|On Translations of Planning Terminology - Challenges in Describing National Planning Systems in Common Transnational Languages

August E. RØSNES, Norway

Key words: Planning Systems. Planning Terminology. Statutory Planning. Practices.

SUMMARY

Tentatively this paper explores institutional structures to compare national planning systems. The investigation is based on initial descriptions, reports and legal documents from all together 11 Baltic-related countries. The national languages of the countries belong to several groups and sub-groups of languages as well as the planning systems exhibit different legal-constitutional origins and stratums of shifting political systems and ideologies.

A leading hypothesis is that institutional structures represent key-factors for analysing planning systems and accordingly for the selection and translation of national planning terms. Three kinds of institutional structures are considered decisive in this regard: The *national setting*, focusing on mechanisms for coordinating different kinds of public planning and on competing governmental systems affecting the physical environment; *internal structures* of the planning systems as such containing organisation, mandates, procedures and instruments and finally the relationship to the *civil rights system* through the property regime and the rights to participate in planning processes. The experiences confirm varying degrees of relevance of these institutional structures for making cross-national comparisons and for identifying and describing planning terms, cf. the table below.

Institutional structures	*Cross-national comparisons*	*Identification of description of planning terms*
National setting		
Kinds of coordination	Highly relevant	Lesser relevance
Competing systems	Highly relevant	Lesser relevance
Interconnecting structures		
Organisation	Highly relevant	Highly relevant
Mandates	Highly relevant	Highly relevant
Procedures	Lesser relevance	Relevant
Instruments	Highly relevant	Highly relevant
Civil rights		
The property regime	Highly relevant	Relevant
The participatory aspect	Highly relevant	Highly relevant

|On Translations of Planning Terminology - Challenges in Describing National Planning Systems in Common Transnational Languages

August E. RØSNES, Norway

1. BACKGROUND

This paper deals with an organised attempt to translate several European national planning terminologies into one language, English. Harmonisation of planning systems across national borders is a part of internationalisation trends (Healey and Williams, 1993; CEC, 1997, 2004). To some extents the observed converging tendencies take place under the umbrella of transnational constructions as within EU-countries. Whether directing powers or spontaneous adaptations are lying behind such changes national languages still prevail in descriptions of the respective systems. Both of which will therefore assume translations of national planning languages and the respective terms at least into one common language, subsequently named the translation language. Here, the purpose is to explore institutional structures decisive in analysing differences and similarities between planning systems as well in selecting and defining contents of planning terms. The working hypothesis is that these structures contain the key-factors for translating national planning terminologies into a common language.

COMMIN Work Package 1 is an INTERREG III B-project with the purpose to describe planning terminologies of 11 Baltic Sea related countries. 8 of these are EU-members; Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden; while 3 are bordering states; Byelorussia, Norway and Russia. The national languages of the countries cover several groups and sub-groups of languages. Besides, the planning systems exhibit roots of different legal-constitutional origins as well as layers of shifting political systems and ideologies (Davies et al., 1989; Newman and Thornley, 1996). Within quite narrow spans of time legal changes of the planning systems have taken place more or less continuously, even in the most politically settled states. Legislation at supranational tiers, as within UN and EU, is an important initiator of national legislation even within non-EU states. Transnational legislation calls for up dating of national planning systems and terminologies as the quite extensive editing of national planning dictionaries the latest years is witnessing (Finka et al., 1997; Finka, Prikryl and Semsroth, 1999; ARL, BTL and Nordregio2001; Nordregio, 2001).

Attempts to translate national planning systems into a common understandable language cannot set aside the fact that the planning systems are constructs of national languages, embedded in their respective constitutional systems. Presentations in the translation language will then be a representation of the respective national terminologies, but expressed in a common understandable wording. For this reason, the wording of planning terms in the translation language cannot be conceived as real terms belonging to the national planning system(s) of the translation language(s). This will only occur when the meaning of terms in the contexts of the respective planning system is the same. Since the national planning systems in this case are not easily compared to the national systems of the translation

language(s), the US and particularly the English ones (Booth, 1996), real equivalents to the translated terms are not supposed to be easily found in the translation language. These problems, although highly relevant, will not be elaborated further. Instead, it is argued that emphasis should be given to the constitutional-institutional structures that characterise national planning systems, thus creating conditions for understanding planning terms.

A starting point is the definition and delimitation of the national planning systems as institutional systems for public intervention. Traditionally, planning in this public sense is understood as a distinguished kind of governmental involvement in matters of the civil society, especially in terms of town and country planning. However, such planning of fairly short history is not the only governmental remedy for directing the evolution of the social-physical environment. Intervention external to planning might also be impacting, either on the efficiency of the planning instruments as such or directly upon human behaviour. One implication is that the meaning of planning terminologies included for instance in planning and building legislation needs to be viewed in relation to other kinds of government. However, the very carriers of meaning of planning terminologies are the internal interconnecting structures that configure organisational bodies and their power relations in terms of mandates, procedures and instruments. Finally, public intervention will have to consider civil rights and how these rights should be dealt with in planning. The terminology will in this regard mirror the struggle between planning and counter forces that affect the opportunities for coordinating diverting interests towards unified aims. These three aspects of characterising planning systems are discussed subsequently under the respective headlines named the national setting, interconnecting structures and at last civil rights.

2. THE NATIONAL SETTING

Local and regional planning authorities are the operative planning entities at the respective tiers. Assuming that this planning represents a kind of town and country planning, what is included, alternatively what more could be included than initiatives for influencing upon the physical environment affecting, and eventually how could such “external activities” be tied into the planning process? Planning authorities at these tiers have in most cases other kinds of responsibilities. Because of this there can be requirements for functional connections between all categories of planning at these tiers, covering a span of collaborative variants from coordination between more or less independent entities to joint working processes. In addition, planning or regulations within other sectors of government can be impacting the evolution of the physical environment. Accordingly, the ordinary category of planning discussed here is not the only public activity that might affect the physical environment. It can then be asked how these kinds of competing sectors of government are linked towards the ordinary planning activities.

2.1 Kinds of coordination

The division between state and municipal governments seems to be an important indicator in explaining how planning is organised and what it includes at different tiers of government.

Except mechanisms for coordinating planning activities across state and municipal divisions, state planning is usually synonymous with sectoral planning. Municipal planning on the other hand is somehow a comprehensive one justified through the mandate of municipal planning authorities to integrate inputs from diverse municipal sectors into one planning process. Besides, planning within these two divisions seems by and large to lack clear procedures for their mutual coordination, especially in matters of prioritisation and budgeting.

Within the municipal division ideas of, or requirements for, comprehensiveness create a kind of common denominator for assessing the scope of planning, at least at overall levels. Differences in what planning *de facto* includes have traditionally found strong explanations in differences between political systems of respective states. Planning within the so-called welfare state tradition of the Nordic countries is often used as example of comprehensive planning in which physical planning as well as planning of public activities for the provision of public welfare services are incorporated in one planning process (Østerud, 1972; Graubard, 1986). One challenge in such comparisons is that in most modern states some kinds of planning of public responsibilities for the provision of community services will be found, however of varying extents related for instance education, health, social welfare and perhaps culture. Although the level of public provisions will be varying planning can include several sectors of public responsibilities. Whether these responsibilities are included in one planning process where the outcome is verified in one planning document or divided into several processes producing separate documents, appears to be depending on planning traditions, legislation and practical arrangements. Besides, public responsibilities for this planning can be divided between several tiers, and furthermore diverted between sectors or entities through devolution and delegation. Such differences in contents and organisation of somehow similar planning activities will not only create needs for using different planning instruments. Also planning terminologies used in this regard will be different, and perhaps indicate that the planning in case is quite different from one country to another, whereas the totality of the respective planning activities might indicate strong similarities. These kinds of divergences in contents and characteristics can in the same way be observed during planning systems reforms, when planning mandates and terminologies are being changed, as exemplified by Tewdwr-Jones, Morphet and Allmendinger (2006).

2.2 Competing Systems Affecting the Physical Environment

A huge complexity of man-made factors is impacting human actors trying to command the evolution of the physical environment. Governmental interventions represent one category of such factors, of which planning through policies, regulations and financial tools just make up for a limited part. Other governmental interventions confined to particular sectors will directly or indirectly be influencing the outcome of planning. Since planning directed towards the physical environment primarily is concerned with development of land and land uses, the impact of other kinds of public interventions should be searched for accordingly. Theoretically, these external forces can work in line with planning and enhance its capacities to achieve targeted results. But they might also have some counteracting effects as well as they can the can be working more or less indifferently.

What governmental sectors are then potential alternatives, or conversely counteracting forces, to planning? Obviously, as pointed out by Williams (1970) any governmental activity that affects behaviour of the land market actors will also affect the capacity of planning to regulate future land uses. These actors, private or public, will therefore consider policies or regulations that can alter or induce changes to values of land or the attractiveness of sites when deciding over use of land or locations. In addition to planning, this author underlines that two other factors will influence the governmental struggle for land use control.

One is planning of public works, particularly infrastructure as state roads and rails, facilities for community services, public amenities and public administration. Transportation infrastructure, especially intersections, is usually considered important when it comes to localisation of almost any kind of activities, whether the servicing area should be regional or local. Planning of facilities for community services, public amenities and public administration represents normally upgrading forces urban areas as well as such facilities can be hosting positive attractions for different kinds of activities. The influence on the evolution of the physical environment will probably be fluctuating with the public works activities. Public works authorities are usually not only in charge of the respective planning activities. They are in contrast to the ordinary planning authorities responsible for projects implementation. As such they represent a regulatory factor in relation land uses as well as implementing forces when it comes to development control. The question is then how planning of public works is organised towards the ordinary planning. Two aspects of this organisation seem to be worth deeper investigations; the coordination of public works planning and the public works authorities' use of planning instruments, whether these instruments are exclusive for public works planning or they are general planning instruments under the rule of the ordinary planning authorities.

Another factor in this regard is the taxation system for real properties. This taxation is supposed to affect the priorities of property owners' and developers' when deciding over management of properties and development of land, hence influencing the possibilities for carrying out efficient land use policies, as argued by Williams (1970). Real property taxes are based on tax valuation and this value is taxed. It implies that both tax valuation and the taxation represent valid inputs to the actors' priorities concerning utilisation of land and projects implementation. The questions in case are whether this taxation will reach considerable levels or not, and eventually whether there are requirements or incitements for taking this valuation and taxation into consideration when formulating planning policies and land use regulations. Both questions reveal disparities that will have some impact on the national planning systems to affect the evolution of the physical environment.

3. INTERCONNECTING STRUCTURES

A planning system is a legal construction containing rules that empower planning authorities to act towards other public entities, market actors and affected groups during planning processes. All regulative tools the planning authority is entitled to use are statutorily embedded in this system. The task to translate national systems into a transnational language

requires that there are certain structures behind these legal constructions. Such structures can be used for systematising the search for terms to be translated as well as for comparing planning systems and terms. As in institutional analysis the organisational structures are separated from the power relationships that give them the power to act, and to use their authority to decide over other parties involved (North, 1990).

In the figure below the operative planning authorities and involved entities are some kinds of organisations, e.g.(Local Municipality). The planning authorities are legally empowered for planning, which is performed due to "the rules of the game" and the legal necessity to use particular tools to achieve objectives. Although the formal status of the planning authorities and other public entities involved are different, their planning related activities are interlinked through similar institutional structures, namely mandates (———), formal procedures (·····) and planning instruments (— · ·)

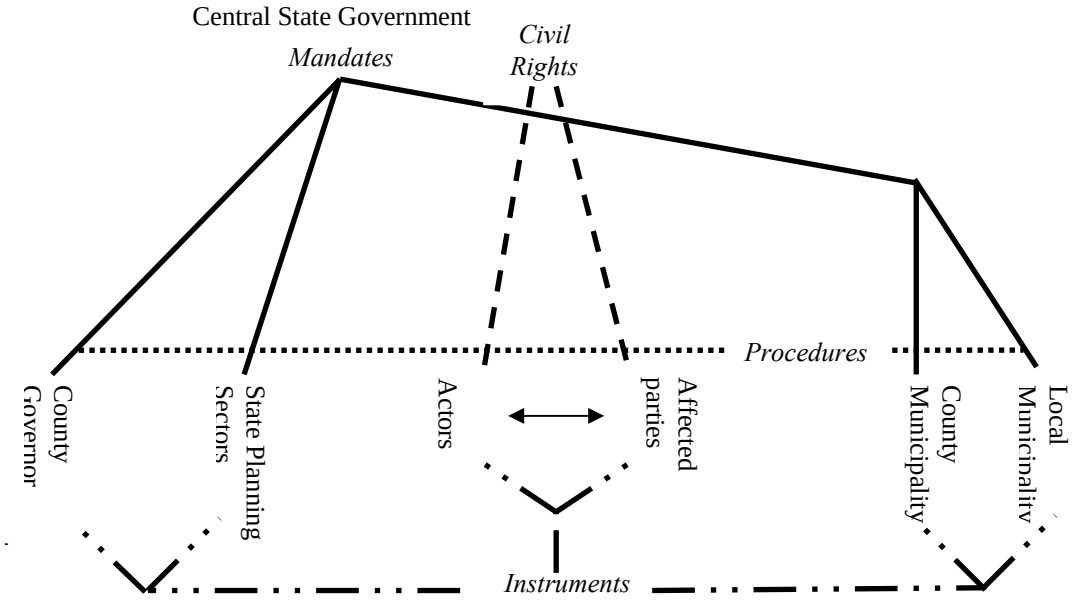

Figure: Functional relationships for searching relevant planning terms – case Norway

These structures define the content of the planning system according to public law. How the system will be working needs to be viewed towards the civil rights that empowers the civil society with tools for defending the individual and collective interests against encroachments engendered by conflicting interests or unintended and unwanted consequences of public or private activities. C*ivil Rights* (— — — ·) is therefore a bordering factor that partly can represent a supplementary, partly a counteracting force to planning, and accordingly affect the planning outcomes (Pearce, 1981; Webster and Lai, 2003). Hence, the institutional arrangements that connect the concern of civil rights to planning constitute a separate part of the planning vocabulary.

3.1 Organisation

Planning authorities are organised for serving their areas of jurisdiction. The number of territorial levels, and consequently the territorial organisation of authorities, is somehow, as easily explained, depending on scale and constitutional system, whether the nation is big or small and whether the state is federal or unitary, respectively. Besides deviating principles behind the territorial delineation of jurisdiction areas for different sectors contribute to differences in territorial organisation between countries. Moreover planning authorities happen to rule over territories that can be varying over time or established when deemed needed and revoked when planning services are carried out. Deviating or shifting principles in the countries' territorial organisation is frequently found at the meso levels. It means that regional planning can include quite many territorial variants as well as different organisational structures.

Planning authorities' assemblies can either be elected or appointed. When it comes to the very operative level, in local planning, the decision-making is somehow based on numeric democratic principles. In general this local planning is municipal. State organised planning is most commonly sectoral under the supreme authority of a ministry or, alternatively, arranged for particular purposes under the operative responsibility of a board. Planning in the municipal division is based on democratic principles while planning in the sate domain is under the rule of public administration as far state planning at decentralised levels are concerned. Exceptions are cases when state planning, sectoral or due to special arrangements, takes place under the responsibility of a committee or board of politicians.

The organisation of state and municipal planning reflects the organisation of the two divisions and their responsibilities. Relationships between state and municipal divisions are not easily explained. Varying degrees of municipal autonomy versus the state together with different coordinating procedures seem to be important in this regard. Planning in both divisions is normally entitled to use the same statutory instruments as types of plans and regulations. But the procedures for coordinating financial means to realise plans, not to say implementing projects, can be lacking or established in ways which in consequence reflects different levels of accountability among the stakeholders. Lack of consistencies in interrelations between state and municipal planning is also observed within the municipal division itself. One example is the lack of governmental hierarchy between the primary municipality for the local level and the secondary municipality for the regional one, an organisational structure well known from the Nordic countries. The diverse organisational structure of meso level planning reflects evidently the problem of finding acceptable models for the coordination of planning between local and regional municipal levels. Planning reforms tend to be narrowing the differences between national systems. The main strategy behind this tendency appears partly to be based on a reorganisation of municipal bodies, partly on a reallocation of the jurisdiction areas or combined. It implies that a clearer organisational division between state and municipal planning emerges as exemplified in the cases of U.K. (Tewdwr-Jones, Morphet and Allmendinger, 2006) and Denmark (Witt, 2005; Østergard, 2005), although the territorial organisations are somewhat different.

3.2 Mandating

Planning requires certain rights to initiate planning, where, when and how. In doing the planning tasks it can furthermore be asked to what degree and in which situations planning authorities can require contributions from or set agendas on behalf of other parties. All these questions invite to discussions on key mechanisms and accordingly terms that characterise different planning systems. For this actual case, the hierarchy of planning authority, i.e. the planning tiers, the monopolisation of the rights to plan and the possibility for a planning authority to adopt new plans in contradiction to plans under responsibility of the same authority represent key entrances, partially supported by Davies et al. (1989), CEC (1997), to understand how the mandates of planning authorities are working, and in consequence their power towards other authorities and market actors.

As a rule planning is organised into several tiers due to a governmental hierarchy that reflects the power of the respective authorities. The constitutional logic behind governmental hierarchies is that superior planning authorities will have the power to overrule the subordinate ones. Planning authorities are usually mandated for adopting specific types of plans, hence empowering the planning documents with some kinds of binding force. However this power to bind other interests is depending of the assumption that the actual plan does not contradict superior plans. If that should be the case the plan cannot be validated, alternatively the system can include mechanisms for a harmonising procedure that makes an adoption possible. In this case, which *de jure* seems to be the most common one, the hierarchy of governmental authority is maintained. A more indistinguishable variant occurs when the superior authority does not constitute a distinct tier in a governmental hierarchy, at least not in the actual category of planning matters. Usually, in such cases the superior authority is "superior" in terms of territory, for instance in countries where the secondary municipality covers areas of primary municipalities, and both municipal authorities are mandated for regional and local planning like in Norway (Røsnes, 2005). The jurisdiction area of the superior level can be multitudes of the respective areas at the closest subordinate level. In public activity planning and in non-spatial planning this splitting of authority and territorial responsibility might not represent noteworthy governmental problems. But in spatial planning engendering legal implications on the use of land this lack of mandate for maintaining control will require special arrangements if the superior authority should be able to operate as a separate tier.

The right to plan is by and large understood as an exclusive mandate for planning authorities to initiate the carrying out of statutory plans. At local level the planning authority that holds this mandate is normally also mandated for the plan's adoption. The planning authority's exclusive mandate to initiate planning is in some planning systems interpreted as "planning monopoly", like in Sweden and Finland (Viitanen, 2000; Alfredsson and Wiman, 2001). It implies that it is up to this planning authority to decide where and when to start plan preparation These more or less general legal interpretations will probably *de facto* reveal several variants, depending among other things on the authority's mandate, whether the judgement in such cases is constrained to formalities as the regulatory status of the superior

plan or substantial issues as judged by the planning authority. In the latter situation negotiations between the authority and the initiating party will most probably be an integral part of the decision to start or not to start the planning tasks. The planning authority's mandate to rule over other actors' planning initiatives should also be viewed in relation category of plans. In most planning systems statutory plans are limited to those categories of plans that are obligatory to use. But the same system can also include other types of statutory plans that can be set in to force voluntarily according to pragmatic judgements. The planning authority will usually hold the sole mandate for initiating the former category of plans. If it is up to the planning authority to judge whether the plan should be deemed obligatory or not, other parties can have a right to propose this type of statutory plan for public handling. One example is the Norwegian planning system, which allows anybody to initiate zoning plan proposals without any permission, although this plan category is *de jure* regarded obligatory for most development projects. In regulatory planning systems such a free right to initiate projects according to legal schemes is limited to the permitting phase when applying for building permissions (Booth, 1996). One particular consequence of this free right to initiate development plans is that it tends to limit the planning site to the actual project plot.

In local planning the planning authority is mandated for initiating two alternatively more types of statutory plans. When several layers of plans and regulations occur, what kind of mechanisms can be used for securing symmetry and consistency between plans throughout these regulative layers? Theoretically, according to legal possibilities, a few approaches seem to prevail. Revisions, particularly in order to up date strategic plans for meeting changes at the detailed level represent one possibility. Requirement for revising strategic plans before the contradicting detailed plans can be adopted is another, and lapse of the detailed plan's validity is a third one. In addition such contradictions between superior and detailed plans can be handled more informally through formulation of regulations, and through negotiations and adjustments (Booth, 1995). In contrast to planning systems that contain legal requirements for maintaining conformance over levels of plans, some systems opens up for approval of plans that contradict the superior ones. Systems that allow a free right for anyone to initiate proposals for detailed plans represent a special case in this regard. One decisive precondition for this possibility seems to be that no superior authority objects this approval or is mandated for requiring harmonisation of the plans. If the planning authority is mandated for adopting detailed plans that contradict superior ones, the former abolishes the latter, as far the contents coincide, and hence establish a new regulatory status over the actual area. Should several plan proposals be following the superior plan will be replaced "piece by piece", by upcoming detailed plans until a total revision is carried out.

3.3 Procedures

The planning process from the inception of planning to the final adoption of the plan is prearranged to certain statutory procedures, strictly formalised regarding announcements, involvements of other authorities and third parties, time limits, as well as requirements for reviews and conditions for adoptions. In legal meaning formalising publication of planning tasks and public handling of documents is a condition for the final validation of the planning

document as a regulative force. Deviation from prescribed procedures might, in the course of approval, be an obstacle for final adoption of the plan.

Beside the formal aspects of this validation procedures are connecting the planning authority to external parties, in ways that might open up for coordination, collaboration and perhaps participation towards third parties. Without exception, in any planning system such procedural mechanisms or requirements will more or less be focusing on the relationship between the planning authority and different external parties. Which parties and how these connections should be organised and for what purposes can be varying. In this sense the procedures represent mechanisms important or decisive for the outcome of the planning process, and hence, as Faludi (2000) underlines, for the performance of planning.

Legal requirements as well as planning culture can explain observed differences between planning systems when it comes capacities to integrate external actors in the planning process. As an example, both factors are used in explaining the traditional struggle for consensus in Dutch planning (Faludi, 1994; Faludi and Van der Valk, 1994). Be that as it may, legal requirements can anyhow be an important indicator on the capacity to include other parties in the planning process because of the legal impact on plans adoption. What kinds of legal requirements should then be looked for at what tiers?

Planning authorities, governmental agencies and other kinds of public authorities are in general legally required to cooperate in so far other authorities are concerned. But this duty is not necessarily specified and such specifications seem to be depending on, as indicated above, planning culture and historical factors. In the Nordic countries for instance the local and regional planning authorities can for planning purposes establish committees and require that other authorities, and state agencies concerned should appoint members to these committees in order to promote collaboration in planning. In addition to collaboration on planning issues, the tasks of such committees will have advice and support as important ingredients. The regional state authority shall oversee that state bodies fulfil their obligations. Further more, in Norway, exemptions from such collaborative duties, alternatively advice and support, can only be confirmed by a superior authority; in regional planning by the central state government in Government Meeting, in local planning by the Ministry. An important precondition for inter-institutional collaboration, vertical as horizontal, is the statutory duty to disseminate information about the planning process, for all types of plans, from its earliest stages to the announcement of the adopted plan.

3.4 Instruments

The purpose and content of planning will in one or another way settle the relevance of planning tools. A holistic planning approach is supposed to include a broader variety of means than needed in planning directed towards more limited fields of the society. In principle, an endless variety of tools can affect the plan's capacity to influence upon future decisions or to affect the physical environment.

Assuming that spatial planning in the contexts of national planning systems will comprise three rather well defined partial planning categories; regional development planning, economic activity planning and physical planning including sectoral planning, instruments for realising these three planning categories should be possible to keep apart. The purpose and content of these partialities will to some extents depend on national traditions, ideologies and factors rooted in political systems. Nevertheless, regional development planning attempts to take rule through development policies, and contingently through action and financial programmes combined, as indicated at regional level. Public activity planning is expressed through policies, budgets and programmes. While the main instruments in physical planning more extensively are depending on development policies and strategies for development control. It implies that the two former categories will include instruments that in structural terms are more or less similar. In main differences are supposed to be found in instruments directed towards the physical environment. Physical planning will somehow include measures from the two other planning categories either for allocating activities or implementing projects on the ground. It might therefore be argued that physical planning should connect to or merge with the two other planning categories, depending on how the relationships between all the three planning categories are organised, cf. the national setting and organisation above.

Beside policies, administrative and financial instruments, planning towards the physical environment requires instruments that can be used to directing efforts to the actual territorial scale for its realisation. Accordingly there should be possible to operate types of plans that reflects the different territorial levels where planning is obliged or needed. It implies that planning systems will at least contain one type of plan for each territorial level statutory required. For instance if planning is required for regional, local and developmental levels there should at least be three statutory types of plans, lets say named regional and local plans in addition to detailed development plans. This seems to be a rule in every planning system. The political-administrative tiers will then decide the number of statutory plans, except for the developmental level. But there are also planning systems containing more statutory types of plans than there are levels under statutory requirements for planning. Planning authorities of the tiers concerned will then have an opportunity to choose the type of plan found most suitable in the actual situation. In these systems there seems to be necessary to define which statutory type of plans that are obligatory, and which ones that can replace each other. In addition to the statutory types of plans there are certain possibilities in all planning systems to use informal types of plans, schemes, etc

Because physical planning is meant to affect spatial behaviour a kind of guiding or biding force is needed. All planning systems concerned belong to the regulatory zoning family. Accordingly, the development plan that constitutes a legal basis for the development control is as a rule legally binding. Still some deviating variants are noteworthy. The binding force of plans at superior levels can for particular purposes either be decided by the planning authority or all plans superior to the development plan can just impose a political-administrative force on the development. In some systems all plans under the local authority are legally binding.

In these systems there are possibilities to use all these types of plans as a legal basis for permitting.

Physical planning affects values of land reflected in land prices and at the same time create conditions for investments in urban infrastructure and facilities, hence facing demands for equalising changing land values and covering of urban development costs. Demands in this regard can only be met through particular instruments that can combine requirements for reallocations with necessary exactions for the covering of urban development costs. In main state and municipal responsibilities for financing infrastructure and facilities combined with regulative tools, constitute important preconditions for the existing means used to manage financial requirement. However, negotiative tools such as agreements, both for achieving access to land and for exacting contributions, seem to represent alternatives to the regulative implementing tools, like expropriation, regulative obligations, refunding, and alternatively fees.

4 CIVIL RIGHTS

The civil society is constitutionally empowered with rights to defend the interest of individuals against encroachments engendered by private as well as public activities, planning included. The civil right system is assumed to affect the content of the planning system, its mandate, procedures and instruments, as well as the operative planning activities. Although civil rights in this regard can be perceived as mechanisms for defending individual interests against external forces, they offer a variety of instruments for controlling relationships between private actors as well as their relations to third parties. Such private law instruments constitute in most planning systems also instruments for planning. Theoretically, these instruments are in main rooted in the property regime and its needs for using contractual mechanisms in property markets' transactions (Buitelaar, 2003; Webster and Lai, 2003). However civil rights for the purpose of defending individual interest will require information about potential encroachments as well as rights to empower participants to act (Sager, 1994; Rocha, 1997). The participatory aspect needs therefore, in one-way or another, to be incorporated in the planning system, particularly when it comes to its rules regarding information and possibilities to act on behalf of individual or collective interests.

4.1 The Property Regime

The idea of public rule over land resources has been an integral part of the modern planning ideology since its earliest stages. The aim to create coherence and orderliness in urban development requires control over land, and hence possibilities for the planning authorities to use instruments in order to acquire land for development purposes (Entrikin, 1989; Hall, 1998). Public acquisition of land was and is part of such strategies. In recent years, deregulation and marketisation forces have gradually changed the conditions for using these instruments in most European countries (CEC, 1997). The consequences in this regard are twofold. The planning authorities will to larger extents than earlier have to rely on planning regulations and networking towards other stakeholders for maintaining their control over land

use and developments. But at the same time they will be looking for means that can compensate for declining public ownership of land.

The obvious closest possibility is then to reinvent instruments under the property regime, namely contractual mechanisms, in order to enhance the capacity for controlling urban developments and land use in general. In many planning systems such mechanisms are under the rule of contractual freedom in the realm of contractual law. They are not incorporated in the planning legislation, and it has been more or less up to the planning authorities to decide whether and when these mechanisms can be used, and perhaps replace or supplement regulative instruments. Attitudes to the use of contractual means in planning are changing, for instance when statutory requirements regarding use and content of development agreements are being introduced in planning legislations. Legislation, and hence qualifications, for the use of contractual instruments in planning will modify and narrow the content of these instruments, compared to a situation in which it is up to the planning authority to decide over the use of these instruments according to the legal basis of the contractual law. Consequently, because of the legal origin the content of terminologies characterising these kinds of instruments will be varying.

4.2 The Participatory Aspect

Information to the public and affected parties is usually most extensively required for legally binding plans. In the more mature planning systems announcement of planning start is obligatory as well as public review before handling of the plan proposals for final endorsement. However the public's access to planning documents can be different at various planning tiers and for different categories of plans. Although the term participation is regularly used the level of participation according to a degree of codetermination is rarely specified (Arnstein, 1969). It is usually up to the planning authority to decide the participants' level of determination and how the participation should be organised and documented. An important aspect of tying the people's interest into the planning process is whether their opportunities to express their opinions on the plans' contents should have a legal bearing on the plans approval, meaning that inability to meet minimum levels of participation will have the consequence that the plan cannot be adopted. Conditions relating to the levels of participation will extend the diversity of the participatory terminology, hence necessitating terms for describing contents and implications on the planning process and plans' approval.

REFERENCES

Alfredsson, B. and Wiman, J. (2001) Planning in Sweden – fundamentals outlined, in I. Christoferson (Ed.) *Swedish Planning in Times of Diversity*, pp. 117-0, Gävle, The Swedish Society for Town and Country Planning.

ARL (Akademie für Raumforschung und Landesplanung), BTH (Blekinge Tekniska Högskola), Nordregio (2001) *Deutsch-Schwedisches Handbuch der Planungsbegriffe. Tysk-svensk handbok för planeringsbegrepp. Hannover, Rönneby, Stockholm,* www.nordregio.se

Arnstein, S. (1965) A Ladder of Citizen Participation, *Journal of the American Planning Association, 35:216-24.*

Booth, P. (1995) Zoning or Discretionary Action. Certainty and Responsiveness in Implementing Planning Policy, *Journal of Planning and Education Research, 14:103-12.*_____(1996) *Controlling Development: Certainty and Discretion in Europe, the USA and Hong Kong,* London, UCL Press.

Buitelaar, E. (2003) Neither market nor government. Comparing the performance of user rights regimes, *Town Planning Review, 74:315-30.*

CEC (Commission of the European Communities) (1997) *The EU Compendium of Spatial Planning Systems and Policies* (Regional Development Studies 28), Luxembourg, OOP of European Communities.

CEC (Commission of the European Communities) (2004) *A New Partnership for Cohesion: Convergence, Competitiveness and Cooperation: Third Report on Economic and Social Cohesion*, Luxembourg, OOP of European Communities.

Davies, H., et al. (Eds.) (1989) *Planning Control in Western Europe*, London, HMSO.

Entrikin, J. (1989) Place, region and modernity, in J. Agnew and J. Duncan (Eds.) *The Power of Place, pp. 30-3*, London, Unwin-Hyman.

Faludi, A. (1994) Coalition building and planning for Dutch growth management: the role of the Randstadt concept, *Urban Studies, 31:485-07*

_____ (2000) The Performance of Spatial Planning, *Planning Practice & Research,15:299-18.*

Faludi, A. and Van der Valk, A. (1994) *Rule and Order: Dutch Planning Doctrine in the Twentieth Century,* Dordrecht, Kluwer Academic Publishers.

Finka, M., et al. (1997) *Deutsch-Slowakisch-Tschechisches Handbuch der Planungsbegriffe,* Hannover, ARL.

Finka, M., Prikryl, Z. Und Semsroth, K.(1999) *Österreichisch-Slowakisch-Tschechisches Handbuch der Raumplanungsbegriffe,* Wien, Road.

Graubard, S. (ed.)(1986) *Norden – The Passion for Equality,* Oslo, Norwegian University Press.

Hall, P. ([1988] 1998) *Cities of Tomorrow*, Oxford/Malden Ma, Blackwell.

Healey, P. and Williams, R. (1993) European Urban Planning Systems: Diversity and Convergence, *Urban Studies*, *30:701-20.*

Newman, P. and Thornley, A. (1996) *Urban Planning in Europe. International competition, national systems and planning projects,* London, Routledge.

Nordregio (2001) *Polsk-svensk handbok för planeringsbegrepp. Polsko-szwedzki podręcznik pojęć z zakresu planowania przestrzennego,* Stockholm, R2001:5.

North, D. (1990) *Institutions, Institutional Change and Economic Performance,* Cambridge/New York, Cambr. Univ. Press.

Pearce, B. (1981) Property rights vs. development control, *Town Planning Review, 52:47-60.*

Rocha, E. (1997) A Ladder of Empowerment, *Journal of Planning Education and Research,17:31-4.*

Røsnes, A. (2005) Regulatory Power, Network Tools and Market Behaviour.Transforming Practices in Norwegian Urban Planning, *Planning Theory & Practice, 6:35-51.*

Sager, T.(1994) *Communicative Planning Theory*, Avebury, Aldershot.

Tewdwr-Jones, M., Morphet, J. and Allmendinger, P. (2006) The contested strategies of local governance: community strategies, development plans, and local government modernisation, *Environment and Planning A, 38:533-51.*
Viitanen, K (2000) *Finsk reglering av bygnadsmark i ett internationelt perspektiv,* Stockholm, KTH, Fastighetsvitenskap, Med.: 4:84.
Webster, C. and Lai, L. W. C. (2003) *Property Rights, Planning and Markets: Managing Spontaneous Cities,* Cheltenham/Northampton, MA, E. Elgar.
Williams, N., Jr. (1970) The Three Systems of Land Use Control, *Rutgers Law Review, 25:80-01.*
Witt, H. (2005) Fra regionplan til kommuneplan, *Plan, 4:158-2.*
Østergaard, N. (2005) Den nye planlovreform, *Plan, 4:128-2.*
Østerud, Ø. (1972) *Samfunnsplanlegging og politisk system*, Oslo, Gyldendal.

BIOGRAPHICAL NOTES

August E. Røsnes
Academic experience: Chartered Surveyor MSc, Dr. Scient.,the Norwegian University of Life Sciences.
Current position: Professor, Department of Landscape Architecture and Spatial Planning, The Norwegian University of Life Sciences.
Practical experiences: Research administration, urban planning, environmental planning.
International expert experience: Palestine 1994-98, 2003- ; India 2001-03.
Activities in home and internationa relations:
Member, Norwegian Society of Surveying, Mapping and Remote Sensing 1988-
Member, Norwegian Society for Housing and Planning 1986-
FIG, Commission 8, Norwegian delegate 1994-.

CONTACT

August E. Røsnes
Department of Landscape Architecture and Spatial Planning, Norwegian University of Life Sciences.
P.O.B. 5003
1432 Aas
NORWAY
Tel. + 47 64 96 53 51; +47 91 57 68 01
Fax + 47 64 96 53 01
Email: august.rosnes@umb.no