

Review of European Planning Systems

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Acronyms and Abbreviations

AHI	Ireland	Affordable Housing Initiative
AHP	Ireland	Affordable Homes Partnership
APCE	Spain	Association of Developers and Builders
ATLAS	England	Planning Advisory Service Team for Large Applications
BauGB	Germany	Baugesetzbuch <i>Federal building code</i>
BauNVO	Germany	Baunutzungsverordnung <i>land use ordinance</i>
CIL	England	Community Infrastructure Levies
DDE	France	Direction Departementale D'equipement <i>State planning office at 'regional' level</i>
DoEHLG	Ireland	Department of the Environment, Heritage and Local Government
ESIOP	Ireland	Economic and Social Infrastructure Operational Programme
EU		European Union
GDP		Gross Domestic Product
GFCF		Gross Fixed Capital Formation
HLM	France	habitation à loyer modéré <i>social housing associations</i>
IDCDC	Ireland	Inter-Departmental Committee on Development Contributions
LBO	Germany	Landesbauordnung(en) <i>State building regulations</i>
LDV	England	Local Delivery Vehicle
LEG	Germany	Landesentwicklungsgesellschaft <i>State development company</i>
LTV		Loan-to-Value
NDP	Ireland	National Development Plan
NHPAU	England	National Housing and Planning Advice Unit
NSS	Ireland	National Spatial Strategy
PDU	France	Plan Deplacements Urbaines <i>Local mobility plan</i>
PLH	France	Plan Local de Herbergement <i>Local Housing Plan</i>
PLU	France	Plan Local d'Urbanisme <i>Local Urban Plan</i>

PPS		Purchasing Power Standards
PPS1	England	Planning Policy Statement One
ROG	Germany	Raumordnungsgesetz <i>federal spatial planning act</i>
SCOT	France	Schema de Coherence Territoriale <i>Intercommunity PLU</i>
SDZ	Ireland	Special Development Zone
SRU	France	la loi relative à la solidarité et au renouvellement urbains <i>Solidarity and Urban Renewal Law</i>
UK		United Kingdom
VAT	England	Value Added Tax
VINEX	Netherlands	Fourth Policy Document on Spatial Planning Extra
ZAC	France	Zone de l'aménagement concerté <i>urban development plan</i>

2. Overview of the planning systems

Key points

- The flexibility and the discretionary nature of English land use planning contrasts with the certainty provided through legally binding land use plans in other countries.
- In England there are overlapping planning and policy systems involving different aims and processes.
- The degree of negotiation over planning permission in England contrasts with decisions based more strictly on compliance (or lack of compliance) with local plans elsewhere.
- All the countries have a hierarchy of planning powers with policies set at a national level handed down, often via a regional or provincial plan, to be interpreted in detail at a local authority level.
- Proactive policy-driven land assembly and land supply processes in the Netherlands, Germany and France contrast with a more passive and reactive approach in England.
- There is the potential to incentivise higher levels of house building in England especially if the planning system is aligned with a more effective use of local delivery vehicles.

Introduction

In this chapter the principal features of land use planning systems in England are set out and then contrasted with systems in the other five countries. There are comments on different types of planning system and different processes as well as the varying degrees of certainty attached to local plans. A contrast is made between planning systems and land supply systems.

No one country is seen as corresponding totally to any ideal type and changes are seen to be in progress that are leading to some convergence of systems, led by competitive pressures and the impact of the European Union (Nadin and Stead, 2008). The distinguishing features of the English system (identified by Nadin and Stead, 2008) include a pragmatic approach to governance, a consistent and firm application of urban containment policy and a formal system with an emphasis on “land use management”. Of this system it is argued, “Although formally described as plan-led, there is much negotiation around decisions of any significance and the system offers considerable discretion; decisions on development are made on their merits with no binding zoning instruments” (Nadin and Stead, 2008, p.41).

In each of the countries studied there is a hierarchical relationship with central government at the top setting the overall policy and providing the basic legislation. At the other end are the local authorities or municipalities who have the responsibility for developing the detailed land use plans.

In between these two levels there is a middle tier. This sets guidance and provides some planning principles for the region/province. In Germany, it is additionally rather more than this, as this tier (the individual states or Lander within the federal state) set their own spatial planning legislation (under guidance from central government). In Spain there are two significant layers of government between the central state and the municipalities. These are the autonomous communities who provide planning legislation and the provinces who then provide general spatial frameworks within this legislation. Table 1 provides a brief overview of the various government tiers and responsibilities.

Table 1: Government tiers and planning functions

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Government Tier	England	France	Germany	Ireland	The Netherlands	Spain
Central/Federal government	Plan Set policies and guidance.	Set national codes, which provides the basis for local regulation.	Guidelines and principles.	Sets policies and guidance. Sets National Spatial Strategy.	Policies and guidelines.	Provides general framework for the planning system.
Autonomous communities	Function Sets policies that are to be implemented by lowers tiers of government. Coordination between national and regional planning.	Sets policies that are to be implemented by lowers tiers of government. Coordination between national and regional planning.	Sets policies that are to be implemented by lowers tiers of government. Coordination between national and regional planning.	Sets policies that are to be implemented by lowers tiers of government. Coordination between national and regional planning.	Sets policies that are to be implemented by lowers tiers of government. Coordination between national and regional planning.	Sets policies that are to be implemented by lowers tiers of government.
	Plan					Provides policies and guidelines
Region	Function					Implements the basic urban planning and housing policies. Develops own planning legislation.
	Plan Regional Spatial Strategies	The SCOT	Regional development plan	Regional Planning Guidelines	Regional plans	Regional plans
Local	Function Provides a spatial vision for the region. Outlines housing figures for district and unitary authorities to take forward in their Local Development Frameworks.	Covers several communes and ties together low-cost housing, infrastructure and environmental protections policies.	Establishing principles for planning within the region. Develops own planning legislation.	Requires regions to follow the provisions set out in the NSS.	Regulate spatial planning. Regional plans are developed from the national spatial plan.	Establish the framework for the spatial organisation of land uses and activities.
	Size – average population	1,550	5,000	40,000	23,000	4,800
	Plan Local Development Framework.	The PLU.	Preparatory land use.	Development plan.	Land use plan.	Master Plans.
Function	Outlines how planning will be managed in the local area.	Decisive legal document which provides the development plan for the local authority or groups of authorities. Establishes planning zones.	Binding future municipal development planning.	Sets out the local authority's policies for land use control and development.	Must fit with the regional plan. Regulate the use of land within the municipality as well as maximum height and width of buildings and constructions.	Define the distribution of different types of land (zoning) inside their jurisdiction. Plans also have detailed provisions for aspects such as density and building typologies.

England

House Building and House Prices

There is conclusive evidence (Wilcox, 2008) that private sector house building rates have not kept pace with house prices since 1990:

- House prices have risen nearly fourfold in 18 years;
- Private sector starts increased from 110,000 per year in the early 1990s to 150,000 per year in 2007; and
- Private sector completions have only risen from 130,000 to 160,000 over the same time period.

In the 1970s, overall house building rates were of the order of 200,000 to nearly 300,000 units per year, with councils regularly building over 100,000 properties year. The private sector was building approximately 150,000 units per year (DCLG, 2009).

The Government has set an ambitious overall target of 240,000 new homes per year by 2016 (Communities and Local Government, 2007). The National Housing and Planning Advice Unit has suggested that between 2008 and 2020, there should be a net addition to the housing stock of between 2.96m to 3.5m units (NHPAU, 2009).

Measures that have been put in place to achieve this ambitious target include enhanced targets for speeding up decision making on applications, review of planning development grant and capacity building such as the setting up of the Planning Advisory Service Team for Large Applications (ATLAS).

In addition, the National Audit Office (2008) made a set of recommendations on how to speed up planning applications for major housing developments. These included a more consistent approach over the use of pre-application discussions and greater emphasis on online consultations. It is unclear, however, at present the extent to which these practical initiatives will increase the scale of house building. These points have been reiterated by the House of Commons Public Accounts Select Committee (2009) in its report on 'speeding up the planning system for major housing developments in England'.

In order to improve the efficiency of the planning system, the Government commissioned a study on the development control system that was published in 2008 – the Killian Pretty Review (2008). It made 17 recommendations, including reducing the number of minor applications that require full planning permissions so that there is a focus on major proposals. The Government response, which was made available in spring 2009, supported many of these recommendations and it is intending to publish a consultation paper later in 2009.

House Building and Planning

The Barker Review in 2004 and the Callcutt Review in 2007 concluded that the planning system has not been responsive to market signals such as rising house and land prices. House price data

has been highlighted in the previous paragraph, while according to Wilcox (2008), the average valuation of residential building land with outline planning permission increased from £0.73m per hectare in 1994 to £3.8m per hectare in 2007. It is often suggested, therefore, that the planning system has operated as a regulatory mechanism and has hindered housing provision.

Planning Policies and Systems

It is, however, important to clarify what is the role and nature of planning. It is vital to distinguish between planning policies and systems. The former refers to the principles underpinning the operation of planning, while the latter relates to the planning process.

Frequently in reviews of house building and planning, there is an implicit assumption that the role of the latter is to facilitate and support house building. It is, however, clear from Government guidance (for example, Planning Policy Statement One – PPS1) that the role is to promote sustainable communities. This involves balancing a range of competing requirements, including housing provision, protecting and enhancing the environment, supporting economic development, facilitating regeneration and empowering local communities.

The planning system or planning process is top-down, hierarchical, complex and is subject to frequent change. Currently there are three overlapping systems:

- Traditional land use planning system that was developed in the 1980s and early 1990s and essentially relies on the private sector to implement proposals in approved plans;
- Spatial planning system introduced through the Planning and Compulsory Purchase Act, 2004, with an emphasis on facilitating and co-ordinating the delivery of sustainable communities; and
- Emerging policy making and performance management system based on local sustainable community strategies, local area agreements, national indicators and local delivery vehicles (LDVs).

As Marshall (2009) indicates, the planning process, the planning system and governance are also currently affected by a number of ‘external’ changes. These include, firstly, governance with an emphasis on collaborative arrangements between groups of councils through city regions and multi area agreements. Secondly, there is the changing landscape of regional policy making (see below). Finally, there is the on-going debate on the balance between central and local policies. For example, are national and regional house building targets to be imposed top down or is there now relatively greater local flexibility as part of the devolution agenda?

Nevertheless, the emerging policy making and performance management system has the potential through the use of reward grants to financially encourage councils to facilitate new housing development. However, the Government announced in May 2009 that it was proposing to reduce the amount of money available for housing and planning delivery grant from 2010/11.

There is also a significant time delay in implementing changes to the planning system. As has already been pointed out, the new spatial planning system was formally introduced in 2004. But it is unlikely that these changes will be fully implemented at a local authority level until the middle of the next decade. Yet the new system was introduced, in part, to modernise the planning process and facilitate new development as a key element of sustainable communities.

However, changes to the spatial planning system are being made before it is fully operational. For example, the Local Democracy, Economic Development and Construction Bill proposes the replacement of regional spatial strategies with a single integrated policy.

Costs and Benefits for Councils and Developers of Increasing the Scale of Residential Development

Currently, there are few financial incentives for councils to promote housing development. Indeed, facilitating new house building may result in increased revenue costs (through staffing) and infrastructure provision. There are, however, pressures from the external regulatory system run by the Audit Commission to meet housing need and demand and achieve a more balanced housing market. The new policy making framework and its links to the comprehensive area assessment system will heighten this requirement.

As the Barker Review (2004) on housing supply notes, the house building industry derives most of its profit from land. A consequence of this is relatively poor quality developments as customer requirements and design are marginalised. It is noteworthy that in spring 2009, the National Housing Federation highlighted that its housing association members were reluctant to buy empty new private property despite funding being available from the Homes and Communities Agency. Nevertheless, the Home Builders Federation pointed out that market research frequently reiterates that customers are happy with new housing built by its members. The current situation is that the Homes and Communities Agency provided funding of £350m in 2008/09 for the purchase of 9,600 unsold units. This exceeded the initial £200m announced by the Government.

More importantly, the focus is on acquiring suitable land cheaply and subsequently gaining planning permission. There is thus a strong case for providing greater certainty over land supply and planning permission, as this would focus greater attention on the scale and quality of development.

Infrastructure Provision

It is important to distinguish between 'macro' and 'micro' infrastructure. The former refers to major schemes such as new rail links, major roads and hospital provision. The Government, partly in response to the Barker Review, has introduced and enhanced strategic infrastructure provision through, for example, funding for growth areas and growth points.

Micro-scale infrastructure relates to site and off-site local provision. An especially contentious issue is the planning agreement system that centres on negotiations between planning authorities, infrastructure agencies, house builders and developers. Councils set out in their planning policies the community benefits that they seek to obtain through this system. The nature of these benefits are broad and wide ranging and extend to affordable housing provision. In essence, this is a form

of development land taxation. There are currently a number of issues with this system and they are:

- Planning agreements are time-consuming and resource intensive, i.e. there are high transaction costs;
- House builders may have purchased land (or obtained an option to purchase on a false assumption) about the level of community benefits – this will affect the viability of a scheme; and
- Developers and house builders are seeking to renegotiate (or even abandon) planning agreements because of the recession.

There is, thus, a strong case for a more straightforward and transparent approach on community benefits. The Government has recognised this issue since the end of the 1990s and various proposals have been put forward. This culminated in the inclusion of community infrastructure levies (CILs) in planning legislation in 2008. This would take form of a sum of money per property. The detailed mechanisms of its operation remain to be resolved. It is also clear that the vast majority of councils feel unable to implement this scheme during the recession. Indeed, the Government announced in its April 2009 Budget that the CIL would not be introduced until at least 2010.

Delivering New Housing Supply – The Role of Local Delivery Vehicles (LDVs)

As has already been pointed out, the Government is committed to a substantial increase in the scale of housing provision over the next decade. Much of this new provision will take place in four growth areas and a large number of smaller growth points. In addition, there has been a focus on developing a number of ecotowns – though the nature and timing of specific proposals is uncertain.

The delivery of these area-based initiatives relies principally on local delivery vehicles to enable and facilitate specific schemes. These include urban development corporations and local development companies.

At the same time, the Government's Housing Green Paper in July 2007 paid particular attention to smaller local delivery vehicles such as community land trusts and local housing companies. Although these are primarily focussed on affordable housing provision, schemes are likely to include some market provision.

These LDVs represent an interesting and important facilitating mechanism that brings together land, funding (including finance for infrastructure) and development expertise through partnership and collaboration between public and private sector agencies. In some cases, these LDVs have planning powers.

France

France is a unitary state, which over recent years has made considerable efforts to devolve competences and strengthen capacity at the regional level. It has a very different legal system to the UK, with for example national codes which provide the basis for much local regulation. The state still has a very important role, through the regional Prefect, in mediating conflicting interests in environmental planning and management. A large social sector has contributed significantly with the aid of direct subsidies to housing investment and production levels.

A common feature of the planning systems examined is the hierarchical relationship between the various tiers of government. For example, the planning system in France is characterised by planning powers at each of the three levels of the government: the National State, the regions and the local authorities. The more centralised model in France has been said to distinguish it from less centralisation in England (Newman and Thornley, 1996). The 2003 Urban Renewal and Solidarity Act makes use of planning instruments to implement a 20 per cent affordable housing norm for both new and existing areas, accompanied by a fine/reward system for local authorities that is dependent on their compliance with the Act. There has been a focus on collaboration between local authorities on strategic issues. A planning instrument that covers several communes, the SCOT, is intended to give strategic guidance to development and ensure a balance between development and the protection of the environment. It ties together urban policies in such areas as low income housing, transportation and infrastructure provision. It is a product of intercommunal cooperation. The binding and formerly dominant local plans (PLU) now need to respond to the strategic goals set out in SCOT.

Local authorities are responsible for the decisive legal document, the PLU. However, in practice many smaller communities depend on semi-private consultancies for the development of plans or the DDE/Agences d'urbanisme which originally provided mainly services connected with checking local plans against the law. Officially, the state still authorises the final decision, and delegates this to the local authorities. They also provide the mandatory 'diagnosis' document that needs to accompany each plan or proposal. In practice, the plans often come before diagnosis.

The PLU effectively provides the development plan for a local authority (commune) or group of authorities and the general planning rules that will apply to the locality as a whole and to particular sites. The PLU establishes planning zones that divide a locality in principle into: zones where new construction is permitted, which are likely to be where there is already some development as well as infrastructure in place; future development areas where infrastructure is either available or will be available; agricultural areas where only agriculture related development may occur; and protected areas where no new construction is allowed because of the historic, ecological or environmental value of the location.

The implementation of development and land use plans depends largely on the land tenure. Local Communities have the 'droit de préemption' (preferential purchase or expropriation) to promote development if necessary. Besides PLU, both a housing (PLH, Plan Local de Herbergement) and a transport plan (PDU, Plan Déplacements Urbaines) are mandatory for local authorities.

Developers (both social and private) make detailed proposals for housing projects in a ZAC (Zone de l'aménagement concerté, this is an *urban development plan* – plan for specific zones that have been identified on the PLU). ZAC's contain the plans for urbanisation, lotification (division into individual plots for eventual use) provision of specific facilities, architectural and technical specifications, and form the basis for applications for building permission. They also need to define the requirements for public consultation and the financing of the development. ZAC's have to comply with the PLU, which prescribes the public space, densities and general typologies. If they are to divert from the PLU framework, there is a procedure for negotiation, which can only be successful if the ZAC fits the strategic guidelines of the SCOT.

Before development can begin a permit is required that is at a broad level similar to the English requirement for planning permission. It lays down in detail all the conditions surrounding the development and it will be granted if the development is in line with the ZAC and the PLU.

Germany

The German planning system is a mixture of a plan and development-led approaches. It is characterised by hierarchical planning powers among the three levels of the government: the federal state (Bund), the local states (Länder) and the local municipalities (Gemeinde). The principles of 'subsidiarity', 'municipal planning autonomy', and 'mutual influence' are the bases on which the government acts more as 'enabler' than 'provider' in housing construction. Germany has a strong ethos of environmental management and mechanisms for integrating environmental concerns into decision making such as the long standing 'landscape plans' which provide, in effect, strategic environmental assessment of other plans and programmes, and regional resource management. Federal spatial planning in Germany is limited essentially to the development of guiding principles which provide the legal basis for state spatial planning and specifications for sectoral planning. The task of federal spatial planning is to focus sectoral planning and public investment from the point of view of regional and national structural policy.

The key decisions are usually taken at the lowest political level, and a higher political level should intervene only if the subject cannot be handled or organised by the lower one. The position of local municipalities (Gemeinde), where the main spatial planning competence is located, is strong and municipal autonomy is constitutionally guaranteed. Moreover, there is a collaborative mechanism in the German planning system. On the one hand, the planning strategies from a lower planning tier have to be taken into account when devising plans and principles at a higher level, especially in planning infrastructure. On the other hand, each lower level is obliged to consider the guidelines and principles of the higher level.

The Federal Spatial Planning Act, (Raumordnungsgesetz: ROG 1965) provided a framework for the Länder to develop their own spatial planning laws to provide details at a local level. The act also provides the regulations for planning at the municipal level. Spatial plans can be prepared by the Länder and the Gemeinde. In spite of the autonomy of the Gemeinde, the Bund and Länder both guide and support specific development activities at the municipal level via financial programmes. Moreover, the Bund and Länder initiate and support discussions about spatial strategies through innovative programmes and pilot projects.

The federal state (Bund) is responsible for establishing comprehensive frameworks for spatial development of the whole country, taking account of the general conditions for different policies, for example, housing policy and subsidy systems, but it has no direct planning competences.

The local states (Länder) are responsible for spatial planning at the state and regional level, which are regulated by their own laws, including spatial development plans, design guidance and building codes (according to the regulations and frameworks of the national level). The Länder are also responsible for defining regional policies and programmes, for example, housing programmes.

The local municipalities (Gemeinde) is the main body in the planning process and follows the principles and guidelines from higher planning tiers, in combination with implementing policies (for example, housing policies) of the Bund and Länder. It prepares the local land use plans designating building land, including land for housing, and provides infrastructure for the construction.

Ireland

The Irish planning system is hierarchical and centralised. The Department of the Environment, Heritage and Local Government (DoEHLG) is responsible for planning legislation and policy guidance. A unique feature (within Europe) is the independent third party planning appeals system operated by An Bord Pleanála (the Planning Appeals Board). Since 1993 the Environmental Protection Agency has been responsible for decisions on major environmental issues. This means that the planning system is essentially restricted to land use functions (Bartley, 2007).

The rapid economic growth of the 1990s took place in the context of a lack of appropriate infrastructure, an absence of a national strategic spatial framework and a limited institutional and governance capacity to guide and coordinate the development. The style of spatial planning in Ireland is similar to that of the England in that it has evolved from common law and the principle of precedent. A key distinction between the English/Irish system and the rest of Europe relates to the powers given to local government: the administrative system in Ireland has a dual nature in which central government sets legal and functional constraints for local authorities and then plays a supervisory role.

There are no statutory allocations of housing units or targets. Instead there is a requirement for all Regional Planning Guidelines to follow the provisions of central government's National Spatial Strategy (NSS). In turn, each county and city development plan must have regard to the guidelines in place for the relevant region. The Development Plan sets out the local authority's policies for land use control and development. It shows the expected sole or primary use for particular areas. There is a requirement for public participation in these plans which must be renewed every six years. Local authorities in Ireland take account of housing demand and plan for appropriate provision that is in line with national policy and regional guidance.

The current system, which was initially based heavily on the English planning system, dates from the Local Government (Planning and Development) Act, 1963, in which local authorities were designated as planning authorities but also charged with the responsibility for facilitating development. The large body of legislation since 1963 was consolidated and updated in the Planning and Development Act, 2000. This confirms the hierarchical system within the context of the NSS and regional planning. The NSS, which was set out in 2002, is the responsibility of central government (the DoEHLG); regional guidelines are prepared by the eight regional authorities and development plans and local plans are prepared by the eighty-eight local authorities. In Ireland the local authority functions are separated into reserved (political policy) and executive (management functions). Reserved functions are the responsibility of elected representatives and executive functions are performed by the City or County Manager. The adoption of a Development Plan is a reserved function but decisions on individual applications are an executive function.

The Development Plan sets out the local authority's policies for land use control and development. It shows the expected sole or primary use for particular areas. Local Area Plans have been a statutory requirement since 2000 and set out detailed policies, which must be consistent with the Development Plan, for specific localities. All development proposals require planning permission which means they will be vetted to ensure that they are consistent with the Development Plan. This development control function is exercised by local authorities who also have a duty of enforcement. They therefore have to police development to ensure that actions are in accord with permissions and they have to take actions against those who do not observe planning requirements.

It has been argued that local authorities can be active entrepreneurial agents with a strong emphasis on development. Most local authorities in Ireland now have separate development departments, which operate alongside and often in conflict with the planning department (Bartley, 2007).

There are two other notable elements of the planning system:

- one is the potential to designate Strategic Development Zones (SDZ). Planning applications in SDZ cases are quite straightforward once a master plan has been formally approved. The most famous of these is the Adamstown SDZ, a new settlement close to Dublin in which large scale residential development, with mixes of densities and tenures, was carried out on a phased basis, timed to the delivery of services such as a rail station, schools and other services.
- another is the Dublin Docklands Development Authority Act, 1997 which allows for simplified planning processes for delivery of commercial (mainly), housing and other development in the designated Dublin Docklands areas.

The Netherlands

The Netherlands is a decentralised unitary state with a well integrated environmental planning system with a strong ethos of environmental protection and land conservation. Of particular interest are the mechanisms of vertical and horizontal integration amongst jurisdictions and 'planning sectors'. Recent developments suggest that tensions are growing amongst the sectors, especially environment, land use planning and economic development with each national ministry preparing their own plans. There is also a slight weakening of the dominance of the public sector in determining spatial development patterns and more market oriented approaches.

Dutch land use planning has been top down with central government setting policy that is to be implemented by lower tiers of government. Policy has been highly prescriptive as to where development should occur. Preventing development in rural areas has been central to spatial planning policy and the preservation of open space is assumed to be a measure of the effectiveness of the Dutch planning system. The key legal document in the land use planning process is the land use plan (bestemmingsplan) that is produced by the municipalities. A building permit (bouwvergunning) may only be granted for proposed development that conforms to the plan.

There have been strong links between planning and housing policies. National spatial policy is to be interpreted and implemented by provincial and municipal authorities. Every few years there is a new 'Spatial Memorandum' that sets out the national policy. After the Second World War the

government opted for strong spatial planning supported and reinforced by a comprehensive housing policy with one ministry responsible for both housing policy and spatial planning (Priemus, 1998). The alliance between planning and housing policies became extremely close and by subsidising most housing projects, the national government in the past exerted a strong influence over the production and location of dwellings (Faludi and van der Valk, 1994). It has been estimated that about 95 per cent of housing production was subsidised in the 1950s (van der Schaar, 1987).

In the 1950s and 1960s preventing development in rural areas was central to spatial planning policy and it continues to be the case that, “The preservation of open space is seen as a kind of litmus test for the effectiveness of the Dutch planning system in general” and there are tight restrictions on the urbanisation of the countryside (Zonneveld, 2007, p658). Planning is still strongly influenced by The First Spatial Planning Report of 1960 which set out the concept of concentrating development in the Randstad, the ring of towns that includes Amsterdam, The Hague, Rotterdam and Utrecht, with green buffer zones between the cities and an open ‘Green Heart’ (Groene Haart policy) in the centre of the ring where development would be avoided. In the 1970s growth centres to promote ‘concentrated deconcentration’ were established.

It is clear that “land use regulation has always been restrictive, at least at certain locations, while showing a tendency to direct people towards other locations, deemed more desirable from a social point of view” (Vermeulen and Rouwendal, 2007, p.20). A key measure was the Spatial Planning Act of 1965 which remains, with various amendments, the cornerstone of the planning system. Through this legislation provinces and municipal authorities were expected to take account of national spatial policy and although central government has strong powers of enforcement, lower tiers of government were granted a degree of autonomy in interpreting national policy principles. The national government provides rough guidelines, which are translated to a lower scale at the provincial level, and finalised by municipalities. Municipal zoning plans determine in detail the use for each plot (Vermeulen and Rouwendal, 2007).

The relationships between the powers and responsibilities of the various tiers of government have changed since June 2008.

Before June 2008

- Provinces had to approve land use plans (bestemmingsplannen);
- Municipalities had the power to produce land use plans; and
- There were different strategic (non-binding) policy documents at the different levels of government (national government (*planologische kernbeslissing*), province (*streekplan*) and municipality (*structuurplan*)).

Since June 2008

- Provinces do not approve land use plans, but provinces and the national government are entitled to give directions to municipalities;

- National government and provinces are also entitled to produce land use plans (when they consider themselves responsible for the development of an area); and
- The strategic (non-binding) policy documents at the different levels are replaced by the so-called 'structuurvisie'. The 'structuurvisie' is the basis for the land use plans.

Spain

Two main principles underpin the planning system in Spain. The first and foremost is the right to housing. The constitution states that all Spaniards have the right to enjoy decent and adequate housing and public authorities have to promote the necessary conditions and establish appropriate standards in order to make this right effective, regulating land use in accordance with the general interest in order to prevent speculation. The second fundamental principle is equity in the distribution of benefits and costs resulting from development activities. The Constitution states that the community shall have a share (from 5 per cent to 15 per cent depending on the detailed circumstances) of the benefits accruing from town-planning.

The Spanish State is divided into three lower levels of government: Autonomous Communities; provinces; and municipalities. Urban planning is a competence of Autonomous Communities and local governments. The State provides the general framework for the planning system. Autonomous Communities may pass their own legislation within this framework, while local governments produce the detailed local plans. State agencies prepare sector-related plans on, for example, roads, ports, agriculture, and water. Regional plans establish the framework for the spatial organisation of land uses and activities; while the municipal plans make decisions on more detailed aspects of urban development (Franchini, 2008).

Planning follows a hierarchical structure of successive plans. Land classification is the main planning technique. Land is divided into three types: urban, developable, and rural (non-developable) land. Local authorities are in charge of this zoning process. Autonomous Communities are in charge of implementing the basic urban planning and housing policies, and should incorporate the contents of the State's sectoral laws and regulations into their own policies, financing schemes and regulations. Most planning decisions are made at the local level, following the policy guidelines established at State and regional level.

Local governments elaborate and adopt Master Plans, which define the distribution of different types of land (zoning) inside their jurisdiction. These plans also have detailed provisions for aspects such as density, building typologies, environmental protection, sustainability and historic conservation. Besides the control of urban development and granting planning and building permits, local authorities can also promote social housing in their locality, allocate funds for the promotion of rental housing and encourage the renovation of housing in old historical centres.

Land use planning systems and land supply systems

Land use planning systems are not the same as land supply systems. It is important to note that in contrast to England, in the Netherlands, Germany, France and to a lesser extent, Spain, it is possible to discern a land supply system that is driven by public policy. In each country local authorities play important roles in either assembling land for development or promoting schemes that support the supply of serviced land for residential development.

It has been argued that in contrast to other countries the planning system in England cannot make land available, it can only allocate land. This is true despite the requirement, reinforced by Planning Policy Statement 3 in 2006, that English authorities ensure that an adequate supply of land for housing has been identified (Barker, 2008). The important distinctions here are between identification, allocation and actual supply. The latter means that the land is ready to be part of the development process and developers are ready to develop that land. An important aspect of this is land assembly.

The land assembly and land supply processes in the Netherlands, Germany and France are very different from the English approach in the ways that they deliver land to the market. Under the traditional land development process in the Netherlands the municipality takes responsibility for acquiring land, putting the infrastructure in place and supplying it to the house builder. In Germany municipalities have played important roles in land assembly, particularly in cases of multiple ownership where a form of pooling of development rights has been important in facilitating development on complex brownfield sites (Oxley, 2004). In both the Netherlands and Germany local government are expected to ensure sufficient supplies of land for development (Cheshire, 2008). In France the municipality has taken a strong role in promoting land supply and development in urban areas through its participation in the detail of ZAC arrangements (see above). In other locations, especially the urban fringe, the process of *lotissement* has been important. This is a means of providing serviced building plots to private households or developers for individual development. This process is responsible for around a quarter of all housing plots each year. The *lotissement* is promoted by specialist private, but regulated, companies. They are short term holders of land who are in effect intermediaries between the initial owners and the developers and final users of the land (Golland and Oxley, 2004). In Spain, as stated above, private developers have to give five to fifteen per cent of their land when it is rezoned for development to the municipality. The municipality can then supply this at sub-market prices for subsidised housing development (Ball, 2009).

Proactive land supply policies are particularly important in Germany and some further comments on the system here demonstrate the significance of the distinction between land use planning and land supply mechanisms. Most Länder have established a semi-public development agency, a LEG (Landesentwicklungs-Lungsgesellschaft: state development company), which is a major actor in urban redevelopment and renewal. It is owned by the state, but operates independently on a commercial basis as a developer. It works in close cooperation with the local authorities by acquiring land, planning and providing infrastructure, developing schemes for housing, managing the completed developments and selling the developed land or completed buildings to investors.

Some local authorities (Gemeinden) leave land policy entirely to market forces, while others operate a policy of long-term land banking to maintain land supply for commercial and industrial uses. However, many Gemeinden operate housing programmes on municipally-owned sites to provide reasonable-cost housing, because of the high cost of land in urban areas. The Gemeinde can formally designate urban development zones, usually greenfield sites or large derelict sites, to develop areas of land for housing. The Gemeinde are then able to purchase all plots of land included for new development and for promotion of social housing on building land at relatively low prices. Compulsory purchase will be used if necessary. The landowners who guarantee to

implement new development may retain their plots, but may be liable for betterment charges. This means capture of the added value of land that was created by the Gemeinden in acquiring and converting the land to building land. It is used to finance the costs of infrastructure.

The size of local planning authorities

The information on the six countries shows that the local authority or municipality is an essential component of the planning system in each country. It is the local authority that prepares the local plan which determines what is developed on individual sites. The size of these local authorities that have these important planning powers varies a great deal between countries and is on average much larger in England than in the other countries. Data for 1997 suggests that an average population of 119,000 (in the U.K.) contrasts with 1,550 in France; 4,800 in Spain; 5,000 in Germany, 23,000 in the Netherlands and 40,000 in Ireland (Enemark, 2006). On the basis of such information it is apparent that detailed planning decisions are much more decentralised in other countries than in England. Enemark (2006) argues that more decentralised decision making promotes greater participation, increased popular consent and more responsive government.

Conclusions

Hierarchical planning systems with key decisions made at the local level within a nationally determined policy framework are the norm in all the countries examined. Local decision making and local plans are thus important. There are some significant differences in local plans in England compared with the other countries. In England the plans are made by much larger local planning authorities, they are less certain and not legally binding, allowing for more negotiation before planning permission is given. Planning systems in the other countries also tend to have more significant development promotion functions. Land supply for residential use is actively promoted through land policies and processes in some other countries in ways that are not found in England.

In England the role of planning policies is not to prioritise house building over other sustainable community issues. The planning system is complex and takes many years to change. It is affected by broader external changes in governance; and the spatial planning system and the new policy making and performance management system have the potential to help facilitate and incentivise higher levels of house building in the longer term. LDVs are an example of a development facilitation and promotion mechanism that can provide a counterbalance to planning restraints. They can thus form a positive development promotion function similar to that found within the planning policy and land supply systems in some other countries. The growing role of LDVs to implement and facilitate new building together with the spatial planning system and the new incentivised policy making and performance management system provides a potential basis to increase house building. If this is to be achieved:

- The spatial planning system must be implemented more quickly at a local level;
- Financial incentives for councils to encourage house building should be significantly increased; and
- Even greater use should be made of LDVs.