



# Coherent Policy Development for High-Quality and Sustainable Living Environment

Deliverable 3 Report:  
Policy recommendations

Final

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## Disclaimer

The views expressed herein can in no way be taken to reflect the official opinion of the European Union.



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In association with:



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# 1 Introduction

Estonia has been preoccupied with sustainability for a long time, being one of the first European countries and the world to adopt the Sustainable Development Act in 1995. However, there remains a lack of a common understanding and an agreement between the different ministries on what it means and what it takes to build a sustainable, high-quality living environment in Estonia.<sup>1</sup> As a consequence, many decisions are often made in bureaucratic silos focused on achieving sectoral objectives; these decisions are often taken without any considerations made to the broader spatial planning or to the building regulations.

As Deliverable 2 has identified, there has been various public and private initiatives that has been implemented to improve the quality of life and living environment of its citizens in terms of housing, physical infrastructure, (digital) services etc. Public initiatives have resulted in the development of regulations and several long-term national development plans and strategies over the years, including the “Estonia 2035” strategy, the “Long-Term View on Construction 2035” and other reports such as the “Green Paper on Estonian Spatial Planning”, “Working Group on Spatial Development” etc. In spite of the many initiatives, there are still barriers that remain in Estonia preventing the development of a coherent and comprehensive approach towards achieving a high-quality and sustainable living environment. Moving forward, there is a need to focus on an implementation-oriented approach to spatial planning.

Taking into consideration of the current state of play of the development of the living and built environment in Estonia provided in the previous deliverable, Deliverable 3 outlines our policy recommendations for improving spatial planning developing a high-quality living environment in Estonia. The content of this report is based on information that has been gathered through:

- Interviews that were held in Estonia in June 2022 with key stakeholders from both public entities, i.e. ministries and government agencies, and private organisations, i.e. associations and think tank;
- Desk research and a survey that was carried out in Deliverable 2;
- Inputs from a series of five regional seminars that were co-organised with the Ministry of Economic Affairs and Ministry of Finance, which were held across Estonia in late 2022;
- Internal discussions and brainstorming from experts within the project team; and
- Three expert meetings were also organised between February and April 2023 to discuss the policy gaps and to identify the policy needs for Estonia. A range of stakeholders were engaged in these meetings, including top-down representatives from the Ministry of Economic Affairs and Communications, Ministry of Finance and Ministry of Environment, and bottom-up representatives from the municipalities.

An initial outline of the barriers and challenges to a coherent development of a high-quality and sustainable living environment in Estonia and draft policy recommendations that were designed to address these barriers were vetted with the beneficiary and DG REFORM in November 2022. These barriers and recommendations were discussed at the regional seminars which were attended by a broader group of stakeholders, including municipalities’ office etc. Based on the key takeaways and

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<sup>1</sup> The Estonian definition of a sustainable and high-quality living environment was explored in Deliverable 2 - please see summary provided in Annex 1.

outcomes of the discussions from the seminars, the initial barriers and recommendations were both updated, and is presented in the next chapter, along with a policy matrix to summarise how our recommendations would address these key barriers and challenges.

The annexes of this document provides further information that were used to inform the recommendations. Annex 1 provides a summary of the definition of a high-quality living environment in Estonia, based on the findings made in Deliverable 2. Annex 2 elaborates on the spatial development approaches from different countries which provides potential learnings for Estonia. Thereby, a focus was set on the Netherlands and Belgium because they provide insights into the engagement of local authorities. Ireland, Finland and Denmark were investigated because they have similar geographic or demographic characteristics to Estonia.

## 2 Key barriers and challenges

The work conducted in Deliverable 2 highlighted political, governance and structural barriers to coherent spatial planning and high-quality living environment in Estonia. The barriers we consider to be the most challenging, i.e. the key barriers, are highlighted in orange below.

### 2.1 Political barriers / challenges

- **Estonia lacks a common understanding and an agreement between authorities about what it means and what it takes to build a high-quality space and living environment.** The discussion on improving the living environment in Estonia has been ongoing for the past decade, but little progress has been made on reaching a consensus.
- **Some Estonians believe that the government and/or the municipalities should not be intervening in spatial planning** because of the scepticism of planning gained during the Soviet era. The negative association with interventions from authorities presents a barrier for municipalities to require real estate developers to develop high-quality public spaces. Considering the high private ownership of land in Estonia, this has important consequences to the quality of spatial development.
- **The independence of local governments in Estonia is stated in Chapter XIV of the Constitution of the Republic of Estonia**, which has resulted in having almost all planning-related decisions delegated to the municipalities. However, many municipalities often face a lack of sufficient financial resources and professional support to achieve high-quality and sustainable development of the living and built environment. At the same time, the local governments are looking for guidance as well as financial support from the national level.
- **The creation of a high-quality and sustainable living environment in Estonia has not been sufficiently prioritised by any of the political parties in the past decade.** The lack of political willpower and backing was also listed as one of the key barriers to the implementation of initiatives related to improving the quality of living environment in Estonia. The abolishment of county governments in an administrative reform that took effect from 01 January 2018 has also contributed to having many spatial decisions that are made only within the administrative boundaries of municipalities, without a comprehensive perspective of the broader region. This is also a barrier to achieving a high-quality and sustainable living environment across Estonia.

## 2.2 Governance barriers / challenges

- **Spatial planning practice in Estonia follows a narrow scope of highly regulative land-use planning and lacks a comprehensive viewpoint.** The characteristics that define spatial quality, i.e. “spatiality”, is weakly defined in Estonia; plans are not so much seeking the options to improve the quality of any development but rather set strict preconditions for them. Although the Estonian planning law aims to secure comprehensive development, there is often a lack of a structured approach and the culture to carry out dialogues between stakeholders, e.g. between municipalities and amongst the authorities at the national level that are implementing sectoral policies.
- **Spatial planning at the national level is weakly linked to the state budget.** The National Spatial Plan serves to provide an overarching guidance on spatial development. However, according to the State Budget Act, this Plan is not considered a ‘national strategic document’ and is therefore not linked to national budgetary planning. This implies that the financing of actions arising from this spatial plan does not receive funding from the state budget; rather it is coordinated by the Ministry of Finance. The lack of funding can also be attributed to the lack of a development plan for the built environment. The survey carried out in Deliverable 2 also highlighted a need for sufficient and sustainable financing for the preparations and delivery of spatial planning initiatives that aim to improve the quality and sustainability of the living environment.
- **A large number of spatial decisions are made based solely on sectoral interest in bureaucratic silos, without any links to national spatial planning.** In addition, the current National Spatial Plan is currently outdated (last version published in 2013); although in 2020, the national Government made a preliminary decision to initiate the drafting of a new national spatial plan and the official planning process was initiated in January 2023. Currently, the priority is to achieve key sectoral objectives, which, without reflection on the space as a whole, do not guarantee the development of a coherent space. These include, for instance, decisions related to some transport issues, forestry, mining, access to services.
- **The dependency on politicians’ interference in details undermines the planning profession since it does not safeguard professional continuity (the role of civil servants).** There is a weak division of tasks (not clear roles in reality) between professional planners and the politicians at the local level. Hence, politicians tend to micromanage and interfere in legal issues and question professional knowledge while civil servants tend to back off from their professional roles.
- **Planning instruments need reforming, they are often considered as overly bureaucratic, time consuming and ineffective.** For instance, before the Planning Act was amended in 2023<sup>2</sup>, 4 rounds of public displays and hearings as well as 13 rounds of informing and getting propositions and approvals from state authorities were required during the composition of local designated plans, which is meant to be a planning process for a specific object with significant spatial impacts. It takes three to six years to compile a local designated plan. Since the amendment, the designated planning process is simplified significantly for certain cases, although the impact of which remains to be seen. Often, detailed planning is made for one single lot without any consideration for the overall urban landscape or content. Since there is often a lack of competence at the local level, it is easier to fulfil bureaucratic requirements

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<sup>2</sup> Planning Act - RT I, 07.03.2023, 21. Available at: <https://www.riigiteataja.ee/en/eli/515032023002/consolide>

than to work in a comprehensive, structured manner. Private companies dominate the planning arena.

- **Private ownership of land is high in Estonia.** With the current policies and measures in place, this limits the extent to which the national and local governments can have an influence on the development of high-quality living environment in Estonia. Although, according to the State Assets Act (EE: Riigivaraseadus)<sup>3</sup>, and the Acquisition of Immovables in Public Interest Act (EE: Kinnisasja avalikes huvides omandamise seadus)<sup>4</sup>, there is some provision for the state to acquire land from the private sector to be used for public purposes.<sup>5</sup>
- There is a **lack of a central authority or a coordinating authority at the state level** that could bring together competencies of the various spatial fields and to consolidate and create a unified state policy regarding spatial planning.
- While local municipalities have autonomy in planning, they often **lack financial and human resources** for creating a high-quality living environment. Specific city plans are not coherent and not comprehensive - they do not take into account the neighbouring regions and municipalities giving rise to urban sprawls.

## 2.3 Structural

- **There is fragmentation in spatial development in Estonia.** The volume of intermigration to larger urban areas is changing the political economy and the built environment in Estonia. There is a trend of the population migrating towards urban areas, i.e. Tallinn and Tartu, where the economic activity (jobs and education) and services are concentrated. In particular, the Tallinn region is a good example of such fragmentation. The parallel expansion of Tallinn and the shrinkage of the population in the rest of the country's rural areas has given rise to different rates of developments, with a clear division of spatial structure and administration between Tallinn and the other regions. Intermigration has also led to an unoccupancy rate of about 9% of the Estonian residential building stock. **There is no common regional planning involving all municipalities in the capital region which leads to sub-optimised resources, poor public transport network and competition between municipalities rather than cooperation.** In this manner, it is almost impossible to achieve a holistic approach to urban development. Strategic spatial planning for renovation and demolition are particularly important in these less populated regions. Populations left behind in rural areas have inadequate services, especially the elderly but also the young people (closing of schools and day care facilities due to reducing population).
- **There is a lack of coordination and cooperation on spatial planning and development issues across the different levels in Estonia**, for e.g. within the national level, between the national

<sup>3</sup> Chapter 1, sub-section 10(3) of the Riigivaraseadus, or the State Assets Act states that "The state acquires assets in accordance with legislation and by means of a transaction, provided the acquisition is required for a purpose listed under subsection 1 of this section or if the obligation to acquire the assets arises from Acts of the Riigikogu (i.e. Acts of the Parliament)."

<sup>4</sup> According to Chapter 1, sub-section 4 - Permissibility of acquisition of an immovable, it is permitted to acquire an immovable for the following purposes: 1) building of a construction work for police, customs, detention or rescue authorities; 2) building of a construction work required for the production and supply of energy; 3) building of a public port, an airfield and a construction work servicing these; 4) extraction of a mineral resource; 5) construction of a utility network and utility work; 6) construction or expansion of a public educational, medical and welfare institution;

<sup>5</sup> Land consolidation with state-owned land and land consolidation in national interests. (29.9.2021). Retrieved from: <https://maaamet.ee/en/state-land-transactions/real-property-management/land-consolidation-state-owned-land-and-land>



and municipality levels, between municipalities, and between the private sector and the municipality and national levels.

- There is a lack of professionals on the local level with the competencies and qualifications to carry out good spatial planning and development in Estonia. Local municipalities often do not have an in-house architect and/or planner which has to do with low availability of budgets. The salaries in Tallinn and Tartu areas are much higher, making it difficult for rural areas to compete. However, despite having the resources to make good spatial plans, it does not necessarily translate to implementation.
- The settlement system of Estonia is not balanced - the regional centres are weak and do not offer enough services and jobs to sustain the population living in those regions.
- Car dependency is very high in Estonia. This phenomenon can be attributed to the lack of proper regional planning resulting in urban sprawl, and a lack of a functional regional public multimodal transport network.

The below policy recommendations are designed to address these barriers.

### 3 Policy recommendations

We have five policy recommendations to improve coherence in spatial planning in Estonia, and the quality of the living environment. To summarise, we recommend that:

- ✓ The government should develop a long-term vision on how to achieve a high-quality and sustainable living environment;
- ✓ Building on this vision, a holistic national strategy should be developed, which is to be supported with the necessary policy(s), appropriate governance structures and sufficient resources to support the implementation of this strategy towards the achievement of the vision;
- ✓ To implement the new strategy, local government will require significant financial and educational resources.

Taken together, implementation of the first three policy recommendations form the basis for improving the living environment in Estonia.

- ✓ However, further economic or structural reforms are required, including the conservation, improvement and promotion of rural resources, and the sustainable reform of the construction sector.

The policy recommendations elaborated below also includes the estimated timeline for implementation, although it does not identify the institutions that should be responsible for them. This is because at the time of writing of this report, the Estonian government is still in the process of restructuring their ministries and redefining their new responsibilities and structure, as laid out in the coalition agreement arising from the elections in March 2023.<sup>6</sup> Nonetheless, this topic on responsibilities, and the actions needed to be taken, will be discussed later in Deliverable 5, and in an additional ‘roadmap’ document that will be submitted at a later stage in this project.

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<sup>6</sup> <https://news.err.ee/1608957301/estonian-state-secretary-reorganizing-ministries-will-increase-cooperation>

### 3.1 Develop a long-term vision for spatial development (Roadmap)

**R1. Estonia should develop a common long-term vision for spatial development towards a high-quality and sustainable living environment (for e.g. up to 2050, with an update to be carried out every 10 years).** This vision should be embedded in a strategic document for e.g. in the National Spatial Plan (EE: Ülteriigiline planeering) which will describe how spatial developments are envisioned for Estonia as a whole, by preference with goals and targets. This requires agreeing upon the general principles on how the quality of the living environment, including EU and national goals, should be duly considered by the relevant actors. In addition, it should provide broad guidelines on how these principles should be jointly implemented by the relevant actors to shape a high-quality and sustainable living environment. The ambitions for Estonia should also be in accordance with the country's economic means and necessities. Currently, the lack of agreed-upon vision prevents Estonia from coherently moving forward with spatial development. Agreeing on the vision will address this barrier, and in addition, provide a stronger basis for the creation of a high-quality living environment. It will also help to better align the use of EU grants for spatial development. The recommended timeline to develop the Estonian roadmap for spatial developments is in the short term (0-2 years).

### 3.2 Develop a Spatial Development Action Plan

**R2. Estonia should develop a comprehensive and integrated national action plan for improving the quality and sustainability of the living environment that establishes a broader vision for spatial development, e.g., a Living Environment Development Action Plan (EE: Elukeskkonna arengukava).** This plan should lay out a cohesive plan that specifies how the targets will be reached and as such which actions are needed while considering the current state of play and future trends. Further, it should be supported with appropriate policy instruments and sufficient and sustainable financing to support its implementation. In addition, a reorganization of the Estonian governance structure to support the implementation of spatial planning and to achieve a high-quality and sustainable living environment should be made to ensure alignment with the long-term vision, and provide clarity on who should be responsible for which actions. The new governance structure must be considered in a holistic manner (across sectors),<sup>7</sup> which is further elaborated in the next recommendation. The recommended timeline for the spatial development action plan to be developed is in the medium term (3-5 years). This process could be staggered, in parallel to the development of the roadmap (R1).

### 3.3 Strengthen cooperation, coordination and implementation

**R3. Cooperation and coordination between stakeholders within and across governance levels to shape spatial development towards a high quality and sustainable living environment should be strengthened, e.g. through the setting up a central entity dedicated to spatial planning issues.** This refers to the cooperation and coordination between the different agencies and ministries of the state, the state and municipalities, and between municipalities. As spatial planning is a topic that spans across sectors and different levels of governance, there is also a strong need for improving coordination of spatial planning issues and to improve the quality of the living environment in Estonia. This can be addressed by, for example, setting up a dedicated 'National Competence Centre' or something similar. The setting up of this 'Centre' and the setting of its purpose, should obtain political support while

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<sup>7</sup> For good examples, please refer to Annex 2.

maintaining independence, i.e. without influence from political and market actors (see Annex 2, chapter 5.3)

This dedicated central entity should be an independent body, which can,

1. collect, manage, and analyse data and trends;
2. keep an overview of the state of play of the living environment;
3. provide data-driven, evidence-based advice and offer professional expertise on practical solutions regarding spatial planning and development to both public and private sectors;
4. coordinate the implementation of the Living Environment Development Action Plan, which is to be developed by the Ministries.

This will help Estonia in the achievement of a high-quality and sustainable living environment, which goes beyond just fulfilling regulatory obligations and narrowly focusing on the achievement of sectoral objectives. The suggested timeline for the Estonian government to set up and establish an appropriate and efficient structure to strengthen cooperation and coordination amongst stakeholders is in the short- to medium-term (0-5 years).

### 3.4 Empower local governments to make good spatial decisions

**R4. There is a need to empower local governments to make spatial decisions that are aligned with the vision of achieving a high quality and sustainable living environment in Estonia.** With the high levels of rural-urban migration occurring in Estonia, support should also be provided to local governments to ensure that a basic service level remains available and accessible for the residents, particularly in the rural areas. Discussions with stakeholders have highlighted the need for the central government to provide clear guidelines at the municipality levels for relevant topics on spatial planning and for achieving a high-quality and sustainable living environment. There should also be clear guidance on how EU regulations should be interpreted and implemented at the municipality level. Measures to institutionalise knowledge transfer and sharing of lessons learnt, good practices, setting up trainings and education programmes on relevant topics, e.g. the concept of spatial planning and development, spatial governance, quality and sustainability of living space, long-term investment planning and other relevant skills, should be considered.

In addition to strengthening the national guidance for the municipalities, the provision of adequate and sustainable financial support and professional know-how are also crucial. The lack of sufficient and sustainable sources of funding for municipalities to address spatial development is often cited as a barrier in Deliverable 2, and raised in discussions with stakeholders. Alternative solutions to improve the financials of municipalities could also be considered. For example, a planning application fee can be introduced where the revenues will be channeled towards increasing the local planning capacity, for example, to hire trained and professional planning personnel. This is also an approach that is evident in many western European countries.

This policy will help to address the following current barriers to effective local spatial planning which include fragmentation in planning; spatial competition between municipalities; inefficient resource use; architects and landscape architects not participating in the design process of streets and roads; lack of access to public transport, and; lack of spatial analysis for the development of transport systems. The suggested timeline for the Estonian government to start providing national guidance and

the necessary support to municipalities to make good spatial decisions is in the short term (0-2 years), ideally after the roles / responsibilities of the new governance structure has been clarified and implemented.

### 3.5 Sustainable reform of the construction sector

**R5. Estonia should stimulate the sustainable reform of the construction sector that supports the goal of achieving a high-quality and sustainable living environment.** This will require education and training of the sector on the principles of circular economy and other best practices, and RD&I support measures. This policy addresses the following current barriers: Low application of the principles of environmental health and sustainability within the construction sector; low sector productivity; bad reputation of the sector, and; lack of openness to innovation within the sector. The timeline for initiating a sustainable reform of the Estonian construction sector is in the short term (0-2 years).

### 3.6 Further discussions on the policy recommendations

These policies **will cohere only if the first two are recommendations are implemented**, which are necessary national-level reforms. **Support to regions must align with the national vision and strategy**, i.e. the ways in which the planning capacity of local governments, improvement of local resources, and sustainable growth of the construction sector should all be designed to serve the vision and be included in the national strategy.

The below policy-barrier matrix shows how the five above described policies directly or indirectly address key barriers identified earlier in Chapter 2.

Table 3-1: Policy matrix

Policy recommendations	Key barriers			
	Estonia lacks a common understanding and an agreement between authorities about what it means and what it takes to build a high-quality and sustainable space and living environment	Estonian planning follows a narrow scope of highly regulative land-use planning and lacks a comprehensive approach	A large number of spatial decisions is made in bureaucratic silos, without any links to spatial planning or the building regulations	There is fragmentation in spatial development (two Estonias)
<b>R1. Develop a long-term vision for spatial development (Roadmap), e.g. in the National Spatial Plan (EE: Üleriigiline planeering).</b>	<b>Direct</b> - agreeing on a vision is required for common understanding among various stakeholders	<b>Direct</b> - a common vision can be considered in policy making in various fields, being the starting place for holistic planning	<b>Indirect</b> - a common vision sets the tone for realigning government management of spatial planning	<b>Indirect</b> - a common vision will help align municipal planning activities
<b>R2. Develop a Spatial Development Action Plan, e.g., in a strategic document such as a Living Environment Development Plan (EE: Elukeskkonna arengukava).</b>	<b>Direct</b> - a dedicated strategy with specific objectives and targets towards improving the quality and sustainability of the living environment helps to build a common understanding and provides clarity	<b>Direct</b> - a holistic and cross-cutting national strategy would broaden and unify the country's planning approach and make it applicable to practice for policy makers	<b>Direct</b> - an integrated strategy will help to guide decisions made on spatial development and to promote alignment with the broader vision	<b>Direct</b> - implementing an integrated and holistic strategy will lessen regional differences
<b>R3. Strengthen cooperation, coordination and implementation</b>	<b>Direct</b> - strengthening of cooperation between stakeholders and the setting up of a centralised competency body for spatial planning can help to improve and build a	<b>Indirect</b> - strengthening of cooperation between stakeholders and the setting up of a centralised competency body for spatial planning can help mitigate this issue	<b>Direct</b> - reorganising governance of planning, for e.g. by setting up a centralised competency body for spatial planning, will help to eliminate silos	<b>Direct</b> - strengthening of cooperation between stakeholders and the setting up of a centralised competency body for spatial planning can help to lessen regional disparity

Policy recommendations	Key barriers			
	Estonia lacks a common understanding and an agreement between authorities about what it means and what it takes to build a high-quality and sustainable space and living environment	Estonian planning follows a narrow scope of highly regulative land-use planning and lacks a comprehensive approach	A large number of spatial decisions is made in bureaucratic silos, without any links to spatial planning or the building regulations	There is fragmentation in spatial development (two Estonias)
	common understanding and provide clarity			
<b>R4. Empower local governments to make good spatial decisions</b>	<b>Direct</b> - strengthened local governments will be supported with having clearer guidelines from the central government on building a high-quality and sustainable living environment	<b>Indirect</b> - with clearer guidelines on how spatial decisions should be made to consider the quality and sustainability of the living environment, local governments could be guided to consider a broader view on spatial planning	<b>Indirect</b> - with clearer guidelines, local governments may be guided to consider a broader view on spatial planning	<b>Indirect</b> - with clearer guidelines on how to a achieve high quality and sustainable living environment, it could, for e.g., lead to improved spatial connectivity and help lessen regional disparity
<b>R5. Sustainable reform of the construction sector</b>	<b>Indirect</b> - reforming the construction sector aligns with the vision for a high-quality space and living environment	<b>N.A.</b>	<b>Indirect</b> - reforming the construction sector will raise awareness on the need to consider other elements to align with the vision for a high-quality space and living environment	<b>N.A.</b>

Legend: Barriers directly addressed; Barriers indirectly addressed; Not applicable

## 4 Annex 1: Introduction about high-quality and sustainable living environment in Estonia

As discussed in Deliverable 2, it is important to pay attention to the semantics and to define and establish a common understanding on the terms that are being discussed in this project. In Estonia, the terms to refer to the ‘built’ and ‘living’ environments are used interchangeably, although they do not exactly mean the same. Similarly, the title of the project uses the terms ‘high-quality’ and ‘sustainable’ living environment, although these have not yet been defined in Estonia and there is not yet an official consensus made at the national level. The paragraphs below summarise the definitions based on the findings derived from Deliverable 2 which included a literature review and a survey carried out with Estonian stakeholders.

The **built environment** in Estonia primarily refers to physical elements. The most essential elements that define the built environment are buildings, transport, technical and digital infrastructure as well as sport places. In addition, the proximity of building maintenance services was seen as part of the building infrastructure.

The **living environment**, while it is defined to a large extent by the built environment, encompasses a broader concept. It is defined in Estonia as a finite resource consisting of physical space, both built and natural environment, indoors and outdoors.<sup>8</sup> Going beyond physical versus non-physical classification of space, the Estonia 2035 Strategy<sup>9</sup> regards both personal and public space as integral parts of the living environment. As identified by the survey conducted in Deliverable 2, the most important elements defining the living environment in Estonia were greenery, the proximity to amenities and services as well as the built environment. This was followed by biodiversity and heritage, cultural and religious spaces. The proximity to work location and good access to emergency services and, to a lesser extent, economic growth are also relevant elements.

Based on Estonia’s long-term strategy Estonia 2035<sup>10</sup>, a sustainable living environment fulfils the following goals:

- Design that meets the needs of all people in terms of space planning, inclusive design, use of innovative technologies and nature-based solutions, effective mobility;
- Safety, especially regarding public space planning that ensures secure and health-promoting behaviour;
- High quality, i.e. spatial planning should preserve the heritage and biodiversity of nature.

For a **sustainable living environment**, Estonians perceive having sustainable transport infrastructure and energy systems as well as greenery as the most important aspects. This is closely followed by having well-working water and waste systems as well as sustainable buildings and biodiversity. The

<sup>8</sup> Republic of Estonia Government (2018). Report of the Expert Group on Spatial Design. Retrieved from <https://www.kul.ee/media/799/download>

<sup>9</sup> Republic of Estonia Government (2021). “Estonia 2035” National long-term Development Strategy. Retrieved from <https://valitsus.ee/en/estonia-2035-development-strategy/strategy/strategic-goals>.

<sup>10</sup> Republic of Estonia Government (n.d.). Long-term strategy “Estonia 2035”. Retrieved from <https://valitsus.ee/strateegia-eesti-2035-arengukavad-ja-planeering/strateegia>

element of heritage, cultural and religious spaces was important to the definition of the living environment but comparably less relevant when it comes to the significance for sustainability. The proximity of building maintenance services is considered as the least significant aspect of achieving sustainability in the living environment. Interestingly, while economic growth is considered as a factor influencing the living environment, it is considered to be of low significance for creating a *sustainable* living environment.

A **high-quality living environment** in Estonia considers the sustainability aspects as outlined above, but extends the definition to cultural and economic aspects. Furthermore, an inclusive society is regarded as an element of high-quality living environments. To achieve this high-quality living environment, Estonians consider the need for:

- Transport infrastructure that improves mobility and connectivity;
- Proximity to greenery and recreational spaces;
- Future proofing buildings;
- Clean, efficient, sustainable and secure energy system; and
- Proximity to amenities and services, such as healthcare, education, services etc.

To summarise, a high-quality and sustainable living environment in Estonia includes public and private spaces, and should achieve the following:

- Inclusiveness to all citizens;
- Environmentally-friendly transport infrastructure that enables the population to be mobile and, connected to various services;
- Easily accessible greenery and recreational spaces;
- Future proofing housing;
- Environmentally-friendly energy systems;
- High biodiversity;
- Possibilities to engage with the Estonian cultural heritage and have an active lifestyle.



## 5 Annex 2: Learnings from other countries

There is no formal EU competence for spatial planning, and the current legislation has only a moderate impact on national spatial planning, with a higher impact on Eastern European States.<sup>11</sup> Thus, national regulations are highly relevant. Spatial planning is structured by national legal and legislative frameworks that define the responsibilities of actors in spatial decision making and rules and regulations they must follow. How this is implemented per country is also dependent on various factors like population density, geographical factors, economic performance and history.

The following chapters within this Annex elaborates on some examples from Europe that could be relevant for Estonia.

- Chapter 6.1 presents the decentralised approach applied in the Netherlands, Ireland, Finland and Belgium;
- Chapter 6.2 shares some spatial planning practices from metropolitan regions in Copenhagen, Demark and Dublin, Ireland;
- Chapter 6.3 summarises the learnings for Estonia.

### 5.1 The decentralised approach

Examples of decentralised spatial planning can be found in several European countries. Decentralising competences demands coordination across the governance levels involved, administrative capacity and strengthened practices of local authorities. Governance processes must stay flexible and dynamic and administratively linked to different levels of statutory spatial planning.<sup>12</sup> The following sub-chapters describe the decentralised approach applied in the Netherlands, Ireland, Finland and Belgium.

#### 5.1.1 The Netherlands

As in Estonia, the Dutch political culture is liberal and local bodies demand a certain degree of autonomy. The Dutch institutional system is decentralised and includes formal and network-based collaborative arrangements. Simultaneously, the central government is still present at the local level, limiting the autonomy of subnational governments, i.e. regarding their competences and finances.

The Netherlands is divided into 12 provinces, 390 municipalities and 23 regional water boards. Its legal framework for spatial planning is designed by the national government and is based on a subsidiarity principle.<sup>13</sup> With the National Policy Strategy for Infrastructure and Spatial Planning<sup>14</sup> of 2013, the Dutch central government decentralised the domestic decision-making for spatial planning. The policy

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<sup>11</sup> EPSON (2018). New challenges and thinking for spatial planning systems: Insights from EPSON projects. Retrieved from [https://www.espon.eu/sites/default/files/attachments/espon\\_tallin\\_new-challenges-thinking-spatial-planning-systems-02%20-%20en%20-%20online.pdf](https://www.espon.eu/sites/default/files/attachments/espon_tallin_new-challenges-thinking-spatial-planning-systems-02%20-%20en%20-%20online.pdf)

<sup>12</sup> EPSON (2018). New challenges and thinking for spatial planning systems: Insights from EPSON projects. Retrieved from [https://www.espon.eu/sites/default/files/attachments/espon\\_tallin\\_new-challenges-thinking-spatial-planning-systems-02%20-%20en%20-%20online.pdf](https://www.espon.eu/sites/default/files/attachments/espon_tallin_new-challenges-thinking-spatial-planning-systems-02%20-%20en%20-%20online.pdf)

<sup>13</sup> OECD (2017). The Governance of Land Use in the Netherlands: The Case of Amsterdam. <http://dx.doi.org/10.1787/9789264274648-en>

<sup>14</sup> Government of the Netherlands (2013). Summary National Policy Strategy for Infrastructure and Spatial Planning. Retrieved from <https://www.government.nl/topics/spatial-planning-and-infrastructure/documents/publications/2013/07/24/summary-national-policy-strategy-for-infrastructure-and-spatial-planning>

defines the Dutch spatial planning until 2040 and allows for some degree of freedom for stakeholders including individuals and companies as well as local and regional authorities.<sup>15</sup>

The Dutch national government takes on the responsibility for 13 aspects that are identified as national interests. These are considered as being equally important and are inter-connected to one another. The National Policy Strategy provides the first step towards balancing these 13 aspects. When considering the plans of individual projects or regions, these aspects are also prioritised and if necessary, a decision on which aspect should eventually take precedence will be taken.<sup>16</sup> An overview of the 13 aspects of national interests to the Dutch national government are listed below:

- **Organise spatial-economic structure:** The national government identifies the urban regions with a concentration of the key economic sectors (including hubs, ports, and major universities etc.). The national government works together with the regional and local authorities to enhance transport networks; to ensure sufficient stock of good-quality housing, commercial sites, offices etc.; and to ensure the continued provision of quality education, culture, green spaces and recreational facilities;
- **Ensure energy supply:** Energy security is considered as an important economic good. The national government will specify routes for power lines and sites for power generation for a sustainable and more decentralised power generation. In addition, together with the regional and local governments, the national government make plans to secure space for on- and off-shore wind farms;
- **Transport of hazardous and other substances:** These includes the transportation of gas and links between production sites. The national government sets aside space for the construction of these transportation infrastructure offshore and on land;
- **Coordinate subsurface activities:** Several activities in the subsurface are of national interest as they play a crucial role in energy supply (extraction, storage, and transportation of energy carriers, and for geothermal energy etc.). Given the limited space available in the subsurface and the need to coordinate with above-ground activities, including the need to consider the preservation of cultural heritage, national underground infrastructure, and to manage soil contamination and protect the supply and quality of ground water, the national government takes on the role as a coordinator for these subsurface activities;
- **Ensure a robust main road, rail and waterway network:** The national government prioritises investments to improve the standard of accessibility in and around the urban regions with a concentration of the key economic sectors. They also secure space for the future expansion of the transport network and ensure that these infrastructural improvements are carried out in line with statutory requirements;
- **Ensure efficient use of capacity of the main road and waterway network:** The national government aims to ensure that key transport infrastructure are used as efficient as possible, so that it results in a more reliable journey time. This includes keeping rush-hour lanes open for a longer time, introducing intelligent transport systems, and working with employers to reduce commuter traffic and expanding bicycle parking facilities at railway stations. The

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<sup>15</sup> Government of the Netherlands (2013). Summary National Policy Strategy for Infrastructure and Spatial Planning. Retrieved from <https://www.government.nl/topics/spatial-planning-and-infrastructure/documents/publications/2013/07/24/summary-national-policy-strategy-for-infrastructure-and-spatial-planning>

<sup>16</sup> Government of the Netherlands (2013). Summary National Policy Strategy for Infrastructure and Spatial Planning. Retrieved from <https://www.government.nl/topics/spatial-planning-and-infrastructure/documents/publications/2013/07/24/summary-national-policy-strategy-for-infrastructure-and-spatial-planning>

national government together with the local and regional authorities, and industry, have set out detailed measures to address this in eight regional packages. The central government also works closely with the logistics sector to address their specific needs;

- **Maintain main road, rail and waterway network:** This mainly addresses the management and maintenance of the existing transport networks, in particular those serving ports and airports;
- **Improve environmental quality:** The quality of soil, water and air must at least comply with national and international standards. The national government and water authorities are jointly responsible for protecting and improving water quality; soil and air quality is connected with other national interests;
- **Ensure flood protection and sustainable drinking water supply:** Spatial planning must consider short and long-term water management plans. The national water system is linked to international river basins; therefore, international frameworks and standards must also be considered. The national government tries to support the natural water system and place defences to prevent floods where necessary. Besides coordinating disaster management plans, the central government also ensures that spatial planning decisions are carefully considered to prevent floods. The national Delta Plan requires authorities to work together to produce a comprehensive package of measures to guarantee flood protection and to secure clean drinking water supplies in the short- and long-term in both water- and spatial-related developments.
- **Preserve national and international cultural heritage and natural values:** Culture and heritage are also important to keep the country attractive and competitive. The national government is only responsible for specific heritage sites and buildings. In other cases, coordination of landscape and urban development is left to the provincial authorities.
- **Preserve wildlife habitats:** To ensure long-term survival and development of flora and fauna, the national government ensures the coherence with Natura 2000 directives. Spatial plans with significant negative impact on these natural preservation areas can be permitted if they are manifestly in the public interest and no realistic alternatives exist;
- **Military sites and activities:** The national government is responsible for areas that are reserved for military activities like barracks, military airfield and training grounds, among others;
- **Transparent decision-making in all spatial and infrastructural decisions:** The national government is responsible for a spatial planning system that is based on balanced and transparent decision making. For national infrastructural and area development projects, the national government has to follow a procedure which places an emphasis of the participation and representation of public and commercial interests in the decision-making process.

The national government also supports provincial, local and water authorities in delivering high-quality solutions and provides guidance via the Spatial Planning Decree to the regional and local authorities, i.e. on good design and online access.<sup>17</sup> The national government also has an impact via its financial incentives and by structuring the scope of local government finance. The national government is especially important for the funding of large infrastructure projects which impact land use.<sup>18</sup>

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<sup>17</sup> Moore-Cherry, N. and Tomaney, J. (2018). Spatial planning, metropolitan governance and territorial politics in Europe: Dublin as a case of metro-phobia? *European Urban and Regional Studies*, 26(4).  
<https://doi.org/10.1177/0969776418783832>

<sup>18</sup> OECD (2017). *The Governance of Land Use in the Netherlands: The Case of Amsterdam*.  
<http://dx.doi.org/10.1787/9789264274648-en>

The national government intervenes when spatial decisions affect the whole Netherlands and interfere with policies of other authorities. Furthermore, the national government supports the avoidance of administrative deadlocks in case a decision must be made<sup>19</sup> and ensures the protection of human health.<sup>20</sup> Local and regional authorities are allowed to take their own policy decisions, given that they contribute to the implementation of the planning regulations outlined above.

Provincial authorities are responsible for balancing urban and green space development at the regional level. For this, the national government abolished the national landscape policy and reduced the number of nature management regimes.<sup>21</sup> Provincial authorities are rather independent from national guidance and can freely decide what spatial planning issues they address.<sup>22</sup> They develop rural development plans, plan the cohesion of different transport modes and between spatial development and mobility, and coordinate activities of the water boards.<sup>23</sup> They also supervise the spatial policies of municipalities and can intervene if one municipality develops a plan that harms another. The provincial authorities can implement binding regulations (ordinances) for local plans.<sup>24</sup>

Municipalities are the local authorities, being responsible for the municipal and interlocal coordination and implementation of urbanisation plans. They work mostly independently, despite national and provincial authorities are able to override municipal spatial decisions.<sup>25</sup> Municipalities are in charge of urban planning, including the setting of indicators like the percentage of built land in inner city areas or National Buffer Zones and objectives for restructuring.<sup>26</sup> They are also active in land use activities. For example, Amsterdam participates in land and property markets to steer desired developments.

Water boards also shape the spatial planning in the Netherlands (waterschappen or hoogheemraadschappen). They are a form of regional government that manage water-related topics in their region, like waterways, water levels and drinking water provision. They are important to the Netherlands considering its proneness to flooding. Besides that, joint municipal-provincial collaborations impact spatial planning. For example, Amsterdam established the Amsterdam Metropolitan Area (Metropoolregio Amsterdam [MRA]), coordinating municipalities and provinces across

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<sup>19</sup> Government of the Netherlands (2013). Summary National Policy Strategy for Infrastructure and Spatial Planning. Retrieved from <https://www.government.nl/topics/spatial-planning-and-infrastructure/documents/publications/2013/07/24/summary-national-policy-strategy-for-infrastructure-and-spatial-planning>

<sup>20</sup> Government of the Netherlands (2013). Summary National Policy Strategy for Infrastructure and Spatial Planning. Retrieved from <https://www.government.nl/topics/spatial-planning-and-infrastructure/documents/publications/2013/07/24/summary-national-policy-strategy-for-infrastructure-and-spatial-planning>

<sup>21</sup> Government of the Netherlands (2013). Summary National Policy Strategy for Infrastructure and Spatial Planning. Retrieved from <https://www.government.nl/topics/spatial-planning-and-infrastructure/documents/publications/2013/07/24/summary-national-policy-strategy-for-infrastructure-and-spatial-planning>

<sup>22</sup> OECD (2017). The Governance of Land Use in the Netherlands: The Case of Amsterdam. <http://dx.doi.org/10.1787/9789264274648-en>

<sup>23</sup> Government of the Netherlands (2013). Summary National Policy Strategy for Infrastructure and Spatial Planning. Retrieved from <https://www.government.nl/topics/spatial-planning-and-infrastructure/documents/publications/2013/07/24/summary-national-policy-strategy-for-infrastructure-and-spatial-planning>

<sup>24</sup> OECD (2017). The Governance of Land Use in the Netherlands: The Case of Amsterdam. <http://dx.doi.org/10.1787/9789264274648-en>

<sup>25</sup> OECD (2017). The Governance of Land Use in the Netherlands: The Case of Amsterdam. <http://dx.doi.org/10.1787/9789264274648-en>

<sup>26</sup> Government of the Netherlands (2013). Summary National Policy Strategy for Infrastructure and Spatial Planning. Retrieved from <https://www.government.nl/topics/spatial-planning-and-infrastructure/documents/publications/2013/07/24/summary-national-policy-strategy-for-infrastructure-and-spatial-planning>

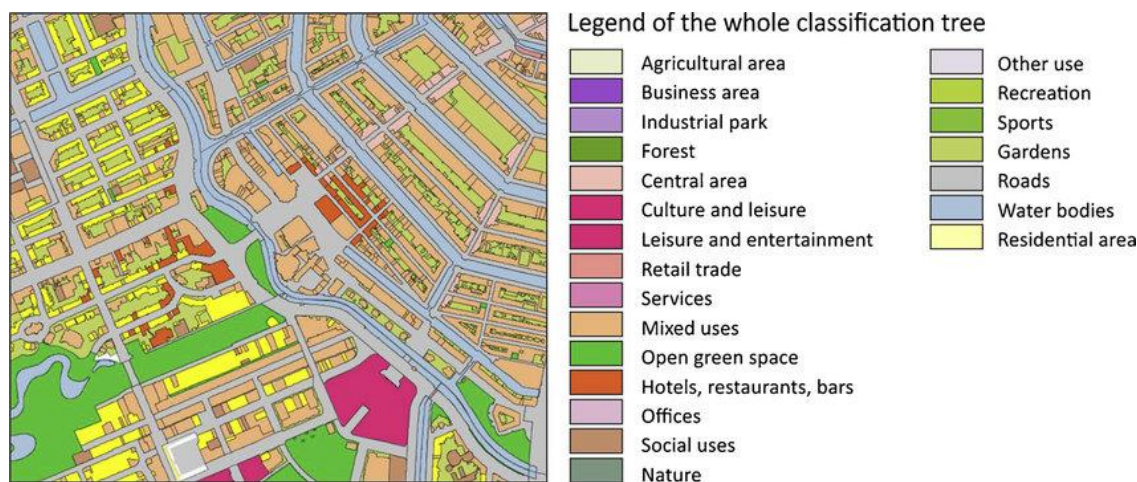
its functional urban areas. MRA is an informal partnership that engages in the areas of mobility, economy, urbanisation, landscape and sustainability.<sup>27</sup>

As interests of different actors may overlap or contradict each other, spatial plans should always address their impact on water management, the broader environment and cultural heritage. To efficiently use the available space, spatial development should be demand-driven and organised by provincial and local authorities as well as the private sector.<sup>28</sup> The Dutch governments aims to establish a coherent body of legislation, covering spatial planning, infrastructure, water, housing, the environment, nature agriculture, archaeology and monuments.<sup>29</sup>

The legislative framework in the Netherlands is based on multiple laws and regulations. The Law for Spatial Planning (Wet ruimtelijke ordening [WRO]) regulates aspects of living, work, recreation, mobility, water and nature. The WRO requires municipalities and provinces to develop a vision for the spatial development in the respective region and a related strategy for the vision's implementation. This vision is however not binding.

The WRO also demands zoning plans (bestemmingsplannen) to be developed by municipalities, and an overarching integration plan (inpassingsplannen) to be developed by the national and provincial authorities. Zoning plans define why and how a specific area can be used and is binding.<sup>30</sup> An example of the land use plan for Amsterdam is given in Figure 5-1.

Figure 5-1 Part of the Amsterdam land use plan (bestemmingsplan)



Source: Pissourios, I. (2019). Survey methodologies of urban land uses: An oddment of the past, or a gap in contemporary planning theory? *Land Use Policy*, 83(4): 403-411. <http://dx.doi.org/10.1016/j.landusepol.2019.02.022>

<sup>27</sup> OECD (2017). The Governance of Land Use in the Netherlands: The Case of Amsterdam. <http://dx.doi.org/10.1787/9789264274648-en>

<sup>28</sup> Government of the Netherlands (2013). Summary National Policy Strategy for Infrastructure and Spatial Planning. Retrieved from <https://www.government.nl/topics/spatial-planning-and-infrastructure/documents/publications/2013/07/24/summary-national-policy-strategy-for-infrastructure-and-spatial-planning>

<sup>29</sup> Government of the Netherlands (2013). Summary National Policy Strategy for Infrastructure and Spatial Planning. Retrieved from <https://www.government.nl/topics/spatial-planning-and-infrastructure/documents/publications/2013/07/24/summary-national-policy-strategy-for-infrastructure-and-spatial-planning>

<sup>30</sup> Rijkswaterstaat (n.d.). De Wro in het kort. Retrieved from <https://www.infomil.nl/onderwerpen/ruimte/ruimtelijke/wet-ruimtelijke/wro-kort/>

The WRO states that the zoning plans of the national or provincial government are binding for the lower-level authorities, i.e. the provinces, municipalities and water boards etc. The WRO also obligates the need to consult these lower-level authorities on the integration plans, however, exactly how this is to be done is not dictated. If objections shall be raised, this can be done at the National Council (Raad van State). Decisions in this regard are consulted by an independent body (StAB). The WRO regulates exceptions from the binding zoning plan and that once these exceptions are agreed upon, and, if needed, subsequent to environmental impact assessments, no further legal steps can be taken against it.<sup>31</sup>

Deviations from a zoning plan demand the issuance of integrated environmental permits (omgevingsvergunning). Deviations would concern construction, demolition, environment and advertising activities. For example, a permit would be needed if property owners want to (re-)build, place solar panels or place an advertisement on a commercial property. Applications must be submitted to the municipalities. The latter must come to a decision within six weeks for simple permits and six months for derogation from a zoning plan.<sup>32</sup>

The WRO also introduces management arrangements for areas without a zoning plan. These arrangements record the current situation of an area and are mostly quicker and cheaper to develop. The management arrangements are relevant for land use zones for which no further development is planned, like housing areas. The arrangements determine that the current state will be kept regarding both the area's function and legal requirements. No new regulations can be established for this zone, no preparation procedure is needed and no appeals are allowed.<sup>33</sup>

According to the WRO, parties negatively affected by a zoning plan can demand compensation from the higher-level government. Subsidies are provided by the minister for the development of spatial visions or activities of national relevance, for example.<sup>34</sup>

Also relevant to spatial planning in the Netherlands is the regulation of environmental law (Wet algemene bepaling omgevingsrecht [Wabo])<sup>35</sup>, which determines the activities that are obligated to carry out environmental impact assessments. Impact assessments can be demanded by the national law, as well as by provinces, municipalities and the water boards. Furthermore, the law for tracks (Tracéwet) determines the pre-requirements to be met before a road can be built or expanded.<sup>36</sup>

To simplify the legislative requirements for environmentally relevant activities spatial planning and to accelerate the implementation of projects, a new law is planned to be released. This Law for the Environment (Omgevingsrecht) combines 26 previous acts for spatial projects into one, 60 orders in

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<sup>31</sup> Rijkswaterstaat (n.d.). De Wro in het kort. Retrieved from

<https://www.infomil.nl/onderwerpen/ruimte/ruimtelijke/wet-ruimtelijke/wro-kort/>

<sup>32</sup> Russell advocaten (2023). Real estate: Integrated environmental permit. Retrieved from

<https://www.russell.nl/en/publication/real-estate-integrated-environmental-permit/>

<sup>33</sup> Papendrecht (n.d.). Wat is een beheersverordening? Retrieved from

[https://www.papendrecht.nl/Inwoners/Overzicht\\_Inwoners/Ruimtelijke\\_ontwikkeling/Ruimtelijke\\_plannen/Beheersverordeningen/Wat\\_is\\_beheersverordening](https://www.papendrecht.nl/Inwoners/Overzicht_Inwoners/Ruimtelijke_ontwikkeling/Ruimtelijke_plannen/Beheersverordeningen/Wat_is_beheersverordening)

<sup>34</sup> Rijkswaterstaat (n.d.). De Wro in het kort. Retrieved from

<https://www.infomil.nl/onderwerpen/ruimte/ruimtelijke/wet-ruimtelijke/wro-kort/>

<sup>35</sup> Rijkswaterstaat (n.d.). Wabo in het kort. Retrieved from <https://www.infomil.nl/onderwerpen/integrale/wet-algemene/wabo-kort-1/>

<sup>36</sup> Rijkswaterstaat (n.d.). Tracéwet. Retrieved from <https://www.rijkswaterstaat.nl/wegen/wetten-regels-en-vergunningen/wetten-aanleg-en-beheer/tracewet>

council into 4 and 75 ministerial regulations into 1 regulation.<sup>37</sup> In this context, a website has been developed that summarises the necessary information for individuals and businesses that engage in spatial planning and simplifies the application for permissions.<sup>38</sup> Because of the complex nature of this exercise, the release of the new law has been delayed and is now planned for January 2024.

Despite the Netherlands being one of the international role models for spatial planning, the decentralised approach is also criticised. Since national planning and policy are less influential,<sup>39</sup> Zonneveld and Evers (2014)<sup>40</sup> found that the comprehensive integrated approach that was taken previously had shifted more towards an economical-driven approach.

### 5.1.2 Ireland

Ireland is an island state located at the economic, political and urban periphery of mainland Europe. Although its area is about 50% larger than Estonia's, Ireland is a small country in size and similar to Estonia, with almost half of its population living in the capital region. The population density in Ireland is about two and a half times higher than in Estonia. Furthermore, similar to Estonia, Ireland is also challenged by vacant properties and predominantly private land owners.<sup>41</sup>

Next to the national government, 31 local authorities are responsible for the provision of local services like housing, environmental protection and planning. Those local authorities include 26 County Councils, three City Councils and two City and County Councils.<sup>42</sup> Both the national and local levels are directly elected. However, Ireland's territorial politics are characterised by high centralisation and there is little power and financial autonomy at the local scale.<sup>43</sup>

The Irish spatial governance system has been updated during the last 20 years and no new reforms are anticipated. Spatial decisions are mostly regulated by the Irish Planning and Development Act and Planning and Development regulations. Ireland's system, inspired by the European Spatial Development Perspective (ESDP), has a clear line of coordination between national, regional and local level.

The Irish Government published the National Planning Framework (NPF), which is the main policy and planning framework for the country. Furthermore, the government provides grants to make housing more sustainable, i.e. more energy efficient. Next to the government, the Minister for Housing, Local Government and Heritage is responsible for the overall development of national planning policy and legislation.

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<sup>37</sup> Government of the Netherlands (n.d.). Nieuwe omgevingswet maakt omgevingsrecht eenvoudiger. Retrieved from <https://www.rijksoverheid.nl/onderwerpen/omgevingswet/vernieuwing-omgevingsrecht>

<sup>38</sup> Omgevingsloket: <https://www.omgevingsloket.nl/>

<sup>39</sup> Hajer, M. and Zonneveld, W. (2000). Spatial planning in the network society - Rethinking the principles of planning in the Netherlands. *European Planning Studies*, 8(3). <http://dx.doi.org/10.1080/713666411>

<sup>40</sup> Zonneveld, W. and Evers, D. (2014). Dutch national spatial planning at the end of an era. In spatial planning systems and practices in Europe; A comparative perspective on continuity and changes: 61-82. Retrieved from <https://research.tudelft.nl/en/publications/dutch-national-spatial-planning-at-the-end-of-an-era>

<sup>41</sup> Moore-Cherry, N. and Tomany, J. (2018). Spatial planning, metropolitan governance and territorial politics in Europe: Dublin as a case of metro-phobia? *European Urban and Regional Studies*, 26(4). <https://doi.org/10.1177/0969776418783832>

<sup>42</sup> Government of Ireland (2022). Local authorities. Retrieved from <https://www.gov.ie/en/publication/942f74-local-authorities/>

<sup>43</sup> Moore-Cherry, N. and Tomany, J. (2018). Spatial planning, metropolitan governance and territorial politics in Europe: Dublin as a case of metro-phobia? *European Urban and Regional Studies*, 26(4). <https://doi.org/10.1177/0969776418783832>

Municipalities are required to prepare a Regional Development Plan. It sets out the land use, amenity and development objectives and policies of the planning authority for a six-year period. It also needs to show that the plan is consistent with the NPF and Regional Spatial and Economic Strategy (RSES). The local authorities also elaborate Local Area Plans that provide more detailed planning policies for area(s) where significant development is expected. Such plans are valid for six years. In some cases, local authorities have also established Strategic Development Zones. These are detailed planning schemes that are approved by the Government and accelerate the planning process for development. The Ministry of Housing, Local Government and Heritage is responsible for the National Spatial Strategy (NSS) 2002-2020<sup>44</sup>. This national planning framework aimed for a better balanced social, economic and physical development across the country due to a more effective and integrated planning.

The NSS is followed by the NPF 2040<sup>45</sup>, established by the Irish Government in 2018. The NPF is the latest overall framework for spatial development in Ireland on a national scale and determines the framework for development until 2040. Among others, it guides economic development and investments in infrastructure for housing, water services, transport, communication, energy, health and education. This project plays a significant role in the overhaul of the system and provides a link between overall national ambitions and their spatial implementation. Urban Development Zones will be introduced and involve a key decision-making role for the local authorities. It will build on an early engagement by the local authority with the local community and landowners. The main objectives of the NPF are, for example, to ‘enable people to live closer to where they work, moving away from the current unsustainable trends of increased commuting’, ‘transform settlements of all sizes through imaginative urban regeneration and bring life / jobs back into cities, towns and villages’ and ‘co-ordinate delivery of infrastructure and services in tandem with growth, through joined-up NPF/National Investment Plan and consistent sectoral plans, which will help to manage this growth and tackle congestion and quality of life issues in Dublin and elsewhere’.<sup>46</sup> It thus aims to directly increase the quality of the national and regional living environment.

Moreover, the NPF foresees three regions that are governed by regional assemblies, dividing the country into the Northern and Western, Eastern and Midland Regional Assembly. Those regional assemblies are indirectly elected bodies and consist of members of the local authorities within the region. They regulate regional spatial and economic strategies beyond local authority boundaries. Thereby, they prepare and adopt a Regional Spatial and Economic Strategy, aiming to apply the NPF at regional and local authority levels. For this, they engage with the relevant local authorities and further stakeholders, including the Minister and Department for Housing, Planning and Local Government, the Department of Public Expenditure and Reform.<sup>47</sup> However, Moore-Cherry and Tomaney (2018) found that the efficiency of the three regional assemblies is hampered by problematic regional boundaries and little legitimacy.<sup>48</sup>

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<sup>44</sup> Government of Ireland (2002). National Spatial Strategy for Ireland 2002-2020. Retrieved from <https://urbanlex.unhabitat.org/law/492>

<sup>45</sup> Project Ireland 2040 - National Planning Framework: <https://npf.ie/>

<sup>46</sup> Government of Ireland (n.d.). Project Ireland 2040 - National Planning Framework. Retrieved from <https://npf.ie/wp-content/uploads/Project-Ireland-2040-NPF.pdf>

<sup>47</sup> Government of Ireland (n.d.). Project Ireland 2040 - National Planning Framework. Retrieved from <https://npf.ie/wp-content/uploads/Project-Ireland-2040-NPF.pdf>

<sup>48</sup> Moore-Cherry, N. and Tomaney, J. (2018). Spatial planning, metropolitan governance and territorial politics in Europe: Dublin as a case of metro-phobia? *European Urban and Regional Studies*, 26(4). <https://doi.org/10.1177/0969776418783832>



Next to government authorities, several bodies are key in Ireland's spatial development. The Irish Planning and Development Act and Planning and Development Regulations led to the establishment of the *An Bord Pleanála*, which is an independent planning body responsible for appeals on planning proposals, infrastructural projects of local authorities, compulsory acquisition of land and further matters under the Planning and Development Acts 2000-2011. Additionally, this body must follow the Building Control Act 1990, the Local Government (Water Pollution) Acts 1977-1990 and the Air Pollution Act 1987.<sup>49</sup> Applicants for planning permissions must first contact the local planning authority. This decision can then be appealed to *An Bord Pleanála*.<sup>50</sup> The *An Bord Pleanála* also advises the Minister for Housing, Local Government and Heritage on planning and development policy. It must ensure that local authority development plans are based on proper planning and sustainable development. If the *An Bord Pleanála* doubts the implementation of those aspects, it can deviate from the provisions of a development plan.<sup>51</sup>

Subsequent to recommendations of the Tribunal of Inquiry into Certain Planning Matters and Payments, the Office of the Planning Regulator (OPR) was established in 2019. The OPR is not a policy-making body but an independent organisation overseeing the national planning system. It ensures that local authorities and *An Bord Pleanála* correctly implement national and regional policy. Additionally, OPR provides training, research and public awareness programmes.<sup>52</sup> Those functions are set in the Planning and Development Act 2000, as amended.<sup>53</sup>

The Irish NPF acknowledges that the national government must take on more responsibilities in strategically managing and enhancing the country's development potential to ensure meeting the overall development needs of the society.<sup>54</sup> Thus, the Government established the National Land Development Agency<sup>55</sup> (LDA). LDA is a state-sponsored commercial body, coordinating land to provide social and affordable homes, supporting the creation of communities.<sup>56</sup> It identifies an initial selection of publicly owned or controlled land in urban and rural key locations for development purposes according to the NPF.<sup>57</sup> Since the Housing for All masterplan<sup>58</sup> in 2021, LDA is not only responsible for providing affordable housing on public land, but also on private land.

Project 2040 foresees LDA to collaborate with the local government, central government, a range of existing agencies, public bodies and the semi-State sector. Additional to the delivery of housing, LDA also functions as a national centre of expertise in strategic planning, development and renewal. It also drives strategic land assembly, combining public and private interests and complement existing public sector expertise and advise the Government and key stakeholders. This aims at an improved

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<sup>49</sup> Ask about Ireland (n.d.). An Bord Pleanála. Retrieved from <https://www.askaboutireland.ie/enfo/irelands-environment/the-built-environment/the-importance-of-planning/planning-in-ireland/an-bord-pleanala/>

<sup>50</sup> Citizens Information Board (2020). Appealing a planning permission decision. Retrieved from [https://www.citizensinformation.ie/en/housing/planning\\_permission/appealing\\_planning\\_permission\\_decision.html](https://www.citizensinformation.ie/en/housing/planning_permission/appealing_planning_permission_decision.html)

<sup>51</sup> Ask about Ireland (n.d.). An Bord Pleanála. Retrieved from <https://www.askaboutireland.ie/enfo/irelands-environment/the-built-environment/the-importance-of-planning/planning-in-ireland/an-bord-pleanala/>

<sup>52</sup> OPR (n.d.). About the Office of the Planning Regulator. Retrieved from <https://www.opr.ie/about/>

<sup>53</sup> OPR (n.d.). About the Office of the Planning Regulator. Retrieved from <https://www.opr.ie/about/>

<sup>54</sup> Project Ireland 2040 - National Planning Framework: <https://npf.ie/>

<sup>54</sup> Government of Ireland (n.d.). Project Ireland 2040 - National Planning Framework. Retrieved from <https://npf.ie/wp-content/uploads/Project-Ireland-2040-NPF.pdf>

<sup>55</sup> The Development Land Agency: <https://lda.ie/>

<sup>56</sup> LDA (2023). About us. Retrieved from <https://lda.ie/about-us>

<sup>57</sup> Government of Ireland (n.d.). Project Ireland 2040 - National Planning Framework. Retrieved from <https://npf.ie/wp-content/uploads/Project-Ireland-2040-NPF.pdf>

<sup>58</sup> Government of Ireland (2021). Housing for all - A new housing plan for Ireland. Retrieved from <https://www.gov.ie/en/publication/ef5ec-housing-for-all-a-new-housing-plan-for-ireland/>

coordination and delivery of arrangements, linked to wider infrastructure funding initiatives of the National Development Plan, the Irish Strategic Investment Fund (ISIF) and the European Investment Bank.<sup>59</sup>

Further stakeholders are included in various initiatives. Smart Dublin<sup>60</sup> is a collaboration between technology providers, academia and citizens. This programme aims to establish Dublin as a leader in the development of new urban infrastructure and solutions, relying on open data. Moreover, Ireland is a role model regarding public transport. For example, the public bike rental scheme ‘Dublin Bikes’ has been successfully run since 2009. The connectivity of the city has also improved by initiatives of Bus Connects (National Transport Authority) and Metro Link (State agency Transport Infrastructure Ireland).<sup>61</sup> Subsequent to the COVID-19 pandemic, the government wants to explore possibilities to enhance remote working to reduce traffic congestion of urban areas.<sup>62</sup> Some eco-villages have been built in Ireland like Cloughjordan (organic food co-operative)<sup>63</sup> or Clonburris (South Dublin County Council)<sup>64</sup>. Those areas provide sustainable living environments, with special focus on transport, energy efficiency, carbon reduction and biodiversity.

A general take away from Ireland is the consistency between overall national ambitions as formulated under the Ireland 2040 project and the spatial planning system. Furthermore, the Irish system makes a clear connection between spatial planning and the development of a good living environment. The active engagement of local authorities is also remarkable.

### 5.1.3 Finland

In comparison with mainland Europe, Finland is very sparsely populated. Finland has a polycentric structure with several strong urban clusters outside the Helsinki capital region. Finland is almost half as densely populated as Estonia.

As of 2022, Finland has three levels of governance: national, 18 regions and 309 municipalities. The regional level in mainland Finland (Åland islands are autonomous with strong self-governance) have limited self-governing powers while the municipalities have a strong self-governance. On the national level, the government adopts the framework legislation that structures the planning system, environmental laws and other relevant legislation. The national government can also adopt national objectives regarding land use and the regional spatial structure. The Ministry of Environment is responsible for the drafting of national land-use objectives and provides guidance on the land-use planning process as well as the regulation of building activities.

Central government agencies are responsible for developing specific sectors and for making the information produced by the sectors publicly available. The Centres for Economic Development, Transport and the Environment (*Elinkeino-, liikenne- ja ympäristökeskus*) promote regional development by managing the enforcement and development tasks of state administration in their own

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<sup>59</sup> Government of Ireland (n.d.). Project Ireland 2040 - National Planning Framework. Retrieved from <https://npi.ie/wp-content/uploads/Project-Ireland-2040-NPF.pdf>

<sup>60</sup> Smart Dublin Website: <https://smartdublin.ie/>

<sup>61</sup> Ask about Ireland (n.d.). Dublin Transport Initiative. Retrieved from: <https://www.askaboutireland.ie/enfo/irelands-environment/the-built-environment/pressures-on-the-environment/dublin-transport-initiative/>

<sup>62</sup> Ask about Ireland (n.d.). Remote working. Retrieved from: <https://www.askaboutireland.ie/enfo/irelands-environment/the-built-environment/pressures-on-the-environment/remote-working/>

<sup>63</sup> Cloughjordan Ecovillage: [https://www.thevillage.ie/?option=com\\_content&task=view&id=90&Itemid=0](https://www.thevillage.ie/?option=com_content&task=view&id=90&Itemid=0)

<sup>64</sup> <https://clonburris.ie/>

regional areas. They promote the development of a good living environment and economic competitiveness. Their tasks also include environmental protection, direction of land use and construction, nature conservation and use and management of water resources. The State Department of Åland acts as the regional state administrative authority in the autonomous region of Åland.

At the regional level, the regional councils (*Maakunnan liitto*) is a statutory joint municipal authority. The regional councils have two main functions related to spatial development - regional development and regional land use planning. Regional councils are also mainly responsible for implementing programs supported by EU structural funds and can use them to affect the spatial structure of the region.

The municipal level is responsible for preparing Local Master Plans and Local Detailed Plans, responsible for issuing planning permissions and building permits. Municipalities also provide technical services, such as building supervision, environmental protection, construction of roads and other infrastructure, water services and waste management.

The regional Centres for Economic Development, Transport and the Environment (*Elinkeino-, liikenne- ja ympäristökeskus*) oversee regional and local land-use policies and their implementation to ensure that national objectives are considered. The Ministry of Environment is responsible for cross sector co-ordination and harmonises regulations concerning building activities that are issued by other government authorities.

There are no formal land use plans on national level in Finland. However, the government develops national land-use objectives to steer policy on land use and regional spatial structures that are important for the whole country. Lower levels of government are required to consider them in their planning process. The Ministry of Environment has developed a non-binding national vision for the regional structure and transport system ('A renewable and enabling Finland 2050'), based on a polycentric regional structure for Finland.

On the regional level, Regional Plans (*Maakuntakaava*) set out principles for land use and spatial structure. They can also include the identification of areas that are needed for regional development, if required by national or regional land-use objectives or to harmonise the land use in several municipalities. All municipalities prepare Local Master Plans (*Yleiskaava*) that describe the spatial structure of the municipality and contain general objectives for local development. They also provide zoning regulation for the entire territory of a municipality and specify the areas for which Local Detailed Plans are required. Local Detailed plans (*Asemakaava*) are only prepared in areas where it is necessary to control a change in land use with regard to the public interest and they include detailed regulations on permitted development for individual plots.

The Land Use and Building Act (LUBA) and the Local Government Act (LGA) form the legal framework for the spatial planning system. The LUBA has provisions to ensure the sustainability aspects of planning. The LGA describes the responsibilities of municipalities and forms the framework legislation for land-use planning. Provisions regarding the planning process can also be made by decree, ministerial decision and local building ordinances. The Nature Conservation Act and the Environmental Protection Act also have restrictions on land use.

The current spatial planning system in Finland underwent a major reform in 1999 and has been followed by reforms in 2004 and 2014 to promote regional and local economic development. A large reform of the LUBA legislation is currently under way and is supposed to come into force in 2024. It was approved by the Finnish Government in September 2022. The main aims of the reform are to adjust the legislation more towards a climate neutral society, biological diversity, an increased quality of the built environment and to promote digitalisation. It also pays attention to promotion of the public participation in planning processes.<sup>65</sup>

The current reform of the Land use and building act is interesting, since it is directed towards many areas for the living environment that have been identified as critical in Estonia. Many suggested amendments could be of interest in the context of the current project, for policy recommendations as well as for more detailed suggestions.

#### 5.1.4 Belgium

Belgium is a federal country, based on four governance levels, namely the national, regional (Flanders, Brussels and Wallonia), 10 provinces and 589 municipalities.<sup>66</sup> The Belgium approach to spatial planning underwent radical changes over the past decade; it has transitioned from being fully managed by the national government to the current bottom-up approach, which is guided by regional policies, like the Flemish town and country planning policy. Besides issues of national interest, like public transportation, the role of the national government is now facilitating and supportive, also by providing funding.<sup>67</sup> The Belgian approach to spatial planning is holistic but consequently complex.<sup>68</sup>

While the following section elaborates on Flanders, the biggest region, each region can regulate spatial planning rather autonomously. Flanders is characterised by many small towns and villages with open space between them. It hosts 6 million inhabitants and one-third of its areas is covered by built infrastructure. The area's open spaces are fragmented and the dependency on cars is high. To address the region's challenges such as managing population growth, traffic congestions and the high share of paved surfaces, a Spatial Structure Plan for Flanders (*Ruimtelijk Structuurplan Vlaanderen* [RSV]) was developed.<sup>69</sup>

The Spatial Policy Plan for Flanders follows up on the Spatial Structure Plan for Flanders and aims to enable further development without further land-take. This entails that unused houses are renovated, old buildings demolished or repurposed and polluted grounds are redeveloped.<sup>70</sup>

To achieve the Spatial Policy Plan for Flanders, the Government of Flanders developed a White Paper on Spatial Policy Plan (*Beleidsplan Ruimte Vlaanderen* [BRV]). Its main goal is to halve new land-take by 2025 and reduce it to zero by 2040. As a supportive instrument, the town and country planning policy

<sup>65</sup> For more detail, go to: <https://ym.fi/en/-/government-s-legislative-proposals-to-parliament-aim-to-reduce-emissions-from-building-and-promote-digitalisation>

<sup>66</sup> OECD (2017). The governance of land use. Retrieved from <https://www.oecd.org/regional/regional-policy/land-use-Belgium.pdf>

<sup>67</sup> Departement Ruimte Vlaanderen (2021). Working on a space of tomorrow. Retrieved from [https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV\\_kleinwitboek\\_ENG.pdf](https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV_kleinwitboek_ENG.pdf)

<sup>68</sup> Hanocq, P. (2011). The territorial planning system and the urban development in Belgium : from a deterministic to a strategic model. Retrieved from <https://orbi.uliege.be/bitstream/2268/112982/1/Urban%20planning%20in%20Belgium%20-%20v2.pdf>

<sup>69</sup> Departement Ruimte Vlaanderen (2021). Working on a space of tomorrow. Retrieved from [https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV\\_kleinwitboek\\_ENG.pdf](https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV_kleinwitboek_ENG.pdf)

<sup>70</sup> Departement Ruimte Vlaanderen (2021). Working on a space of tomorrow. Retrieved from [https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV\\_kleinwitboek\\_ENG.pdf](https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV_kleinwitboek_ENG.pdf)

attempts to simplify and accelerate the refurbishment of urban districts and villages. The strategy foresees mixed uses, temporary uses as well as intensification and reuse of spaces as the ideal approach for spatial development.<sup>71</sup>

An important role for the strategy is to improve the connectivity of Flanders, domestically and internationally. Among others, the Flanders Spatial Structure Plan defines that new houses and workplaces are to be built within a radius of 1 kilometre from public transport nodes. The aim is to achieve densities of at least 30%. Further goals for 2050 include having 72.5% of the total surface as open spaces, reducing paved surfaces by 20% and planning for 203,000 hectares of nature and forestry areas. To strengthen the agriculture sector, 750,000 hectares will be reserved for agriculture.<sup>72</sup>

The roles of stakeholders are clearly defined in the Belgian constitution. The national government intervenes only via national legislation, like the Civil Code referring to building activities.<sup>73</sup> The regions have nearly complete autonomy in land-use decision.<sup>74</sup> They delegate many tasks to the lower governmental levels and establish Regional Spatial Development Plans. However, the national government remains responsible for issues of environmental legislation as well as energy and building code regulations.<sup>75</sup>

The regional implementation differs. Land-use planning is set in the Decree on Land Policy in Flanders, the Codex on Spatial Planning, Housing, Heritage and Energy in Wallonia and the Brussel's Law on Spatial Planning in Brussels.<sup>76</sup> While no provincial-level plans exist in Wallonia, the Government of Flanders develops implementation plans which are zoning plans for specific areas or development projects. An example for the province Brabant, which falls under the regional governance of Flanders, is given in Figure 5-2. Flanders focuses its town and country planning projects based on the goals of the Spatial Structure Plan. It has plans to implement large-scale residential programmes near facilities and transport nodes, for example in Antwerp and Mechelen. The logistics network will also be enhanced to sustainably connect the seaports, Brussels Airport and domestic nodes with Europe. Stakeholder consultation via consultation, best practice sharing and provision of funds is seen as key. Furthermore, the Government will adapt new rules and procedures to secure the alignment with the policy.<sup>77</sup>

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<sup>71</sup> Departement Ruimte Vlaanderen (2021). Working on a space of tomorrow. Retrieved from [https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV\\_kleinwitboek\\_ENG.pdf](https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV_kleinwitboek_ENG.pdf)

<sup>72</sup> Departement Ruimte Vlaanderen (2021). Working on a space of tomorrow. Retrieved from [https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV\\_kleinwitboek\\_ENG.pdf](https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV_kleinwitboek_ENG.pdf)

<sup>73</sup> OECD (2017). The governance of land use. Retrieved from <https://www.oecd.org/regional/regional-policy/land-use-Belgium.pdf>

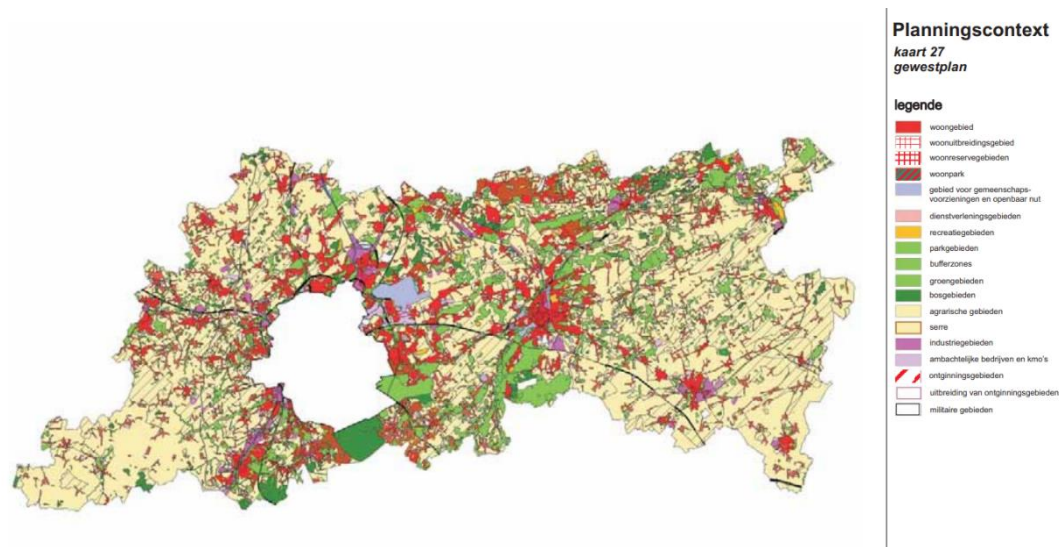
<sup>74</sup> OECD (2017). The governance of land use. Retrieved from <https://www.oecd.org/regional/regional-policy/land-use-Belgium.pdf>

<sup>75</sup> OECD (2017). The governance of land use. Retrieved from <https://www.oecd.org/regional/regional-policy/land-use-Belgium.pdf>

<sup>76</sup> OECD (2017). The governance of land use. Retrieved from <https://www.oecd.org/regional/regional-policy/land-use-Belgium.pdf>

<sup>77</sup> Departement Ruimte Vlaanderen (2021). Working on a space of tomorrow. Retrieved from [https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV\\_kleinwitboek\\_ENG.pdf](https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV_kleinwitboek_ENG.pdf)

Figure 5-2 The zoning plan for Brabant



Source: Provincie Vlaams - Brabant (n.d.). Ruimtelijk structuurplan - Kartenbundel. Retrieved from <https://www.vlaamsbrabant.be/sites/default/files/media/files/2020-05/RSVB-kaartenbundel.pdf>

Especially in Flanders, local administrations like provinces, cities and municipalities, are taking on more responsibility since the strict planning concept which was imposed by the Government of Flanders has been abandoned. This entails that the administrations can decide which town and country planning projects they prioritise. Provinces and municipalities are setting up their own policy plan, considering the White Paper on the Policy Plan for Town and Country Planning in Flanders. They also collaborate on issues transcending the borders of a single municipality, like the housing market, mobility, open space and water.<sup>78</sup>

Local authorities in Belgium develop Municipal Structure Plans and Municipal Implementation Plans. The latter now override previous Regional or Municipal Zoning Plans.<sup>79</sup> Local authorities are now responsible for ensuring sufficient housing, facilities and the availability of diverse businesses. They try to reduce unoccupied housing, ensure more greenery and water and decide about areas for businesses to settle and the viability of urban and village centres. They also support innovative residences, the reuse and temporary use of space, provide workplaces in the residential fabric and develop cycling paths and facilities in the neighbourhood, such as healthcare, education and public transport. Cooperation between different municipalities is demanded for the development of public transport infrastructure. They are also expected to cooperate with non-governmental stakeholders, which could be supported by the provinces.<sup>80</sup>

## 5.2 The metropolitan approach

Large urban cities often include more than one local authority, challenging the spatial planning for that area. To overcome this burden and allow for an integrated and holistic development for all citizens, strategies tailored to metropolitan areas are implemented. EPSON research found that strategic

<sup>78</sup> Departement Ruimte Vlaanderen (2021). Working on a space of tomorrow. Retrieved from [https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV\\_kleinwitboek\\_ENG.pdf](https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV_kleinwitboek_ENG.pdf)

<sup>79</sup> OECD (2017). The governance of land use. Retrieved from <https://www.oecd.org/regional/regional-policy/land-use-Belgium.pdf>

<sup>80</sup> Departement Ruimte Vlaanderen (2021). Working on a space of tomorrow. Retrieved from [https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV\\_kleinwitboek\\_ENG.pdf](https://omgeving.vlaanderen.be/sites/default/files/2021-11/BRV_kleinwitboek_ENG.pdf)

planning in metropolitan areas is not institutionalised. It can be based on formal top-down regulations, informal collaborative arrangements or formal agreements between different actors.<sup>81</sup>

Metropolitan areas in spatial planning are also called Metropolitan Development Areas (MDAs). An MDA is often defined by local and regional authorities and its spatial extent can be based on the scope of transport networks, institutional arrangements between regions and municipalities or population density, for example.<sup>82</sup> The borders can thus be blurry. The following chapter elaborates on the MDAs found in Copenhagen and Dublin.

### 5.2.1 Copenhagen, Denmark

Copenhagen faced a rapid increase in population numbers over the last decades. In 2021, the Greater Copenhagen area—which encompasses 34 municipalities—was inhabited by more than 1.3 million inhabitants, with nearly 640,000 people living in the City of Copenhagen.<sup>83</sup> In 1947, the Urban Planning Laboratory developed the first ‘Five Finger Plan’ to control the urban growth, which is now widely known as the ‘Finger Plan’.

The Finger Plan is highly regarded today in the international community for spatial planning.<sup>84</sup> This urban development plan accounts for both metropolitan train lines and the green spaces between them and thus looks like a hand with five fingers stretching away from the city centre. Between the fingers, space is considered for recreation and agriculture.<sup>85</sup>

Multiple parties were responsible for the spatial planning of the Greater Copenhagen area when the Finger Plan was first published. The Finger Plan was simple to communicate to both politicians and citizens and got adapted several times, allowing for its successful implementation. In 2007, the government structure was changed. The Ministry of Environment became responsible for the overall spatial planning for this region by preparing national planning directives.<sup>86</sup> Since then, the Plan got revised several times again, proposing changes that are meant to align with the ideology of the government in charge.<sup>87</sup>

According to the Danish Planning Act, the Minister of Environment has to prepare national planning directives to protect national interests. While the Minister of Environment can implement several directives, the Planning Act requires the national planning directive should be carried out according to the Finger Plan, i.e. dividing the Greater Copenhagen area into the core urban region (the palm of the hand), and the peripheral urban region (the fingers). There are no fixed requirement for the national planning directive to be revised at certain intervals.

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<sup>81</sup> EPSON (2018). New challenges and thinking for spatial planning systems: Insights from EPSON projects. Retrieved from [https://www.espon.eu/sites/default/files/attachments/espon\\_tallin\\_new-challenges-thinking-spatial-planning-systems-02%20-%20en%20-%20online.pdf](https://www.espon.eu/sites/default/files/attachments/espon_tallin_new-challenges-thinking-spatial-planning-systems-02%20-%20en%20-%20online.pdf)

<sup>82</sup> EPSON (2018). New challenges and thinking for spatial planning systems: Insights from EPSON projects. Retrieved from [https://www.espon.eu/sites/default/files/attachments/espon\\_tallin\\_new-challenges-thinking-spatial-planning-systems-02%20-%20en%20-%20online.pdf](https://www.espon.eu/sites/default/files/attachments/espon_tallin_new-challenges-thinking-spatial-planning-systems-02%20-%20en%20-%20online.pdf)

<sup>83</sup> Statista (2022). Population of Copenhagen from 2012 to 2022. Retrieved from <https://www.statista.com/statistics/1303909/population-copenhagen/>

<sup>84</sup> Olesen, K. (2022). Unsettling the Copenhagen Finger Plan: towards neoliberalization of a planning doctrine?. *International Planning Studies*, 27 (1). 77-90. <https://doi.org/10.1080/13563475.2021.1945913>

<sup>85</sup> Danish Ministry of Environment (2015). The Finger Plan - A strategy for the development of the Greater Copenhagen area. Retrieved from [https://danishbusinessauthority.dk/sites/default/files/fp-eng\\_31\\_13052015.pdf](https://danishbusinessauthority.dk/sites/default/files/fp-eng_31_13052015.pdf)

<sup>86</sup> Danish Ministry of Environment (2015). The Finger Plan - A strategy for the development of the Greater Copenhagen area. Retrieved from [https://danishbusinessauthority.dk/sites/default/files/fp-eng\\_31\\_13052015.pdf](https://danishbusinessauthority.dk/sites/default/files/fp-eng_31_13052015.pdf)

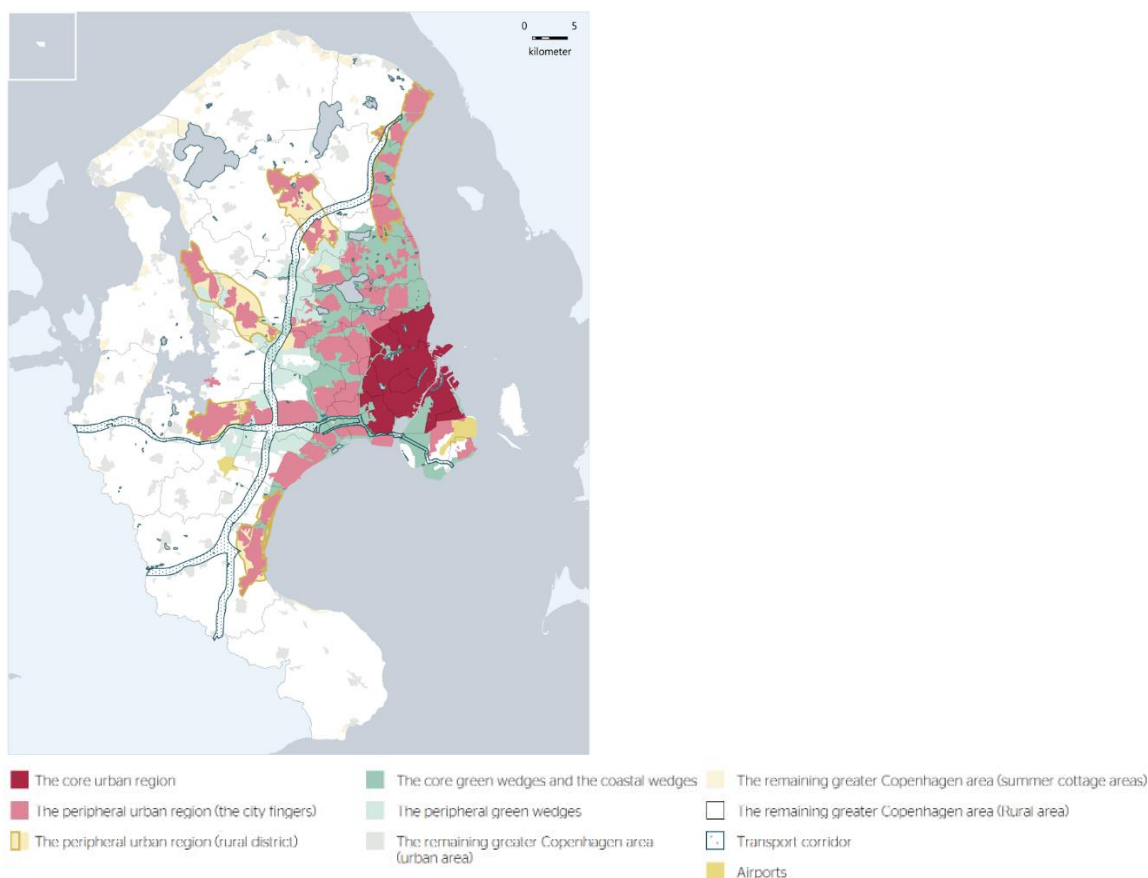
<sup>87</sup> Olesen, K. (2022). Unsettling the Copenhagen Finger Plan: towards neoliberalization of a planning doctrine?. *International Planning Studies*, 27 (1). 77-90. <https://doi.org/10.1080/13563475.2021.1945913>

National planning directives can guide municipal planning but can also replace municipal or local development plans. As municipalities must align to those directives, municipal planning must also follow the development principles of the Finger Plan.<sup>88</sup>

The authority of the Minister of Environment is delegated to the Danish Nature Agency. This Agency is thus responsible for ensuring the conformity of spatial planning within the frameworks established by authorities higher in the hierarchy. That means that regional development plans must align with national regulations, for example. In case of inconsistency, the agency can object to plans.<sup>89</sup>

The Finger Plan divides the whole area into four parts, namely the core urban region (the palm), the peripheral urban region (the fingers), the green wedges and the rest of the Greater Copenhagen area. The geographical areas are illustrated in Figure 5-3. Besides this zoning, the municipal planning must consider already existing and approved public transport infrastructure. Furthermore, the green wedges cannot be converted into urban zones or used for urban recreational facilities. Urban development in the rest of the Greater Copenhagen area happens around municipal centres.<sup>90</sup>

**Figure 5-3 The 4 geographical areas of the Greater Copenhagen area according to the Finger Plan**



Source: Danish Ministry of Environment (2015). *The Finger Plan – A strategy for the development of the Greater Copenhagen area*. P.29. Retrieved from [https://danishbusinessauthority.dk/sites/default/files/fp-eng\\_31\\_13052015.pdf](https://danishbusinessauthority.dk/sites/default/files/fp-eng_31_13052015.pdf)

<sup>88</sup> Danish Ministry of Environment (2015). *The Finger Plan - A strategy for the development of the Greater Copenhagen area*. Retrieved from [https://danishbusinessauthority.dk/sites/default/files/fp-eng\\_31\\_13052015.pdf](https://danishbusinessauthority.dk/sites/default/files/fp-eng_31_13052015.pdf)

<sup>89</sup> Danish Ministry of Environment (2015). *The Finger Plan - A strategy for the development of the Greater Copenhagen area*. Retrieved from [https://danishbusinessauthority.dk/sites/default/files/fp-eng\\_31\\_13052015.pdf](https://danishbusinessauthority.dk/sites/default/files/fp-eng_31_13052015.pdf)

<sup>90</sup> Danish Ministry of Environment (2015). *The Finger Plan - A strategy for the development of the Greater Copenhagen area*. Retrieved from [https://danishbusinessauthority.dk/sites/default/files/fp-eng\\_31\\_13052015.pdf](https://danishbusinessauthority.dk/sites/default/files/fp-eng_31_13052015.pdf)



The Planning Act also obligates the necessity for a national planning directive for retail trade in the Greater Copenhagen area. This demands municipalities to plan activities around a town centre, which is the primary centre of activities, followed by district centres and local centres, depending on the size of a municipality. Those centres host the shops. Shops that demand an unusual large amount of floor space can be planned outside of town centres and cannot exceed 3,500m<sup>2</sup>. The location of these centres is designated by the Minister of Environment. Further national planning directives within the Greater Copenhagen area also address the future use of former barracks or the cruise terminal in Nordhavn.<sup>91</sup>

The Finger Plan is built up on several principles:<sup>92</sup>

1. The first one is the **division of areas into finger and green wedges**. Urban development is central and is adapted to the transport infrastructure, including suburban trains, regional trains, metro and light railways as well as the attached road networks. The green areas are kept for regional outdoor recreation and agriculture. Maintaining and keeping this finger structure demands that further development happens along the core regions and extended city fingers.<sup>93</sup> Keeping growth in the predefined urban and peripheral urban areas means that future increases in population and employment of the Great Copenhagen area must occur within these core regions. Consequently, the city centre (palm) and parts of the fingers can not grow further spatially because the areas of the city structure are already designated.
2. Another principle is to **secure the maintenance of old green wedges and their extension, as well as the establishment of green urban wedges**. The latter are areas within the core urban municipalities, important for regional outdoor activities and for prioritising public access. Those areas can also not be used for renewable energy production. However, areas of green wedges which are not reserved for the development of transport infrastructure might be used for the establishment of facilities for climate change adaptation. However, they must still consider the recreational purpose. They can thus be used for rainwater retention basins or canals, for example.
3. A third principle is the requirement of **proximity to stations**. This reduces road congestion and promotes the use of public transport, for example, when commuting to work. The Finger Plan establishes that facilities that are intensive, i.e. considering the area used, job density, size or visiting patterns, must be located near to stations. As such, large office buildings with more than 1,500m<sup>2</sup> floor space must be built within a 600m radius around the station.
4. Additionally, the Finger Plan demands **an order of priority** when planning the urban development and regeneration areas for the coming 12 years. Covering 12 years in municipality planning is demanded by the Planning Act. The priority order must be agreed on between the Danish state and the municipality. Generally, priorities are on areas that serve the general public and for urban regeneration as opposed to new urban development.
5. Another principle addresses **the transport corridor**, entailing the long-term reservation of certain areas for yet unknown or undecided infrastructure facilities.
6. A further principle is to provide **good development opportunities for businesses**. This includes considering their strategic placement, also in light of the traffic infrastructure. For example, international businesses are offered locations close to the airport.

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<sup>91</sup> Danish Ministry of Environment (2015). The Finger Plan - A strategy for the development of the Greater Copenhagen area. Retrieved from [https://danishbusinessauthority.dk/sites/default/files/fp-eng\\_31\\_13052015.pdf](https://danishbusinessauthority.dk/sites/default/files/fp-eng_31_13052015.pdf)

<sup>92</sup> Danish Ministry of Environment (2015). The Finger Plan - A strategy for the development of the Greater Copenhagen area. Retrieved from [https://danishbusinessauthority.dk/sites/default/files/fp-eng\\_31\\_13052015.pdf](https://danishbusinessauthority.dk/sites/default/files/fp-eng_31_13052015.pdf)

<sup>93</sup> Danish Ministry of Environment (2015). The Finger Plan - A strategy for the development of the Greater Copenhagen area. Retrieved from [https://danishbusinessauthority.dk/sites/default/files/fp-eng\\_31\\_13052015.pdf](https://danishbusinessauthority.dk/sites/default/files/fp-eng_31_13052015.pdf)

The Finger Plan is implemented through local development plans which are funded by municipalities. Generally, Danish municipalities have a strong financial and decision making capacity and they have shown to be proactive in establishing partnerships. They negotiate with private interest groups regarding the funding of specific development interventions, for instance on new transport infrastructure.<sup>94</sup>

Spatial development according to the Finger Plan ensured easy access to recreational areas for everyone living in Copenhagen and good connectivity to central Copenhagen for the inhabitants of the Greater Copenhagen area. Compared to other metropolitan areas, Copenhagen benefits from a smoother traffic situation.<sup>95</sup>

The Finger Plan was criticised for hampering local or municipality growth. Olesen (2022) found that the latest revisions of the Finger Plan reflect the current neoliberal discourse of spatial planning, demanding the promotion of economic growth.<sup>96</sup> The political actors in Denmark also challenged the plan's legitimacy.<sup>97</sup> However, municipalities can now propose amendments to the plan which helps to reassure the political acceptance of the Finger Plan. However, Olesen (2022) remarks that the continuous consideration of local development aspirations could diminish the Plan's planning doctrine. Nevertheless, it is acknowledged that the Finger Plan has been consistently following its initial idea, especially compared to the neo liberalisation of spatial planning elsewhere.<sup>98</sup>

### 5.2.2 Dublin, Ireland

Dublin City and its suburbs hosted 1.2 million people in 2016, with an additional 0.2 million people when considering the metropolitan area of Dublin.<sup>99</sup> The Metropolitan Development Areas (MDA) of Dublin extends over the area of seven local authorities, making the coordination of strategic development complicated. The city is part of the Eastern and Midland Regional Assembly. However, the assembly's area is perceived as too broad to sufficiently address city and metropolitan challenges.<sup>100</sup> The boundaries of the Dublin MDA were defined by the National Transport Authority (NTA). This definition considered the functionality of the city's areas, i.e. density of population, employment and service provision, commuting patterns, geographical features that contribute to defining the borders or need special protection, and boundaries due to the transport strategies of the NTA.<sup>101</sup>

Generally, the hierarchy of spatial planning in Ireland follows the National Planning Framework (NPF) which is underpinned by investment priorities set in the National Development Plan. The Regional

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<sup>94</sup> Oliveira, E. and Hersperger, A. (2018). Governance arrangements, funding mechanisms and power configurations in current practices of strategic spatial plan implementation. *Land Use Policy*, 76: 623-633. <https://doi.org/10.1016/j.landusepol.2018.02.042>

<sup>95</sup> Danish Ministry of Environment (2015). The Finger Plan - A strategy for the development of the Greater Copenhagen area. Retrieved from [https://danishbusinessauthority.dk/sites/default/files/fp-eng\\_31\\_13052015.pdf](https://danishbusinessauthority.dk/sites/default/files/fp-eng_31_13052015.pdf)

<sup>96</sup> Olesen, K. (2022). Unsettling the Copenhagen Finger Plan: towards neoliberalization of a planning doctrine?. *International Planning Studies*, 27(1): 77-90. <https://doi.org/10.1080/13563475.2021.1945913>

<sup>97</sup> Olesen, K. and Hansen, C.J. (2020) Introducing business regions in Denmark: the 'businessification' of strategic spatial planning? *Environment and Planning C: Politics and Space* 38(2): 366-383. <https://doi.org/10.1177/2399654419863442>

<sup>98</sup> Olesen, K. (2022). Unsettling the Copenhagen Finger Plan: towards neoliberalization of a planning doctrine?. *International Planning Studies*, 27(1): 77-90. <https://doi.org/10.1080/13563475.2021.1945913>

<sup>99</sup> Eastern and Midland Regional Assembly (n.d.). Regional Spatial and Economic Strategy 2019-2031. Retrieved from [https://emra.ie/dubh/wp-content/uploads/2020/05/EMRA\\_RSES\\_1.4.5web.pdf](https://emra.ie/dubh/wp-content/uploads/2020/05/EMRA_RSES_1.4.5web.pdf)

<sup>100</sup> Government of Ireland (n.d.). Project Ireland 2040 - National Planning Framework. Retrieved from <https://npf.ie/wp-content/uploads/Project-Ireland-2040-NPF.pdf>

<sup>101</sup> Government of Ireland (n.d.). Project Ireland 2040 - National Planning Framework. Retrieved from <https://npf.ie/wp-content/uploads/Project-Ireland-2040-NPF.pdf>

Spatial and Economic Strategy (RSES) then constitutes the regional framework for the implementation and delivery of the NPF.<sup>102</sup> Dublin, as well as Cork, Limerick, Galway and Waterford, will be addressed by a Metropolitan Area Strategic Plan (MASP) which is in line with the (RSES).

The Regional Spatial and Economic Strategy (RSES) for Dublin<sup>103</sup> was published in 2019 and replaced the Regional Planning Guidelines. The RSES identifies regional assets, opportunities and risks, and develops policy responses called 'Regional Policy Objectives'. Once the RSES has been adopted, it will be applied by local authorities in-charge of developing development plans and Local Economic and Community Plans (LECP); these plans will be taken into consideration by key state agencies and sectoral bodies. The realisation of RSES, and the achievement of the 'Regional Policy Objectives', is funded by both national and EU funding. The figure below provides an overview of the 16 'Regional Policy Objectives' of the RSES which are aligned with international, EU and national policy. These objectives, in turn, set the framework for city and county development plans.

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<sup>102</sup> South Dublin County Council (2020). Context - the bigger picture. Retrieved from <https://consult.sdublincoco.ie/en/consultation/south-dublin-county-development-plan-2022-2028-strategic-issues-consultation-booklet/chapter/context-bigger-picture>

<sup>103</sup> Eastern and Midland Regional Assembly (2019). Regional Spatial and Economic Strategy 2019-2031. Retrieved from [https://emra.ie/dubh/wp-content/uploads/2020/05/EMRA\\_RSES\\_1.4.5web.pdf](https://emra.ie/dubh/wp-content/uploads/2020/05/EMRA_RSES_1.4.5web.pdf)

Figure 5-4 Overview of the 16 Regional Strategic Outcomes (RSOs)

- 1. Sustainable Settlement Patterns**  
 Better manage the sustainable and compact growth of Dublin as a city of international scale and develop Athlone, Dundalk, Drogheda and a number of key complementary growth settlements of sufficient scale to be drivers of regional growth. (NSO 1, 7, 10)
- 2. Compact Growth and Urban Regeneration**  
 Promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. (NSO 1)
- 3. Rural Communities**  
 Support sustainable rural development and strengthen rural networks, economies and communities. Manage urban generated growth in areas under strong urban influence and encourage sustainable growth in areas that have experienced decline or stagnation. (NSO 1, 3)
- 4. Healthy Communities**  
 Protect and enhance the quality of our built and natural environment to support active lifestyles including walking and cycling, ensure clean air and water for all and quality healthcare and services that support human health. (NSO 10)
- 5. Creative Places**  
 Enhance, integrate and protect our arts, culture and heritage assets to promote creative places and heritage led regeneration. (NSO 5, 7)
- 6. Integrated Transport and Land Use**  
 Promote best use of Transport Infrastructure, existing and planned, and promote sustainable and active modes of travel to ensure the proper integration of transportation and land use planning. (NSO 2, 6, 8,9)
- 7. Sustainable Management of Water, Waste and other Environmental Resources**  
 Conserve and enhance our water resources to ensure clean water supply, adequate waste water treatment and greater resource efficiency to realise the benefits of the circular economy. (NSO 8, 9)
- 8. Build Climate Resilience**  
 Ensure the long-term management of flood risk and build resilience to increased risks of extreme weather events, changes in sea level and patterns of coastal erosion to protect property, critical infrastructure and food security in the Region.(NSO 8, 9)
- 9. Support the Transition to Low Carbon and Clean Energy**  
 Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables-focussed energy system to support the transition to a low carbon economy by 2050. (NSO 8, 9)
- 10. Enhanced Green Infrastructure**  
 Identify, protect and enhance Green Infrastructure and ecosystem services in the Region and promote the sustainable management of strategic natural assets such as our coastlines, farmlands, peatlands, uplands woodlands and wetlands. (NSO 8, 9)
- 11. Biodiversity and Natural Heritage**  
 Promote co-ordinated spatial planning to conserve and enhance the biodiversity of our protected habitats and species including landscape and heritage protection. (NSO 7, 8)
- 12. A Strong Economy Supported by Enterprise and Innovation**  
 To build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth. (NSO 5,10)
- 13. Improve Education Skills and Social Inclusion**  
 To improve education and develop the right skills to attract employers and retain talent and promote social inclusion to ensure opportunities for quality jobs across the Region. (NSO 5,10)
- 14. Global City Region**  
 Promote Dublin as a global city region and protect and enhance international connectivity, including ports and airports and promote the Region as a gateway to Ireland. (NSO 6)
- 15. Enhanced Strategic Connectivity**  
 Protect and enhance international connectivity and regional accessibility to support economic development, build economic resilience and support strengthened rural communities and economies including the blue-green economy and tourism. (NSO 2, 3, 6)
- 16. Collaboration Platform**  
 Provide a regional framework for collaboration and partnerships and to support local and regional bodies in leveraging funding and partnership opportunities. (NSO 2, 3, 5)

Source: Eastern and Midland Regional Assembly. (2019). *Regional Spatial and Economic Strategy 2019-2031 - Regional Strategic Outcomes*, pg. 25. Retrieved from [https://emra.ie/dubh/wp-content/uploads/2020/05/EMRA\\_RSES\\_1.4.5web.pdf](https://emra.ie/dubh/wp-content/uploads/2020/05/EMRA_RSES_1.4.5web.pdf)

The Metropolitan Area Strategic Plan (MASP), which is a part of the Regional Spatial and Economic Strategy (RSES), is a requirement from the National Planning Framework - Project Ireland 2040. It is a 12-year strategic plan and investment framework for the area, covering high-level and long-term development issues.<sup>104</sup> The focus points of the MASP are aligned with a number of the 'Regional Strategic Outcomes', in particular to:

<sup>104</sup> Government of Ireland (n.d.). Project Ireland 2040 - National Planning Framework. Retrieved from <https://npf.ie/wp-content/uploads/Project-Ireland-2040-NPF.pdf>

- Improve management of a sustainable and compact growth of Dublin;
- Promote the regeneration of cities;
- Increase efficiency of under-utilised land;
- Improve integration of transport systems; and
- Promotion of Dublin as a global city region.

These five ‘Regional Policy Objectives’ shall be achieved via stakeholder collaboration and cross sectoral investment plans and will focus on the following aspects:<sup>105</sup>

- Enabling Infrastructure for transport, water systems, energy and social infrastructure such as education, health and community facilities;
- Sustainable transport, including walking and cycling networks, and greenways;
- Housing and regeneration, including phasing of sequential development and development of a core strategy consistent with the population targets expressed in the National Planning Framework;
- Development of employment lands, which shall follow a sequential approach; and
- Green infrastructure, which includes the identification, management, development and protection of regional green infrastructure, and the development of a Green Infrastructure Policy etc.

The Metropolitan Area Strategic Plan (MASP) for Dublin contains a strategy to deliver compact regeneration and growth for the area. For this, it identifies key change parameters which include employment, population, housing, retail and travel patterns as well as key renewal, development and amenity areas. The MASP also investigates the sequence of infrastructure prioritisation, its delivery and coordination.<sup>106</sup>

Different to the other metropolitan areas in Ireland, the National Transport Authority prepared a transport strategy 2022-2042 for the Greater Dublin Area<sup>107</sup>, complementing the efforts of the Regional Spatial and Economic Strategy (RSES). Other stakeholders must adapt their strategies to this transport strategy, including agencies for spatial planning and environmental protection and providers of other infrastructure like housing or power.<sup>108</sup>

The current approach to planning, i.e. an infrastructure-led planning, can help to improve the overall quality of life for the city’s inhabitants. As observed by Moore-Cherry and Tomaney (2018), Dublin’s city planning used to be based on disconnected policy interventions with limited effectiveness. Additionally, spatial decision makers had only limited access to finance and were thus driven by economic interest from the private sector. For the Greater Dublin Area, funding for spatial planning was preliminary collected from public-private partnerships and multi-level government cooperation.<sup>109</sup> Besides funds

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<sup>105</sup> Eastern and Midland Regional Assembly (2019). Regional Spatial and Economic Strategy 2019-2031. Retrieved from [https://emra.ie/dubh/wp-content/uploads/2020/05/EMRA\\_RSES\\_1.4.5web.pdf](https://emra.ie/dubh/wp-content/uploads/2020/05/EMRA_RSES_1.4.5web.pdf)

<sup>106</sup> Blair, S. (2018). Metropolitan Area Strategic Plans (MASP’s). EPSON Seminar Dublin. Retrieved from <https://www.espon.eu/sites/default/files/attachments/06%20Southern%20Regional%20Assembly%20-%20Stephen%20Blair.pdf>

<sup>107</sup> National Transport Authority (n.d.). Greater Dublin transport strategy 2022-2042. Retrieved from <https://www.nationaltransport.ie/wp-content/uploads/2023/01/Greater-Dublin-Area-Transport-Strategy-2022-42-1.pdf>

<sup>108</sup> Government of Ireland (n.d.). Project Ireland 2040 - National Planning Framework. Retrieved from <https://nfp.ie/wp-content/uploads/Project-Ireland-2040-NPF.pdf>

<sup>109</sup> Oliveira, E. and Hersperger, A. (2018). Governance arrangements, funding mechanisms and power configurations in current practices of strategic spatial plan implementation. Land Use Policy, 76: 623-633. <https://doi.org/10.1016/j.landusepol.2018.02.042>

received from the national government and the EU, city councils and private interest groups were also cooperating. However, due to the rather low financial and decision-making capacity of Dublin’s public planning authorities, private stakeholders had strong bargaining power. Consequently, they could claim more land for housing in the development plans, for example.<sup>110</sup> In cases where local governments could influence spatial planning, positive results were achieved, such as improved housing standards and the improved quality of public spaces.<sup>111</sup>

### 5.3 A centralised competence body for spatial planning

As mentioned in Recommendation 3, there is a need to strengthen cooperation between stakeholders within and across governance levels to shape spatial development towards a high quality and sustainable living environment should be strengthened. A centralised competence body for spatial planning (hereinafter referred to as the “Body”) could be an idea for Estonia to explore further. The following sections illustrates different options of how this could be structured using the example of Ireland and focuses on the governance structure and potential responsibilities.

#### 5.3.1 Governance structure

To effectively achieve the specific objective of a high quality and sustainable living environment, such a Body should keep its focus on achieving this and to maintain its independence, i.e. without influence from political and market actors. It should also keep a long-term vision and work towards ensuring that spatial decisions are made to contribute to this objective beyond the electoral cycles.

Table 5-1 summarises the learnings from a relevant study to investigate the level of independence and effectiveness of national regulatory authorities in the energy field.<sup>112</sup> It highlights the key considerations that are necessary to ensure the independence of a body from political and market actors.

Table 5-1 Key requirements to ensure the Body’s independence, based on DG Energy et al. (2019)<sup>113</sup>

Requirement	Details
<b>Independence from political and market actors</b>	
Explicit legal basis	<ul style="list-style-type: none"> <li>Clearly define the Body’s competences, objectives and functions;</li> <li>Ensure adequate legal provisions and internal rules to avoid undue influence from the industry sector and from political influence. This includes the separation from the ministries involved in planning</li> </ul>
Avoidance of legal limitations or violations of the Body’s independence	<ul style="list-style-type: none"> <li>Ensure provision of power to the Body to issue final and binding decisions that cannot be reversed by for e.g. the ministries.</li> </ul>

<sup>110</sup> Oliveira, E. and Hersperger, A. (2018). Governance arrangements, funding mechanisms and power configurations in current practices of strategic spatial plan implementation. *Land Use Policy*, 76: 623-633. <https://doi.org/10.1016/j.landusepol.2018.02.042>

<sup>111</sup> Moore-Cherry, N. and Tomaney, J. (2018). Spatial planning, metropolitan governance and territorial politics in Europe: Dublin as a case of metro-phobia? *European Urban and Regional Studies*, 26(4). <https://doi.org/10.1177/0969776418783832>

<sup>112</sup> DG Energy et al. (2019). Assessing the independence and effectiveness of national regulatory authorities in the field of energy. Retrieved from <https://op.europa.eu/en/publication-detail/-/publication/e5f886d6-917d-11e9-9369-01aa75ed71a1/language-en>

<sup>113</sup> DG Energy et al. (2019). Assessing the independence and effectiveness of national regulatory authorities in the field of energy. Retrieved from <https://op.europa.eu/en/publication-detail/-/publication/e5f886d6-917d-11e9-9369-01aa75ed71a1/language-en>

Requirement	Details
Transparent rules and policies	<ul style="list-style-type: none"> <li>Mandatory transparency rules, including open decision-making procedures based on empirical evidence and research and publication of decisions and their motivations;</li> <li>Disclosure of information on its organisation and structure as well as its rules of different procedures;</li> <li>Adherence to a clear and transparent policy by providing information to stakeholders on a timely basis, maintaining its accessibility and performing open consultations</li> </ul>
Legal measures for accountability and control	<ul style="list-style-type: none"> <li>Subject the Body's conduct and efficiency to scrutiny by external auditors and parliamentary control (as opposed to accountability to the government)</li> </ul>
Transparency in rules for nominations, appointments and dismissals	<ul style="list-style-type: none"> <li>Clear and published rules for nomination, appointment and dismissal of key staff and board members;</li> <li>Transparent selection based on objective criteria;</li> <li>Specified term lengths for heads and board members with constraints on re-appointment and limits on dismissal;</li> <li>Ensure that the key staff and board members have a diverse and complementary set of relevant qualifications and experiences to serve the public interest</li> </ul>
Prevent conflict of interest	<ul style="list-style-type: none"> <li>Establish rules to prohibit conflict of interest by developing code of conduct or staff functioning (independence) manual;</li> <li>Establish clear incompatibility rules for board members concerning positions in regulated companies and politics, as well as in planning projects</li> </ul>
<b>Adequacy of human and financial resources</b>	
Financing	<ul style="list-style-type: none"> <li>Provision of an adequate budget that is proportionate to the Body's tasks;</li> <li>Ensure budgetary autonomy which is to be safeguarded at all times;</li> <li>Provision of a separate budget line in the general state budget;</li> <li>Execution of ex-ante scrutiny of budget by parliament;</li> <li>Execution of ex-post control of annual accounts by independent auditor reporting to parliament</li> </ul>
Staff recruitment and pay	<ul style="list-style-type: none"> <li>Provision of adequate human resources that is proportionate to the Body's tasks;</li> <li>Offer salary levels that are competitive with those in the regulated industry;</li> <li>Place no restrictions on the Body's staffing policy (e.g. headcount caps) as long as it stays within the budget</li> </ul>
<b>Independence in conducting core tasks</b>	
Setting and approval of methodologies	<ul style="list-style-type: none"> <li>Absence of legislative measures that could impact the independence of the Body in setting and approving methods to contribute to achieving the national goals related to a high-quality and sustainable living quality</li> </ul>
Review of decisions	<ul style="list-style-type: none"> <li>Ensuring accountability by having clearly defined processes and rationales for decision making;</li> <li>Providing effective arrangements for handling of complaints or for appealing the Body's decisions</li> </ul>

### 5.3.2 Organisation of responsibilities to centralise spatial planning competencies in Ireland

Ireland, as a positive example for spatial development, does not have one single institution but several authorities covering different aspects of planning. The organisation of responsibilities in Ireland could provide relevant insights for Estonia. In particular, the following paragraphs will provide an overview of two bodies: the An Bord Pleanála, and the Office of the Planning Regulator.

### An Bord Pleanála

An Bord Pleanála<sup>114</sup> is the national independent planning body of Ireland, [deciding on appeals on planning decisions made by local authorities and direct applications for strategic infrastructure](#). This statutory board helps to ensure that the physical development and major infrastructure projects in Ireland align with the principles of sustainable development and environmental protection. It also determines appeals under the Water Pollution and Building Control Acts.

The An Bord Pleanála is not a policy making body but a state agency that [ensures that planning decisions are in line with the policies and legislations of the Irish government and the EU](#).<sup>115</sup> Its decisions can be challenged by judicial review in the Courts but are seen as precedential by planning authorities and other stakeholders.

Under the Planning and Development Act 2000, the An Bord Pleanála shall consist of a chair person and seven other ordinary members. Currently, it consists of nine board members working on a whole-time executive basis.<sup>116</sup> This includes:

- **A chairperson**, who has been appointed by the government from a list of three candidates selected by an independent committee chaired by the President of the High Court, as set out in the Planning and Development Act 2000. The Chairperson holds the office for seven years and can be re-appointed for a second subsequent term.<sup>117</sup>
- **A deputy chairperson**, who has been appointed by the Minister for Housing, Local Government and Heritage.
- **Seven board members**, who have been appointed by the Minister for Housing, Local Government and Heritage. The members hold office for five years and can be re-appointed for a second or subsequent term.<sup>118</sup>

The Minister picks the members from four organisations prescribed by regulations and representative of:

- Professions related to physical planning, engineering and architecture;
- Organisations working on economic development, the promotion and implementation of development, infrastructure provision or land development, or related to the construction industry;
- Organisations representing the local government, farming and trade unions; and
- Organisations representing persons concerned with environmental protection and preservation, voluntary bodies with charitable objects, rural and local community development, promotion of the Irish cultural heritage or representatives of minority groups;
- One additional member who in the Minister's opinion has enough experience, competence or qualifications on issues regarding the environment and sustainability.

The Bord Pleanála was lately a topic of controversy, caused by problems regarding conflict of interests, interference in inspectors' reports and an unconventional composition of the decision-making bodies.<sup>119</sup> These activities resulted in a stuffing crisis, with the chairman resigning, which led to delays with

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<sup>114</sup> Website An Board Pleanála: <https://www.pleanala.ie/>

<sup>115</sup> An Bord Pleanála (2023). Strategic plan 2018-2023. Retrieved from <https://www.pleanala.ie/getmedia/fbded0aa-d711-4307-af89-91407c23205c/strategicplan2018.pdf>

<sup>116</sup> An Board Pleanála (2023). Meet the Board. Retrieved from <https://www.pleanala.ie/en-IE/Meet-the-Board>

<sup>117</sup> An Board Pleanála (2023). Appointment process for the Board. Retrieved from <https://www.pleanala.ie/en-IE/Appointment-process-for-the-Board>

<sup>118</sup> An Board Pleanála (2023). Appointment process for the Board. Retrieved from <https://www.pleanala.ie/en-IE/Appointment-process-for-the-Board>

<sup>119</sup> Clifford, M. and Laffan, R. (2022). An Bord Pleanála chairperson Dave Walsh announces early retirement. *Irish Examiner*. Retrieved from <https://www.irishexaminer.com/news/arid-40998212.html>



hundreds of planning applications waiting for a decision for more than a year. Those applications include planning appeals, strategic housing development process (now amended by a framework for Large-Scale Residential Development (LRD)) and strategic infrastructure projects.<sup>120</sup>

As a reaction to this turmoil, a new bill is currently going through pre-legislative scrutiny and is expected to be enacted by mid-2023.<sup>121</sup> Changes include renaming An Bord Pleanála to Coimisiún Pleanála. This new body will be expanded to having 14 commissioners, including a Chief Planning Commissioner. Furthermore, only named individuals as well as companies registered for more than one year and with at least ten employees can take a judicial review; this was criticised by environmental groups. The new bill also addresses local development plans, which are currently made for six years but shall be expanded to ten years with a review after five years.

### The Office of the Planning Regulator (OPR)

Another relevant non-policy making body is the Office of the Planning Regulator (OPR)<sup>122</sup> which was established in 2019. The OPR is an independent planning regulator that seeks to balance powers in the planning development. Its structure and three main functional areas are illustrated in Figure 5-5.

The OPR **established independent review mechanisms** for both the local authority planning functions and An Bord Pleanála to ensure their alignment with national and regional plans. It also engages in planning research, training and public awareness building to promote public engagement.<sup>123</sup> The Power of Direction stays with the Government Minister to retain democratic accountability.<sup>124</sup>

In practice, the OPR **takes on an advisory role and provides local authorities with observations and recommendations on how a plan should address legislative and policy matters**, thereby focusing on sustainable development and proper planning practices.<sup>125</sup> Based on this, local authorities must outline how this input will be addressed. If a local plan is inconsistent with the recommendations, the OPR can issue a notice to the Minister to compel the local authority to address the issue(s). Furthermore, OPR can examine complaints received about a local authority regarding their planning activities. However, it cannot review individual decisions of local authorities, including those from An Bord Pleanála. It is also not empowered to review cases that are already dealt with by a local authority or where legal proceedings are initiated.<sup>126</sup>

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<sup>120</sup> Brennan (2023). Almost 480 planning applications yet to be decided after one year. *Irish Examiner*. Retrieved from <https://www.irishexaminer.com/news/arid-41085997.html>

<sup>121</sup> Meskill, T. (2023). An Bord Pleanála to be renamed as part of changes under draft bill. *RTE*. Retrieved from <https://www.rte.ie/news/politics/2023/0126/1351996-draft-planning-development-bill/>

<sup>122</sup> Website OPR: <https://www.opr.ie/>

<sup>123</sup> OPR (2023). About the Office of the Planning Regulator. Retrieved from <https://www.opr.ie/about/>

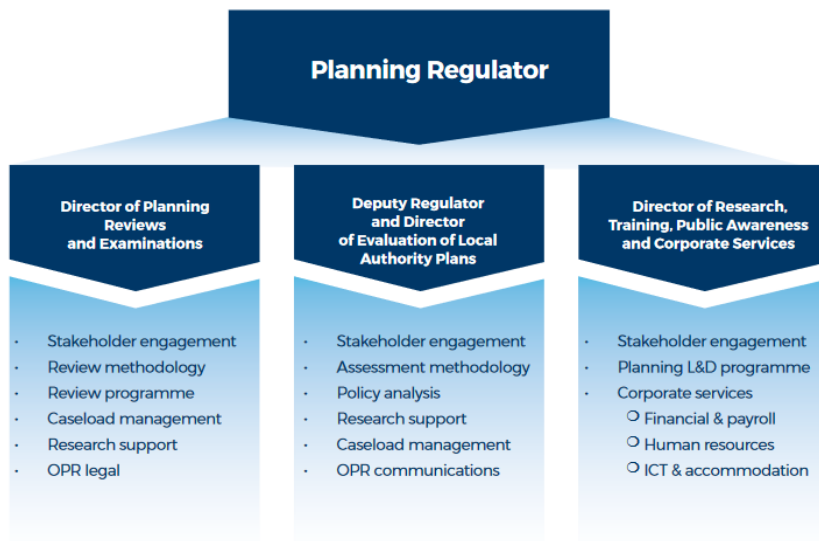
<sup>124</sup> PSON (n.d.). Project Ireland 2040 - Spatial planning: Implementation, governance, finance and regulations. Retrieved from

<https://www.espon.eu/sites/default/files/attachments/Paul%20Hogan%20ESPON%20NPF%20Implementation%2C%20Bussels%20241018.pdf>

<sup>125</sup> OPR (2023). About the Office of the Planning Regulator. Retrieved from <https://www.opr.ie/about/>

<sup>126</sup> OPR (2023). About the Office of the Planning Regulator. Retrieved from <https://www.opr.ie/about/>

Figure 5-5 Corporate structure and functions of the Office of the Planning Regulator in Ireland



Source: OPR (n.d.). Strategy statement 2019-2024, p. 6. Retrieved from <https://publications.opr.ie/view-file/15>

### Delivery Board

To implement the Project Ireland 2040, a Delivery Board was established.<sup>127</sup> This consists of all government department heads and is chaired by the Secretary Generals of Departments of Finance and Public Expenditure as well as Housing, Planning and Local Government. Additionally, a Construction Sector Group was developed to consider input on strategic enablement of the sector to meet the goals of Project Ireland 2040. The Delivery Board reports to the Government and monitors the pipeline of capital projects, programmes and their progress as well as four funds.<sup>128</sup>

### The Land Development Agency

The Land Development Agency is a state-sponsored commercial body that has been created to focus on maximising the provision of affordable and social homes, and to support community building in a financially sustainable manner.<sup>129</sup> It used to only coordinate land within public control, but has since 2021 also extended their work to increase the capacity and efficiency of housing delivery on both public and private land.<sup>130</sup>

### Supporting Excellence Action Team

The Supporting Excellence Action Team was established in 2021 by the Irish National Investment Office in the Department of Public Expenditure and Reform. The Action Team consists of experts from the public sector to develop a roadmap for the implementation of public capital programmes under the National Development Plan.<sup>131</sup>

<sup>127</sup> EPSON (n.d.). Project Ireland 2040 - Spatial planning: Implementation, governance, finance and regulations. Retrieved from <https://www.espon.eu/sites/default/files/attachments/Paul%20Hogan%20ESPON%20NPF%20Implementation%2C%20Brussels%20241018.pdf>

<sup>128</sup> PSON (n.d.). Project Ireland 2040 - Spatial planning: Implementation, governance, finance and regulations. Retrieved from <https://www.espon.eu/sites/default/files/attachments/Paul%20Hogan%20ESPON%20NPF%20Implementation%2C%20Brussels%20241018.pdf>

<sup>129</sup> LDA (2023). About us. Retrieved from <https://lda.ie/about-us>

<sup>130</sup> Government of Ireland (2021). Housing for all - A new housing plan for Ireland. Retrieved from <https://www.gov.ie/en/publication/ef5ec-housing-for-all-a-new-housing-plan-for-ireland/>

<sup>131</sup> Department of Public Expenditure and Reform (n.d.). Strengthening delivery capability for Project Ireland 2040 - Report from the Supporting Excellence Action Team. Retrieved from

To summarise, Ireland has several independent bodies that are involved in implementing the Project Ireland 2040:

- An Bord Pleanála: Management of appeals and applications for strategic infrastructure;
- Office of the Planning Regulator (OPR): Regional and local plan review;
- Delivery Board: Oversight and monitoring of Project Ireland 2040 implementation;
- New Land Development Agency (LDA): Management of private and state lands for regeneration and development, focusing on housing delivery;
- Supporting Excellence Action Team: Structuring public expenditure on planning.

## 5.4 Conclusion

Analysing good examples of spatial planning in Europe has shown that the investigated countries, namely the Netherlands, Ireland, Finland, Belgium and Denmark, apply approaches that are similar to each other, regardless of the countries' different geographical, political and historical backgrounds.

Generally, the examples from these selected countries apply a rather decentralised management approach. The national government sets the framework for domestic spatial planning and takes on responsibility for issues concerning national interest. This includes long-term infrastructure planning for mobility, energy, water safety, recreation and military as well as the preservation of internationally protected areas of natural and cultural heritage. While being obliged to follow this general framework and vision for land use, lower-level authorities are allowed some degree of flexibility regarding its implementation. Depending on the governance structure, this can be manifested in regional and/or municipality plans, which must ensure alignment with and consideration of the requirements set out in the plans of higher-level authorities.

The governance approach applied in the Netherlands is straightforward. The national zoning dictates general requirements for an area in which the municipalities can act freely. However, they are obliged to develop ideas and strategies for their region. Stakeholders can have a say during the development of the spatial plan but once agreed on, this strategy will be followed. The Dutch approach allows for a way forward to manage the need for stakeholder engagement and consultation and certainty for long-term planning for actors and investors. The positive effects of a long-term planning can also be seen in Copenhagen, for example. The zoning system simplifies municipal decision-making and controls unwanted development or urban sprawl.

Zoning can guide a city's growth and secure a high-quality living environment for its inhabitants. However, this demands comprehensive and long-term thinking. For metropolitan areas like Tallinn, several municipalities from the greater area should be included. Thus, it could be useful to apply one metropolitan approach instead of having several plans at the municipality level, to secure consistency and effectiveness.

A further learning is that the involvement of private actors is also sensitive since spatial decision making should be detached from economic interests. On the national level, neoliberal policymaking can

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<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKewjp67zUr8z9AhVjgf0HHX2dD9MQFnoECBQQAQ&url=https%3A%2F%2Fassets.gov.ie%2F200417%2Fe629d6b5-a119-4c00-bfc8-061b7edb6e45.pdf&usg=AOvVaw3h1S2kgSWm7SI0uWBVQEZx>

reduce the significance of a high-quality living environment as a key goal. The zoning approach could be useful to a certain extent to prevent the interference of market and political interests in making spatial decisions and can reduce the competition between municipalities. In addition, sufficient financial support and the availability of spatial planning professionals should be provided by the national government to the municipality level to incentivise sustainable development. Moreover, both existing and future plans for transport infrastructure could also guide spatial development.

#### **5.4.1 Recommendations for Estonia**

The learnings derived from the different European countries provide a starting point and an inspiration for designing a proper spatial planning approach to achieve the objective of a high-quality and sustainable living environment in Estonia. However, it has to be adapted and applied according to the Estonian context. A national zoning approach for Estonia considering topics of national interest and building along the existing and future transport systems is an appropriate way of structuring the current spatial developments. For large urban areas like Tallinn, the metropolitan approach can ensure consistency.

However, implementing a zoning approach in Estonia could conflict with the national attitude towards central decision-making. In addition, the high share of privately-owned land would require a customised approach which considers both the challenges and opportunities of this situation, to engage with and motivate private land owners in making spatial decisions that will contribute to the development of a high-quality and sustainable living environment. The options for participation in the decision-making process should thus be as high as possible. Decision-making processes should be transparent and announced early in advance so that individuals will have the opportunity to react to them. Nonetheless, taking Netherlands as an example, it is also important to ensure that decisions will be made at some point and once agreed upon, these decisions should be reliable so as not to hamper development investments.

To allow a zoning approach in Estonia which respects the local demands, a decentralised approach, as provided in the examples in Annex 2 - Chapter 1.1, is recommended. Allowing different parties to engage in spatial planning is complex and requires good coordination between the stakeholders involved. Additionally, affected parties need to be able to raise objections since spatial planning can be accompanied by land use changes.

To avoid confusion and double-work, it can be useful to have a centralised, independent body which specialises in the coordination and management of such processes – see for example the different authorities in Ireland as described in Annex 2 - Chapter 5.1.2. Currently, Estonia is divided into 79 municipalities. Having a go-to authority with an overview of all spatial plans, enables holistic spatial decisions to be made, where coherence with the national plan as well as the plans and considerations of other municipalities is considered. However, as discussed in Chapter 6.2.1, it is crucial to emphasise that this authority or Body should be independent, and must put in place mechanisms to avoid conflicts of interest and corruption. Decision-making regarding spatial development should be as standardised and as transparent as possible. Potentially, a second institution may also be set up to accept or double-check on the decisions made.

To set up an efficient competence body, the following point should be considered and demand further discussion to optimise it in the Estonian context:

- Clear definition of the Body's **competences, objectives and functions**. Those could include:
  - Reviewing local / regional plans to ensure their consistency with national and European legislation;
  - Being the contact point for appeals on decisions made by local authorities on spatial planning, and potentially further relevant Acts, and direct applications for strategic infrastructure;
  - Monitor and report on (public) investments and funding;
  - Managing and facilitate cross-collaboration of digital services of different ministries and agencies;
  - Analysis of trends and projections;
  - Being the contact point for obtaining the necessary information related to spatial planning for public and other stakeholders, including landowners, investors as well as policy-makers and providing advice to local authorities on spatial plans.
- Adequate, **transparent legal provision and internal rules** to avoid undue political and industry-driven influence and give the Body final and binding decision-making power;
- **Code of Conduct** for the Body and rules on incompatibility for members;
- Legislative setup allowing for **independence from involved ministries**, for e.g. the Ministry of Finance, the Ministry of Environment, and the Ministry of Economic Affairs and Communications etc.;
- Establish a **possibility for appeals on the Body's decisions** that is independent from the Ministries, e.g. via the parliament or the High Courts;
- Accountability due to **strict and transparent decision-making rationales and auditing** due to external parties or parliamentary bodies;
- Obligation to **disclose information** on the Body, including its decision making processes, its structure and as well as nomination, appointment and dismissal of members;
- **Timely and open stakeholder consultation** via open consultation and policies to provide information in a timely and accessible manner;
- Adequate **budget and budget autonomy**.