EXPLORING AND INVESTIGATING THE IMPORTANCE OF PARTICIPATION IN SPATIAL PLANNING

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March, 2010

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by

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Thesis submitted to the Faculty of Geo-information Science and Earth Observation in partial fulfilment of the requirements for the degree of Master of Science in Geo-information Science and Earth Observation, Specialisation: (Governance and Spatial Information Management).

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Exploring and Investigating the Importance of Participation in Spatial Planning

Abstract

Spatial planning has long existed in administrative systems across the world and specifically in Europe where the name generated since the term spatial planning (SP) is non British in origin but an inspiration from German and Dutch languages. SP for this study was taken to mean the administrative regulation of land use and a tool that local authorities use to determined rights and obligations concerning urban functions and uses as well as to govern future development. Participation has become so prominent in spatial planning to the degree that it is embedded in government legislations and is becoming some sort of democratic rights for the citizens. In setting standards for urban development, SP merge the public, private and the civil society stakeholders to arrive at policy maps. This research investigated what has made SP peculiar that there is much prominence of public participation.

The method used for this study has been content analysis of work done by planning professionals and scholars. Literature on administrative settings and legislation were the first focus followed by those on stakes in spatial planning and their holders and lastly a study on types of participation within spatial planning.

The Findings of this study shows that governments are gearing towards transparency and in an attempt to gain trust of the public in SP that has to do with restrictive tools; government enters into partnership with individuals and group of individuals to carry out these plans within the various tiers of administration. Citizens understand that spatial plans are a win loose situation in which one stakeholder gains and another looses thus for the sake of protecting their stakes in SP, they tend to participate in order to be favoured in the process. Thus participation is of importance for government authorities as well since stakeholders in spatial planning since their stakes are so sensitive and also vital for the growth of the community.

This study also reveals that, transparency has to be created by government and a sense of civility on behalf of the citizens since some sacrifices needs to be made during spatial planning leading to developments. Participation becomes necessary as the government tries to engage the civil society to gain trust via transparency while achieving its goals that are targeted towards spatial planning like urban and sustainable development.

Even though SP has a price in terms of time and resources on the part of the individual and group of individuals, they readily participate in this planning in order not to keep their stakes at risk. SP practices are shaped by the dynamics of economic and social change, which give rise to demands for space, location, and for qualities of places. The government in attempt to carry out development that is sustainable in nature tries to work in partnership with stakeholders who are always willing to give in their support to protect their interests as well and this has let to the prominence of participation in spatial planning.

Key words

Spatial planning, participation, stakeholders, public participation, government and European Union

Acknowledgements

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Acronym

DM	Decision Making
EIA	Environmental Impact Assessment
ESDP	European Spatial Development Perspective
EP	European Parliament
EU	European Union
EO	Elected Officials
EC	European Council
HIA	Health Impact Assessment
ICT	Information Communication Technology
MS	Member states
MSP	Marine spatial planning
SP	Spatial Planning
SH	Stakeholders
WFD	European Water Framework Directive
WHO	World Health Organization
Wro	Wet op de ruimtelijke ordening

1.   Introduction

1.1.   Government and Planning

A government is the body within a community, political entity or organization which has the authority to make and enforce rules, laws, and regulations (Osborne 1993). Typically, the term "government" refers to a civil government or sovereign state which can be either local, national, or international. However, commercial, academic, religious, or other formal organizations are also governed by internal bodies. Such bodies may be called boards of directors, managers, or governors and may be known as the administration 'as in schools' or councils of elders 'as in churches'. The size of governments can vary by region or purpose. Part of the government's job is to carry out planning. The definition of planning has been contested by scholars and this has led to serious debate on this issue. Planning has always swung between practices restricted to more physical or land use control or change or wider set of activities. However planning often implies the identification of problems, the exploration and analysis of alternative courses of action, and the making of decisions (Rakodi 2001).

1.1.1.   From Government to Governance

The concept of governance has gained a great deal of acceptance among political scientists over the past decades spawning an endless literature. It is used in local, regional, national and international arenas of policy making. There is therefore a kind of transfer of competence from, supra-national and national tiers of administration downwards towards powerful decentralised local/regional government and the emergence of new forms of partnership between public and private actors in public policy making (Borrás 2003). This therefore presupposes that governance makes government administration more horizontal.

Governing is what governments do, that is controlling the allocation of resources between social actors, providing a set of rules and operating a set of institutions of setting out 'who gets what, where, when, and how' in society. Governing thus involves the establishment of a basic set of relationships between governments and their citizens (Howlett, Rayner et al. 2009). Thus governance is all about establishing, promoting and supporting a specific type of relationship between governmental and non-governmental actors in the governing process.

1.1.2.   Planning and Governance

Planning is just more than a technique. It is a technique plus vision and commitment (Neff 1971).Most plans nowadays are geared toward good governance and in doing this the administrative body in charge get committed to make sure the best possible option of the planning is taken. In a governance perspective such plans needs to take into account the interests of the greatest majority of the citizenry to be affected in the process or who actually holds a stake in a given plan must be taken into consideration. According to (Faludi 2001), planning is not always learning and nothing but learning. This new paradigm of planning is embedded in most democratic debates as the bases of good governance and effective democratic procedures since they take planning as a non static process to involve all the citizens in an ongoing going process to refining sectors of state since it is a learning

process. Governance here in the context of planning ushers in the concept of democracy which is hailed by political scientists as the best means to protect the interest of all in this case making sure the voice of the voiceless is represented through democratic procedures and participation of citizens commendable.

1.1.3.　　　　Democracy and Participation

The framework of the functioning of today's governmental systems involves representative democracy (Hirst 1988). This model of democracy relies on a majority rule and enables participation only through voting, thus it constitutes a closed system for direct influence on decisions (Ataöv 2007). This model of democracy does not, however, respond to the needs of today's communities and the complex social and political system. In response to this shortcomings, global trends and today's philosophical argumentation stresses on the social content, in other words the popular control in the street. In a nut shell democracy could mean rule by and on behalf of the peaple (Coenen, Huitema et al. 1998).Representative democracy generates one truth and intends to apply that truth homogeneously without taking into consideration the needs of a heterogeneous social structure (Tekeli and P narc o lu 2004). The concept of 'all should participate' leads to a new social order of the *civil society*, whose conditions differ from the ones of representative democracy. Under a participatory democracy approach to public participation, representatives of all affected interests are encouraged to participate in the planning process,including members of the general nonaligned public (Moote, McClaran et al. 1997). This has let to transparency in governance.

The government is not suppose to use it powers to benefits it leaders for special interest at the expense of the general public. Should voters know that the government has voilated this trust, they will typically vote them out of office (Stiglitz 2002).However it is not easy for the government to act for the general interest of all citizens little wonder they do some actions without the knowledege of the citizens. As the world becomes more tightly integrated, many people want to have a say in, what used to be other people's business thus, there are good reasons to believe that increased transparency would frequently be beneficial, often indispensable, and sometimes a moral imperative using participation (Florini 1999). Citizens have proved willing to accept painful reforms like eviction from their parcel for a project of public interest, but only when they have been fully consulted and kept fully informed in the process as they participate and intimately understand what is going on (Florini 1999).This therefore shows that participation is a kind of panacea for legitimacy of government actions.

1.1.4. Participation: a best seller

Participation as seen so far means different things to different people; one reason is that many analysts confuse the intensities, with the purposes, of participation (McCall 2003). Nowadays participation is becoming the cornerstone of most democratic process in the world as the citizen's demand more than just to know what their government is doing to actually participating and debating on what they know so that their interest could be reflected in governments actions at the end of the day as (O'Faircheallaigh 2010) argued that participation involves an element of control over decisions by the public, through existing decision making structures and processes. Participation has been used in contemporary studies as a pace setter in decisions to represent the interests of the citizens especially when they actively get involved in the entire process of decision making from the early stage in the process. Spatial planning has been one of such areas were participation has been with great significance as planning professionals, governments and scholars have so far tinted.

1.2.   Spatial Planning

Spatial planning is a Euro English term referring to the concept of planning that is non British in Origin (Böhme 2002). Linguistically it is in fact a translation of the German term (Raumplanung) and the Dutch term (Ruimetlijk) Planning. Spatial planning (SP) is aimed at changing the organization of a spatial environment to meet the demands of a society (Healey 2004). As space becomes a limited resource the spatial environment is expected to fulfil multiple functions (Ligtenberg, Wachowicz et al. 2004). However other scholars like (Williams 1996) used spatial planning within the European setting to engulf city planning, regional and environmental planning encompassing all spatial scales from a local perspective to the whole of Europe. For the purpose of this research, *spatial planning* will be taken to mean the administrative regulation of land use and a tool that local authorities use to determined rights and obligations concerning urban functions and uses as well as govern future development (Balducci and Calvaresi 2005).

The term spatial therefore brings into focus the *'where of things'* whether static or in motion and of course the protection of special areas and sites taking into account the interrelation between different activities and networks in a given area and the significant intersection of nodes within that area (Healey 2004). For instance the rezoning of an area and setting standards for park areas could be considered as spatial planning. SP has had a wide range of evolution over time in history.

1.2.1.   Evolution of Spatial Planning

Spatial planning evolution has varied from one part of the world to the other. In Asia Improving the land management system (land ownership system, land use control system, land tax system, regulations on expropriation of land) was an important issue for making it possible to provide land and housing prepared with the improved basic living environment for people of low-and middle-incomes (Bank 2007). Taking into account that it was left uncoordinated and a series of land relating conflicts emanating each new day, interests of stakeholders in each country were intertwined with each other under its own unique circumstances, Asian nations proceeded to the creation of land use control in the 1970s with the creation of a master plan and systematic improvements for the long-term with a legal base to solve other future problems (Bank 2007). The complication in this early master plan in countries like Vietnam were characterised by corruption especially when it came to building permit and lack of transparency. With the emergence of an informed civil society, Asian countries as is the case of EU countries at present started calling for transparency in spatial planning system hence participation in the entire process to correct the flaws within land use practices. These tools let to bureaucratic procedures to acquire a building permit and that was SP in practice and participation ushered in due to changing social circumstances and malpractices like corruption in the process.

1.2.2.   Historicity of Participation in Spatial Planning

Participation in spatial planning goes back to the roots of thinking about planning and runs through Patrick Geddes teachings and the early garden city movement (Balducci and Calvaresi 2005). During his long stay in India, Geddes observed how royal engineers obsessed with sanitation in cities tried to introduce housing and urban models tailored for western cities into India which were completely inappropriate for the life style of the Indian people. Geddes defines this approach as'Haussmanising'(after Haussmann the planner of modern Paris) and noted that not only did it fail to consider the real needs of the inhabitants and follow different criteria from those of local people but it

also produced insufficient results and wasted resources (Balducci and Calvaresi 2005). Ahead of his time, many of his criticism of traditional SP were to become accepted thinking after Second World War when there was rapid urbanisation and industrialization.

The issue raised at the time was the gap separating professional social enquiry and ordinary knowledge. It was the same issue that gave birth to the community architecture movement led by John Turner as early as the 1950s.Supporters of this movement were of the opinion that the huge gap that separates the professional who designs a house, a school or a hospital from those who lived in those spaces creates the risk that the need of the user completely be misunderstood and argues that the causes of separation between experts and users must be reconsidered (Balducci and Calvaresi 2005). Participation began emerging in SP and has been emphasised by contemporary scholars, government and planning experts.

1.2.3. Participation in Spatial Planning

Participation has been given utmost attention in SP as the most legitimate practice within any state (Williams 1996). SP has evolved from non formal participation to formal participation. It is argued that participation gives the government the necessary feedback to formulate spatial plans that takes the citizens opinion into consideration (van den Hove 2000). In Scotland for instance public health staff worked with planning and housing colleagues in East Lothian to screen proposals like the proposal in the structured plan that let to a major new development of 1600 homes, approximately 3500 people, on the site of a former open cast mine at Blindwells. This exercise involved stakeholders including local residents and key informants aimed at identifying potential health impacts arising from the development (Higgins, Douglas et al. 2005). This shows how actors interact within spatial plans in Scotland as in other EU member countries as vital Stakeholders.

1.3. Spatial Planning from a European Perspective

Participation in spatial planning has been gaining roots among EU member states. Slovenia for instance witnessed the enactment of public participation in SP since the 1967 when bad land planning was only increasing conflicts in this country (Golobic and Marusic 2007). EU has joined other supra-national bodies to promote participation in all regional states that makes up the Union. EU legislations are guided by the fact that, persuasive power and dialogue is more acceptable than when decisions are imposed and participation in planning commendable especially on environmental issues (Wallace and Young 1997).Participation leads to legitimacy of final policy as stipulated by the European Commission of justice which always allows participatory decision takes precedence over non participatory decision in relation to member states (MS) (Wallace and Young 1997). This has been more significant in SP especially as it involves issue that deals with land use plus the enhancement of environment and sustainability. The SP Acts in Denmark for instance ensures that the overall planning covers the interests of society with respect to land use and contributes to protecting the country's nature and environment, in a bid to improve sustainable development in society with respect for citizens living conditions and also to make sure that the conservation of wildlife and vegetation is secured (Østergård and Witt 2007).

(Webler, Tuler et al. 2001) supports the fact that public involvement process in spatial planning would lead to informed and collaborative dialogue among stakeholders (SH) holding diverse interests and values about the region's economy, local communities, resources, and natural environment and hence leads to the legitimacy of the out come of the policy. Within the EU, steps have been taken to include

EU MS on spatial plans with a senior official sitting on the committee of spatial development representing each MS which prepared the European Development Perspective 'ESDP' (Williams 1996). This ESDP has been one of the glaring examples use to exhibit participation in Europe. Spatial Planning therefore integrates participation in one way or the other at all tiers of administration (Mitlin, Hickey et al. 2007). In the Netherlands, Participation in spatial planning is a legal right and individuals have the right to appeal to administrative courts of law if the private property is at risk (van der Valk 2002).

Participatory approaches are often costly to individuals and SH since all participatory data collection methods have a huge appetite for time, patience, solutions 'any solution' are needed too urgently (McCall 2003) yet this does not scare SH from participating. Often mandatory participation is supported by legislation and institutional framework .Local agenda 21 is another example of a supra-national agreed benchmark of the United Nations which insisted on involving the general public and business in promoting interaction with local authorities for sustainable development (Østergård and Witt 2007).

Denmark on the other hand, has made it mandatory for all stakeholders to be given an opportunity to comment on all spatial plans before they become effective as a policy (Enemark 2002). Participation in SP is becoming a democratic right within the EU member states despite the fact that the plans are spear headed by democratically elected representative of the people. This research therefore tries to explore this importance of participation in spatial planning as stated below.

1.4.　　　Problem statement

In spatial planning participation of stakeholders is lately becoming an integral part in the entire process as suggested by many authors of writing on spatial planning. Despite the fact that participation consumes a huge amount of time and resources, stakeholders in spatial planning participate in the entire process unwaveringly (McCall 2003). Legalisation from international conventions and treaties to national acts and negotiated agreements at all tiers of administration has so far insisted on citizens' participation in SP either at one stage of planning or at another. Citizens' participation is playing an increasing important role in preparing spatial development and land use plans. This has been hailed with significance within most governmental systems especially in democratic decentralized administration like the Dutch case. This is very peculiar in Europe where scholars on spatial planning have emphasised on the participation of public in the SP process. It is against this backdrop that this research investigates what is so important in spatial planning that participation of citizens gets so much attention. This research therefore will attempt to offer a perspective of the why question of participation in Spatial Planning.

1.5.　　　Main research objective

This research is aimed at investigating what is peculiar in spatial planning that there is so much prominence of public participation in the entire process.

Sub-objectives

➢　　　To understand and categorise institutional arrangements for spatial planning

➢　　　To uncover the key stakes that makes participation prominent in spatial planning

> ➢ To identify types of participation in spatial planning

The matrix below presents these research objectives along side some questions to assist in answering the main research objective.

General Research Objective	General Research Question
To investigate what is peculiar in spatial planning that there is so much prominence of citizens' participation.	What are the objects involved in Spatial Planning process?
Sub objectives	**Sub objectives**
To understand and categorise institutional arrangements for spatial planning possibilities	• What legislation guides Spatial Planning? • How have they changed over time? And with what significance? • At what administrative tiers are these changes more glaring in terms of Spatial Planning?
To understand the stakes involved in Spatial Planning	• What are the stakes involve in SP? • Who are the holders? • What are the spatial dimensions of the stakes? • How legitimate are they?
To identify types of participation in Spatial Planning	• What are the types of participation in Spatial Planning? • At what phase of planning is a Particular stakeholder involved?

Table 1 Research objectives and questions

1.6. Structure and logic of the research

This research piece is divided into seven chapters that are targeted to response to our research objective at the end of this study.

Chapter One provides a relevant background to support this topic for participation being so important in spatial planning as this gives more understanding of the research problem and the appropriate literature to focus on in answering the questions posed hitherto. This chapter will be titled Introduction which uncovers the concepts of Government and governance, planning and governance, democracy and participation and their relationship to spatial planning.

Chapter two is based on the research methodology which is focus on literature. This chapter sheds more lights on the general overall procedures of how literature was captured, search strategy and how the analysis was done.

Chapter three focuses more on the institutional arrangement in spatial planning. This chapter uncovers some general EU legislation and member countries legislative framework that guides spatial planning. The various tiers of administration will be discussed in terms of how they handle the issue of spatial planning as a whole. This chapter will answer the first objective of this study.

Chapter four introduces us to the second objective and uncovers the stakes involved in spatial planning and to tally them with their holders while understanding their spatial dimensions and justifying their legitimacy.

Chapter five identifies the types of participation in spatial planning classify them within a framework that highlights the degree of involvements of stakeholders in spatial planning and what sort of activity occurs within each stage in relation to their invitation to participate or institutional obligation. This chapter also shed light on the purpose of participation as well as the stages of participation.

Chapter six presents the results, analysis and discussion.

Chapter seven presents possible conclusions, reflections and recommendations of the entire study.

2.   Research Methodology

2.1.1.   Content analysis

Contents analysis is one of the most important research techniques in social sciences (Krippendorff 2004). This study was mainly based on content analysis. The content viewed data as representation not as physical event, contents of the documents where mostly government related documents from internet sources on participation, spatial planning, and institutional framework on a Eurocentric perspective. As (Reed 2008) suggested, stakeholders where identified and differentiated in terms of interests and their relationship with respect to the tiers of administration they are involved in with a critical review of these administrative settings and legislation.

2.1.2.   Concepts centric approach

This research was based on specific concepts used for data collection. These concepts under investigation here were centred on government administrative tiers and their legal systems, types of participation, stakes and stakeholders. Materials used were articles, conference papers, reports, books and government websites. These key concepts were studied and investigated upon. Examples of such concepts are presented towards the end of this chapter.

2.1.3.   Qualitative in nature:

This research is exploratory 'not confirmatory' and qualitative in nature, befitting this research topic and in conformity with the by laws of funding agent of the student (European Union) not to go out of Europe for field work. This work was based principally on secondary data. Case-based literatures and documents studied for this qualitative method of research with unpredictable effects. The primary source of information for the study has been from documentary evidence/decrees and content of some literatures. More so, relevant literature on Participatory Spatial Planning and related documents, memos, reports and meeting minutes relating to this study mostly from an EU-perspective with examples from EU member states (MS). Critical examinations were made on these documents to have an intimate knowledge of the individual and groups of individual with an interest at stake under investigation (e.g. an organisation, intervention, or issue), the stakeholder and participation analysis was conducted without the active participation of the stakeholders themselves, relevant institutional settings and participation type were uncovered based on the expert arguments and decrees that were related to this topic. Since the research was largely on secondary data recommendation made were not based on ground based evidence.

2.1.4. Sample of concepts

Research Objective	Concepts	Author (s)	Title of article(s) Book
institutional arrangements for Spatial Planning possibilities	EU territorial agenda/Institutional setup	Faludi, Andreas 2009	A turning point in the development of European spatial planning? The [`]Territorial Agenda of the European Union' and the [`]First Action Programme'
To understand the stakes involved in Spatial Planning	Stakes in spatial planning and environmental policies as a whole.	Welp, Martin Kasemir, Bernd Jaeger, Carlo C. 2009	Citizens' Voices in Environmental Policy
To identify types of participation in Spatial Planning	Participation Decision making	Wallace, HS Young, AR 1997	Participation and policy-making in the European Union
Relevant for al the Samples of Concept studied Objectives	stakeholders, participation, learning together, manage together	HarmoniCOP Group 2005	Harmonising Collaborative Planning
Relevant for al the objectives	Property rights, institutional change	Musole, Maliti 2009	Property rights, transaction costs and institutional change: Conceptual framework and literature review

Table 2 sample of concepts and authors use for the study

This research was based on this method of search with the relevant key words of spatial planning, participation, stakeholders, public participation and European Union frequently used to answer Objectives and questions which are part of the next three chapters. The analysis was done based on these out puts.

2.2.   General research structure
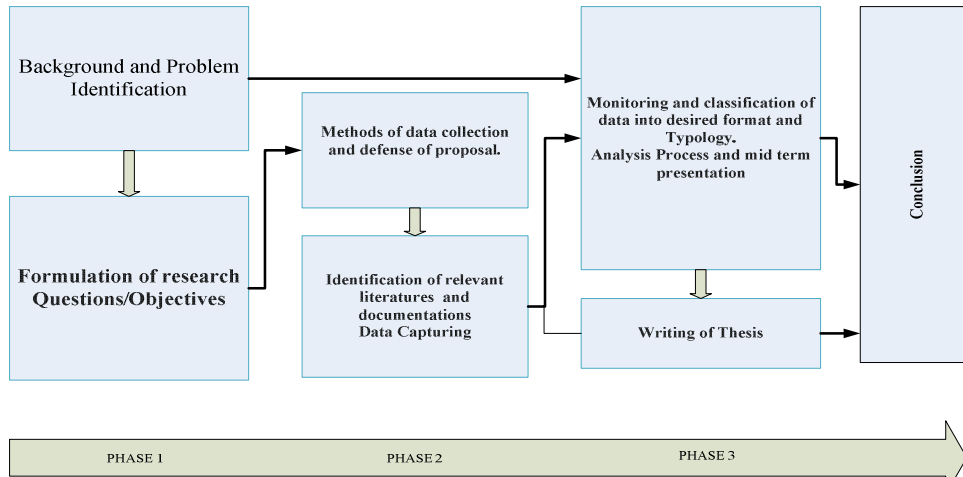
Figure 1: **An over view of research from background to conclusion.**

This structure of research was the guiding tool in the process of the entire study especially as it was a literature based study which needed an intimate understanding of the concepts and types of literature relevant to answer the main research objective.

The work flow from this point began by looking at the general institutional settings from government perspective and legal over view on spatial planning mostly a European perspective as a whole and her Member States (MS).

Weakness

The Method used in this research has exclusively been restricted to desktop research in which analysis is based on secondary data from literature.

3. Institutional Settings and Spatial Planning- EU perspective.

3.1. European Union Institutional Framework.

The European Union (EU) is not a federation like the United States of America. Nor is it simply an organisation for co-operation between governments, like the United Nations. It is, in fact, unique. The countries that make up the EU (its 'member states') remain independent sovereign nations but they pool their sovereignty in order to gain a strength and world influence none of them could have on their own.

Pooling sovereignty means, in practice that, the member states delegate some of their decision-making powers to shared institutions they have created, so that decisions on specific matters of joint interest can be made democratically at European level. Decision-making in the EU is characterized by an inter-institutional balance among the Commission, the Council of Ministers and the European Parliament. Any legislative activity of the EU commences with a proposal from the Commission (Bindseil and Hantke 1997). Upon this proposal, decision making is based on the principle of majority or unanimity.

Thus various organ of the EU are tailored towards meeting democratic legitimacy in all its action (Marks, Scharpf et al. 1996) which has been very challenging since Maastricht treaty that acted as a solid kick off point for the Union with regulation such as the Schengen visa implementation among others. The Maastricht convention made some interesting land mark on spatial planning.

3.1.1. The Maastricht convention (the Treaty of the European Union) and implication on EU Spatial Planning

The Maastricht convention in 1993 actually marked the turning point in the SP systems within the EU MS as it saw the establishment of the Schengen agreement about making a free trade zone without any border control among the signatories and the term Schengen came from a small village in Luxembourg which it ministers came in order to signed the convention (Williams 1996). This treaty shaped the European SP as a process to be approached from an integrated perspective.

Paragraphs 6 of the Maastricht treaty currently called today the treaty of European Union consist of important clauses in its preamble which state that:

➢ all Europeans citizens should be enable to participate in a suitable institutional framework in the introduction and application of regional/spatial planning measures (Grieco 1995).

Paragraph 22 goes further to state that:

➢ Public participation: in any regional/spatial planning policy at what level must be based on active citizens' participation.

In fact the Maastricht treaty increased the powers of the European Parliament to enforce these clauses of active public involvements at on SP and others such as immigration and anti-crime efforts. It was essential that the citizens be informed early and in a comprehensive way in all stages of planning process and in the framework of institutional structures and procedures as (Momper 1992) Suggested.

However the Manifestations of this treaty as regard spatial planning has not taken the same pace among EU countries. An EU state like the Netherlands has been much faster in supporting the recommendations of Maastricht than other countries like Sweden in terms of SP.

The need for territorial cohesion among these EU states was the driving factor for those clauses on citizens' participation in spatial planning which created trust among MS and hence boost the economy of EU member states especially as free trading zone became possible.

3.1.2.   European Spatial Development Perspective (ESPD)

ESDP is another important Supra-national arrangement for SP in Europe. In his book the Europeanization of spatial planning Kunzmann stated that spatial planning has become a new hope for territorial cohesion is Europe, (Kunzmann 2006) .Though regional and urban planning has a long term tradition in Europe, the Euro-English buzz term SP seems to have cause a renaissance in regional planning across regions and nations in Europe and enshrine in legislation as well. At the EU level policies binding across countries have a high degree of financial matters involved but the ESDP document is a non binding instrument without any means of finance connected to it yet respected by the member states. According to (Böhme 2002) ESDP is based on discourse and networking among the EU states. This new discourse of European spatial development and adoption of the ESDP has been characterised by the informal meeting of ministers responsible for SP. The EU meeting in Potsdam on 10-11 May 1999 attended by all the Ministers responsible for SP saw an empirical development in a decade-long attempt to shape a policy field of European spatial planning as they reached a conclusion on the future of the territorial development of Europe (Richardson and Jensen 2000).The term the ESDP has no legal force, and has to be seen as a voluntary action only. However the key principles of the document are supported across the established EU institutions, including the European Parliament, the committee of the Regions and the Economic and Social Committee.

The high-level of member countries involvement in the ESDP has shown the degree of attention SP has been given at this level and commitment of members states to participate without financial gains in the terms of this policy document which draws standards for SP at National, regional and locals tiers of administration for the purpose of EU territorial cohesion and development.

3.1.3.   The European Water Framework Directives (WFD)

The early hours of the morning of the 30th of June 2000, the European Parliament's (EP) and Council's conciliation committee reached a final agreement on the proposed Framework Directive for Community action in the field of Water (Kallis and Butler 2001). This was after a 12-year-long policy process which started with the Water Policy Ministerial Seminar in Frankfurt in 1988, stumbled for years with the proposal of a directive on the ecological quality of water in 1993 (later removed), and revived with a Commission Communication in 1996 on "European Community Policy" and finally emerged as the proposal for the WFD in 1997. After three and a half years of institutional negotiations on the proposal and a near collapse in a conciliation procedure between the Council and the EP, the directive was finally approved albeit with considerable changes in its initial content (Kallis and Butler 2001).

The EU Spatial Planning prospect is probably the most significant legislative instruments in water field introduce on international bases for many years. It pound from the concern among members the desperate ways in which water is protected within member states communities and moves toward

integrated environment management outlines in environmental actions of the community (Chave 2001). The commission produced a water policy in 1995 followed by publishing a proposal for water framework directive in 1997 which was more transparent to all member states.

A careful examination of the acts for the WFD, like the bathing water act (76/160/EEC/) (EU 1976a) which sought to improve the quality of natural water use for bathing by specifying quality limit on contaminant levels and the dangerous directive (76/464/EEC) (EU 1976b) aimed at the control of the discharge of the most dangerous chemicals into the water environment by limiting the discharge of individual substances involved a considerable number of stakeholders from states representatives to members of the civil society like NGOs who were part of the policy formation process.

The Paris convention of 1974 insisted on the international collaboration for the protection of marine environment and the 1991 ministerial conference in The Hague on ground water absorbed each member states proposal and by June 30th 2000 the final version of the EU water framework perspective was published. Conference counter conference witnessed sensitive debate on issues like pollution and the achieving of a good status for all waters.

The entire process though consumed much time; saw ever increasing numbers of stakeholders in the whole process and the track records of the adjustments of the series of acts was based on citizens' participation in the entire process so that the final policy documents could be accepted. Even though critics say implementation is disjointed; there is some degree of legitimacy as it was a negotiable process that lasted for 12years. This ushers trust in WFD among member states.

3.1.4. Conclusion on European Union institutional settings

These policy documents have exemplified the change over time in terms of legislation in reaching at some benchmarks in spatial planning at the level of EU. They all exhibit how a supra body could try to integrate participation in SP for territorial cohesion with the marine environment inclusive as the case of WDF. The latter introduces new standards, criteria, institutions and processes for managing Europe's waters under an integrating ecosystem-based approach. The directive provides an exemplary legal document that binds fragmented environmental (or natural resource) legislation as is the case in many policy fields and countries of the world together under common ecosystem-based criteria and planning processes among EU member states(MS) especially as all EU countries are bound to implement the EU directives (and some additional international conventions) in national legislation (de Jong and Spaans 2009) with implementation based on ground information. SP at this level has been skewed towards integrating EU states for territorial cohesion and sustainable development.

3.2. European Union member states institutional settings.

The EU member states have got heterogeneous administrative settings. Denmark for instance has a social democratic welfare regime characterised by egalitarianism, solidarity, and universalism with a generous benefits level while France for instance is a conservative regime characterised by a mixed of statist, corporatist and familialist traditions (Koldinska 2008). For the purpose of spatial planning and this study, focus is within three EU member states which are examined with respect to their institution settings along side legislation in SP. These countries will be the Netherlands, Denmark and Slovenia.

3.2.1.   Rationale for examining these countries

The Netherlands is the first country of departure here especially of its historic nature of SP and also the fact that the term SP is an inspiration from a Dutch word (Ruimetlijk) (Healey 2004). More so, Faludi and Van der Valk in one of their publication on SP titled it ''this book is about an art in which the Netherlands excels: strategic planning'' this therefore shows that foreign observers will need little convincing of the merits of Dutch planning (Hajer and Zonneveld 2000).Scholars have often related most best practices of spatial planning to the Dutch situation. Slovenia on the other hand had got the best spatial planning of all the Yugoslav Republics, and was the first to express national nature interests in maps (Elliott and Udovc 2005). Concerning Denmark, it is a special country within the Scandinavian region of Europe which has drawn international attention on environmental and forest issues as SP falls within these ministries in Denmark and witnesses great participation as well.

3.3.   Netherlands instiutional settings

The Netherlands exhibits a good example of a decentralised democratic state with three tiers of administration. These are the national, provincial and municipal levels. Dutch political system comprise of a national constitution, national parliament and cabinet, with a legislative and executive power, not forgetting the judicial review system. The Netherlands is particularly having a heavy urbanisation pressure, taking into account that it has a land surface of approximately 4 million hectares (or 40,000 km2) and being inhabited by over 16 million people. Particularly the west of the country (called: the Randstad) is one of the most densely populated areas in Europe, lying in the European mega-city pentagon together with Paris, London, Rhine-Ruhr and Brussels. Urbanisation pressure in the Randstad for instance is very high and several restrictive policies have been implemented in this area as a consequence, seeking to steer urbanisation in such a way that open space remains available (Koomen, Dekkers et al. 2008). These polices even though restrictive in nature drive in with them stakeholders participation in the entire process in fact the system gives the individuals the right to object to a spatial plan which may jeopardize their stake in the process.

3.3.1.   Laws and type

The ministry of Housing Spatial Planning and the Environment (VROM) is responsible for spatial planning in the Netherlands. The laws drafted in spatial planning both past and present are all assessable through the VROM online portal and this applies to most of the Dutch spatial planning.
Zoning legislation is one such importance legislation for spatial planning in the Netherlands. Zoning legislations with respect to the designation of noise zones around existing and future airports and military airfields was enacted on 1 October 1978. A comprehensive new noise nuisance act was signed by the Queen on 16 February 1979 and the law stated thus 'a noise zone will be designated outside which the noise load from aircraft movements may not exceed a fixed maximum within this area, where a noise load above'(Evers 1980).It is estimated that at present, roughly 50% of the Dutch population experiences noise nuisance and that of these 10 to 15% are seriously annoyed. the fixed maximum is allowed (Evers 1980). Land use laws are another important set of legal binding arrangements for spatial planning. land-use plan can be seen as a contract that translates the informal agreements between stakeholders into legally binding rules (Buitelaar and Sorel 2010). Other binding legislative systems on SP according to latter authors fall under the following categories:

➢   Principal and Secondary Treaty Law

➢   Constitution

➢   Act

➢   Royal Decree

➢   Ministerial Legislation

➢   Legislation by the Provinces

➢   Legislation by the Municipalities

Most binding legislations that have had to deal with SP for implementation falls under the four categories below within the Dutch system;

➢ Treaty (Tractatenblad),

➢ Act (Staatsblad),

➢ Royal Decree (Staatsblad)

➢ Ministerial Legislation (Staatscourant)

In the Netherlands the legal system of spatial planning is based on the *Spatial Planning Act* that came into effect in 1965 and municipalities are up large to reviewing plans in time. Revision is legally required every 10 years. The law does not specify sanctions if municipalities fail to respect this requirement but (van der Valk 2002) mentioned that few municipalities review the plans as stipulated by the laws. However, individual's property is protected by law in the spatial planning Act.

Failure to comply with the land allocation plan is punishable in the Netherlands according to (van der Valk 2002), the Dutch legal system crystallises the fact that the ownership of property is strongly identified with individual freedom and human rights (Louw 2008). However, there is no social system with an absolute freedom and right to deal with one's property as one may wish. The Dutch spatial planning act shed light on some of these flaws.

3.3.2.   The Dutch Spatial Planning Act -Wet op de ruimtelijke ordening, (Wro)

The national government of the Netherlands the provincial as well as the municipal authorities determine the Dutch landscape of today and tomorrow by means of spatial plans .The Spatial Planning Act (Wet op de ruimtelijke ordening, Wro) regulates how these plans are drawn up and amended. Inhabitants of the Netherlands encounter the Act when undertaking a building and conversion project or when they disagree with a decision of municipal authorities or provincial authorities or the national government (VROM 2009). The Wro of 2009 replaces that of 1965 with some modifications. The current Spatial Planning Act (Wet op de ruimtelijke ordening, new Wro) took effect on 1 July 2008.

The Wro Act outlines how these plans are drawn up and amended. In doing so, it also regulates the responsibility of authorities and the rights and duties of citizens, businesses and institutions.

The new Wro more clearly defines who is responsible for what. SP decisions are taken at all spatial levels, comprising of national, regional and local. It also clarifies the interrelations of these levels. Municipal authorities are better able to enforce the Wro. They are able to monitor spatial planning more closely, and their zoning plans are more up-to-date as per (VROM 2009).

3.3.3.   Content of Wro

In urban areas conflicting land use claims cause serious delays in the preparation and adoption of land allocation plans. Traditionally, the provinces (12 in total) are responsible for a considerable amount of regional planning in the Netherlands. Especially since the 1920s when there was a growing need for plans for a region as a whole (supra municipal), with various policy interests involved (transport, water, recreation, nature, etc.), the province has been the main regional planning agency. Since the 1962 Spatial Planning Act, the 'regional plan' became the key task for provincial government. An important characteristic stemming from the 1962 Act was the so-called 'touchstone' function for the regional plan. Municipal plans all had to be tested on conformity against the provincial regional plan. The regional plan prescribed, among other factors, housing quotas and zones, environmental protection zones, locations for industrial development and agricultural key areas (Janssen-Jansen and Woltjer 2009).

The municipalities have the statutory power to make both framework plans (structuurplannen) as well as binding land allocation plans (bestemmingsplannen). These plans must comply with the national framework plans for spatial planning. The Minister of Housing, Spatial Planning and the Environment has the legal powers to give directives to provinces and municipalities (van der Valk 2002).The process of communication between the tiers of government is characterised by consensus building and mutual adjustment. Hierarchical relations are rarely activated (Faludi and van der Valk 1994). However in the Netherlands the municipality draws one or more structural visions which are stated in the New Wro and includes the following;

➢   Zoning schemes no longer have to be approved by the province;

➢   In areas where no spatial developments are planned, municipalities can choose to institute a management regulation instead of a zoning scheme;

➢   The provinces and the national government indicate in advance as much as possible which provincial and national interests will affect the municipality;

➢   The provinces and the national government can submit viewpoints or give instructions during the zoning scheme procedure;

➢   Municipalities must check once every ten years to see if their zoning schemes and management regulations are still up-to date;

On the basis of the new Spatial Planning Act, municipalities, provinces and the national government are required to set out their policy in one or more structural visions which is almost like a strategic planning and must be in accordance with spatial policy of the nation. The Netherlands understands that good SP requires appropriate rules and legislative instruments. Little wonder the Wro has been subjected to many amendments over the years. These amendments give more strength to the local authority and for spatial planning and hence horizontal governance.

3.4.   Denmark Institutional settings for spatial planning

The Politics of Denmark takes place in a framework of a parliamentary, representative democratic, constitutional monarchy, in which the Prime Minister is the head of government, a multi-party system as well. Executive power is exercised by the government, with the prime minister acting as 'primus inter pares'. Legislative power is vested in both the government and the Danish Parliament, (Folketinget).Literature from this country portrays that SP legislation in Denmark is linked to the

forest management and hence governed by environmental policies (Madsen 2002).This is because the forest in this region as in many other western states have divergent function. The forest is no longer seen as only a producer of timber but also as a provider of non-material resources, such as recreational possibilities, biological values, and as a protector of the environment (Madsen 2002). Denmark SP is delegated to the regional and especially the local level of administration. The Planning act delegates responsibility for spatial planning in Denmark to the Ministry of environment. There are 14 county councils and the 275 municipal councils in this country that have a shared role to play with directives from the minister of environment. The Planning Act came into force in 1992, but it is based on the planning reform adopted in 1975 as well as the administrative reform adopted in 1970.Danish administration is divided into three zones for the purposes of spatial planning and zoning.

➢ Urban area

➢ Rural area

➢ Area for summer residences.

Different rules often apply to different areas for the purpose of zoning and spatial planning policy as examined in the catalogue below:

3.4.1. Laws and type

Different rules apply to the mentioned zones in accordance to their principal use. In the Urban area the types of policy have been to guide in the accommodation, business and service while in the rural areas SP has been based on agriculture and wild life and this in the so called area for summer residence rules that apply here are generally rules for recreation. All planning is based on national strategies and legislation.

The implementation of EU-regulation 2080/92 through the Forest Act of 1989, became part of the Danish government's goal to double the forest area within the next 80–100 years (Madsen 2002). The Forest Act has protected the forest areas in periods of agricultural expansion where other areas like moorlands and wetlands have been reclaimed.

The current Forest Act of 1996 specifies the concept of multi-purpose forestry. Concerns for wood production, landscape amenity, nature conservation, cultural heritage, environmental protection, and recreational activity interest with spatial consideration taken into account (Madsen 2002)
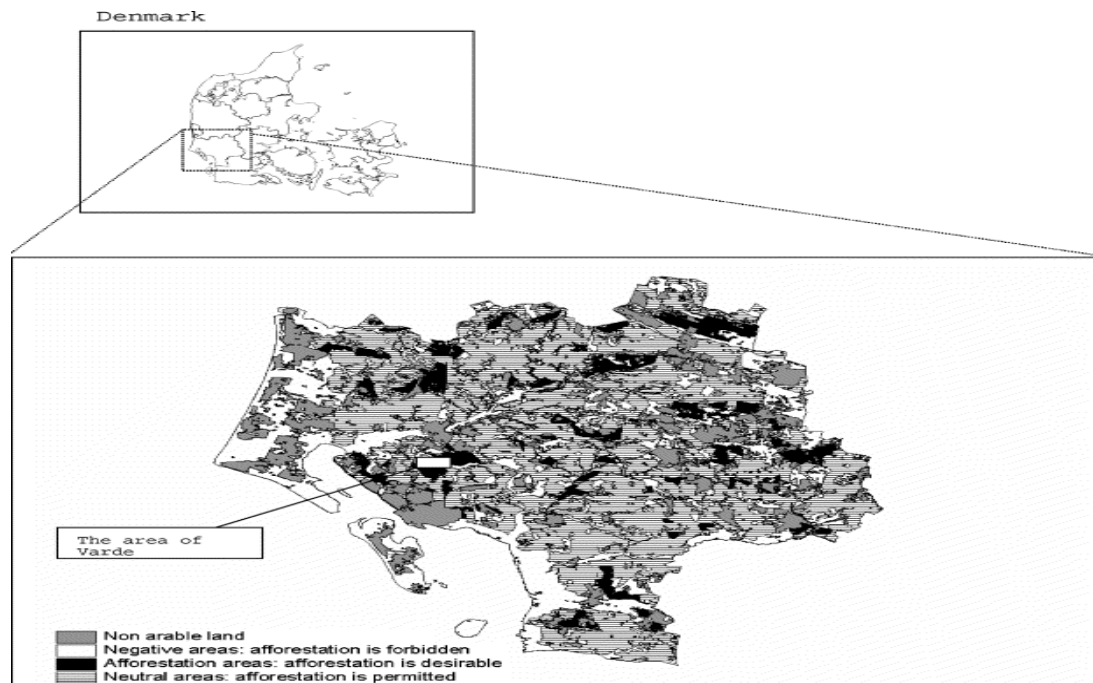
Figure 2: Location of new woodlands in the area of Varde (copyright: Kort og Matrikelstyrelsen).

Spatial planning in relation to forest zones is glaring within the Danish system. Figure 2 shows how restrictive areas are carved out in forest legislation restricting individuals not to trespass when it is for an environmental concern and restriction becomes feasible. This shows the degree to which spatial planning is restrictive even to nature protection organisations like NGOs as they must succumb to government policies. Criticism on such legislations only tends to promote stakeholders participation and constant revision of such spatial plans to integrate them in such decision making process.

Denmark spatial planning act insist on the publication of the proposal and a report on the premises on all municipal plan, a regional spatial development plan, a national planning directive or a national planning report before they are adopted. Property owners, neighbours, nongovernmental organizations, public authorities and others are to have at least 8 weeks to submit their objections, comments, proposals or protests (Østergård and Witt 2007). The Legislation also stipulates the submission of all plans on each specific property online so that the public could observe and protest if necessary. This is to strengthened the public right to know, participate and object.

The Planning Act came into force in 1992, but it is based on the planning reform adopted in 1975 as well as the administrative reform adopted in 1970. The key feature of the planning system in Denmark is the obligation for both the regional (county) and local (municipal) authorities to each establish, adopt and revise comprehensive structure planning and a set of land use regulations, totally covering their respective areas. This means that, since 1980, there have been two sets of new, comprehensive plans covering the entire country. The plans are revised every four years (Enemark 2002).

3.4.2.   Content

Urban areas are planned and administered by municipalities (274), rural areas planned and administered by counties (14), Areas for summer residence appointed by counties and administered by municipalities. Approximately 80 per cent of Denmark's population live in urban areas and approximately 65 per cent of Denmark's land is farming land (Environment 2010).

However the content of the municipal plans is usually focused within the following sectors;

1. Urban growth and summer cottage areas

2. Location of various urban functions

3. Transport installations

4. polluting enterprises requiring special sitting

5. Projects requiring environmental impact assessment

6. Noise protection

7. Afforestation areas

8. Wetlands

9. Nature protection area

10. Use of watercourses, lakes and coastal waters

The implementation of national planning directives is integrated within each type of proposals which are published and debated for at least 8 weeks before being adopted. Both proposals and adopted plans are published on the municipal portal and on Plan system DK plans (Østergård and Witt 2007). Even though the law state that the above plans be revised every four years, changes are made within them if need arises like increase in taxation for industrial pollution or cost increase for nature protection areas (Enemark 2002). This has been prompt reaction to social changes in environment.

The institutional setting in Denmark allows for a considerable negotiation as the spatial planning act respects the living conditions of people, plants and animals (Environment 2010). This therefore appears to be a negotiable approach between planners, government and stakeholders which has been effective because of decentralisation process in this country and the rule of law with respect on individual's property.

3.5.   Slovenia history and institutional settings

Slovenia is situated in Central Europe touching the Alps and bordering the Mediterranean. A good example of part of the Central and Eastern European Countries (CEECs).The Alps including the Julian Alps, the Kamnik-Savinja Alps and the Karavanke chain, as well as the Pohorje massif dominate Northern Slovenia along its long border to Austria. Prior to declaring its independence in June 1991, Slovenia was one of the six republics of the former Socialist Federal Republic of Yugoslavia (Elliott and Udovc 2005).The history of Slovenia chronicles the period from the 5th Century BC to the present times. In the Early Bronze Age, Proto-Illyrian tribes settled an area stretching from present-day Albania to the city of Trieste. The Holy Roman Empire controlled the land for nearly 1,000 years. Modern-day Slovenia gained its independence from Yugoslavia in 1991,

and is today a modern state and a member of the European Union and NATO (Portal 2009). Scholars have hailed this EU member state as having and practicing modern SP as compared to all the nations in the Yugoslav republics (Elliott and Udovc 2005). The requirement for public participation in spatial planning has a long tradition, closely connected to the growth of awareness of environmental problems, and is part of a much wider call for the democratization of scientific investigation and policymaking in this country. In Slovenia, for example, participation has been in the form of public displays and hearings for land use and location plans since the 1960s (Golobic and Marusic 2007).With her membership within EU, democratisation process in this country has been more rapid than ever and public participation in spatial planning tied to democratic principles.

3.5.1. Laws and type

The Slovenia spatial planning act is divided into sections which portrays a participatory approach in achievement of a spatial polices in land use as a whole.

➢ PART ONE: GENERAL PROVISIONS

This part of Spatial planning acts in Slovenia has basic provisions such as authority in the field of spatial planning and what the plans actually plan as it underscores the national administrative level as the leader in the process with almost similar functions at the municipal level. The regional spatial planning in this country is not clear as such.

➢ PART TWO: SPATIAL PLANNING

The first Section of this plan is on the Common Provisions in which it states among other things that spatial planning is aimed at modernising Slovenia with respect to property rights of all.

Section Two: National Spatial Planning Documents (1. Spatial Development Strategy of Slovenia, Spatial Order of Slovenia and Detailed Plan of National Importance

Section Three: Regional Conception of Spatial Development

Section Four: Municipal Spatial Planning Documents (Municipal Spatial Development Strategy, Municipal Spatial Order, Local Detailed Plan and Planning Information)

➢ PART THREE: IMPLEMENTATION MEASURES

Section One: Provisional Implementation Measures

Section Two: Statutory Pre-Emptive Right of Municipality

Section Three: Expropriation and Restriction of Ownership Rights

Section Four: Land Consolidation

Section Five: Urban Renewal Measures

➢ PART FOUR: BUILDING LAND DEVELOPMENT

➢ PART FIVE: SPATIAL DATA SYSTEM AND SPATIAL REPORT

➢ PART SIX: PROFESSIONAL ACTIVITIES IN THE FIELD OF SPATIAL PLANNING

➢ PART SEVEN: INSPECTION AND PENALTIES

➢ PART EIGHT: TRANSITORY AND FINAL PROVISIONS

The above shows the organisation of the spatial planning Acts in Slovenia; these are based on zoning, taxation and land use. This study looks at the parks as they are grouped into: national parks, regional parks and landscape parks. The level of protection of each is not standardised, this is a matter for the initiator and management institution (Portal 2009).
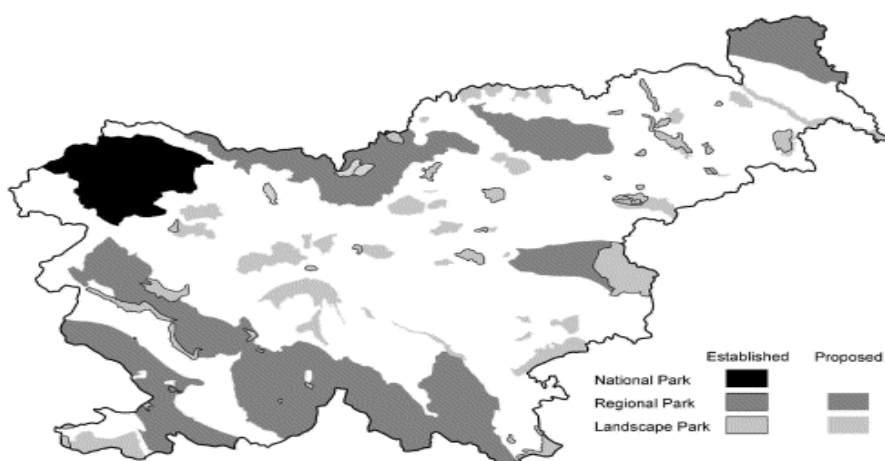
Figure 3: Established and proposed protected areas in Slovenia. Source: MESP (2000)

Landscape parks may be established by local government(s) with minimal national government interference as long as plans do not conflict with national policy aims. Regarding the national government designations the National Park has a special law passed by the national parliament, overriding local interests in the zone area (Elliott and Udovc 2005). Regional park designations have been the most difficult to implement in practice in this country. Finally a designation act was passed, outlining the necessary constraints and liberties of public and private activities on a park.

The new Spatial Planning Act defines the types, contents, and hierarchy of documents, and the method of their preparation. It also defines instruments for operational planning of spatial development activities. It provides two types of spatial documents: ***national and municipal***. Both national and municipal spatial planning documents are divided into the ones defining spatial development guidelines, and those presenting the basis for more detailed planning or permitting spatial development activities. It is complemented by the also revised Construction Act, which now defines, in a more modern and user-friendly manner, In addition to national and local levels, the Spatial Planning Act also introduces the possibility of planning at a regional level of the agreement between local and national levels(Portal 2003).

3.5.2. Content of the Slovenia spatial planning setting

A look at the Slovenia Spatial Planning reveals that Public involvement is seldom extended beyond the public display of the plans and public hearings. Although over the period 1993–2001, the number of environmental NGOs has grown significantly from 13 to 110 (Head of the Slovenian Office of the Regional Environmental Centre), most NGOs serve a social function, or are unable to exert political pressure due to limited membership, finance or organisational capacity, and therefore are unlikely to reflect wider interests in civil society rather they will become institutionalised interests. The content of the plans in this country shows that it has some elements of expropriation and generally very

restrictive to individuals comfort. However in the case of compensation for instance the SP acts have a compensatory clause which includes the following;

➢ The value of property with respect to its actual use, and secondary cost associated with removal, such as removal cost, profit lost during the time of removal, and possible reduced value of the remaining real estate. Certified appraisers of real estate appraise the value of real estate.

➢ The expropriated real estate owner and the state have to come to an agreement upon the compensation. If the expropriated owner refuses to accept the compensation, the state may fulfil its obligation by depositing the compensation at the court.

➢ Restriction of ownership right means a temporary or permanent encumbrance of property by an easement for public benefit. In the case that an easement is established, the real estate owner is entitled to compensation amounting to the reduced value of the real estate or the actual damage and profit lost.

➢ Land consolidation is introduced with the purpose to establish a new ownership condition enabling rational planning and implementation of the enforced Local Detailed Plan. When land consolidation is completed, the values of land have to be adjusted. The owner, who has received from the land consolidation fund a plot of land of higher value than the land given, has to pay money for the difference in value. Likewise, the owner receives money for the difference in value if land received from land consolidation fund is of lower value than the given land.

➢ Urban renewal measures; The owners of real estate in the area of renewal are obliged to carry out the changes on their property in accordance with the enforced Local Detailed Plan. The municipality and the real estate owners in the area under renewal may agree upon participation in the implementation of changes on property, which is regulated by a contract. (Portal 2003)

Netherlands, Denmark, and Slovenia are three countries with a variety of emphasis on spatial planning. While a country like the Netherlands has a Ministry of Housing, spatial planning and the environment responsible for spatial planning, Denmark on the other has a ministry of environment that incorporate forestry and spatial planning while Slovenia there is a Ministry of environment and spatial planning. These ministries all have important task on urban development and the nature of legislations seen so far being implemented are restrictive to the individual's property right in most of the cases for the general interest of the society as a whole.

3.6. Property rights and Spatial Planning

Local communities have right to spatial management and planning of their territories, taking into account the property rights of individuals among the communities with the exception of spatial development activities which are under direct jurisdiction of the state which are often binding. A local community is obliged to perform activities in the field of spatial planning and management as it deals with property of its inhabitants, as well as planning pursuant to the adopted laws, standards, and criteria. Regional administrative level in terms of spatial planning is far from being solid enough. Thus Spatial Planning organisation and public participation is solid at the National and even stronger at the local levels of administration. The legislations of the spatial planning acts of these three countries have so far shown that spatial planning is restrictive in nature and the restriction on the individuals' property rights. Property is any physical or intangible entity that is owned by a person or jointly by a group of persons. Depending on the nature of the property, an owner of property has the

right to consume, sell, rent, mortgage, transfer, exchange or destroy their property, and/or to exclude others from doing these things (Demsetz 1967).

A right, in this sense, is a legally enforceable claim of one person against another (Musole 2009). It is important to note that property may convey the rights to benefits or harm oneself or others (Demsetz 1967). For instance harming a competitor by producing a superior product may be permitted while shooting him may not be permitted depending upon the legal system.

The property scholars often refer to in spatial planning is land, the right of ownership is an exclusive right, but ownership is not unrestricted right. In the case of a sale of land, what happens effectively is a transfer of a 'bundle' of property rights from one person to another taking into account that land is most important in this context of property rights. It is this property rights that SP tempers with most of the time. Land is therefore important when it comes to property rights in a SP context.

3.6.1. Land

Land is one of the key constituent of life on earth along with water oxygen carbon nitrogen and sunlight (Platt 2004). Lacking one of these components will make it impossible for life to exist. Daniel Hillel (1994-2000) observed that since three quarters of our planet is covered by Ocean it should be called water but other scholars argued that even those who did the naming, happened to have been standing on dry land 'tera firma' (Platt 2004).

Land is physical material on the Earth crust that supports all life. In this sense land includes soil, vegetation, mineral water, ground water, surface water, oil, diamonds, coal, gold silver lead and uranium (Platt 2004). Owning property contributes to ethical development of the individual person. A man who mixes his labour with a piece of land or acquired it legitimately from someone else has the interest in the ownership which the government must respect (Waldron 1990). If the argument works it establishes that private property is not only morally legitimate as Hegel commented in (Waldron 1990),everyone must have property. Property rights is more glaring in decentralise states like the EU member states and every plot owner in the case of land protects that rights fully.

3.7. Conclusion to chapter three

This chapter so far was on institutional settings for SP from local to supra-national which have had some effects on spatial planning. All the institutional settings in spatial planning make provisions for legislative control on urban development, nature protection and sustainability. These policy maps have been centred on zoning legislation, forest legislation, land use legislations and tax legislation. This is with reference from the EU general framework to MS as they all play either autonomous or integrated roles in influencing spatial planning within the EU member states. These tools are restrictive and aggressive to some stakes in spatial planning. Land-use planning settings at the EU level clearly focus on the municipality (Albrechts 2004) and the government becoming more closer to citizens for better results in the execution of its function. The figure below is a synopsis of all this instructional set up.

LEGISLATIVE HIERARCHY IN SPATIAL PLANNING
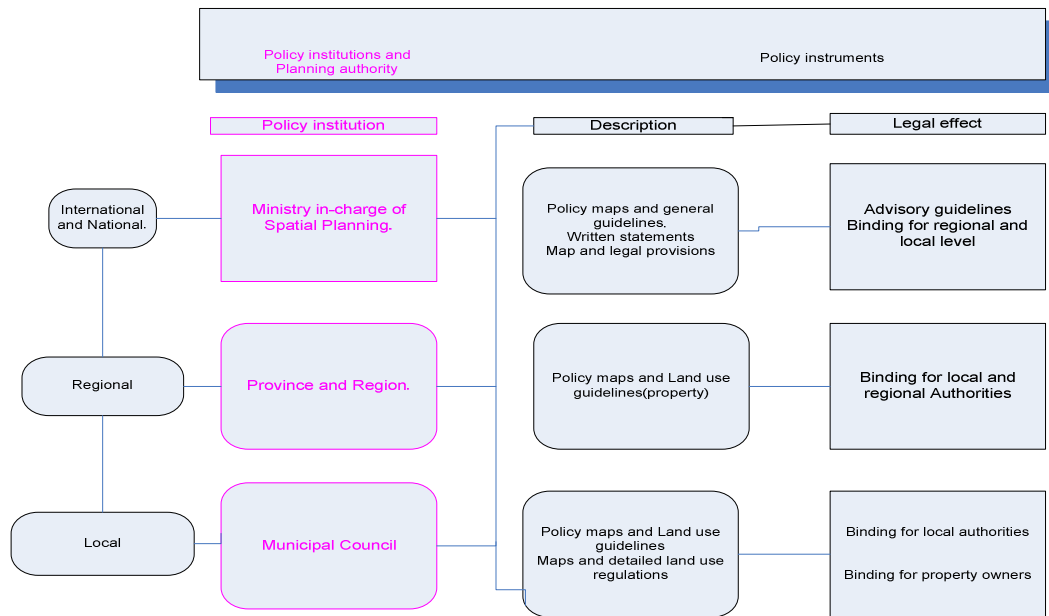
Figure 4: Legislative hierarchy
 Inspiration drawn from (Østergård and Witt 2007)

Figure 4: is a good example of the hierarchy procedure in SP legislation with reference to levels of administration. The National Planning perspective at this tier of administration is in the form of policy maps and general guidelines while the reports at this level are in the form of written statements and directives in the form of maps and legal provisions as discussed hitherto. The different administration and decision making levels play important roles in designing legislations within their milieu on SP which is not to ignore the international administrative benchmarks such as EU to most prominent administration which is from the National down to the local level at the municipality. The spatial policies are represented in the form of policy maps binding to all citizens.

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4.   Stakesholders,Stakes and Spatial Planning

4.1.   Stakeholder

Stakeholders for this study will include all persons, groups or organisation with an interest or a stake in an issue who are affected by or can affect a decision making process because they may have an influence over its outcome (Freeman and McVea 2001). These will includes individual citizens and companies, economic and public interest groups and government bodies (HarmoniCOP 2005). One common feature of all definitions of stakeholders or interested parties is that they identify and define groups relative to a specific issue making the term stakeholder a relative concept (Glicken 2000). It is argued that stakeholder participation needs to be underpinned by a philosophy that emphasises empowerment, equity, trust and learning (Reed 2008).Where relevant, participation is to be considered as early as possible and throughout the process, representing relevant stakeholders. Planning projects that have systematically excluded stakeholders with a critical perspective have failed in most environmental related decisions (Wolsink 2003). *A stake* therefore is an interest that an actor has in a decision making process like participation in environmental related decision-making. SH participation is increasingly becoming a democratic right (and is enshrined in the United Nations Economic Commission for Europe's at the 1998 Aarhus Convention), and this right is increasingly being used for proliferating environmental interests and those of pressure groups (Fischer and Moratz 2001). Aarhus convention that was focus on justice in environmental issues and promulgated access to information, public participation in decision making and has been a great inspiration for stakeholders to participate in public decision making (Lee and Abbot 2003).

4.1.1.   Stakeholders Organisation

In the previous chapters, highlights were made of legislation guiding the public towards participation in spatial planning. Stakeholder's organisation is more than just the blue prints requirements of participation in spatial planning as the earlier mentioned acts stipulated. In the case when a stakeholder is to be indentified by the planning experts, a stakeholder analysis is carried out. This is indeed in situations where stakeholders matter (Bryson 2004). This stakeholder analysis is important because in zoning an area for instance, many public problems have to be taken into account such as crime and natural resources management. Planning experts in this case carefully group stakeholders into weak and strong categories to know how to better integrate them in systems of participation.
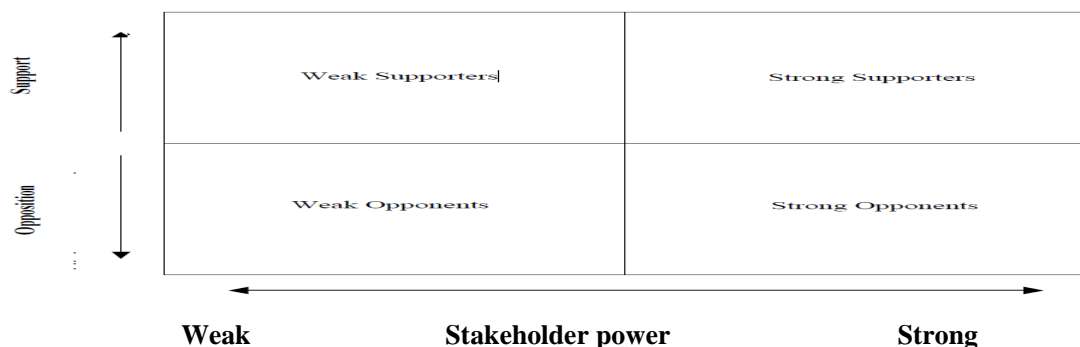

Figure 5: Source: Anderson Bryson and Crosby 1999; adapted from Nutt and Backoff 1992 198.

Figure 5 above indicates clearly that once these SH have been grouped, the planning experts and government fully understands how to best deal with them. Stakeholder analysis is now arguably more important than ever because of the increasingly interconnected nature of the world (Bryson 2004). Nowadays, all problems are shared such as global warming and natural resource management. When it comes to resources what stakeholders can bring together includes time money, skills, information, legal competence and influence. Their resources therefore determine if they can contribute to quality decision making or obstruct implementations of decision (HarmoniCOP 2005). In this light SH easily form common interest in SP during participation. This does not mean that those short of a particular resource mentioned above do not participate but that the knowledge alone is a great asset during participation. However legislation has also sought to legalised stakeholders especially in the civil society for democratic sake. Stakeholders operate within space and time in spatial planning. The paragraph below attempts a definition of space.

4.1.2. Understanding of space

Stakeholders often interact within space and the idea of space is like something real, tangible, fixed and unitary is compelling (Rizzolatti, Riggio et al. 1994).Human beings live in a kind of large box in which objects are located. Some are close and others are far. The brain should have an area or circuit that is able to reconstruct the box. Our intuition is therefore to perceive space (Rizzolatti, Riggio et al. 1994).Spatial planning is an essential tool for managing the use of land in many parts of the world (Douvere 2008) and involves wide range of actors. Every individual is a potential stakeholder within space (Pomeroy and Douvere 2008). Many activities occur in space and mankind tireless effort to pursue a better life is changing space rapidly from one form to another and spatial policies regulating it and making sure the use of space is justly done and in a sustainable manner.

Figure 6: An abstraction of space: City of Copenhagen

In many countries, open spaces are today regarded as an integral part of land use planning decisions (Maruani and Amit-Cohen 2007).Their special characteristics affect planning decisions and taking into consideration by decision makers. These characteristics over the years has led to the emergence of various approaches and planning methods (Maruani and Amit-Cohen 2007). Land use planning, as the latter scholars noted, deals with allocating land for a variety of uses within space, some in built-up and mostly urban environments (e.g. residential areas, industry, commerce or infrastructure) while others occur in non-built areas namely open spaces (e.g. parks and gardens, outdoor recreational areas, farmlands, forests or nature reserves).All the above mentioned areas are the interest zones represented by some actors especially some NGOs who are particularly interested in the protection and preservation of open spaces as shall be discussed below. Depending on the agenda of stakeholders, they form groups for representing their interest and the following discussion will focus on holders and the stake they represent within spatial planning.

4.1.3. Public Sector Stakeholders in Spatial Planning

Scholars have argued in making a clear cut between public and private sectors. Thus the boundary between this two is neither clear nor permanent (Flynn 2007). In some cases it might be clear although debatable as well. Assets get transferred from public to private sector through privatisation. In the public sector some stakeholders are identified and their stakes (interests) in SP for this study, this sector comprise of government bodies like National, regional and municipal bodies. At the municipal level we shall make reference to the elected officials often.

4.1.4. Civil society

Civil society refers to active citizenship growing self-organisation outside formal political circles, and expanding space in which individual citizens can influence the conditions in which they live both directly through self organisation and through pressure on the State (Sinh 2003).The participation of civil society in global governance is increasing in significance, but is not unprecedented (Gemmill and Bamidele-Izu 2002). Civil society as the latter scholars discussed is about having some significant role in our society among which some are to collect, disseminate, and analyze information and also provide inputs to agenda-setting and policy. In the case of environmental issues, they remain as strong advocates for environmental justice (EJ). Neoclassical economic theory for instance emphasises the failure of government and the market to efficiently provide public goods as central in the development and role of non-profit associations. In this tradition, civil society organisations develop to either fulfil demand for unsatisfied services by government, partner with government in the provision of public goods, and/or make public policy demands of government and to ensure accountability in public governance (Lane and Morrison 2006). However literature shows that the interest at risk ranges from environmental degradation to personal property rights and often times communal inclined which has propelled civil society and gives them strength. Health personnel, road lobbyists and NGOs are categorised within this sector in this study.

Meanwhile in the *private sector* we have businessmen, fishermen and individuals who always possess interests in spatial planning. NGOs have been outstanding in influencing spatial planning and environmental related campaigns.

4.2. Definition and history of Non-governmental organisations (NGOs)

An NGO is a non-state or non-profit organisations that has traditionally been composed of volunteers and concerned with distinct policy objectives (Selsky and Parker 2005). The term, "non-governmental organization" came into existence in 1945 because of the need for the United Nations 'UN' to differentiate in its Charter between participation rights for intergovernmental specialized agencies and those for international private organizations. At the UN, virtually all types of private bodies can be recognized as NGOs. They only have to be independent from government control, not seeking to challenge governments either as a political party or by a narrow focus on human rights, non-profit-making and noncriminal motives (Willetts 2002).Throughout the world there are approximately 40,000 internationally operating NGOs and many more working at national levels of states .Usually private persons without participation form NGOs as Lukaszczyk stated. Thus NGOs do not have a governmental membership. They are usually created with a specific vision in mind a purpose or a cause about which an element of civil society feels strongly (Lukaszczyk and Williamson 2002).

Historically, NGOs deals with human rights, environment, equality and peace. It was the UN which in 1945 provision in the article 71 of chapter 10 of the UN Economics and Social Council (ECOSOC) on February 27th 1950 defined an international NGO in a resolution 288(x) as any international organisation that is not found by an international treaty (Lukaszczyk and Williamson 2002).They are active actors in environmental issues in spatial planning.

4.2.1. Non-governmental organisations and Spatial Planning

NGOs play a unique role in international affairs, providing access to resources, expertise and assistance to supplement state resources. The point of departure is that spatial planning involves actors or perhaps holders of stakes struggling to protect their stakes in which when one stake gains another looses for instance an environment NGO gains while Urban development is retarded. NGOs have come to assume an important role in environmental policy and planning across the globe (Lane and Morrison 2006).Their role is always felt as they debate with very persuasive and passionate appeal usually for the common good of the community. In most participation that involves the public, NGOs have in some cases been over represented as compare to other stakeholders. A phenomenon (Coenen 2009) described as 'green ghettos' in environmental planning issues.

Chapter 27 of the agenda 21 recognised the significant role NGOs have played in sustainable development. NGOs operate at various levels of our society and just as they have diverse goals, they pursue all these agendas for the common good of the community and this is noticed in the various and diverse forms of their operation (Ritchie 1995).Coalition of these NGOs has let to a network that has eased their activities and influenced desired policies for the common good. However misunderstanding and mismatch of priorities among NGOs coalition has let to the fall of some of them. Scholars have often describe the advent of NGOs as an era of reclaiming development taking into account the inability for the government alone to embarked on developmental agenda's (Mitlin, Hickey et al. 2007). This has been particular with those relating to environment and SP.

4.2.2. The Stake of NGOs in Spatial Planning

In most spatial planning, NGOs have a huge appetite for environmental justice (EJ) as seen from the previous discussions. EJ according to the green net world is the fair treatment of people of all races, cultures, incomes, and educational levels with respect to the development and enforcement of environmental laws, regulations, and policies. In seeking for EJ, NGOs also advocates for a sustainable environment in the society. *Local Agenda 21* (LA21) from the UN submit called for local authorities to work in partnership with NGOs however the supra national do not insist on a particular template to be implemented uniquely as (Coenen 2009) cited that even though LA 21 is a supra-national initiative, it does not give templates of how local communities should proceed in the whole process. Thus the stake could remain the same in NGOs participation most of the time but means of achieving it varies from one local community to another partly due to legal and cultural differences.

NGOs have therefore stepped into spatial planning because they see the need to act as partners of the government in the production for instance of public goods within space and also to ensure accountability in the process of spatial planning in order to screw-up the interests of those who can not be represented in specific stages of spatial planning in this case they are acting as voice of the voiceless and they are active in all tiers of administration especially at the national level where spatial policies are drafted.

4.3.   Health Practioners and health stake in Spatial Planning.

Health issues have featured in European treaties since the formation of the European Union, however, article 152 of the Amsterdam Treaty of European Commission 1997 highlighted on the public involvements on health issues and expands the Community's sphere of competence to include not only "prevention of disease" but also "improving public health, preventing human illness and diseases and obviating sources of danger to human health (Burns and Bond 2007). Public health movement, emerging from the 1980s, stresses the importance of health promotion, acting on the collective determinants of public health, such as physical and social environments within space. According to (Renn 2006) health and lives are some of those stakes likely at risk in spatial planning. Health practitioners in SP tries to protect, promote and restore the people's health (Last, Spasoff et al. 2001).Thus in most SP process the health practitioners have generally been in the process promoting Health Impact assessment as a risk reduction strategy.

4.3.1.   Health Impact Assessment (HIA) and Spatial Planning

Nowadays there has been a statutory requirement for major new developments to include environmental impact assessments (EIA), but not HIA in some national legislation. HIA extends the EIA further to identify how environmental changes would impact on human health (Aziz, Radford et al. 2000).This neglect has pushed health personnel's to remain very focus to be involved in planning that can jeopardize urban quality and to make sure that the public remains healthy. When an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established. These majors must begin from the genesis of plans that may affect health of a people around the environment concern and for generation to come (Steinemann 2000). Finningley Airport Doncaster in the United Kingdom is an exemplary case where a solid HIA was conducted and this was used by planners who worked in conjunctions with the health experts to ensure that the zoning of the airport took into consideration of the urban quality in SP and hence interest of the citizens. Public health workers must begin to concern themselves with land use policy in the broadest sense. According to (Higgins, Douglas et al. 2005) experienced has shown that planners are willing now more than ever before to work with health experts when planning built up areas and spatial planning as a whole. Zoning which is one of the tools of spatial planning have lately been integrating Health issues within policies in Denmark.

4.3.2.   Zoning, green areas and health concern in Spatial Planning

Zoning has been looked upon as one of the most prevalent land use planning tool in Europe and the United States of America that has had substantial implications for equity and public health (Maantay 2001). Zoning determines where various categories of land use may go; thereby influencing the location of resulting environmental and health impacts industrially zoned areas permit noxious land uses and typically carry higher environmental burdens than other areas. These are issues that are never to be neglected by health and planning experts and show the increasing awareness of Public health expert in SP. Meanwhile health and environmental scholars have concluded that the percentage of green space in people's living environment has a positive association with the perceived general health of residents (Maas, Verheij et al. 2006). This has therefore made green space to be more than just luxury and thus presupposes that the allocation of green space should allocate a more central position in SP indicating that the aesthetic experience of nature may play a role in this mechanism. Besides providing relief from stress, an aesthetically attractive living environment may also improve

well-being by enhancing satisfaction and a sense of responsibility (Groenewegen, van den Berg et al. 2006).

The Health stake at this juncture could emphatically be declared to be of *urban quality* which benefits the common good of across sections of citizens in any given area. Green areas for instance have been noted for stress reduction, More evidence suggests that exposure to natural environments may reduce feeling of anger, frustration and aggression. Urban quality protection is now being considered in SP and HIA being gradually taken into consideration. This only increases participation in SP at various government units with health personnel represented who participates at each SP level as well. See figure below.
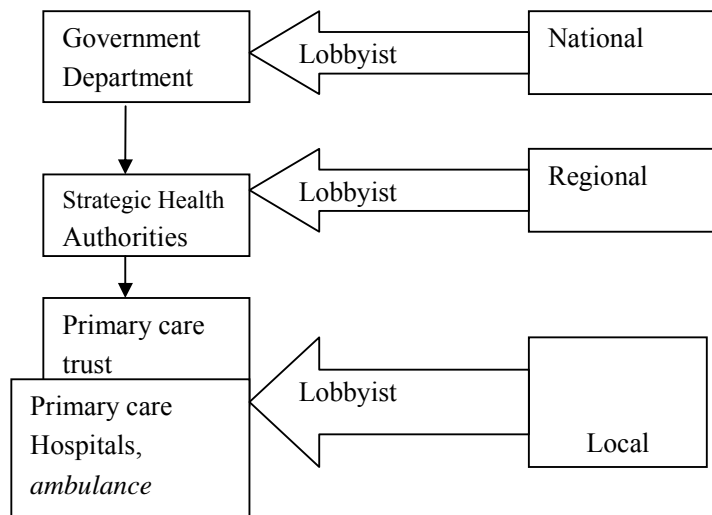
Figure 7: Health stake and government departments

The health stake integrates sectors such as the environment to social scenarios like the case of urban renewal and resultant increases in price of news houses by the same income earners of the region and reduction in standards of living and hence poor health. Solid waste in cities has been a source of a health concern as well and urban quality often times is what the actors protecting this interest want because in achieving urban quality, they would have been achieving their aims of a better public health physically and psychologically. Even though most health actors get involved at high level of spatial planning that is at national administration to influence legal guide lines of plans to cover their stake, their departments at the local level also lobby for public health interest in municipal zoning plans like the case of Denmark.

4.4. Traffic

Road traffic is an important consideration in spatial planning. The World Health Organisation (WHO) takes this into account. Road traffic injuries in the European region for instance are a major public health concern, claiming about 127 thousand lives per year in Europe (Racioppi, Eriksson et al. 2004). Next to this intolerably high number of lives lost, about 2.4 million people per year are injured in road traffic crashes. As a result, societies bear a huge cost that is estimated to be about 2% of gross

domestic product in several countries by the WHO statistics of 2004. Road traffic injuries are the leading cause of death among young people in the European region as Racioppi echoed and are predicted to increase in countries with low or medium income as they become more motorized.

4.4.1. The traffic stake of highway space

Traffic is increasingly becoming an important issue in spatial plans which may affect roads users in one way or the other. Powerful roads lobbyists exist whose job is to actually get involved in all spatial planning programmes on motorways and trunk-roads construction or under reconstruction and this has been noted in England (Cowell and Owens 2006).In the UK for instance a study carried out on some sample of roads showed that 86% suffered traffic noise at levels greater than those for which the government (when the road is new or Improved) statutorily pays compensation. In the same sample, 36% of streets had traffic flows producing carbon monoxide and nitrogen dioxide at levels above World Health Organization recommendations. (25 being fatal and 515 serious), estimated to cost society 58 million (Smith 1985), excluding damage to property and vehicles. In most political settings, traffic lobbyists exist who try to push these on government agendas for the purpose of better roads convenient for the users by proposing ways to mitigate noise, accidents and congestions. In the process of spatial planning, transport planners too are prominent and most often are engineers in the field. Most Public sectors within the EU in particular have a strong traffic department whose job takes into account roads space and who in SP process work in conjunction with other actors to avoid the horrible effects of traffic related misfortune like accidents.

4.5. Private Sector Stakeholders in Spatial Planning

In economics terms, the private sector is that part of the economy which is both run for private profit and is not controlled by the state. By contrast, enterprises that are part of the state are part of the public sector; private, non-profit organizations are regarded as part of the voluntary sector (Majone and Baake 1996) although some scholars associate them within a public sector as well. The private sector is fully interested in Profit making and also very important to government. In spatial planning we have some stakes and actors within this sector. For instance businessmen trying to secure more industrial space for profit and sustainability of their activities, and also a bulk of other individuals with specific interest as discussed below;

4.5.1. Businessmen as stakeholders in Spatial Planning

Although city planning has diverse roots, businessmen turn to get more interest because they view planning as a means to shape their urban environment both economically and socially (Blackford 1993). Businessmen become strong supporters of city planning movements unfold and work to protect their goals in political arenas by acting and lobbying as stakeholders. Businessmen especially, merchant, financiers and industrialists, heightened the economic power and reputation of their city and thus their own industrial and economic positions as well (Blackford 1993). Merchants are very important actors in spatial planning as they work hard to keep business in progress.

In economic terms, a spatial plan strongly urges that the physical needs of business are addressed, and that knowledge-based industries should be attracted to build upon the region's existing commitments to manufacturing. In terms of residential development, the plan promotes the development of common urban density guidelines and extending the provision of affordable housing. Its main transit objective is to develop a fully co-ordinated system linking together major residential, employment and

commercial areas, and to sustain the quality and accessibility of its regional road network (Williams 1999). This may result to land expropriation and conflict of stakes in such expansion.

In a nut shell, the stakeholders here are businessmen who surface in SP to influence plans to meet their desire location of raw-materials or nearness to source of information that will reduce production cost and increase profit. In most spatial planning actors with a business stake are interested in Industrial space most of the time since many factors are usually taking into account in the localisation of industry such as toxic waste and needs tactful planning before their location.

4.5.2. Fishermen as stakeholders

Fishermen have been described as vulnerable actors in spatial planning especially as their activities are closely linked to livelihoods and their source of income usually under threat in the event of spatial planning. Marine spatial planning (MSP) is where fishermen interact. It is promoted as a means of managing human uses of the sea in a sustainable manner (Flannery and Ó Cinnéide 2008). MSP most of the time is restrictive to the activities of fishermen.

MSP is used as a strategic plan for regulating, managing and protecting the marine environment that addresses the multiple, cumulative and potentially conflicting uses of the sea (Symes 2005). This has been a conservation means to prevent the activities of the fisheries industry in a bid to prevent environment degradation within the marine region and a balance to the ecosystem. When the fishers understand the problems and benefits of taking action, agree upon the actions to be taken, they will take part in the enforcement at least to the extent of encouraging compliance (Pomeroy and Douvere 2008).

For centuries, the oceans have been of major strategic importance to the economic and social development of Europe. The EU has a coastline of 68,000 km, equivalent to seven times that of the United States and four times that of Russia (Douvere 2008).This marine environment is consolidated by international treaties and negotiations. Almost half of Europe's population lives within 50 km of the coast and as a result of this close association between European citizens and their seas, coastal and marine areas are heavily affected by increasing conflicts among competing users hence needs for such enhancement (Douvere 2008).The fisherman becomes affected, their interest and occupation are under constant restrictions and the fishing industry as a whole. Legislation from EU like WFD has had to reduce fishing activities to prevent degradation and maintain a balance within the ecology.

Within this circumstance, the fishermen see their source of life and profession at risk in most MSP scenarios. This is so because such plans are restrictive most often to their source of income hence livelihoods threatened. They are mobilised nowadays than ever to safeguard their interest and this is most feasible through participation when it comes to MSP.

4.6. Elected Officials as stakeholders in Spatial Planning

Elected Officials (EO) here particularly is related to mayors, council members, and city managers who are elected by the citizens to serve them for a mandate. Although Mayors may be appointed in some countries like the Netherlands, they work in association with elected councillors. In most literature on governance a linear drift from government to governance is often assumed and accompanied by a loss of control by local and regional governments over their territories (Louw, Krabben et al. 2003). However it is not a complete loss of control as it may sound but a the fact that elected officials mainly at the local tiers of administration try to make sure decisions taken involves the interest of those they

are representing hence shifting 'from government to governance (MacLeod and Goodwin 1999).In spatial planning EO are partners with an interest to protect as well.

4.6.1. The Stake of Elected Officials

The Elected officials in this study are limited to the local level and this is often municipal officials. They are often responsible for all *urban developmental* plans. Urban development could involve the expansion into natural areas such as forest and reserve for house construction or roads which could be as a result of population increase (Cheshire 1995).Municipalities have a set of instruments available to enable them to put spatial planning in place and endeavour them to achieve the desired physical and spatial quality. In fact, Dutch municipalities are implementing spatial policy by getting involved with operational matters, becoming land developers and creating an entrepreneurial type of governance (Louw, Krabben et al. 2003).

The statutory scenario of a given municipality strengthens the powers of the elected officials to get immense in spatial planning in order to do as the laws demands (Momper 1992). Urban development is a dynamic phenomenon especially among EU member states. This does not only get them highly involved in spatial planning but gives them a grounded legitimacy of their functions in the entire process. Decentralisation as in Sweden and in the Netherlands has given more strength to the municipal officials in taking decision on SP and programming. (Faludi 2009) commented on the fact that there is more political capital to be gained from addressing imminent housing and environmental issues which is part of urban development and the job of EO. They consider this important in the execution of their functions while in office hence protecting this interest of theirs.

4.7. The Individual Stake and conclusion to four three

Individuals are all those who form the other stakeholders discussed until now in spatial planning. In case of a municipality, Individuals are highly involved in spatial planning leading to urban developments (Van Melik, Van Aalst et al. 2009). Individuals will always want a security on their livelihoods which is indeed so important. The enjoyment of their freedom and safety of their property improves their sense of belonging to a community. The omnipresent stake of the individual at this juncture is the property rights in terms of their plots and source of living. Their bundle or rights are trampled upon when we integrate all the stakes discussed in this chapter. From Environmental Justice that covers a broad spectrum of issues to urban development which has to do with land expropriation and resettlement in some cases as the Slovenia legislation elaborated on. All in all, this chapter has shown that Stakes in SP are sensitive and unavoidable. The government therefore integrates such stakeholders for better decision making on spatial planning. The figure below presents the stakes discussed in reference with their sectors.
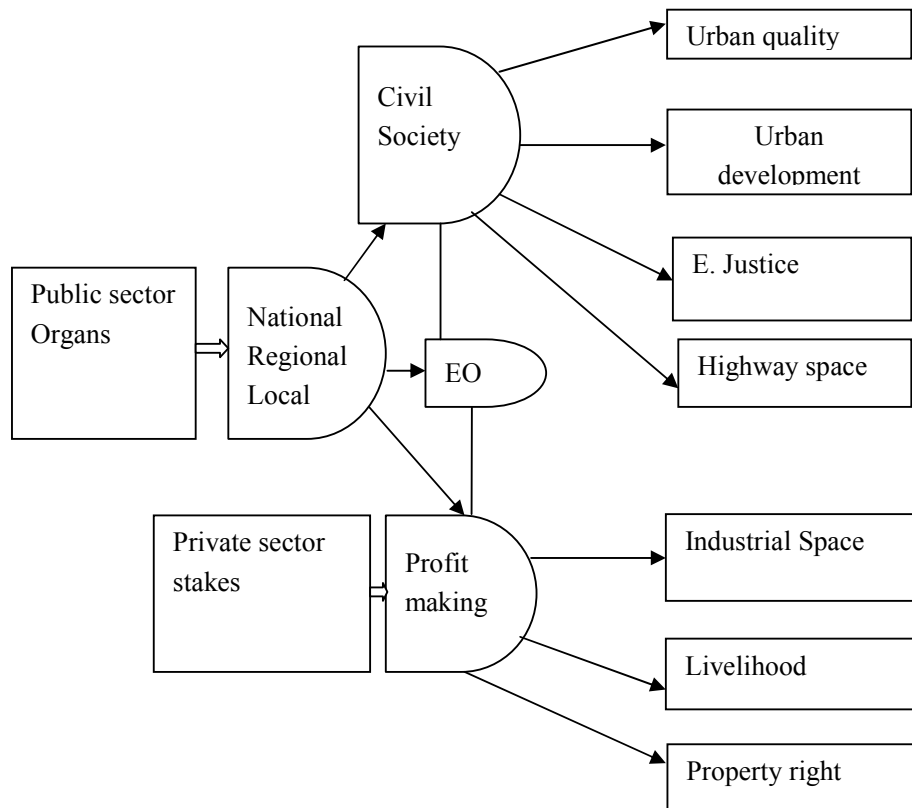
Figure 8: Public, private and civil society stakes in spatial planning

Figure 8 present the stakes discussed in this chapter. Within the public sector, tiers of administration were considered as the custodian of the society from which flows all the other stakes from civil society which is only becoming stronger. The private sector stakes usually are self centred and contributes as well to development and have sensitive stakes that SH protects in SP as listed above. The elected officials of the public sector work with both civil society and private sector to achieve goals mostly targeting development in this case on spatial planning.

5.   Types of Participation in Spatial Planning

5.1.   Participation

The term participation nowadays establishes itself as a best seller (Lovan, Murray et al. 2004) and governments are embracing it to become more transparent to the public. This certainly hold true for the Dutch system (Hajer and Zonneveld 2000) as most discussions on decision tables in the Netherlands talk of participation and involvement of stakeholders. Usually the ladder of involvement is from receiving information to giving advice or even serving on policy-making committees (Chetkow-Yanoov 1982). Public participation is therefore designed to help assure that the peoples will is done (Innes and Booher 2000) while the objectives of public participation have been to communicate knowledge about decisions and hear public opinions before agencies make the final decisions (Janse and Konijnendijk 2007).What is necessary, of course is for the organisation or government in question sharing some of its power with citizens or clients. Participation is therefore a step towards decision making.

5.1.1.   Decision making

Decision making is a process leading to the formulation of a policy and this is done with knowledge leaders (Vroom and Yetton 1973).Two of such decision making processes are highlighted below which are the unilateral decision making and participatory decision making.

5.1.2.   Unilateral Decision Making and Participatory Decision Making

Decision making can be regarded as an outcome of mental processes (cognitive process) leading to the selection of a course of action among several alternatives. Every decision making process produces a final choice. The output can be an action or an opinion of choice (Oppermann and Chon 1997). Participation in decision making therefore is a kind of sharing of ideas from the SH who can affect or could have an effect on the general outcome of the decision making process.

Unilateral decision making on the other hand is done without public participation or sharing of power in the decision making process as (Opdam, Steingröver et al. 2006) analysed that a multi-actor decision-making communication is a key factor for success in current societal issues.
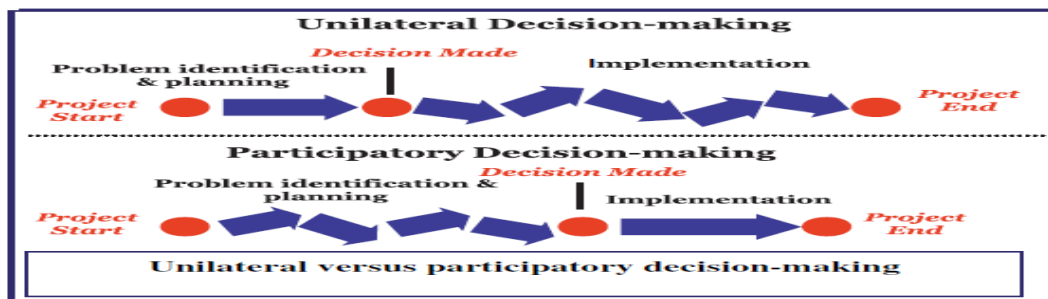
Figure 9: Decision making: Source (HarmoniCOP 2005)

Unilateral Decision making shows that decisions are made earlier and takes more time in the implementation process due to unforeseen circumstances while for participatory decision making process, the time taken for problem identification is much longer as it involves consultation and negotiations and the time for implementation is pretty short with sustainable results.

5.1.3.　　　Purpose of participation

According to Coenen as in (Welp, Kasemir et al. 2009) participation contributes to the quality of decision-making especially as it offers the possibility of articulating the interest of all stakeholders and citizens. This improvement in the quality of decision making leads to the acceptability of the final policy by the public as the citizens had inputs in the process and this makes government policies legitimate among those they represent and are serving. Decision makers want to acquire information about the public preference so they can play a part in decision making about projects, policies or plans. A stronger way to put it is that public participation is designed to help assure that the peoples will is done (Innes and Booher 2000) while the objectives of public participation have been to communicate knowledge about decisions and hear public opinions before agencies make the final decisions (Janse and Konijnendijk 2007).

Participation gives the government information necessary for a better decision. Citizens can play a role as co-producers of policy. Participation therefore leads to good governance and transparency as discussed in chapter one. This is only possible with public participation which usually requires huge finance and time to be sacrificed from the citizens. Early participation will be a best practice in participatory decision making as it allows stakeholders to exert influence on the basic goals of decision-making and possible alternatives (Coenen 2009).Types of participation is presented in figure 10 below.

5.2.　　　Types of Participation

Figure 10: Types of participation in a broader perspective

5.2.1. Citizens control
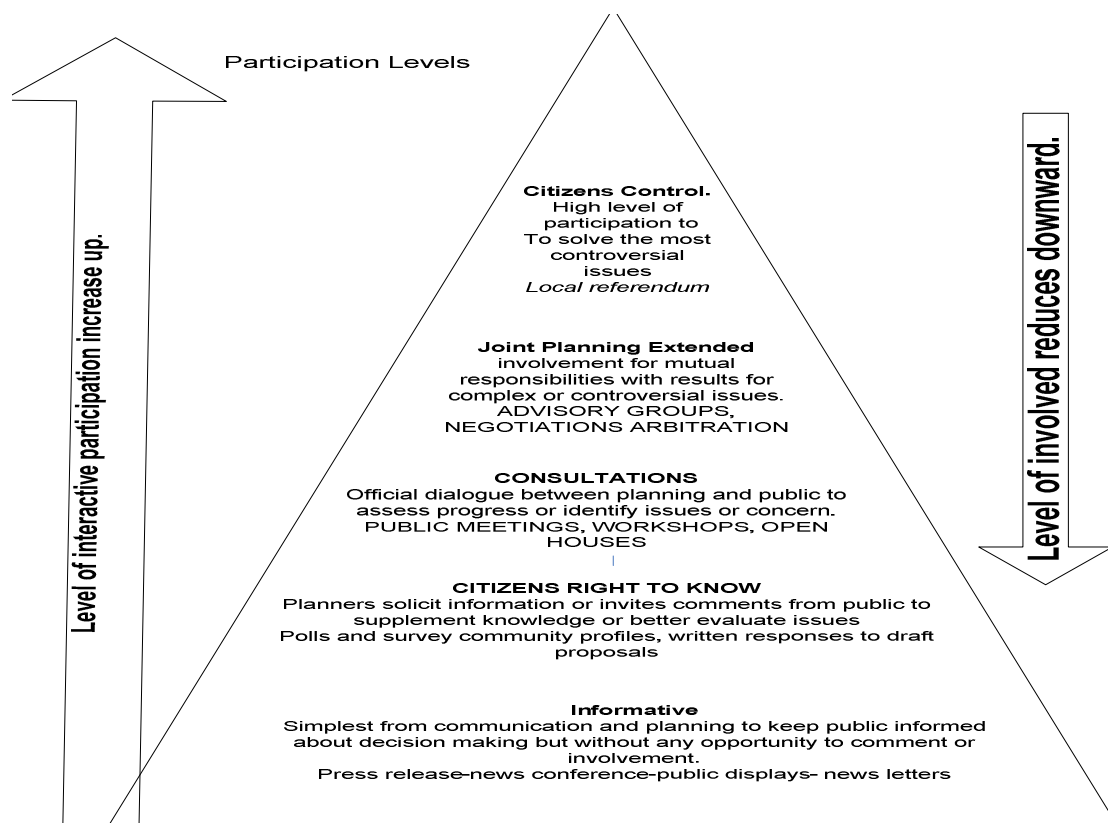
Most of these issues have to do with the rights of citizens especially their property right and their obligations as well. Public participation processes involves multiple agendas and many individuals; these processes often focus on issues with a high emotional content (Glicken 2000).Some participation scholars have branded this citizen control as participatory referendum. This is a situation in which the inputs of stakeholders is highly solicited by managers and decision makers and it is far from being a one off event of participation or a simple hearing but an intense process of participation especially at the local level. Participation is at its peak here and a lot is at stake at this level for instance spatial planning that has to do with urban renewal of a given area as was the case of the Roombeek in Enshcede after the fire disaster of 2001 which has been hailed by scholars as a case that was developed in close consultation with citizens, business and other participants through out the year of 2001 (Coenen, Denters et al. 2006).However it is worth noted by Coenen et al. noted that there was a very generous budget provided by the central government for the Roombeek project. The high level of participation in most cases must be supported by the government and elected officials as the stakes are not only important but need considerable resources for it to be effective. It is common in a purely political process that needs the participation of citizens for an imminent change to occur within the political life of a state and at that stage it is called a referendum which at the end of the day brings new changes in the political history of the state.

Citizens control can only be effective in a democratic setting of administration where facts are not distorted and final plans made is tailored to suit the ideals and conviction of the greatest majority of citizens in question it is not common practice in everyday spatial planning the stake often is urban development when it occurs in spatial planning.

5.2.2. Joint Participation and Public Hearing

Joint participation involves negotiation and arbitration for a better decision out come. It is a high level of mutual bargaining and the respect of the ideals of the parties involve in the negotiation process. Public hearing has become ubiquitous in most countries usually convened by government under legal statute. They are used to investigate controversies, advice to decision makers and most recently to provide a forum for public discussion and channel results to decision makers. To a citizen at times, the thought of attending a public hearing conjures a negative image as citizen's see this as disempowering especially when they are not invited in time in the process. To the regulatory experts and officials, public hearings is often considered as a battle zone and the legal obligations must be met (Renn, Webler et al. 1995). This is a case in point when stakeholders come to a binding legal agreement.

Commentators on public hearings say that they are usually held late in the process of participation and that only few people can speak at a hearing. The structure of the process shows a communication barrier as actors in the fields are the experts who stands on stage during the discussions and not the citizens. It is common place in SP were well informed NGOs overriding other SH in the debate participation they which they are more informed like on environmental protection.

5.2.3. Consultative participation in Spatial Planning

Here there is the official dialogue between the public and the planning authorities and it is of a very interactive form of participation through public meetings, workshops and open houses. In the Danish model on consensus as commented in (Zurita 2006), consensus processes are usually well organised

as a conference is conducted with a dialogue, open to the public between experts and lay people and stretches for over 3 or 4 days. The final document is presented to the politicians, usually members of the National Parliaments. The role of the experts is to inform a panel of lay members about the technology and its implications. The lay panel drafts a final document that contains a clarification and a position on the issue. Consensus conferences have resulted in public debates on pros and cons of some spatial policy making and politicians have thus been made aware of the hopes and concerns of the public. Open-minded citizens of divergent backgrounds make up the panel of lay people in the entire process. Common to all of them is a desire to probe the work of the experts (Zurita 2006) as they are chosen by a process which aims at having a good cross-section of the population. This is common place with spatial planning that health and property rights for instance are at a high risk in the process. The selection of participation takes into account the age, occupation, sex and location of the public members invited into account for a consensus discuss. The panel usually receives a thorough briefing on the subject, so they are well-prepared to ask qualified questions to the experts. There is usually a moderator who guides the entire process and tries to get participant know each other and is suppose not to determine the outcome of such process but citizens themselves via his/her moderation. It is common on agricultural planning policy that has to do with zoning and the formal participation adopted to protect individuals from the infringements of government (Renn, Webler et al. 1995).

Driven by popular demand, governments lately are enhancing possibilities for direct citizens' inputs within government decision makings or become flexible in extending the existing opportunities for public involvement. In European countries principally, Germany, the Netherlands and the Scandinavian countries, public participation practices evolved largely from the labour movement in particular with co-determination of corporate management and of late, has penetrated into the government (Renn, Webler et al. 1995).Europe has therefore be a major testing ground for new methods of citizens' participation in the area of national policy formation.

Consultative and consensus participation could leads to other pertinent notion of 'planning obligations'. *Planning obligations* refers to additional commitments taken on by a private actor as part of a planning agreement (Janssen-Jansen and Woltjer 2009). They are usually captured by public private agreements. Planning obligations commonly refer to constraints on implementation or restraint on specific land uses. They can also signify the requirement to use land in a determined way, the requirement to carry out certain activities or even the obligation to pay money to local government. Planning obligations represent the possibility that a developer takes on certain commitments alongside individuals affected in the development process.

5.2.4.   Public right to know

The notion that redistributing information can have widespread repercussions and has been around since Francis Bacon said "*knowledge is power*" in the late fifth Century. The impact of right to know is shaped by:

➢   the attributes of the information itself;

➢   the means for accessing the information;

➢   who uses the information;

➢   the resulting information-based initiatives;

The type of information provided by non-scientists is different from that provided by technical experts. This non-technical information enters the decision-making process and informs the decision in a different manner than scientific information. It should not therefore be a substitute for science, but supplement or augment it. Taking an ecological risk-assessment process as an example, the non-technical information generally enters the planning stage were a suite of social values relative to the environmental issues is elicited from stakeholders. Through an interactive process of communication with the scientific community about what is technically feasible, values are then converted to assessment endpoints used by the scientists to structure data collection and analysis (Glicken 2000).

The challenge of community right to know is information for participation (Goldman 1992). Tackling this challenge means not only improving the responsiveness of public information systems and increasing citizen involvement in decision-making, but also transforming the roles and attitudes of government regulators, such changes will be facilitated by institutional mechanisms that make the control of information technologies accountable to the public they are intended to serve. Most European municipalities like in the Netherlands and Denmark have most of this information online via government portals and their respective ministries in charge of spatial planning. This is usually a non-negotiable right of the citizens and this made them passive and active participants in the spatial planning process. Property owners are key actors in the phase of participation and information communication technologies (ICT) has improved this quality of participation digitally.

5.2.5.   Informative Participation

However, there is growing concern that stakeholder participation is not living up to many of the claims that are being made (Reed 2008). SP that has to do with environmental problems has got to deal with a set of what some scholars have branded 'wicked problems' and designing policies to tackle these wicked problems needs great attention. The Name wicked problems comes in because they are persistence despite considerable efforts to solve them (Van Bueren, Klijn et al. 2003). That is why citizens who can not affect the decision relating to the so called wicked problems have the right to know early enough in most cases the nature of the bitter pill to swallow as a price for a spatial plan. With the advent of electronic governance in countries like the Netherlands and Denmark, there are online portals to give access to information on some of these problems and the planning process to be undertaken by the decision makers. In other cases, press conferences are organised and the media informed on the pressing issues and the way forward based on technical directives from some experts solicited by decision makers and such information is disseminated to the public via the media. In such a case therefore citizens are simply informed.

This information to citizens comes as a strategy to tame the nature of the wicked problems (Rittel and Webber 1973). A road construction that leads to destruction of private property as occurring lately in Slovenia after her membership with EU has let many private property owners not happy despite the compensation acts as discussed earlier in this study on Slovenia.

5.3.   Conclusion on types of Participation

Citizens control form of participation is often not very pragmatic in SP. Some individuals end up not feeling included in the participation process, they forget the trust of past partnerships and lapse into thinking that all planners are really 'the enemy'. Frustrated planners see all citizens and laymen groups as ungrateful, and the vicious circle continues. So far it is feasible that the statutory

requirement of citizens to participate leads to participation in spatial planning. Stakes like EJ represented by NGOs falls around consultative participation which often ends up in a consensus while other plans like zoning of noise in an airport region are centred on informative participation most of the time. Once a new plan becomes official, both citizens and planners have to win support from the many departments of city, regional, and national governments as well as from the community at large. Everybody will have to be vigilant about follow-up and enforcement, as well as about publicising the improvements which really have come out of the partnership (Chetkow-Yanoov 1982).Lacking such an actual partnership, plan-making deteriorates into another exercise in futility. Citizen participation which is to go beyond political slogans is a difficult thing to accomplish, and requires much tender care (Chetkow-Yanoov 1982).The plans are usually strategic, tactical and operational and all this falls within the general administrative set up.

6.   Results ,Analysis/Discussion

6.1.   Results

This study has revealed that EU policy documents on spatial planning like the European water framework directives (WDF) as other participatory spatial planning cost much in terms of time to arrive at specific benchmarks. Spatial planning at this supra-national level of EU has been done with collaboration from a series of meetings with passionate negotiations to arrive at agreements. These agreements have also taken the diverse nature of the political systems making up the EU MS. They have been focused on participation and surrounded by democratic principles of majority rules and all geared towards territorial cohesion of the EU.

The SP legislation has been constantly amended like the case of the ESDP and the WDF in the process to come out with a final policy document. These acts usually restrictive have been centred on zoning legislation, Forest legislation and land use legislation which often has been reflected in policy maps.

Also, in spatial planning participation has become a statutory right for citizens among the countries often cited that is the Netherlands, Denmark and Slovenia. The study has also revealed that steering powers are accorded to municipalities to implement spatial planning; however this strength they have is not by any means to contradict the spatial plans of national interests.

For the stakes involved in spatial planning, Environmental Justice has often been protected by NGOs during participation. NGOs have sought to protect this stake at high administrative levels to the municipal level. NGOs have been noted to be most influential stakeholders in spatial planning from the civil society sector.

Urban quality has been another interest which this study uncovers as being protected by health advocates who are often responsible for Health Impact Assessments in most spatial planning process. It was noted that all stakes in spatial planning generally are sensitive thus taken into consideration by governments when designing such policies. These stakes have been property rights, livelihoods, urban quality, and urban space, environmental justice urban developments and property rights. They are unavoidable when it comes to urban and sustainable development.

The study reveals that planning obligations is common in spatial planning. Stakeholders who participate in spatial planning end up accepting standards of the decision irrespective of whether they are winners or their interest are washout in the process.

The study shows that gaps between planning professionals and actual users of urban facilities such as houses, schools and markets amplified participation in SP and that with the advent of participation in spatial planning, decisions have often ended up with consensus as stakeholders' opinions count a great deal in the process for instance when a health stake is involve in the process. Figure 11 below summarises the findings on participation.
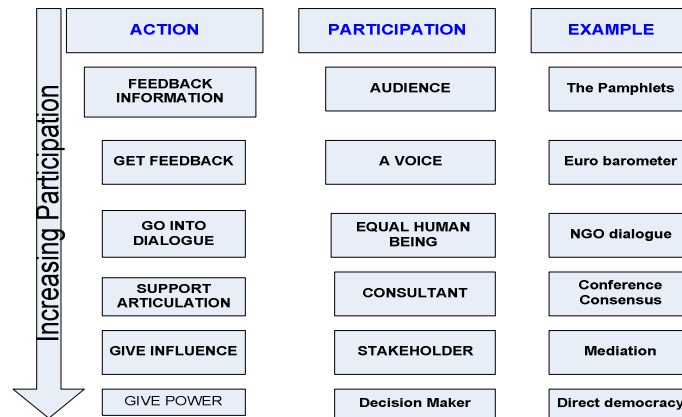
Figure 11: Results on degree of participation in spatial planning: Inspiration from Joss and Bellucci 2000

Figure 11 indicates that participation increases downwards and the peak of participation is when citizens acts as decision makers that is having equal powers to influence decisions in government cycles leading to a direct democratic process which is often rare when it comes to spatial planning. Most of the participation in spatial planning fluctuates between mediation, conference consensus, and NGOs dialogue.

6.2. Analysis and discussion

6.2.1. Institutional dimension

Institutional settings from the general EU perspective have been geared towards territorial cohesion to boost the free trading zone hence the economy of the union as a whole. The Maastricht treaty, the ESDP and the WFD revealed that spatial planning documents that were reached at collaboration between the EU MS were based on territorial cohesion and for sustainable environment. The track records of the changes in acts leading to the final plans of these policy documents have tended to promulgate public participation. For instance under WFD, the commission produce a water policy in 1995 followed by publishing a proposal for water framework directive in 1997 which advocated for more transparency in the process so that MS will all accepts the final document on water directives for sustainable developments of resources within the marine environments. Hence participation at this juncture has been tailored towards development. All EU MS have significant representation of the ministers of spatial planning within the EU and this gives a high degree of legitimacy during implementation of spatial planning directives such as the WFD.

Spatial planning related policies are often very flexible. These policies usually gives room for public interests to be taken into account and amendments carried out even before the stipulated period for review. The Dutch case is a good example as the 10years duration to revise the Wro is seldom respected because when societal changes crop up along the line SP shoot as a response to these changes to suit the ground conditions of the urban region in question. These early revisions on planning act prior to the fix time leads to consultation with the citizens before it becomes a spatial policy or publish at the municipal portal as is the case in the Netherlands and Denmark for comments from the public. Worth noting is the fact that SP response to changing circumstances taking into account that it is aimed at changing the organization of a spatial environment to meet the demands of a society while reflecting on social factors like population increase of which the government is

expected to fulfil its multiple functions to respond to them (Ligtenberg, Wachowicz et al. 2004). Consultation in the form of participation becomes imperative and as part of the reason to respond to such changes hence prominence of participation in SP.

The nature of regulation on spatial planning has been guided by forest legislation, land use planning, zoning, and taxation legislation. A critical look at the content of these legislation shows that they are unfriendly to the individual citizen. Slovenia for example has been one of such EU member countries that have promoted EU legislation on spatial planning almost as they appear. This has let to mass expropriation in a bit to create urban space, and roads development. Even though the SP effects provides for compensations in the event of expropriation, it has been a bitter pill to swallow on the part of the affected parties therefore indicating that spatial planning is restrictive to private property rights. This knowledge is known among government and contributes to the invitation of stakeholders to participate in spatial planning so that the final policy could be accepted.

Figure 12: below clusters the bundles of legislation revealed in this study into some mainstream legislation as mentioned earlier within the administrative tiers. They are:

- ➢ Zoning legislation
- ➢ Forest legislation
- ➢ Land use legislation
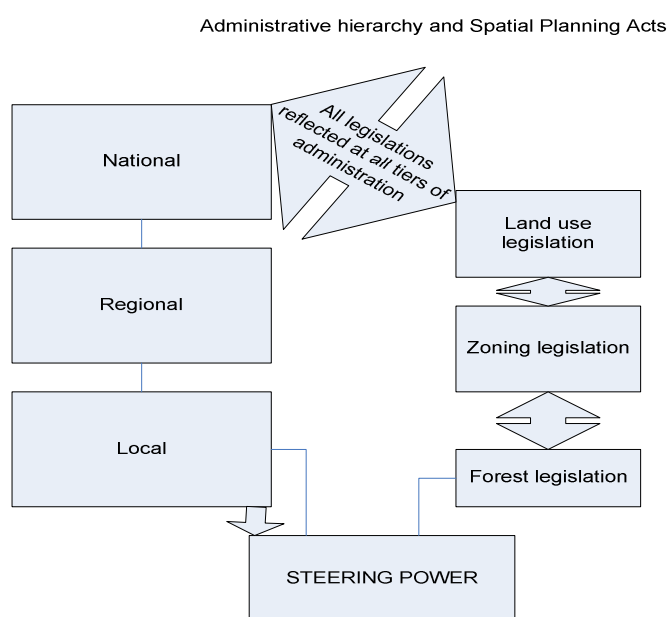
Figure 12: Clustered legislation and government tiers

The Acts above are all reflected at all tiers of government and they have been responsible for guiding the spatial plans under this study. Figure 12 portrays that, the local administration has been accorded the steering power in the implementation of the spatial plans and could go as far as proposing amendments on them as is the case in with the Netherlands system. Consensus therefore reconciles the administrative tiers during participation.

Policy makers certainly take into consideration that spatial planning ends in aggressive polices to some actors within the society thus incorporating them in planning. This has been part of the reasons why scholars have commented much on participation in spatial planning. It is worth noting at this

point that participation processes are constituted and regulated by rules (Coenen 2009). Indicating the importance of the government in spatial planning who is the custodian of the rules/regulation of the states. The Government invites SH to participate in SP to add trust in decision taken to represent the citizens.

6.2.2. Public trust in governance

Governments have taken public trust as an important factor for participation in spatial planning since decision makers understand the pains and sacrifices the public makes in accepting spatial planning outcomes. Governments are now taking citizens as partners to restore trust within administrative set up. In this light, they have involved them in the formation of policies that could jeopardise this trust. In spatial planning, trust is needed more in order for the public to understand their obligation at then end of the planning process. This thus leads to legitimacy of the spatial plans and hence acceptability of government policies in this sensitive area.

Slovenia for instance has displayed a case in which participation in spatial planning is exceptional among the former countries of the Yugoslav republic. This country is not wealthy as the Netherlands and Denmark thus, civil society is not strong. This country's spatial planning is greatly centred on zoning of parks and legislations mostly evolving around expropriation, easement and compensation in regions affected as a result of zoning. Citizens are therefore to be compensated if the government policy affects them. When it comes to expropriation of land for government use which has been common in this country, the government gives compensation to the individuals affected in order to restore that confidence. The citizens have trusted spatial policies in this country because of their participation in the process even though not as prominent as participation are in Denmark. Participation therefore restores trust to be lost by SP outcomes as it is usually offensive to some stakeholders whose stakes are affected.

Decentralisation process and democracy encouraged by EU has been practiced among its members. These sorts of institutional settings have encouraged participation in spatial planning especially as it has to do with restrictions most of the time. These Institutional settings geared towards democratic values are essential for development in any given society and since spatial planning is geared towards development, especially environmental and sustainable development it becomes easier for government (democratic inclined) to incorporate stakeholders for such holistic development which entails sacrifices. This is part of the reason for prominence of participation in spatial planning especially in advance decentralised states like the Netherlands and Denmark.

6.2.3. Stakes and Spatial dimension

The stakes uncovered so far with much interest have been urban development, Environmental Justice, urban quality, urban space, livelihoods and property right. They are presented below with their corresponding actors.

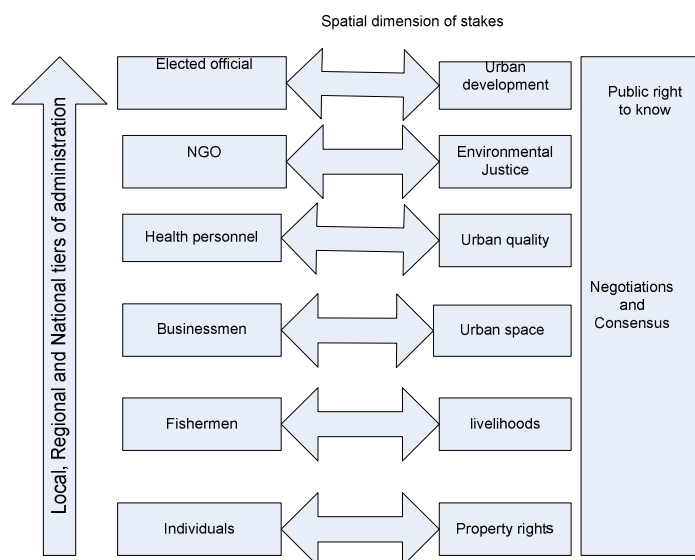Exploring and Investigating the Importance of Participation in Spatial Planning

Figure 13: Spatial dimension of stakes

As per figure 13 above, stakes have had specific team players who represent them in spatial planning. In generic terms they are often called stakeholders who are persons, groups or organisation with an interest or a stake in an issue on SP who are affected by or can affect a decision making process because they may have an influence over its outcome (Freeman and McVea 2001). Stakes occur within the tiers of administration of government to different degrees.

Property right for instance is often a stake that is more feasible at the local level of government and the property owners are usually individuals who are part of the constituency. In spatial planning like the construction of public roads, some individual's plots of land are taken by the government for public use. This has been very common within emerging EU member states countries like Slovenia. The kind of participation here is often in form of informing the property owners of what will occur and how to get the compensation .However in present day Slovenia, property owners that suffer effects from spatial planning are invited over for valuation of the asset before the policy is implemented. This became very practicable when Slovenia joined the EU in 2004. The public therefore accept painful reforms leading to expropriation if they are part of such decision making process and this has underscored the importance of participation in spatial planning.

The livelihoods of the fishermen who are the main field workers in the fishing industry are constantly under control due to marine spatial planning. This stake of livelihood is often at the local level of administration and the planning is done most often at top administrative tiers a good example has been the Europe water framework directives. Marine experts and fishing industries have been represented in such participation and what the fisherman has had at the end of the day is information on restriction to avoid degrading situation within the marine environment to balance up the ecology as a whole. Lately, this has led to more call for fishermen participation in MSP so they could be promoters of a sustainable Marine environment and hence balance up the ecology.

Participation in SP so far has been based on consensus most of the time after negotiations as seen in figure 13 above however other dominant forms of participation revealed within the context of this study have been around the statutory requirement of public right to know.

Stakes like Environmental Justice are not for personal interests but the common good of the society. They are like the voice of the voiceless and at decision tables from the national and supra-national levels to regional and local administration; NGOs have provided unwavering support to this at times, they even set agendas for SP and become so represented in negotiation that other stakes like urban development are at risk. (Coenen, Huitema et al. 1998) described this over representation of NGOs as 'urban ghettos'. They do so for the sake of protecting their interest and influencing acts at the national level of administration as well.

Most of these stakes listed above, deals with alternative in spatial planning that is choosing one stake from another during decision making process leading to a policy map of spatial plans. That is, while one stake gains another looses. The fact that a choice has to be made has led to dilemmas in SP. The discussion below will be on these dilemmas and how they are connected to the role of participation in spatial planning and highlight their spatial dimensions as well.

6.3.   Stakes and dilemmas

Urban development for instance has been the main duty of the elected officials who are main actors in the scene within their constituency as they integrate the spatial plans of the government to meet with the demands of their localities by involving the citizens. (Van Melik, Van Aalst et al. 2009) commented that individuals making up the private sector are highly involved in spatial planning leading to urban developments and work in conjunction with municipal authorities. As in most physical development project, land and forest have been under threats. Some *NGOs* like the Greenpeace have as a mission to protect the environment for posterity so that future generations could benefit as the present generation is benefiting. This has led to debates and conflicts of interest in spatial planning process for either urban development now and jeopardising the future generation or sacrificing of some degree of urban development of today for future benefits. Consensus is what settles the debates of both stakeholders. In this case the consensus generally boils down to a sustainable approach to urban development this only invites huge amount of time for the stakeholders to arrive at a decision. This of course amplifies why in spatial planning participation is important as some critical choices have to be made with sacrifices and this usually is an interaction between two or more parties (SH).

Urban quality is another case in point for a dilemma in SP. This stake has ushered in intimate participation in spatial planning that has got to do with the struggle to protect the stake of public health in the midst of urban space with *businessmen*. Public health advocates have made tremendous efforts in SP for concerns relating to health issues. This has taken the form of HIA before and during planning so as to give the best advice possible to safeguard urban quality. As (Renn 2006) mentioned earlier that health and lives are some stakes at risk in planning. (Northridge, Sclar et al. 2003) further noted that if HIA is not included in spatial planning, it results to illness and eventually dead of people from pollution caused by industries. This is particularly true if the health stake is subdued in participation by other actors like businessmen and industrialists who are responsible for polluting the air. Taken into account the contribution of industries to an economy, and the fact that a healthy population is needed to sustain and boost development, decision makers are challenged either to make a choice between a spatial policy that favours industries or takes health consideration into account or do both at the same time. Inviting the stakeholders to decision making process becomes a necessity to come out with best choice and the nature of the spatial policy to be implemented.

Nowadays, there is a statutory requirement for environmental impact assessment (EIA) in most spatial plans as compared to health impact assessment (HIA) which extends the environmental impact assessment (EIA) further to identify how environmental changes would impact on human health (Aziz, Radford et al. 2000). As of now HIA is gradually being taken into great consideration in current SP in Europe. This increases need for participation especially as the health stake is real since citizens only participate when the stakes are clear and they know what to achieve at the end.

A livelihood comes into the lime lights as a critical stake in spatial planning. Fishing is an important occupation in the life of those who live around marine environments and taking fishing activity as a source of income and sustenance. This has resulted in threats of fish extinction for future generation. Due to fear of extinction, many international organisations have been pushing forth what is called payments for environmental services (PES) which is done in attempt to make sure the fishermen in this case are compensated to restrain from their source of livelihoods. The process leading to the institution of the price to be paid to these fishermen is partly in the form of marine spatial planning and this has been done with obligation on both planners and fishermen. Even though most cultural factors like life style has made such PES schemes not much of a success, the participation rate in MSP has increased lately and the reason has been for preservation of these marine life from extinction hence sustainability and ecological balance

Participation in spatial planning so far has got to do with related and unrelated stakeholders in the entire process. Participation therefore becomes a moderator in the entire process as most stakes are of high importance and benefits not only the actors but the society as a whole. Stakeholder's representation decreases as we move upward the level of administration toward the national bureaus especially due to bureaucratic reasons. The final plans are suppose to be accepted by the public since acceptability by the public leads to legitimacy hence good governance. This shows that in most spatial planning SH have ended up at a consensus most often although in certain circumstances, they are just informed of what will happen as a right enshrined in legislation of the countries cited in this study.

However, the quality of decisions made through stakeholder participation is strongly dependent on the nature of the process leading to them. This research shows that different forms of participation should be used to solve different participation approach works with inputs from citizens at different levels that has led to disillusionment in stakeholder participation. This is glaring when they appear at a level of negotiation they have no inputs and (Reed 2008) attributes such participation to be limited to political slogans only.

6.3.1.   Sustainable dimension

Land is scarce and the spatial planning definition for this study was taken to mean the administrative regulation of land use and a tool that local authorities use to determined rights and obligations concerning urban functions and uses as well and govern future development (Balducci and Calvaresi 2005). When this definition is integrated along side the research objectives, it is evident that the government in attempt to achieve its policy of development, and taking into account the restrictive nature of the obligations set by SP, stakeholders are therefore integrated into the system by the government to secure urban development for today and the future. This is even reflected as the mission statement of the Dutch spatial planning act. Carrying out this function, objects such as stakes, stakeholders, legislation, and participation levels are integrated at one point or another at the tiers of administration to achieve this government goal which usually ends up with decisions made with

inputs from all stakeholders especially as the legislation gives the rights to litigation in most EU MS if they feel cheated in the process. Participation therefore is some sort of democratic rights and obligation used for a sustainable urban development. Since participatory democracy of this nature identifies quickly and response to social and economic changes within a society than just represented democracy.

7. Conclusions and Recommendations

The main research objective of this study was to investigate what is peculiar in Spatial planning that there is so much prominence of citizens' participation in the entire process. This chapter provides conclusions and recommendations to that effect.

7.1. Conclusions

Reflection on sub-objective 1

The first objective sought to understanding institutional arrangements for Spatial Planning. The study revealed that most legislation that guides spatial planning are generally restrictive in nature. The government in an attempt to create trust within the governing system takes citizens as some sort of partners in decision making around such restrictive policies so that they could be accepted by the public. The countries studied have decentralised systems of government with powerful municipalities who had steering power in the spatial planning   and the governing nature was horizontal.

Reflection on sub-objective 2

This second objective was to uncover the stakes involved in spatial planning and to tally them with their holders while justifying their legitimacy. The findings observed shows that the stakes involved in SP are very sensitive and unavoidable. Also, these stakes can not be satisfied at once during SP and since some of the SH will become losers, government invites SH to participate so they understand the nature of plans and be ready to accept changes that may affect them either positively or negatively.

Reflection on sub-objective 3

This third and final objective was to elucidate the types of participation that exist within SP systems. The findings shows that there are quite interesting types of participation in SP and the most prominent used type in SP has been negotiations that finally arrived at consensus with obligation to stakeholders concern. Public right to know type of participation has shown to be a statutory requirement in almost all spatial plans within EU and the cited states. Consensus has led to amicable ending as is the case in Denmark .SP Policy maps have been trusted as a result of transparency and the final goals on the right track of urban development for today and future following our working definition of SP in this study.

All in all, even though SP is costly in terms of time and resources on the part of the individual and group of individuals, they readily participate in the process in order not to keep their stakes at risk. Spatial planning practices are shaped by the dynamics of economic and social change, which give rise to demands for space, for location, and for qualities of places. The dynamics also shape expectations about how the demands will be met and the values accorded to the attributes of places and buildings. Since most of these changes are centred on land which is critical for economic growth and scarce as well, a holistic approach is mandatory for a sustainable urban development. The efforts for this sustainable approach to urban development have integrated SH participation in land use planning such as spatial planning, hence the prominence of participation in spatial planning.

7.2. Recommendation

Taking into account that spatial planning includes participation in the process, it will be more meaningful if stakeholders are invited to participate at the genesis of this planning so that there is more time for reflection and constructive debates that could leads to a better consensus.

Stakeholders' participation is critical but not adequate in the SP process since stakeholder empowerment, through environmental education, capacity development and social communication, is essential and should be an integral part of participation. If government really wants to pursue the goal of sustainable urban development using spatial planning as a tool, it has to educate and organise stakeholders properly and not seeing them as rivals but partners in the entire process.

More so, instruments should be used in SP to make sure that there is equitable representation of the stakeholders in order to prevent over representation of some stakeholders in the process so that the interest of others can not be subdued.

References

Albrechts, L. (2004). "Strategic (spatial) planning reexamined." <u>Environment and Planning B</u> **31**: 743-758.

Ataöv, A. (2007). "Democracy to become reality: Participatory planning through action research." <u>Habitat International</u> **31**(3-4): 333-344.

Aziz, M., J. Radford, et al. (2000). "Health impact assessment, Finningley Airport." <u>Doncaster Health Authority</u>.

Balducci, A. and C. Calvaresi (2005). "11 Participation and leadership in planning theory and practices." <u>Urban governance and democracy: leadership and community involvement</u>: 234.

Bank, W. (2007). Feuille de style.

Bindseil, U. and C. Hantke (1997). "The power distribution in decision making among EU member states." <u>European Journal of Political Economy</u> **13**(1): 171-185.

Blackford, M. (1993). <u>The lost dream: businessmen and city planning on the Pacific Coast, 1890-1920</u>, Ohio State Univ Pr.

Böhme, K. (2002). "Nordic echoes of European spatial planning: discursive integration in practice."

Borrás, S. (2003). <u>The innovation policy of the European Union: from government to governance</u>, Edward Elgar Publishing.

Bryson, J. (2004). "What to do when stakeholders matter." <u>Public Management Review</u> **6**(1): 21-53.

Buitelaar, E. and N. Sorel (2010). "Between the rule of law and the quest for control: Legal certainty in the Dutch planning system." <u>Land Use Policy</u> In Press, Corrected Proof.

Burns, J. and A. Bond (2007). "The consideration of health in land use planning: Barriers and opportunities." <u>Environmental Impact Assessment Review</u> **28**(2-3): 184-197.

Chave, P. (2001). <u>The EU water framework directive: an introduction</u>, Intl Water Assn.

Cheshire, P. (1995). "A new phase of urban development in Western Europe? The evidence for the 1980s." <u>Urban Studies</u> **32**(7): 1045.

Chetkow-Yanoov, B. (1982). "Citizen participation in city planning." <u>Habitat International</u> **6**(1-2): 165-178.

Coenen, F. (2009). Local Agenda 21: 'Meaningful and Effective ' Participation? <u>Public Participation and Better Environmental Decisions</u>**:** 165-182.

Coenen, F., B. Denters, et al. (2006). "11 Between vision and consensus." <u>Legitimacy and urban governance: a cross-national comparative study</u>: 161.

Coenen, F., D. Huitema, et al. (1998). <u>Participation and the quality of environmental decision making</u>, Kluwer Academic Pub.

Cowell, R. and S. Owens (2006). "Governing space: planning reform and the politics of sustainability." <u>Environment and Planning C: Government & Policy</u> **24**(3): 403-421.

de Jong, J. and M. Spaans (2009). "Trade-offs at a regional level in spatial planning: Two case studies as a source of inspiration." Land Use Policy **26**(2): 368-379.

Demsetz, H. (1967). "Toward a Theory of Property Rights." The American Economic Review **57**(2): 347-359.

Douvere, F. (2008). "The importance of marine spatial planning in advancing ecosystem-based sea use management." Marine Policy **32**(5): 762-771.

Elliott, C. and A. Udovc (2005). "Nature conservation and spatial planning in Slovenia: continuity in transition." Land Use Policy **22**(3): 265-276.

Enemark, S. (2002). Spatial planning system in Denmark, Kopenhagen: The Danish Association of Chartered Surveyors.

Environment, D. M. o. (2010). Planning and Land use. Copenhagen.

Evers, F. W. R. (1980). "Noise zoning around airports in the Netherlands." Journal of Sound and Vibration **68**(2): 281-294.

Faludi, A. (2001). "The performance of spatial planning." Towards a new role for spatial planning: 103-126.

Faludi, A. (2009). "A turning point in the development of European spatial planning? The [`]Territorial Agenda of the European Union' and the [`]First Action Programme'." Progress in Planning **71**(1): 1-42.

Faludi, A. and A. van der Valk (1994). Rule and order: Dutch planning doctrine in the twentieth century, Kluwer Academic Pub.

Fischer, K. and R. Moratz (2001). From communicative strategies to cognitive modelling, Citeseer.

Flannery, W. and M. Ó Cinnéide (2008). "Marine spatial planning from the perspective of a small seaside community in Ireland." Marine Policy **32**(6): 980-987.

Florini, A. (1999). Does the invisible hand need a transparent glove? The politics of transparency.

Flynn, N. (2007). Public sector management, Sage Pubns Ltd.

Freeman, R. and J. McVea (2001) A stakeholder approach to strategic management.

Gemmill, B. and A. Bamidele-Izu (2002). "The role of NGOs and civil society in global environmental governance." Global Environmental Governance: Options & Opportunities **77**.

Glicken, J. (2000). "Getting stakeholder participation [`]right': a discussion of participatory processes and possible pitfalls." Environmental Science & Policy **3**(6): 305-310.

Goldman, B. A. (1992). "Community right to know: Environmental information for citizen participation." Environmental Impact Assessment Review **12**(3): 315-325.

Golobic, M. and I. Marusic (2007). "Developing an integrated approach for public participation: a case of land-use planning in Slovenia." Environment and Planning B: Planning and Design **34**(6): 993-1010.

Grieco, J. (1995). "The Maastricht Treaty, economic and monetary union and the neo-realist research programme." Review of International studies **21**(1): 21-40.

Groenewegen, P., A. van den Berg, et al. (2006). "Vitamin G: effects of green space on health, well-being, and social safety." BMC Public Health **6**(1): 149.

Hajer, M. and W. Zonneveld (2000). "Spatial planning in the network society-Rethinking the principles of planning in the Netherlands." European Planning Studies **8**(3): 337-355.

HarmoniCOP (2005). Harmonising Collaborative Planning. Learning together to manage together.

Healey, P. (2004). "The treatment of space and place in the new strategic spatial planning in Europe." Steuerung und Planung im Wandel: Festschrift für Dietrich Fürst: 297.

Higgins, M., M. Douglas, et al. (2005). "Can health feasibly be considered as part of the planning process in Scotland?" Environmental Impact Assessment Review **25**(7-8): 723-736.

Hirst, P. (1988). "Representative democracy and its limits." The Political Quarterly **59**(2): 190-205.

Howlett, M., J. Rayner, et al. (2009). "From government to governance in forest planning? Lessons from the case of the British Columbia Great Bear Rainforest initiative." Forest Policy and Economics **11**(5-6): 383-391.

Innes, J. and D. Booher (2000). "Public participation in planning: new strategies for the 21st century." UC Berkeley: Institute of Urban and Regional Development. Retrieved from: http://www. escholarship. org/uc/item/3r34r38h.

Janse, G. and C. C. Konijnendijk (2007). "Communication between science, policy and citizens in public participation in urban forestry--Experiences from the Neighbourwoods project." Urban Forestry & Urban Greening **6**(1): 23-40.

Janssen-Jansen, L. B. and J. Woltjer (2009). "British discretion in Dutch planning: Establishing a comparative perspective for regional planning and local development in the Netherlands and the United Kingdom." Land Use Policy In Press, Corrected Proof.

Kallis, G. and D. Butler (2001). "The EU water framework directive: measures and implications." Water Policy **3**(2): 125-142.

Koldinska, K. (2008). "EU Member States." Gender and the Open Method of Coordination: Perspectives on Law, Governance and Equality in the EU: 119.

Koomen, E., J. Dekkers, et al. (2008). "Open-space preservation in the Netherlands: Planning, practice and prospects." Land Use Policy **25**(3): 361-377.

Krippendorff, K. (2004). Content analysis: An introduction to its methodology, Sage Publications, Inc.

Kunzmann, K. (2006). "The Europeanization of Spatial Planning." Regional development and spatial planning in an enlarged European Union: 43.

Lane, M. B. and T. H. Morrison (2006). "Public interest or private agenda?: A meditation on the role of NGOs in environmental policy and management in Australia." Journal of Rural Studies **22**(2): 232-242.

Last, J., R. Spasoff, et al. (2001). A dictionary of epidemiology, Oxford University Press, USA.

Lee, M. and C. Abbot (2003). "The usual suspects? Public participation under the Aarhus Convention." The Modern Law Review **66**(1): 80-108.

Ligtenberg, A., M. Wachowicz, et al. (2004). "A design and application of a multi-agent system for simulation of multi-actor spatial planning." Journal of Environmental Management **72**(1-2): 43-55.

Louw, E. (2008). "Land assembly for urban transformation--The case of [`]s-Hertogenbosch in The Netherlands." Land Use Policy **25**(1): 69-80.

Louw, E., E. v. d. Krabben, et al. (2003). "Spatial development policy: changing roles for local and regional authorities in the Netherlands." Land Use Policy **20**(4): 357-366.

Lovan, W., M. Murray, et al. (2004). Participatory governance: Planning, conflict mediation and public decision-making in civil society, Ashgate Pub Ltd.

Lukaszczyk, A. and R. Williamson (2002). "The role of space related non-governmental organizations (NGOs) in capacity building." Advances in Space Research In Press, Accepted Manuscript.

Maantay, J. (2001). "Zoning, equity, and public health." American Journal of Public Health **91**(7): 1033.

Maas, J., R. Verheij, et al. (2006). "Green space, urbanity, and health: how strong is the relation?" British Medical Journal **60**(7): 587.

MacLeod, G. and M. Goodwin (1999). "Space, scale and state strategy: rethinking urban and regional governance." Progress in Human Geography **23**(4): 503.

Madsen, L. M. (2002). "The Danish afforestation programme and spatial planning: new challenges." Landscape and Urban Planning **58**(2-4): 241-254.

Majone, G. and P. Baake (1996). Regulating Europe, Routledge.

Marks, G., F. Scharpf, et al. (1996). Governance in the European Union, Sage Publications Ltd.

Maruani, T. and I. Amit-Cohen (2007). "Open space planning models: A review of approaches and methods." Landscape and Urban Planning **81**(1-2): 1-13.

McCall, M. K. (2003). "Seeking good governance in participatory-GIS: a review of processes and governance dimensions in applying GIS to participatory spatial planning." Habitat International **27**(4): 549-573.

Mitlin, D., S. Hickey, et al. (2007). "Reclaiming Development? NGOs and the Challenge of Alternatives." World Development **35**(10): 1699-1720.

Momper, N. (1992). European regional planning strategy, Manhattan Pub. Co.

Moote, M. A., M. P. McClaran, et al. (1997). "Theory in Practice: Applying Participatory Democracy Theory to Public Land Planning." Environmental Management **21**(6): 877-889.

Musole, M. (2009). "Property rights, transaction costs and institutional change: Conceptual framework and literature review." Progress in Planning **71**(2): 43-85.

Neff, C. (1971). "Planning and Governance." The Journal of Higher Education **42**(2): 116-132.

Northridge, M., E. Sclar, et al. (2003). "Sorting out the connections between the built environment and health: A conceptual framework for navigating pathways and planning healthy cities." Journal of Urban Health **80**(4): 556-568.

O'Faircheallaigh, C. (2010). "Public participation and environmental impact assessment: Purposes, implications, and lessons for public policy making." Environmental Impact Assessment Review **30**(1): 19-27.

Opdam, P., E. Steingröver, et al. (2006). "Ecological networks: A spatial concept for multi-actor planning of sustainable landscapes." Landscape and Urban Planning **75**(3-4): 322-332.

Oppermann, M. and K.-S. Chon (1997). "Convention participation decision-making process." Annals of Tourism Research **24**(1): 178-191.

Osborne, D. (1993). "Reinventing Government." Public Productivity & Management Review **16**(4): 349-356.

Østergård, N. and H. Witt (2007). Spatial planning in Denmark, Ministry of the Environment, Agency for Spatial and Environmental Planning.

Østergård, N. and H. Witt (2007). Spatial planning in Denmark, Ministry of the Environment, Agency for Spatial and Environmental Planning.

Platt, R. (2004). Land use and society: Geography, law, and public policy, Island Pr.

Pomeroy, R. and F. Douvere (2008). "The engagement of stakeholders in the marine spatial planning process." Marine Policy **32**(5): 816-822.

Portal, G. (2003). Spatial Planning System in Slovenia.

Portal, G. (2009). "Geography and Environment: Slovenia: Selected Internet Resources (Portals to the World, Library of Congress)." from http://www.loc.gov/rr/international/european/slovenia/resources/si-geography.html.

Racioppi, F., L. Eriksson, et al. (2004) Preventing road traffic injury: a public health perspective for Europe.

Rakodi, C. (2001). "Forget planning, put politics first? Priorities for urban management in developing countries." International Journal of Applied Earth Observation and Geoinformation **3**(3): 209-223.

Reed, M. S. (2008). "Stakeholder participation for environmental management: A literature review." Biological Conservation **141**(10): 2417-2431.

Renn, O. (2006). "Participatory processes for designing environmental policies." Land Use Policy **23**(1): 34-43.

Renn, O., T. Webler, et al. (1995). Fairness and competence in citizen participation: Evaluating models for environmental discourse, Springer.

Richardson, T. and O. Jensen (2000). "Discourses of mobility and polycentric development: a contested view of European spatial planning." European Planning Studies **8**(4): 503-520.

Ritchie, C. (1995). "Coordinate? Cooperate? Harmonise? NGO policy and operational coalitions." Third World Quarterly: 513-524.

Rittel, H. W. J. and M. M. Webber (1973). "Dilemmas in a general theory of planning." Policy Sciences **4**(2): 155-169.

Rizzolatti, G., L. Riggio, et al. (1994). "Space and selective attention." Attention and performance XV: Conscious and nonconscious information processing: 231–265.

Selsky, J. and B. Parker (2005). "Cross-sector partnerships to address social issues: Challenges to theory and practice." Journal of Management **31**(6): 849.

Sinh, B. (2003). Civil society and NGOs in Vietnam: Some initial thoughts on developments and obstacles.

Smith, G. (1985). "Policy making in London's transport planning." Land Use Policy **2**(4): 299-308.

Steinemann, A. (2000). "Rethinking human health impact assessment." Environmental Impact Assessment Review **20**(6): 627-645.

Stiglitz, J. (2002). "Transparency in government." The right to tell: the role of mass media in economic development.

Symes, D. (2005). "Marine Spatial Planning: a fisheries perspective." Report to English Nature.

Tekeli and M. P narc o lu (2004). "Commitment model for regional planning: How to unlock frozen gears of stagnant regions." Urban and regional development: Concepts and experiences, Warszawa: Academy of Sciences: 9–28.

Van Bueren, E., E. Klijn, et al. (2003). "Dealing with Wicked Problems in Networks: Analyzing an Environmental Debate from a Network Perspective." Journal of Public Administration Research and Theory **13**(2): 193-213.

van den Hove, S. (2000). "Participatory approaches to environmental policy-making: the European Commission Climate Policy Process as a case study." Ecological Economics **33**(3): 457-472.

van der Valk, A. (2002). "The Dutch planning experience." Landscape and Urban Planning **58**(2-4): 201-210.

Van Melik, R., I. Van Aalst, et al. (2009). "The private sector and public space in Dutch city centres." Cities **26**(4): 202-209.

VROM (2009). The Netherlands Ministry of Housing Spatial Planning and Environment. Ministry website.

Vroom, V. and P. Yetton (1973). Leadership and decision-making, University of Pittsburgh Press Pittsburgh, PA.

Waldron, J. (1990). The right to private property, Oxford University Press, USA.

Wallace, H. and A. Young (1997). Participation and policy-making in the European Union, Oxford University Press, USA.

Webler, T., S. Tuler, et al. (2001). "What Is a Good Public Participation Process? Five Perspectives from the Public." Environmental Management **27**(3): 435-450.

Welp, M., B. Kasemir, et al. (2009). Citizens' Voices in Environmental Policy**: 21-34.

Willetts, P. (2002). "What is a Non-governmental Organization?" Output from the Research Project on Civil Society Networks in Global Governance, http://staff. city. au/CS—NTWKS-ART. HTM, accessed **30**: 2002.

Williams, G. (1999). "Metropolitan governance and strategic planning: a review of experience in Manchester, Melbourne and Toronto." Progress in Planning **52**(1): 1-100.

Williams, R. (1996). European Union spatial policy and planning, Sage Publications Ltd.

Wolsink, M. (2003). "Reshaping the Dutch planning system: a learning process?" Environment and planning A **35**(4): 705-724.

Zurita, L. (2006). "Consensus conference method in environmental issues: relevance and strengths." Land Use Policy **23**(1): 18-25.