consultation / participation process

Generally there are no permanent public bodies involved in consultation/participation process. Some communities take part in Local Agenda 21 and have such public bodies.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

In the Czech Republic, civic participation in decision-making process is promoted at all levels (national, regional as well as local) by the Building Act. By this Act, all participation details are regulated, such as: stages of the preparation of a Plan at which the public can get involved, in what period, in what form, and how the comments will be assessed.

The role of citizens and their means in participation activities

Citizens have the right to participate in public discussion, to express their comments and objections to the planning documents and by this means to influence the content of the Plans.

CZECH REPUBLIC

Every inhabitant has the right to submit a proposal for the procurement of a local plan or their changes. Owners of land or buildings, investors of public technical or transport infrastructure or public delegates can post objections against plan proposals, anyone can post comments.

In general, institutional avenues such as town meetings, public hearings and the environmental impact assessment provide forums for civic participation, while legislation ensuring the right to found NGOs provides a means for public involvement and the engagement of the political system.

Other Comments / Remarks

Participatory democracy is widely provided to the citizens of the Czech Republic despite the fact that the history of free association in the country is very short. In parallel, it is also significant that access to information is of high importance, so the purpose of public participation can be better served (especially after enforcement of the Aarhus Convention and since 2000, when a law on free access to information has been put in force).

DENMARK

Main Planning Legislation

► The Planning Act (PA)

Types of Plans (per level)

National level: - National Planning Report (Sector Plans: Water resources, Natura 2000, etc)

Regional level: - Regional spatial development plan

Local level: - Municipal plans (Municipal Planning Strategy, Regulating land-use in towns and the countryside)
- Local plans

Permanent public bodies involved in consultation / participation process

Nature Protection Board (board under the Ministry of Environment for hearing appeals).

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Consultation processes, debates and appeals are the formal methods used in Denmark regarding spatial planning procedures.

At the national level, consultation and debates are the common practice for involving to a spatial plan, while at all levels - from the national until the local, in which plans are very detailed - all citizens have the right to appeal.

The role of citizens and their means in participation activities

According to the Danish legislation, the main rules of participatory democracy at all levels of plans are:

- Public debate of at least 8 weeks must be undertaken before the development of a large new plan.
- The proposal of a new plan is brought in public hearing for at least 8 weeks.
- Citizens, NGO's and other public authorities can oppose the plan.
- The final plan (which will be approved by politicians) has to take into consideration the input produced after the public hearings.

DENMARK

Besides debates, all citizens (even the Ministers) have also the right to appeal a Plan, up to 4 weeks after the final plan has been published (deadline). Appeals can only include questions regarding: the procedures followed for public participation; issues of contradictions between local and municipal plans; wrong interpretation of the Planning Act in the preparation of municipal and local plans; the necessity of a local plan in specific development projects; the necessity of an environmental impact assessment in case of a specific development project; the legality of an Exemption from a local plan; and finally the compliance with the administrative law rules in case of a dispute between two parties.

Other Comments / Remarks

Denmark has a very direct involvement of the public in matters of decision-making in spatial plans.

ESTONIA

Main Planning and Participation Legislation

► Planning Act (entered into force on the 1st of January 2003)

Types of Plans (per level)

The style of planning in Estonia is classified as comprehensive integrated approach. The Estonian planning system has four levels:

- National Plan provides an outline for the spatial development strategy of the entire territory of the country followed by an Action Plan. National Plan Estonia 2030+ was adopted on the 30th of August 2012.
- County-wide spatial Plan formulates a strategy for the development of a county or a part thereof and its objective is to balance national and local interests at the regional level.
- Comprehensive Plan provides the outline for the physical development of a local authority or a part thereof and establishes general conditions of land use including location of housing areas, recreational areas, principal roads etc.
- Detailed spatial Plan is prepared for a smaller part of a local authority. It determines detailed land use, building rights, conditions and requirements for building and architecture, environmental protection measures, etc and it is the basis for building activities in the short term. It's the main tool for planning of housing.

The planning system is hierarchic, i.e. the more detailed plan has to observe the more general plan, but also interactive, i.e. the more general plan can be changed with the enforcement of the more detailed plan. The planning system is based on achieving agreement between interested parties. If it is not possible, the local authority has to balance different interests. In all phases of the planning process co-operation and involvement is required.

Permanent public bodies involved in consultation / participation process

Bodies responsible for establishing the plans (regional councils, municipal councils) are the only permanent public bodies involved with consultation and participation. However, on an ad-hoc basis, the following bodies are also established:

- working groups, including stakeholders and non-governmental organisations;
- regular discussion bodies (e.g. village heads' roundtables with municipal officials).

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

The Planning Act sets as prerequisite that the bodies responsible for establishing the plans (regional councils, local authorities) should inform the public about the initiation of the spatial plans, carry out the consultations with stakeholders and arrange public displays and public discussions of the spatial plans. Some methods of e-governance and e-democracy are implemented.

The role of citizens and their means in participation activities

Among the most important principles of planning in Estonian Planning Act there is a declaration that drawing up spatial plans is a public process. In Estonia, public participation is obligatory in order to ensure the involvement of stakeholders and their timely provision of information, to enable them to defend their interests in the process of planning and to obtain formal agreement for proposed plans. At the same time a set of different tools is designed in order to enable the citizens to participate in the decision-making and to reach a well-balanced decision.

Other Comments / Remarks

In Estonia, there is a growing awareness among citizens and non-profit organizations on participative democracy rights and methods, especially at the local level. Finally, it should be noted that the enhancement of participation in spatial planning procedures can serve as an opportunity for more interaction between elected representatives and residents of the country.

Main Planning and Participation Legislation

- ▶ Land Use and Building Act (132/1999, amendment 222/2003)
- ▶ Act on Openness in Public Administration, 1999

Types of Plans (per level)

The Land Use and Building Act does not include a national land-use plan. The Ministry of Environment can give national guidelines for specific planning issues of national importance.

Regional level: Regional land use plan (hierarchically is the highest level statutory land use plan)

- Local level:
- i. Master Plan
 - ii. Detailed Plans: town plan; building plan; Shore plan

Permanent public bodies involved in consultation / participation process

For public participation, permanent bodies exist exclusively at the local level.

Municipalities have an obligation to establish:

- councils for elderly person,
- councils for youth,
- councils for persons with disabilities,
- councils for immigrants or other population groups.

Municipalities can also establish the so-called "*district councils*", which are municipal district government.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Deliberative methods at all levels of government (local and State) gain a growing attention in Finland during the last years. However it is at the local level that participation is more widespread, since it is the level which is more close to citizens.

The role of citizens and their means in participation activities

Apart from the Councils envisaged at the local level (see above), Municipal Authorities (according to the Local Government Act) can also foster participation by appointing representatives (inhabitants) of services to the municipalities' organs which is a common tactic used in local committees.

It is important to notice though, that public participation can vary significantly since Municipalities can sometimes form different methods, in order to cover their need for innovation.

Other Comments / Remarks

Participatory democracy in Finland is for the moment better established at the local level. Efforts for the wider implementation of participatory procedures could focus on the stability of the regulations foreseen by the relevant legislation, which is constantly changing lately.

On the other hand, the use of ICT (which was lately introduced, e.g. e-Voting), is at the right direction, towards the enrichment of participatory methods in the country.

Main Planning Legislation

- ▶ The Law of 2 February 1995 called the “*loi Barnier*”, and subsequently the law on “*Democracy and Proximity*” of 2002 created the *Commission Nationale du Débat Public* (CNDP) (National Commission on Public Debate), which must be consulted for projects which exceed 300 million euro.
- ▶ The 1999 Framework Law on spatial planning and development (“*Loi d’orientation pour l’aménagement et le développement du territoire (LOADDT)*”) as from its first article recalls that citizens must be included in the development and implementation of spatial planning and sustainable development policies.
- ▶ The “*Loi Vaillant*” from 2002 on local democracy (“*démocratie de proximité*”) foresees the setting up of neighbourhood councils (“*conseils de quartier*”) in municipalities of over 80,000 inhabitants and allows for the appointment of representatives for one or several districts. The text also modifies public inquiry regulations, specifically where municipal development projects or works are concerned which exceed a certain financial threshold.
- ▶ Law 2009 and 2010-788 on the National Engagement for the Environment (“*Loi Grenelle I and II*”).
- ▶ Law 2000-1208 on Solidarity and Urban Renewal, amended in 2011 (“*Loi SRU*”).
- ▶ Law 99-533 on the Orientation of Spatial Planning and Sustainable Territorial Development.
- ▶ Law 86-2 on Planning, Protection and Enhancement of the Coastal Areas (amended in 2010).
- ▶ Law 85-30 on the Development and Protection of Mountains, amended in 2013.
- ▶ Urban Planning Code (constantly supplemented/revised), specifically article L 300-2 of the urban planning code, amended by the Access to Housing and Urban Renewal Act (“*Loi pour l’accès au logement et un urbanisme rénové*” or “*loi ALUR*”) of 21 February 2014.

Types of Plans (per level)

- National level:
- i. National Economic and Social Development Plan
 - ii. National Infrastructure Schemes
 - iii. National Roads Scheme
 - iv. Map of higher education and research facilities
-
- Regional level:
- i. Framework Scheme for the Île-de-France Region
Schéma directeur de la région d'Île-de-France (SDRIF)
 - ii. Regional Planning and Sustainable Development Scheme
Schéma régional d'aménagement et de développement durable du territoire, (SRADDT)
 - iii. Regional Planning Scheme for the overseas departments
Schéma d'aménagement régional (SAR) des départements d'Outre-mer
 - iv. Regional Scheme on Ecological Coherence
Schéma régional de cohérence écologique (SRCE)
 - v. Regional Scheme on climate, air and energy
Schéma régional du climat, de l'air et de l'énergie (SRCAE)
 - vi. Regional Scheme on linking renewable energy sources to the net
Schéma régional de raccordement au réseau des énergies renouvelables (SRRRER)
 - vii. Territorial Directives on Spatial Planning (Directives territoriales d'aménagement (DTA) or, subsequently the *loi Grenelle II* of 2010 Territorial Directives on Spatial Planning and Sustainable Development - Directives territoriales d'aménagement et de développement durables (DTADD)
 - viii. Territorial Directives on the conservation and enhancement of natural landscapes
 - ix. Territorial Coastal Plans
-
- Local level:
- i. Territorial Coherence Schemes/Schémas de cohérence territoriale (SCOT),
 - ii. Local urban area development plans/Plans locaux d'urbanisme (PLU)
 - iii. Intercommunal local urban area development plans/Plans locaux d'urbanisme intercommunaux (PLUi)
 - iv. Municipal plans/cartes communales
 - v. Local housing programmes/Programmes locaux de l'habitat (PLH)
 - vi. Urban Transport plans/Plans de déplacements urbains (PDU)

Permanent public bodies involved in consultation / participation process

Regional level: The Regional Council

Local level: The Department, the Public Establishment for inter-municipal cooperation, (*établissement public de coopération intercommunale, EPCI*), the Town or City Council

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

All regional and local Schemes and Plans are open to consultation and public participation. Relevant modalities are fixed and included in the Opening Announcement of each project.

The public enquiry is conducted under control of a Commissioner appointed from the President of the Administrative Court, usually in the local Town Hall(s).

An "*enquiry's file*" containing all documents concerning the project and the proposals is available to all citizens for a precise period - one month minimum. Written observations and/or proposals of the participants are formally registered. The Commissioner, in drafting his/her Report is responsible for establishing a summary and assessment of people's opinions as well as for pronouncing his own Conclusions to the Authority interested. Commissioner's Report and Conclusions remain available to the public for one year.

Since 01.06.2012, according to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention, 1998), which is incorporated in French Law, the "*enquiry's file*" is available and the whole process is conducted in electronic form as well, when the project has an impact to the environment.

In some cases - but not many - Public Enquiry comes as a second step of the public participation since a Public Debate has been organised as a first step, prior to the decision for the plan's/project's elaboration.

The "*Commission Nationale du Débat Public (CNDP)*" must be consulted for projects exceeding 300 million euro.

The role of citizens and their means in participation activities

The citizens' participation in spatial projects elaboration and decision-making process remains weak despite the above mentioned formal opportunities. This is supposed to be due mainly to the complexity of the technical issues of the projects/plans. But it should be noted that, in relation to projects concerning land use and urban planning, in addition to the regulatory obligations imposed on the authorities as regards public participation (in accordance with the Aarhus Convention) there is an increasing number of examples of informal consultation involving inhabitants and representative associations. Public authorities at the national level strongly encourage local authorities to schedule and implement these in their policy plans.

GEORGIA

Main Planning Legislation

- ▶ Law on Architectural Activity (1998)
- ▶ Law on State Supervision of Architectural and Construction Activity (1997)
- ▶ Law on Spatial Management and Urban Planning Principles (2005)

Types of Plans (per level)

- National level: Master plans for the country of Georgia
- Regional level: Special Regional Plans for Individual Zones
- Local level: Territorial development plans
 - i. Land-use master plan, and
 - ii. Development regulatory plan

Permanent public bodies involved in consultation / participation process

No available data.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

No available data.

The role of citizens and their means in participation activities

Public participation in spatial planning practices is very low in Georgia while citizens' engagement in the planning decision-making process is also very difficult.

Other Comments / Remarks

The Republic of Georgia should further focus on implementing a balanced social system of participation and representation, and make citizens get even more involved in spatial planning processes. For this purpose, wider institutional reforms could serve.

GERMANY

Main Planning and Participation Legislation

- ▶ The Federal Building Code and the Regional Planning Act (*Baugesetzbuch and Raumordnungsgesetz respectively*) formulate the main policy principles and measures for spatial planning in Germany.

Types of Plans (per level)

The Federal level only gives the framework and guiding principles for spatial planning:

- a. Federal spatial planning act (ROG)
 - b. Guidelines and operational framework for spatial planning
 - c. Federal spatial planning report
 - d. Sector plans and sector acts, and
 - e. Federal building code (BauGB) and associated ordinances
- that each State has to apply to its territory

Federal State/Regional (*Länder*) level: i. State development plan or programme
ii. Regional plan
iii. Spatial planning procedure

Municipal/Local level: i. The preparatory land use plan (F-plan)
ii. The binding land use plan (B-plan)

Permanent public bodies involved in consultation / participation process

There are no such bodies for the moment.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Although public participation is foreseen, mostly by EU originated legislation, the practice of participatory democracy is still in very early stages in the country. In order to participate in the decision making of planning projects at the municipal or regional level, a person must have "*a right*". This means that (a) the (planning) authority has to announce that a decision on a proposal is pending and (b) has to invite members of the public. Citizens or other stakeholders having an interest in a matter of public interest are limited to the right of participation (see e.g. Section 3 Baugesetzbuch = German Federal Planning Act).

GERMANY

The role of citizens and their means in participation activities

The role of citizens is very limited and public participation is quite "informal", i.e. it doesn't form any legal perspective and it depends on the planning authorities or developers to decide on the value of the citizens' opinion.

Other Comments / Remarks

Participatory democracy in Germany is very limited and rather confusing. The German planning system, which is strong in local and regional (State) levels, should consider more carefully public participation in decision making regarding planning projects in which citizens have a direct interest.

GREECE

Main Planning and Participation Legislation

- ▶ L. 2742/1999 for sustainable spatial planning as amended by L. 4269/2014
- ▶ L. 2508/1997 for the sustainable development of cities and settlements

Types of Plans (per level)

- National Level: i. National Plan
ii. Special Plans (for productive sectors, or special categories of territories)
- Regional Level: Regional Plans
- Local level: i. Master Plans (for Metropolitan areas or large-scale cities)
ii. Special Spatial Plans (SSPs) Special Environ. Plans (SEPs)
iii. Local Structure Plans
iv. Urban Development Plans
v. Implementation Plans

Permanent public bodies involved in consultation / participation process

- *Co-ordinating Committee of Governmental Policy* regarding Spatial Planning and Sustainable Development (ministerial body, chaired by the Minister of EE&CC).
- *National Council for Spatial Planning and Sustainable Development* (composed of representatives of local authorities, economic & productive chambers, NGOs, experts etc).

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Consultation and participation is foreseen at all levels by the Greek planning legislation/planning system. However, it is at the local level that the procedure of public participation is facilitated the most (see next section).

Regarding consultation processes, they are realized through:

- The National Council of Spatial Planning and Sustainable Development (see above) at the National Level.
- The Regional Council, which organises consultation: a) within the Regional Council and b) among the competent Ministry, the Regional Authorities and the Planning Consultancy Team (meetings open to the public).

GREECE

The role of citizens and their means in participation activities

Participatory procedures take place exclusively at the *local level*, as described below:

- The legal process, which derives from the right of citizens (or institutions) to object before the Municipality regarding planning regulations imposed on their properties.
- The public participation process, with the so-called Neighbourhood Planning Committee (NPC), which is designated and elected by the inhabitants of the area.
- The internet (e-government forums etc).

Other Comments / Remarks

In Greece, public participation and urban or spatial governance operates through some formal or informal processes and local/regional actors/stakeholders that are potentially or actually involved in the elaboration of plans in a non-systematic way.

HUNGARY

Main Planning and Participation Legislation

► Act on Spatial Development and Spatial Planning (XXI / 1996)

Types of Plans (per level)

- | | |
|---------------------------|--|
| National level: | i. Parliamentary resolution on National Development & Spatial Development Concept (I / 2014)
ii. Act on National Spatial (Physical) Plan (XXVI / 2003) / amended in 2013 |
| Level of special regions: | i. Act on Spatial Plan of the Balaton Resort Region (CXII / 2000) / amended in 2008
ii. Act on Spatial Plan of the Budapest Agglomeration LXIV / 2005 / amended in 2011 |
| County level: | i. County Spatial Development Concept and Programme (<i>megyei területfejlesztési koncepció és program</i>)
ii. County Spatial (Physical) Plan (<i>megyei területrendezési terv</i>) |
| Local level: | i. Structural Plan (<i>Település szerkezeti terv</i>)
ii. Zoning Map (<i>Szabályozási Terv</i>)
iii. Local building code (<i>Helyi építési szabályzat</i>)
iv. Local Development Strategy (<i>településfejlesztési koncepció</i>) |

Permanent public bodies involved in consultation / participation process

- National Interest Reconciliation Forum of Spatial Development (including ministers, the National Association of County Councils, the association of Cities with County Rights and the mayor of Budapest).
- County level reconciliation fora of spatial development (including the presidents of the county governments).
- Local level reconciliation fora include representatives from the county governments and the cities with county rights.
- County and local governments.
- State administration bodies, social and civil organizations.

In the case of spatial development concepts and programmes, ad-hoc fora can be initiated by the responsible body for the preparation of a plan since they are suggested in the partnership plan.

HUNGARY

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

At various levels of planning, the affected administration bodies, local authorities, social and civil organizations as well as the public, can express their opinion. During the first round, opinion is expressed in written while, in the case of public consultation, anyone can express his opinion on an open website.

The role of citizens and their means in participation activities

In Hungary, public participation in spatial planning is dictated by the national legislation. Direct participation of the public is mainly accomplished in lower planning levels, while at higher-level plans, participation is better achieved through civic organizations. At county level, in the case of spatial development plans, the partnership plans ensures the participation of citizens.

Other Comments / Remarks

Although public participation is formally regulated and foreseen at all levels of governance, adopting the opinions (if they are not based on laws) or adjusting plans depends on the choice of the decision-makers.

ICELAND

Main Planning Legislation

► Planning and Building Act (1997)

Types of Plans (per level)

National level: - Coordination of sector plans (advisory)

Regional level: - Regional plans (Legally binding)

Local level: - Municipal land-use plans (Legally binding)

- Local Detailed Plans (Legally binding) (compulsory for development areas)

Permanent public bodies involved in consultation / participation process

The State Planning Agency (consultation body at national level).

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Public meetings are the most usual method used for the involvement of citizens in spatial planning procedures. Depending on the stage of the preparation of the Plan, all citizens/individuals can also submit written comments.

The role of citizens and their means in participation activities

Public meetings or other methods of determining the desires of those living in the area covered by the plan, is the first step in making a Plan in Iceland. After the preparation of the first draft, citizens are once again invited to comment the Plan. Subsequently, review of written criticism by the public takes place, which has to be considered by the experts during the rewriting of the Plan.

Other Comments / Remarks

Although public participation procedures and means are widely provided in Iceland, efforts should be made in order to confront the limited public involvement which results from:

- a) limited public attendance at meetings,
- b) planning agency bias,
- c) limited written remarks which could serve as input for the decision-making, and
- d) limited financing of the procedures.

IRELAND

Main Planning Legislation

- ▶ Planning and Development Act, 2000 (updated in 2013)
- ▶ Derelict Sites Act, 1990
- ▶ Building Control Act, 1990
- ▶ Environmental legislation and regulations

Types of Plans (per level)

- National level: i) National Development Plan (2000-2006)
 ii) National Spatial Strategy
- Regional level: Regional Planning Guidelines (RPGs)
- Local and county level: i) The development plan,
 ii) Action area plans produced by planning authorities,
 iii) Financial incentives, urban renewal or tax incentives

Permanent public bodies involved in consultation / participation process

- An Board Pleanála (at the national level)
- Strategic Policy Committees (SPCs) (at the local level)
- County Development Boards (CDBs) (at the local level)

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Regulations regarding participatory democracy procedures are foreseen by the Planning and Development Act. Consultation practices are widely provided, during the preparation of the Plans and by many ways.

Authorities are responsible to provide the maximum of information to citizens and stakeholders (such as leaflets, maps, etc), either in city counters or on-line.

The role of citizens and their means in participation activities

According to Section 247 of the Planning and Development Act, an applicant who has an interest in land may request a pre-application consultation regarding a proposed Development. In case a citizen seeks a more formal consultation than the type envisaged by section 247, Authorities should arrange face-to-face meetings with a planner or with planning officials and applicants/agents (or even provide information in other ways (e.g. over the telephone or by e-mail correspondence: the Act does not preclude this).

Moreover, citizens have also the right to object (appeal to An Bord Pleanála), in case they disagree with a development proposal at planning application stage or take action through the courts against unauthorised development.

ITALY

Main Planning Legislation

- ▶ "Urbanistic Law" no. 1150 of 1942 (amended in the 1970s and in the 1990s)

Types of Plans (per level)

- Regional Territorial Plan (Piano Territoriale Regionale - PTR)
- Provincial Territorial Coordination Plan (Piano Territoriale di Coordinamento Provinciale - PTC) and Metropolitan Area Plan
- Municipal (Communal) Master Plan (Piano Regolatore Generale - PRG), and
- District Plans (Piani Particolareggiati - PP)

Note: Plans of a national scale are limited to highway, railroad and similar plans

Permanent public bodies involved in consultation / participation process

No available data.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Public participation in Italy takes place in two different ways:

- Formally, after the publication of the complete draft of the Plan, when formal consultation is held, on contents for two months during which the public can object.
- Informally, during the preparatory activities that precede the drafting of any Plan, in which a number of strategic discussions take place with major stakeholders.

The role of citizens and their means in participation activities

Citizens can participate in spatial planning procedures at all stages of the preparation of a Plan.

Public hearings are common-practice, especially during the drafting phase of the Plans. Moreover, citizens of Italy have also the right to object on legal and procedural grounds to the regional administrative court.

Finally, it should be noted that, in Italy, spatial planning competence and legislation at the regional level differs. Therefore, provisions regarding participatory democracy may vary per Region.

Other Comments / Remarks

Participatory democracy is widely provided to citizens of Italy, regarding the decision-making in planning procedures.

However, further improvement of the involvement of the public can result from the expansion of the use of ICT in support of participation.

Main Planning Legislation

- ▶ Spatial Development Planning Law (2011)
- ▶ Development Planning System Law (2008)
- ▶ Regional Development Law (2002)

Types of Plans (per level)

- National level: - Sustainable Development Strategy of Latvia until 2030, which includes Spatial Development Perspective of Latvia
 - National Development Plan 2014 - 2020
 - Maritime spatial plan (launched in 2014)
 - Territories and objects of national interests
 - National sectorial plans
- Regional level: - Sustainable Development Strategy
 - Development Program
- Local level: - Sustainable Development Strategy
 - Development Program
 - Spatial (or Territorial) Plan (comprehensive plan for the whole municipal territory)
 - Local Plans (optional for particular area of the municipality, amend the spatial plan for particular area)
 - Detailed Plans (more detailed plan including technical design for one or several parcels of land)

Thematic or sectorial plans are optional and can be developed in all planning levels.

Permanent public bodies involved in consultation / participation process

Spatial planning legislation provides the right for establishing ad-hoc consultative councils at all levels of governance (state, regional and local).

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

In Latvia, public participation regarding spatial planning process takes place at several stages:

- after announcing the preparation of a spatial development planning document. During this stage the public authority announces information about public discussion period, planned public hearings, where the information about the planning document can be obtained and how the proposals are to be submitted,
- after receiving the first draft, the public authority submits the spatial development planning document to the public for examination for a period of not shorter than 4 weeks (3 in the case of a detailed plan - from 3 to 6 weeks) and this process, if needed, can be amalgamated with the public consultation of the strategic environmental impact assessment report,
- after the approval of final version of 4 weeks, public can ask ministry responsible for spatial planning to evaluate the claimed procedural violations.

New tool for the involvement of the public in spatial development planning information system (SPIS), which is in its development process and will allow improved exchange of information and proposals between all interested parties as well as improve access to data and maps.

The role of citizens and their means in participation activities

Public consultations and public hearings are compulsory for spatial development planning documents at all planning levels.

During the public consultation process, citizens have the right to express opinion and comments, to submit proposals and the responsible institution has the obligation to evaluate the proposals and justify their decisions by informing the society and to reply to each author of the proposal. Moreover, citizens have the right to appeal on procedural grounds.

Other Comments / Remarks

The legislation and Authorities of Latvia give significant importance to public participation procedures, giving also attention to the education of citizens and their familiarization with the planning processes, methods and terminology. An extensive use of ICT could further improve both the participatory methods as well as the participation of the public.

LIECHTENSTEIN

Main Planning Legislation

No available data.

Types of Plans (per level)

No available data.

Permanent public bodies involved in consultation / participation process

No available data.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

No available data.

The role of citizens and their means in participation activities

No available data.

LITHUANIA

Main Planning Legislation

- ▶ The Law on Territorial Planning (*Teritorijų planavimo įstatymas*)
(in power since 2014-01-01)

Types of Plans (per level)

National level (*valstybės lygmuo*):

Comprehensive plans:

- Comprehensive plan of the territory of the Republic of Lithuania;
- Comprehensive plan of the territory of apskritis (i.e. of a region).

Special (thematic) plans.

Municipal level (*savivaldybės lygmuo*):

Comprehensive plans:

- Comprehensive plan of the territory of local municipality;
- Compr. plans of the territory of objects of national importance.

Special (thematic) plans.

Detailed plans.

Locality level (*vietovės lygmuo*):

Comprehensive plans:

Comprehensive plans of the territory of parts of local municipality (CP-s of the territory of towns within the territory of municipality, CP-s of the territory of villages within the territory of municipality - plans for urbanized territories).

Special plans of local municipality.

Detailed plans.

Permanent public bodies involved in consultation / participation process

Public information and participation in the territorial planning process is guided by the stipulations of:

- a) the Law on Territorial Planning and
- b) Regulation on public information and participation in the process of the territorial planning (*Visuomenės informavimo ir dalyvavimo teritorijų planavimo procese nuostatai*).

None of the legal acts require establishment of permanent public bodies. Participation and consultation process is arranged with regard to the level and type of plan.

There is differentiation of those involved in the planning and participation process (i.e. relevant authorities and public). Administrative authorities are involved in the planning process on the grounds of their legal administrative obligations (responsible institutions within their assigned competence) as obligatory subjects, whereas the public at large is expected to take part in the planning process on the basis of free will. There is also a general and a simplified order of public participation and consultation defined depending on the level and type of the plans.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Planning organizer is to follow obligatory procedures as stipulated by the Law on Territorial Planning and its bylaws.

The Law on Territorial Planning and Regulation on public information and participation in the process of the territorial planning requires that public participation is started from the very beginning of the planning process, by informing the public on the start of plans, its goals, the programme, as well if SEA will be performed (giving the reasons, if SEA is not intended to do). During all of the period of project preparation the project proposals are presented on the web-site of the planning organizer as well as on the project preparing consultant's web-site.

Public participation is continued during all of the planning process phases, presenting planning solutions alternatives, SEA (if done) and is finalised at the end of the planning process with project solutions concretisation. The planning solutions are presented to the public (in an exhibition and on web-site). Final public meeting on the project is to complete the public participation procedures. The Report on public participation is to be prepared.

After the planning process is completed, the project of the territorial planning document together with documentation of public participation and other documents has to be presented to the State Inspectorate on Territorial planning and Construction. One of the obligations of this Inspectorate is to check if the requirements of legal acts with regard to public participation have been duly fulfilled. If this was not the case, the Inspectorate can't issue a positive Conclusion on the appropriateness of the project to be approved by the relevant administrative authorities.

The role of citizens and their means in participation activities

Consultation and participation of the interested public is mandatory at all stages of the preparation of the plan (i.e. before and after preparation of the plan draft).

Citizens have the right to access all relevant information in order to submit proposals and give their comments on the Plans.

Citizens also have the right to appeal on legal and procedural grounds. These appeals are addressed to the planning supervisory body of the county and to the Ministry of Environment.

LUXEMBOURG

Main Planning Legislation

- ▶ The Law of July 30th 2013 concerning spatial planning in general
- ▶ The Law of July 19th 2004 concerning urban development (as amended in 2005 and 2011)

Types of Plans (per level)

- National level:
- Programme Directeur (indicative master plan)
 - Plans directeurs sectoriels (primaire et secondaire)
 - Plans d'occupation du sol
- Local level :
- Plans de développement communaux (plan d'aménagement généraux (PAG)/ plan d'aménagement particulier (PAP))
 - Plan verts

Permanent public bodies involved in consultation / participation process

The "*Conseil Supérieur de l'Aménagement du Territoire*" is a permanent consultation committee for spatial matters, composed mainly by members from outside the administration (local authorities, professional Chambers, experts), including 3 persons from neighbouring countries.

Professional Chambers are involved in the legislative process.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

At national level: Consultation of relevant stakeholders starts very early in the process of developing Master plans. Usually, it takes the form of ad hoc groups, gathering/including outside experts as well as input from civil society. Plans (see above) are submitted to a consultation procedure (enquête publique) involving citizens and local authorities.

At local level, binding planning documents are submitted to a consultation process (enquête publique), preceded sometimes by informal information and debating meetings.

Other Comments / Remarks

Luxembourg is a small country, where informal contacts are very easy and intensively used.

MALTA

Main Planning and Participation Legislation

- ▶ Environment and Development Planning Act (EDPA), put into force in 2010
- ▶ The Ancient Monuments Act

Types of Plans (per level)

The MEPA (see below) is responsible for developing plans at the:

- National level: Strategic Plan for Environment and Development (SPED) which is to regulate the sustainable management of land and sea resources
- Local level: Local Plan Levels - District / Regional - Grand Harbour, North Harbours etc

Permanent public bodies involved in consultation / participation process

There are no specific permanent bodies for public participation, although the following bodies serve as advisory / consultative mechanisms regarding planning procedures.

- The Malta Environment and Planning Authority (MEPA)
- The Local Councils with an advisory role to MEPA

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Public participation and consultation are widespread procedures in Malta and do not vary according to different tiers of government or plans. Public participation takes place from the very early stages of the conception of a planning policy (by or legal notice) and continues until the publication of the policy per se. During all of the stages the competent authorities strive to ensure that the proper dissemination of the draft policy and targets are properly published and communicated.

The role of citizens and their means in participation activities

Citizens participation contributes to improving democratic procedures in the country (regarding decision-making and policy-making) and to ensure as much as possible that all views are taken into consideration.

The most frequently used arenas for participation:

- Local council facilities and government agencies and boards
- Public hearings and presentations

Moreover, ICT plays an important role, since information is also available to the public through the internet.

Other Comments / Remarks

The planning system at the national level is relatively weak compared to the local one. Therefore, public participation is quite satisfactory, since all persons are allowed to make any intervention both verbally and in writing.

However, proposals for further improvement of the procedures should focus on the provision of the extension of the public participation period.

Main Planning Legislation

- ▶ The Regional Development Act (2006)
- ▶ The Urban Planning and Territorial Arrangement Act of 1996

Types of Plans (per level)

Plans in Moldova are prepared at national, rayonal and local levels.

- The National Spatial Plan
- The Regional Spatial Plans
 - i. The zonal spatial plans
 - ii. The spatial Plans of the Municipality of Chisinau (capital city)
 - iii. The rayon (2nd level of public administration) spatial plans
- The Local Spatial Plans
 - i. The spatial plans of the inter-municipal level
 - ii. The municipal spatial plans

Permanent public bodies involved in consultation / participation process

- The National Urbanistic Council of the Ministry of Construction and Regional Development
- The Municipal Urbanistic Council

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Public consultation is regulated by the relevant Law on Urbanism which foresees the involvement of citizens during all stages (preparation and approval) of the Plans. Indeed, the public is involved in the planning process even before the preparation of the Plan, as well as during the whole process.

The role of citizens and their means in participation activities

Public hearings during the preparation of spatial development documents are a statutory obligation. However, the law does not specify the way that these public hearings are to be organised.

Other Comments / Remarks

Public participation in Moldova is not very strong. It is important that NGO's of the country get more involved in participatory democracy procedures. Efforts should focus on making information available and accessible, and on lessening the gap between experts and citizens, in matters of terminology and techniques.

MONACO

Main Planning Legislation

- ▶ Edict-Act no.674 of 3rd November 1959 concerning town planning, building and highways, amended
- ▶ Edict-Act no.3 647 of 9th September 1966, amended with regard to the preservation of certain districts, sites and parks

Types of Plans (per level)

No available data.

Permanent public bodies involved in consultation / participation process

No available data.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

No available data.

The role of citizens and their means in participation activities

No available data.

MONTENEGRO

Main Planning and Participation Legislation

- ▶ Law on Spatial Development and Constructions Structures, 2013

Types of Plans (per level)

- National Level:
- Spatial Plan of Montenegro
 - Special Purpose Spatial Plan
 - Detailed spatial plan
 - Location study at state level
- Local level:
- Town-planning scheme passed by the local self-government
 - Detailed urban development plan
 - Urban development design
 - Location study at local level

Permanent public bodies involved in consultation / participation process

- The Council for spatial planning (at State level)
- The local / Municipal councils for spatial planning (at local level)

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Participatory democracy is foreseen by the relative Spatial Planning Law of Montenegro (article 6 and 42). However, consultation procedures prevail as a method for participation.

The role of citizens and their means in participation activities

Participation and consultation procedures are mainly foreseen for the exchange of information.

Regarding the citizens' means for participation activities, there is the local citizens' forums, composed by citizens who want to participate in the development of a planning document. "Citizens' fora", usually organize few working groups and apart from providing information to the citizens, they are charged with the preparation of meetings in order to collect and represent the views of locals on a specific plan.

Other Comments / Remarks

Despite the recent preparation of Plans in the country, public participation and consultation procedures are constantly growing in Montenegro. Moreover, the fact that in 2009 the country signed the "Aarhus Convention on access to information" is considered to be an important step towards participatory democracy.

NETHERLANDS

Main Planning and Participation Legislation

- ▶ Spatial Planning Act (last revision in 2008)
- ▶ Decision on Spatial Planning, 1985
- ▶ Urban Renewal Act (revised in 2003)
- ▶ Land Development Act, 2008

Types of Plans (per level)

- At the national level: The National Spatial Strategy (Nota Ruimte)
- At the regional level: The regional plan
- At the local level:
 - The structure plan
 - The local land use plan

Permanent public bodies involved in consultation / participation process

For the promotion of participatory democracy, the main permanent bodies are:

- the neighbourhood councils (or development councils), and
- committees established in the public administration to deal with participation

At the central level, there is also the Advisory Council for Housing.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

In the Netherlands consulting and involving stakeholders during the multiple stages of policy-making and implementation of the plans is an intrinsic part of administrative culture.

Specifically, the main concerns of the Authorities are: the project implementation efficiency, the enrichment of the project, the realization of successful urban regenerations, the formation of a social bond between people living nearby and the development of the sense of belonging to the territory.

The role of citizens and their means in participation activities

The citizens' main role is to contribute to the exchange of information and to the discussion / consultation with the planners and the policy makers. Workshop, public hearings, presentations, informal meetings etc are considered to be the main means for citizens' participation.

Other Comments / Remarks

The Netherlands have a well established participatory and consultation system. Moreover, ICT is widely used and plays a very important role as a tool, used at the neighbourhood level (selection of participants Online and by mail) as well as at higher / regional levels (see Randstad 2040 consultation etc). Moreover, it is very important that the Municipalities provide all the necessary information in almost all cases.

NORWAY

Main Planning and Participation Legislation

- ▶ Planning and Building Act, 2008

Types of Plans (per level)

- National Level: Central Government Land-use Plan (optional)
- Regional level: Regional Master Plan (normal, but optional)
- Local level:
 - Municipal Master Plan (compulsory)
 - Municipal Zoning Plan (where needed)

Permanent public bodies involved in consultation / participation process

The permanent bodies involved are at the national (state), regional (county) and local (municipal) level. Below the Norwegian municipalities there could be the township councils and the rural councils (both of which are not compulsory in the Norwegian administrative system).

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Consultation, publication and information, is promoted at all stages of the preparation of the plan.

In general, both deliberative democracy and participatory democracy methods are used. These methods are used regardless of the level of government (national, regional, local) or the topic (theme).

The role of citizens and their means in participation activities

The role of citizens in participation activities could be for exchange of information, consultation or achieving consent. However, citizens do not have direct decision-making responsibilities which are executed indirectly by political representation. Participatory procedures in a planning process would include an announced local meeting, with presentations, maps, discussion, groups, work-shops, followed by a public hearing, including both a public consultation and a public scrutiny. The citizens are free to raise opinions about the content and effect of the plan, which would be part of the considerations for a political decision.

Other Comments / Remarks

The use of public consultation and public scrutiny is regulated by Act, as compulsory part of planning. ICT, digital communication, digital maps and information is used at every level in planning.

Main Planning and Participation Legislation

- ▶ The basic regulatory instrument of spatial planning in Poland is the *"Spatial Planning and Land Management Act of 27th March 2003"*

Types of Plans (per level)

The Polish planning system is based on 3 levels: national, regional and local, which is stated in the Spatial Planning and Land Management Act.

- Outline (concept) of the national policy of spatial development
- Regional plan
- Comprehensive plan of municipalities (Master plan)
- Spatial Plans for Metropolitan Areas (new type of plans in the experimental phase)

Permanent public bodies involved in consultation / participation process

The only steering committee established in the public administration to deal with participation is the one foreseen by the Tripartite Commission for Socio-Economic Affairs and voivodeships social dialogue committees (Dz.U.2001.100.1080).

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

In Poland a mixed model of methods - highly institutionalised and formal - is used in order to promote participatory democracy. However, it is at the local level that governments use participatory methods more often.

The role of citizens and their means in participation activities

Participation procedures are promoted with the anticipation of exchange of information and consultation among citizens, planners and policy makers. At the same time, participation also serves as a valuable tool towards achieving common consent.

At the local level, citizens can participate in:

- The architectural commissions (organised by the local governments of cities) in order to establish cooperation between non-governmental and bureaucratic environment in solving social problems and the preparation of Local Development Plans.
- The so-called *"Centres for Social Dialogue"*, enabling direct participation of citizens, which are usually financed by local authorities.

Other Comments / Remarks

Spatial planning terminology and legal procedures followed for each Plan, are unknown and confusing to the public and result in limited participation. Therefore, participation and consultation is usually operated only when it is legally required. However, it is important that Polish administration is preparing a Consultation Code (to specify the principles of good consultation) and currently implementing a project called *"Deciding together"* (to promote the involvement of the local community in working groups and to gain a sense of the real impact of the authorities' actions taking place in their living territories).

Main Planning and Participation Legislation¹

- ▶ Spatial and Urban Development and Land Framework Act 31/2014, adopted by Parliament on 30 May 2014 (replaces Framework Act 48/98, that establishes the basis of the spatial and urban development policy)
- ▶ Law 380/99, amended and republished by Law no. 46/2009, that regulates the Territorial Management System²
- ▶ Law 232/2007, amended by Law no. 58/2011, regulating the application of environmental assessment to plans and programs
- ▶ Act 58/2007 that adopts the National Spatial Development Policies Program

Types of Plans (per level)³

National Level: - National Spatial Development Policies Program (PNPOT)
- Sectoral plans with territorial impacts
- Special Spatial plans (coastal zone spatial plans, protected areas spatial plans, public reservoir spatial plans and estuary spatial plans)

Regional Level: - Regional Spatial Development Plans (PROT)⁴

Local level: - Inter municipal Spatial Development Plans
- Spatial and land use municipal plans (Master plans, Urban Development Plans, Detail Plans)

Permanent public bodies involved in consultation / participation process

- The Advisory Committee (consultation body) of the PNPOT, gathering representatives of sectoral policies with territorial impacts, the Regional Coordination and Development Commissions (in the mainland) and the Regional Governments of the Autonomous Regions of Azores and Madeira, the Portuguese National Association of Municipalities (ANMP) and the National Association of "Parishes" (ANAFRE);
- Monitoring Committee of all the other spatial plans, gathering representatives from the Regional Coordination and Development Commission, sectoral policies and the municipalities concerned.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

The participatory processes in spatial planning are regulated by the relevant spatial planning law that also formulates the Territorial Management System. The principle of participation and the right to information is applicable to everyone - directly concerned or not - during all stages of the planning procedures (from the decision to prepare, amend or review the plan as well as before and after its adoption and publication, implementation and assessment phases). The report of public participation/consultation and its results is one of the pieces that are part of the dossier that submits the plan for approval.

Each type of plan although having a common procedural process has its own specific procedures according to the type of plan.

Public participation and consultation occurs at all levels of the planning process, being adapted to the type of plan.

The role of citizens and their means in participation activities

Participation procedures are clearly regulated by the competent law, per each type of plan⁵. Specifically, on the occasion of the preparation or amendment of a plan, citizens are thoroughly informed about: the timetable, the date and place of public sessions, the venue(s) of the discussion, the report of the Advisory Committee, any other report produced during its preparation (namely the environmental report), the places where the documents can be consulted, the different ways to present suggestions and comments.

The results of the participation or consultation processes are published once again and have to be taken into consideration for the final version of the plan.

⁵ Respecting the Aarhus Convention (1998) on Public Participation in Decision-Making and Access to Justice in Environmental Matters, that is part of the Portuguese legislation.

¹ As a consequence of the autonomy statutes, all spatial planning legislation is accordingly adapted in the Autonomous Regions of Azores and Madeira.

² This law and other connected legislation is in the process of being reviewed as a consequence of the adoption of Framework Act 31/2014, (30 of may).

³ This type of plans and their procedures as well as the existing legally binding spatial plans still follow the Framework Act 48/98.

⁴ In the mainland, as there are no regional authorities, the PROT is prepared at the regional level by the concerned Regional Coordination and Development Commission but approved by the Government, while in the Autonomous Regions full responsibility of the planning process belongs to the Regional Governments of the Autonomous Regions.

Other Comments / Remarks

Experience shows that public participation is more effective when the planning proposals and their consequences are more easily perceived by the concerned population.

During the different stages of the planning process almost all spatial plans, at all levels, have a dedicated webpage where all the related documents and information are made public and can be consulted.

In the case of Municipal spatial plans all the meetings of the Municipality or of the Municipal Assembly dealing with the plan's making, review, amendment, assessment or adoption are open to the public.

Ex-ante public discussion of any important urban development subdivision operation can be decided by the Municipality concerned, through specific Municipal by-laws, public consultation being mandatory whenever the proposed subdivision is bigger than 4 ha, 100 households or 10% of the population of the urban area where it will be located.

Main Planning and Participation Legislation

► Territorial and Urban Planning Act (350/2001)

Types of Plans (per level)

National Level: - Spatial Plan for the National Territory

County level: - Spatial Plans for Zonal Territories
- Spatial Plans for County Territory

Local level: - General Urban Plans (territory of the Municipal)
- Zonal Urban Plans
- Detailed Urban Plan

Permanent public bodies involved in consultation / participation process

- The County Council ensures compliance with national, regional and local territorial plans in the territorial and urban planning documents. It also ensures the development of the County Territorial Development Plan and approves it according to the law.

- Local councils co-ordinate and are responsible for all urban planning activities carried out in the territory of their administrative and territorial unit.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

In Romania issues of public participation are defined by the Law on Local Public Administration (articles 10 and 43). According to this law the representation of local population is formally required in matters of local budgets, urban and regional planning, environmental protection and local infrastructure.

According to the relevant legislation, the announcement of a Plan is not obligatory before the draft is approved. However, consultation takes place over a period of one month after the draft is published, giving citizens the opportunity to object.

The role of citizens and their means in participation activities

In Romania public hearings are not obligatory, while citizens have the right to appeal only on legal grounds. However, local councils can hold public hearings on citizens' problems, which can be called on the initiative of a council member or by a decision of the council as a whole.

In case of disagreements, citizens must first submit their issue in writing to a council committee (which is not open to the public).

ROMANIA

Other Comments / Remarks

In Romania the involvement of the society and the public in general in the process of spatial planning is still modest. There are, however, plenty Associations which lately have gained influence (national association of municipalities, association of the chief architects of the districts, association of urban planners etc) in the decision-making at the local level.

RUSSIAN FEDERATION

Main Planning Legislation

- ▶ Urban planning code (Federal Law no. 190 of 2004)
- ▶ Federal Law "On State Forecasting and programs of socio-economic development of the Russian Federation" no. 115 of 1995
- ▶ Presidential Decree "On strategic planning in the Russian Federation" no. 536 of 2009
- ▶ Draft federal law "On strategic planning in the Russian Federation"

Types of Plans (per level)

	Kinds of Strategic Planning Documents	Kinds of Territorial Planning Documents
National level	The Concept of long-term socio-economic development of the Russian Federation Development strategies of branches and sectors of the economy Forecasts of socio-economic development of the Russian Federation for the medium term Forecasts of socio-economic development of the Russian Federation for the long term The Main directions of Government activity for the medium term State programs of the Russian Federation	Territorial planning Schemes of the Russian Federation (on separate branches) ; General Settlement Development Scheme
Sub-regional level	Strategies of socio-economic development of federal districts (macro-regions)	Territorial planning Schemes for part of the territory of the Russian Federation
Regional level	Regional strategies of socio-economic development Regional Forecasts of socio-economic development Regional programmes	Regional territorial planning schemes; General plans of federal cities
Local level	Municipal strategies of socio-economic development Municipal programmes	Territorial planning schemes of municipal districts; General plans of urban districts ; General plans of urban settlements (within districts); General plans of rural settlements

Permanent public bodies involved in consultation / participation process

- The Public Chamber of the Russian Federation - the all-Russian authority responsible to exercise control over their system of government on behalf of people. The Public Chamber is a Russian variety of national deliberative authorities.
- The public councils - deliberative authorities act in each federal government body on a regular basis.
- Different public councils on regional and municipal levels, NPOs and NGOs.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

The legislation of the Russian Federation received such institutions “of deliberative democracy” as public hearings and public expertise, subjects of which may be from the different public spheres (eg, public environmental assessment).

At the regional level the public hearings are governed by independent legal acts.

At the municipal level, the provisions on public hearings are fixed in the charter of the municipality, or in separate municipal legal acts.

Public participation is realized mainly through representative bodies of citizens during the public hearings and through individuals, exclusively after the publication of the Plan / Scheme and before its adoption.

The motivation for public participation is sought as a totally necessary act in order to lessen future court appeals.

The draft law “On the basis of public control in the Russian Federation” provides that public control shall take the form of public monitoring, public inspection, public expertise, as well as in forms of civil society interaction with government agencies and local authorities such as public discussions, public hearings and other forms of interaction.

The role of citizens and their means in participation activities

At the local level, according to the Urban Planning Code, public hearings must be organized at each settlement.

As part of the public hearing on urban planning documents each participant has the right to introduce on their own behalf suggestions and comments to discuss the project in due course. All comments and suggestions of participants of public hearings to discuss the project are subject to entering into the protocol of public hearings in the established procedure.

In general, citizens’ interventions might vary from written to oral (during hearings), while all recommendations are to be communicated to the head of the Municipal Administration.

Similar procedures are also followed at the other (higher) levels of planning.

Citizens’ interventions can be added to the Plans, upon decision of the (person, body) responsible for the ratification of the Plan / Scheme Authority.

Other Comments / Remarks

According to the Federal Law no. 8 of 2009 “On providing access to information about the activities of state authorities and local self-government” the information for effective public participation should be available. The data containing information on the activities of state bodies and local self-government as well as data that contain information that is collected, stored, or processed by government or by local authorities are subject to publication in the open form in the “Internet”.

The Russian Federation has been actively implementing a system called Open Government, which plays an increasing role in the modernization of the Russian state mechanism.

The Government of the Russian Federation allocated a separate post of the Minister in charge of the system of “Open Government”, which coordinates the development and implementation of standards of openness of public authorities. The Government of the Russian Federation in January 2014 approved The Concept of openness of the federal authorities of executive power.

SAN MARINO

Main Planning Legislation

No available data.

Types of Plans (per level)

No available data.

Permanent public bodies involved in consultation / participation process

No available data.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

No available data.

The role of citizens and their means in participation activities

No available data.

SERBIA

Main Planning Legislation

- ▶ Law on Spatial Planning of the Republic of Serbia 2010-2020
- ▶ Law on Planning and Construction (no.72/2009, 81 /2009, 64/2010 and 24/2011)
- ▶ Law on Forestry (no.30/2010)
- ▶ Law on Tourism (no.36/2009 and 88/2010)
- ▶ Law on Agricultural Land, (no.62/2006 and 41 /2009)
- ▶ Law on local self-government (no.09/2002)

Types of Plans (per level)

- Central level: - Spatial Development Strategy of Serbia (SDS),
- Spatial Development Schemes (SD schemes) (for 9 sectors)
- Regional level: - Regional Spatial Plans (RSP)
- Spatial Plans for Areas of Special Purposes (SPASP)
- Local level: - Municipal Spatial Plan (MSP)
- General urban plan for arrangement
- Regulation plan (general and detailed)

Permanent public bodies involved in consultation / participation process

The Republic Agency for Spatial Planning (RASP).

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

In the Serbian Constitution, only a few and general provisions for public participation are provided. Specifically, with few exceptions, neither Laws nor regulations contain clear provisions on public participation.

Citizens and stakeholders are informed about a project on a per case basis. Authorities too, can decide not to participate in the drafting of a project.

The role of citizens and their means in participation activities

The public has the right to submit requests, petitions and proposals. Citizens are also informed on projects through the newspapers and internet.

According to the Spatial Planning Act, during their preparation, projects have to be available to the citizens for public inspection.

However, since the planning practice in Serbia is predominantly planners' centered, there is very little room for the incorporation of different opinions among the various stakeholders and actors.

Other Comments / Remarks

The fact that public participation is very low in Serbia and citizens have no actual role in the decision-making of projects, usually results in many difficulties in the implementation phase of the Plans.

In conclusion, Serbia should empower procedures for public participation in spatial planning projects.

Main Planning and Participation Legislation

- ▶ Act no.50/1976 Coll. On Land-use Planning and Building Order (the Building Act), as amended
- ▶ Related legislation on the Preservation of Nature and Landscape, the Environmental Impact Assessment, Air, Water, Public Health, Veterinary Care, Natural Healing Waters and Natural Spas, Waste, Geology, Energy, Forestry, Protection and Utilization of Mineral resources, Agriculture Land Use and Protection, Road transport, Defence of the Slovak Republic, Protection of Monuments and Historic Sites, Civil Aviation, Railroads, Burial, Civil Protection of the Population, Prevention of Major Industrial Accidents, Integrated Environmental Prevention and Control of Environmental Pollution

Types of Plans (per level)

National level: - Slovak spatial development perspective

Regional level: - Land use plan of region

Local level: - Municipal spatial plan and Spatial plan of zone (Zone is a part of municipality)

Permanent public bodies involved in consultation / participation process

- Regional Councils
- Municipal Councils

Permanent participating bodies also exist for issues of: nature protection, health protection authorities, cultural heritage, water management etc.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Public participation takes place at all stages of spatial planning (layout, concept and proposal / draft). Moreover, general notification of information about the draft Spatial Plans are published for public.

Mandatory public hearings are also foreseen at all stages, while in certain cases separate discussions also take place with directly affected persons.

The role of citizens and their means in participation activities

Public participation is mainly enabled through written comments and proposals at all levels of Plans, regardless of the existence of property rights.

At all stages of the planning procedures, the citizens are provided with information on the Plans and have the right to comment within 30 days following notification. A mandatory public hearing also takes place within each stage of the process, while widely understandable explanations must be given regarding the concept of the plan.

Comments of the citizens must be assessed thoroughly. In case of rejection, interested citizens are invited to special discussion.

Other Comments / Remarks

Even if public participation is formally foreseen in Slovakia, there is no legal guarantee that suggestions and interventions made by the public are actually taken into consideration. Therefore, participatory democracy should obtain an essential meaning, instead of mere formality. To that purpose, a regular legal remedy, focusing on that issue, could also help.

Main Planning and Participation Legislation

- ▶ Environment Protection Act, 2012
- ▶ Act regarding the siting of spatial arrangements of national significance in physical space (ZUPUDPP), 2010 (covering acts on national level)
- ▶ Spatial Planning Act (ZPNacr), 2007 (covering acts on regional and local level)
- ▶ The law for construction of objects, 2002, amended 2010 (covering facilities)

Types of Plans (per level)

- | | |
|------------------------|--|
| National level : | - National strategic spatial planning act (<i>državni strateški prostorski načrt - DSPN</i>), not yet adopted at this time
- National spatial planning act (<i>državni prostorski načrt - DPN</i>) |
| Intermunicipal level : | - Regional spatial planning act (<i>regionalni prostorski načrt</i> - intermunicipal plans / there exist no regions in the Slovenian Republic / non obligatory) |
| Local level : | - Local spatial planning act (<i>občinski prostorski načrt - OPN</i>)
- Local detailed spatial planning act (<i>občinski podrobni prostorski načrt - OPPN</i>)
- Conception of Urban Development
- Conception of Landscape Development and Protection |

Spatial Plans are placed in the hierarchic system and all acts at the lower level have to be in accordance with the acts at the higher level. Acts are not formally sorted by strategic and executive acts but DSPN is the only act of a strategic nature while other acts (DPN, OPN, OPPN) contain both a strategic and an executive part.

Permanent public bodies involved in consultation / participation process

All spatial planning acts are treated as legislative acts and not administrative act, thus the Ministry of infrastructure and spatial planning controls them all, regarding the procedure of adoption, in form of its approval. The Municipal councils are responsible for the elaboration. Participating bodies in all levels: Nature protection authorities, cultural heritage, etc.

SLOVENIA

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

National level acts/plans: Early public information, public consultation in the form of public conference at the first stage. Public hearing, public debate on alternatives at the second stage. Public debate on the draft in the third (final) stage.

Local level acts/plans: Public debate on the draft in the third (final) stage only.

The role of citizens and their means in participation activities

The public in general does not have effective legal remedies like an appeal or a lawsuit against adopted spatial planning acts. That is valid for both levels - national and local. Public participation in forms of public hearings and the possibility to give comments and suggestions is better at national level but very weak at the local level, where participation is not possible at an early stage. The public is not informed on first goals and intentions of the local spatial planning act and does not have an opportunity to give comments or to propose different spatial solutions for some territory.

Other Comments / Remarks

- a. The Slovenian spatial planning system on local level is not in harmony with the Aarhus Convention. The public participation process is mostly just formal.
- b. Citizens have no effective legal remedies against adopted spatial planning acts.

SPAIN

Main Planning Legislation

- ▶ Spatial planning legislation differs among each of the 17 Autonomous Communities, which have their own laws concerning these issues. However, the most relevant law at national level (defining the content of different types of plans) is the Land use and urban planning Act dating from 1992.

Types of Plans (per level)

National level: National plan (never drawn up)

- Regional level:
- i. Territorial Coordination Director Plans
 - ii. General plan (covering more than one municipality districts)
 - iii. Complementary and subsidiary norms
 - iv. Urban land delimitation projects

Detailed type planning instruments:

- v. Urban actuation programs
- vi. Detailed plan
- vii. Special plans
- viii. Detail studies
- ix. Urbanization projects
- x. Protection by listing

Permanent public bodies involved in consultation / participation process

At the regional level: Spatial and Urban Planning Commissions, in which different public administrations are represented.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

These vary according to each Autonomous Community.

The role of citizens and their means in participation activities

Spatial Planning tools are formulated and approved by each Autonomous Community. Citizen participation and information takes place during the preparation processes, in order to make observations and recommendations to the spatial plans.

Other Comments / Remarks

Each Autonomous Community has its own rules as far as deliberative democracy is concerned in planning issues. However, it should be noted that the following are in general addressed to Spain:

- Participation appears to be the key element for achieving more sustainable planning.
- Authorities should focus their efforts on recovering the loss of public awareness that has occurred in recent years.
- Reliable information is the key and a prerequisite in participation in planning procedures.
- Special efforts should be made to turn technical details and planning terms into easily comprehensible ideas for non-technicians.

Main Planning and Participation Legislation

- ▶ The Planning and Building Act (PBA)

Types of Plans (per level)

Spatial planning at a national and regional level is rather limited in Sweden. Indeed, according to the relevant Act (PBA) the production of a national plan is not obligatory. Although, guidance at the national level is provided by policy statements referring to areas and issues of national significance.

Regional level: Regionplan - regional plan

- Local level:
- Översiktsplan (ÖP) - comprehensive plan
 - Detaljplan (DP) - detailed plan

Permanent public bodies involved in consultation / participation process

Permanent public consultation bodies are uncommon.

Although, usually it is the municipal board of building (building committee) that is formally responsible for the planning process including the consultation part. In this case, the project leader in the public administration serves as a main contact person for concerned citizens.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

There is no formal system for public participation at the national level, except for appeal against decisions. Deliberative democracy is mostly part of the planning procedures at the local authority, during which the meaning of participation is to weigh and balance different private interests in relation to each other and to the public interests.

In parallel, participation of the citizens at the local level might differ, since municipalities may arrange the procedures in various ways (however, always in accordance with the framework of the democratic process set by the Planning and Building Act).

The role of citizens and their means in participation activities

The role of the public in participatory democracy is:

- a) the exchange of valuable information creating input for political decisions, and
- b) the interaction among planners, policy makers and the citizens.

Citizens are consulted and are free to participate in the procedures of planning only at the local level. However, it should be noted that they are deprived of real decision-making rights in planning issues, except for exceptional cases.

Other Comments / Remarks

Actions should be taken in order to enhance participation as a part of a democratic process rather than a formality, which is currently considered to be the case by citizens.

Main Planning Legislation

- ▶ I. Federal Spatial Planning Act (SPA, 1979), arranging:
 - a) Swiss Planning principles and objectives
 - b) Conceptions and Sectoral Plans
 - c) Cantonal Structure Plans
 - d) Communal Land Use Plans
- ▶ II. Federal Spatial Planning Ordinance (2000)

Types of Plans (per level)

- Confederation level: - Spatial Strategy for Switzerland
 - Conceptions and Sectoral Plans (*foreseen in the SPA*)
- Regional level: - Cantonal Structural Plans (*foreseen in the SPA*)
 - Cantonal land use plans
- Subregional level: - Regional Structural Plans
 - Conurbation Programmes (financed by the Infrastructure Fund Act)
- Communal level: - Communal Structural Plan
 - Communal Land Use Plan (*foreseen in the SPA*)
 - Neighbourhood Plans

Permanent public bodies involved in consultation / participation process

Conceptions and sectorial plans:

- Cantons, regional planning associations and local communities have to be consulted.
- Conceptions and sectorial plans have to be approved by the Federal Council (national gov.)

Cantonal Structural Plans:

- The federal legislation foresees that neighbouring cantons or regions of neighbouring countries should be consulted if they are directly affected by the plan.
- Consultation of local communities is regulated in cantonal spatial planning laws, but is foreseen in all cantons.
- Cantonal structural plans have to be approved by the Federal Council (national government), cantonal governments and, in some cantons, cantonal parliaments.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

The Federal Spatial Planning Act includes all necessary provisions for informing citizens regarding spatial planning activities (article 4 SPA).

The role of citizens and their means in participation activities

According to the Federal Spatial Planning Act, citizens have the right to be informed and to participate in the elaboration of the Plans. Additional Laws both at the federal and at the cantonal level provide extra provisions, describing further procedures of public presentations of draft plans, during which citizens are invited to express their opinion.

Other Comments / Remarks

Deliberative democracy is adequately provided in spatial planning procedures in Switzerland. Citizens can get directly involved in the decision making of planning processes and their opinion is taken into consideration in the finalization of the plan.

Information is widely accessible to citizens, making the participation of the public in the planning process even more accessible and transparent.

Main Planning Legislation

- ▶ Law on construction land (2008)
- ▶ Law on the implementation of the spatial plan of the Republic of Macedonia (2004)
- ▶ Law on the city of Skopje (2004)
- ▶ Law on Spatial and Urban Planning (2001)

Types of Plans (per level)

- Central level: - Spatial Plans - duration SP 15 yrs of “*the former Yugoslav Republic of Macedonia*” / of the regions / of special interest of the country / of the municipalities / of the city of Skopje
 - State urban planning documentation
 - Architectural urban planning project
- Local level: - General urban plan - duration GUP 10 yrs
 - Detailed urban plan - duration DUP 5 yrs
 - Urban plan for villages - duration UPV 10 yrs
 - Urban plan outside of populated places - duration UPOPP 10 yrs
 - Local urban planning documentation
 - Architectural urban planning project

Permanent public bodies involved in consultation / participation process

No available data.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

- Experts commission consultation.
- Public survey or presentation with hearing.

The role of citizens and their means in participation activities

Even if civic participation is regulated by law, little information is provided to the public before or during the preparation of a plan. As a result, citizens are not aware of the importance of the plans and show very little interest in participation procedures. However, interested people or investors can initiate the amendment of an urban plan by submitting their request to the Municipal Authority.

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

Citizens' involvement mainly takes place during the adoption process of a Plan; specifically, public surveys and public presentations are organised for the DUP, UPV and UPOP, in which citizens are invited to provide written opinions and proposals. However, during the adoption of a GUP citizens get less involved since professional hearings take place and specific target groups only are invited to participate.

Other Comments / Remarks

The legislative framework needs to be completed with provisions regarding additional mechanisms for public participation in the preparation of spatial plans.

TURKEY

Main Planning Legislation

No available data.

Types of Plans (per level)

- National Level: - Integrated Urban Development Strategy and Action Plan
 - Sectoral Strategic Plans
- Regional level: - Regional Development Plans
 - Regional Environmental Plans
- Local level: - Mater Plans (for Municipalities and Metropolitan areas)
 - Implementation Plans

Permanent public bodies involved in consultation / participation process

No available data.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

No available data.

The role of citizens and their means in participation activities

Public participation is ensured at the national level only for the protected areas.

Other Comments / Remarks

Public participation should be regulated by law. Moreover wider public participation in all processes of planning, at all government levels, should be ensured.

UKRAINE

Main Planning Legislation

- ▶ The law on urban planning fundamentals, in 1992
- ▶ The law on planning and building up of territory, in 2000
- ▶ The conception of sustainable development of the localities in Ukraine (1999)

Types of Plans (per level)

- National level: - General scheme of Ukraine territory planning
 - Scheme of territory planning for extra-valuable land
- Regional level: - Scheme of territory planning of Autonomous Republic of Crimea
 - Schemes of oblasts territory planning
 - Schemes of rayons territory planning
- Local level: - General plan
 - Detailed plan
 - Territory Division Plan
 - Building-up Plan
 - Urban Substantiation

Permanent public bodies involved in consultation / participation process

No available data.

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

No available data.

The role of citizens and their means in participation activities

No available data.

UNITED KINGDOM

Main Planning and Participation Legislation

- ▶ Although there is a great deal of secondary legislation, the primary legislation in England and Wales are the Town and Country Planning Act 2004, which replaced the Town and Country Planning Act 1990, and the Planning and Compensation Act 1991. Scotland and Northern Ireland have separate legislation.

Types of Plans (per level)

- National level:
 - i. Planning Policy Statements (PPS) and
 - ii. Mineral planning guidance notes (MPGs)
- Regional level:
 - i. Regional Spatial Strategies
- Local and county level:
 - i. Structure plans
 - ii. Local plans
 - iii. Unitary development plans (UDPs): up to 2004
 - iv. Waste plans
 - v. Mineral plans
 - vi. National Parks

Permanent public bodies involved in consultation / participation process

- Regional Government
 - Regional Planning Body
 - Regional Development Agencies
 - Government Offices for the Regions (responsible for housing, planning, transport etc)

- County Councils in rural areas
 - Local Strategic Partnerships
 - Community Planning Partnerships

- Local Government
 - Local Strategic Partnerships
 - Community Planning Partnerships
 - Community Strategies (long-term vision and action plan)
 - Local Development Framework, with a Statement of Community Involvement
 - Neighbourhood Renewal strategies (in 88 areas)

Chosen methods (public participation, consultation, debates etc) according to tiers of government and levels of plans

Both public participation and consultation have long and growing tradition in the United Kingdom legislative system and such methods are familiar at all levels of governance and of spatial plans.

The role of citizens and their means in participation activities

No available data.

Other Comments / Remarks

Although participatory democracy is formally foreseen at all levels of government, practice has shown that citizens distrust these procedures. However, the growing involvement of ITC in participation procedures is expected to have a significant impact on the public, regarding both matters of access to information and public confidence.

SOURCES

(Used in the comparative analysis of CoE member States)

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Part three

THE NAFPLION DECLARATION

Introductory remarks

The "Nafplion Declaration: Promoting Territorial Democracy in spatial planning"¹, (adopted as Resolution no.1), was the main product of the 16th session of CEMAT, held in Nafplion (Greece) on the 17th of June 2014, in the framework of the Greek Presidency (2011 - 2014). The document was jointly prepared by the Hellenic Ministry of Environment, Energy and Climate Change (supported by the Department of spatial planning and regional development of the University of Thessaly) and the Secretariat of Council of Europe (CEMAT). On the other hand, a lot of member states considerably contributed to the reshaping and the finalization of the initial document by their comments and remarks from the beginning (during CSO meetings) until the Ministerial session in Nafplion as follows.

During the 94th meeting of the Committee of Senior Officials (SCO)² it was decided that the Member States would be invited to prepare national contributions on the agreed theme of the 16th Council of Europe Conference of Ministers Responsible for Spatial/Regional Planning (CEMAT) "Territorial democracy: the role of public participation in the process of sustainable territorial development of the European Continent" as well as on the role of CEMAT.

The Secretariat received twenty replies in total. A new synthesis, taking into consideration the various comments and remarks from member states, was then prepared by the Secretariat, in collaboration with the Greek presidency, aspiring to summarize current trends in participatory planning as well as to identify impediments and to highlight best practices.

¹ 16CEMAT(2014)5FinE

² 94th CSO meeting (04.10.2012), Thessaloniki (Greece), 16CEMAT-CHF94(2012)16E

These contributions were amalgamated, along with the initial texts, in order to form the core of a document that was subsequently debated, predominantly in the light of the 96th CSO meeting³, but also afterwards. The Secretariat received and took into consideration several comments, on many occasions very detailed ones, both from the Member States and from the participating experts. The end result of this process is Resolution no. 1 Nafplion Declaration: *Promoting Territorial Democracy in spatial planning*⁴, following the 16th CEMAT session on the 17th of June 2014.

The overall objective of this resolution is to provide some guidelines, based on best practices that can be adopted by Member States in order to leverage the potential of participatory democracy in spatial planning. The declaration sets a framework in which people can express informed opinions regarding spatial plans that affect them directly or indirectly and can influence, to varying degrees, the spatial plans of their territories.

This Declaration can substantially increase awareness among Member States of the topic. Similarly to previous CEMAT texts, it can become a reference document to be considered in policy reforms in the following years. This is particularly useful for political leaders and administration, but also for professionals and scholars.

The very broad geographical coverage of the countries that participate in CEMAT adds unparalleled value to the international dimension of this resolution. It can become a source for facilitating cross-border cooperation and for establishing common ground to resolve international spatial planning issues.

The declaration sets an example of the fruit that international cooperation in spatial planning can bear, even when sensitive topics such as public participation are concerned.

³ 96th CSO meeting (29.04. 2014), Strasbourg (France), 16CEMAT-CHF96(2014)10

⁴ 16CEMAT(2014)5Fin E

NAFPLION DECLARATION

Promoting territorial democracy in spatial planning

WE, THE MINISTERS responsible for spatial planning of the member States of the Council of Europe, meeting in Nafplion, Greece, on 17 June 2014, at the invitation of our Greek colleague, Mr Yannis Maniatis, for the 16th session of our Council of Europe Conference.

RECALLING the Guiding principles that apply to spatial planning processes and initiatives having an impact on a territory, its population and well-being enshrined in Recommendation Rec(2002)1 of the Committee of Ministers of the Council of Europe on the Guiding Principles for Sustainable Spatial Development of the European Continent.

MINDFUL of the Council of Europe Convention on Access to Official Documents (STE no. 205) and the Additional Protocol to the European Charter of Local Self-Government (STE no.207).

ALSO MINDFUL of the definition of Participatory planning in CEMAT's Glossary as "*a specific form of planning activities practiced by public authorities mainly at local level which makes possible for the citizens to play a part in the planning process*".

GRATEFULLY ACKNOWLEDGING the opportunity offered by this 16th session, held at the invitation of our Greek host, to discuss the theme "*Promoting democracy in spatial planning*".

I. DECLARE

- a) The recent financial and economic crisis, as well as the accelerating globalization, have unveiled the vulnerabilities of European societies. Substantial impacts are evident on some of the territories of Europe, significantly increasing regional disparities.
- b) Similarly, such factors as demographic change, unevenly distributed across the territory, climate change and the financial sustainability of projects are influencing the decision-making at domestic and European levels to an extent rarely experienced so-far and make a strong case for participatory planning.
- c) At the same time the development of the "*digital society*" as witnessed by the exponential growth of the number of users of social media has immensely enlarged the potential and scope of participants in the consultation and decision-taking processes, outside the traditional arenas of the democratic debate.

- d) Spatial development policies, like other public policies, have a major impact on peoples' lives and their quality of life. They guide and support the choices as to where people live, where business can be established, how public utilities and public services are distributed across the territories and how access to them is ensured.
- e) These policies are subject to the same public scrutiny and public accountability as other public policies. They must be - and be seen to be - transparent, responsive and effective, in terms of public participation and delivery of appropriate responses to economic, cultural, social, environmental and demographic challenges.
- f) By all means, we are witnessing a consolidating demand for transparency in decision-making processes, enhanced public participation and full accountability by those exerting public authority.
- g) Our member States' legislations and policies with regard to public participation in the process of sustainable spatial development have numerous features in common the consolidation and sharing of which will facilitate the spreading of good practices and improve the democratic quality of spatial planning processes.

II. AGREE THE FOLLOWING GUIDELINES FOR PUBLIC PARTICIPATION IN SPATIAL PLANNING

A. Public participation is important

1. Spatial planning has to deal with conflicting interests in the use of space, through balanced and equitable adjustments, alterations and concessions.
2. Public participation enables interested parties and actors to engage in a process of reconciliation of interests within a given set of rules.
3. Public participation, in its full diversity, aims to inform political decision-making on spatial planning policies in compliance with democratic rules.
4. Public participation allows for the purpose and goals of spatial planning policy to be shared and benefit from the widest public support. It is an exercise in democracy and consolidates the legitimacy of a shared decision making process and the sustainability of its outcomes.
5. Public participation enables communities to develop and pursue a shared vision for their territory and enhances their sense of belonging.
6. In particular, in spatial plans impacting socially or economically declining or destitute areas, notably urban deprived areas, public participation can be a useful tool for social inclusion and social cohesion.

B. Who should participate

7. Actors involved individually or collectively in public participation in spatial planning have distinctive characteristics, perspectives, and motivations to participate.
8. Procedures should allow for individuals, territorial authorities at various levels of governance and interested groups to express themselves fully yet orderly.
9. Procedures must enable everyone of those impacted by or having an interest in the plan to participate.
10. Public participation should not be limited to residents in a given area but open to persons and groups having an interest in the plan or the process, such as the business community, the users of services, those who are likely to be affected or anticipate being directly or indirectly affected by the outcomes of the plan or the process, civil and other professional organisations.
11. In case spatial planning in a given country has or is likely to have an impact across the border, the neighbouring populations and authorities should also be informed and given an opportunity to take part in the public participation process.
12. In order to enhance the effectiveness and efficiency of the participatory process, both the motivation and capacity of the public concerned are important and may require the provision of adequate and timely information. Specific training on communication, participation and decision-making skills prove helpful.
13. Awareness-raising measures involving as appropriate civil society groups should be considered as part of the process.
14. It is important that individual decision-makers or bodies with decision-making authority make themselves available for questioning and debating with the public, in the most appropriate form, prior to taking any definite decision.

C. Modalities of the process

15. Public participation modalities may vary in relation to the territorial scope of plans, their planning level and the size of populations concerned as well as to the administrative structure and degree of decentralisation.
16. Public participation methods must be sensitive to the local context and take into account local characteristics, be they cultural, social, economic or environmental.

17. Public participation should be included in the spatial planning process as an essential component of it, as far as possible from the inception of the planning until its completion and beyond, possibly covering the implementation and evaluation phase too.
18. Spatial planning processes should be conducted in a way that is transparent, participatory and open to scrutiny by those concerned.
19. It is important that spatial planners or spatial planning consultants with adequate skills as facilitators provide professional technical support in order to remedy skill deficiencies and enable a better representation of participants' arguments and proposals.
20. Spatial planners and policy makers should see public participation as a means of improving and validating their work not as an impediment to it.
21. Territorial authorities at different levels must be involved in participatory planning both as responsible for the process and as concerned stakeholders. These authorities must possess or be enabled to acquire an understanding of the specific context and issue, communication skills, technical assistance and time availability.
22. A public body or authority that is recognised as being impartial and credible could monitor and audit the public participation process to ensure that it is open, fair, inclusive and unbiased.
23. A prerequisite of effective public participation is the availability of and access to adequate and timely information.
24. Information must cover also the intended objectives, actions and implementation measures, their financing and time schedule of implementation as proposed by spatial plans.
25. Information should be comprehensible to those who have an interest and want to take part, coherent, unbiased and open to challenge.
26. Sensitive information related to national security, industrial property rights or privacy right of individuals may not be divulged. The fact that some information is not disclosed or made available should however be publicly acknowledged.
27. All levels of the public authorities involved in spatial planning should disseminate information and provide explanations in a timely manner about the most important plans in their territories, any progress and fundamental changes in the decisions already taken.
28. Information can be made available in a variety of ways and through a wide spectrum of means - publications, meetings, direct mailing, public hearings, internet and social media, etc.

29. Care should however be taken to include as much as possible those who have difficulties in accessing or using digital or electronic means of communication.
30. Due process of law should be guaranteed for people objecting to a particular decision pertaining to the public participation strategy, process or result.
31. Timing and phasing of public participation should be managed as an important element of the process. It should allow for enough time to foster the exchange of information and facilitate dialogue but at the same time it must be concluded within reasonable times not to hamper decision-making.

D. Outcomes and follow-up

32. Outputs of the participation - comments submitted, objections raised, additional or alternative proposals made, etc - must be made public, whether changes or adjustments are made to the original plans or not. Whenever the outputs are not taken into consideration, this must be justified.
33. This information is important in order to foster a sense of usefulness for those who have taken part in it and to promote accountability on the part of spatial planners and decision making bodies.
34. Lessons learned in particular with regard to raising the capacity of democratic and service-oriented local institutions, communication techniques and community empowerment should be processed, disseminated and taken into account in subsequent spatial planning.

III. COMMIT OURSELVES

To follow these guidelines, within our means and competences, in accordance with the principle of subsidiarity, and to promote also their use at the regional and local levels.

