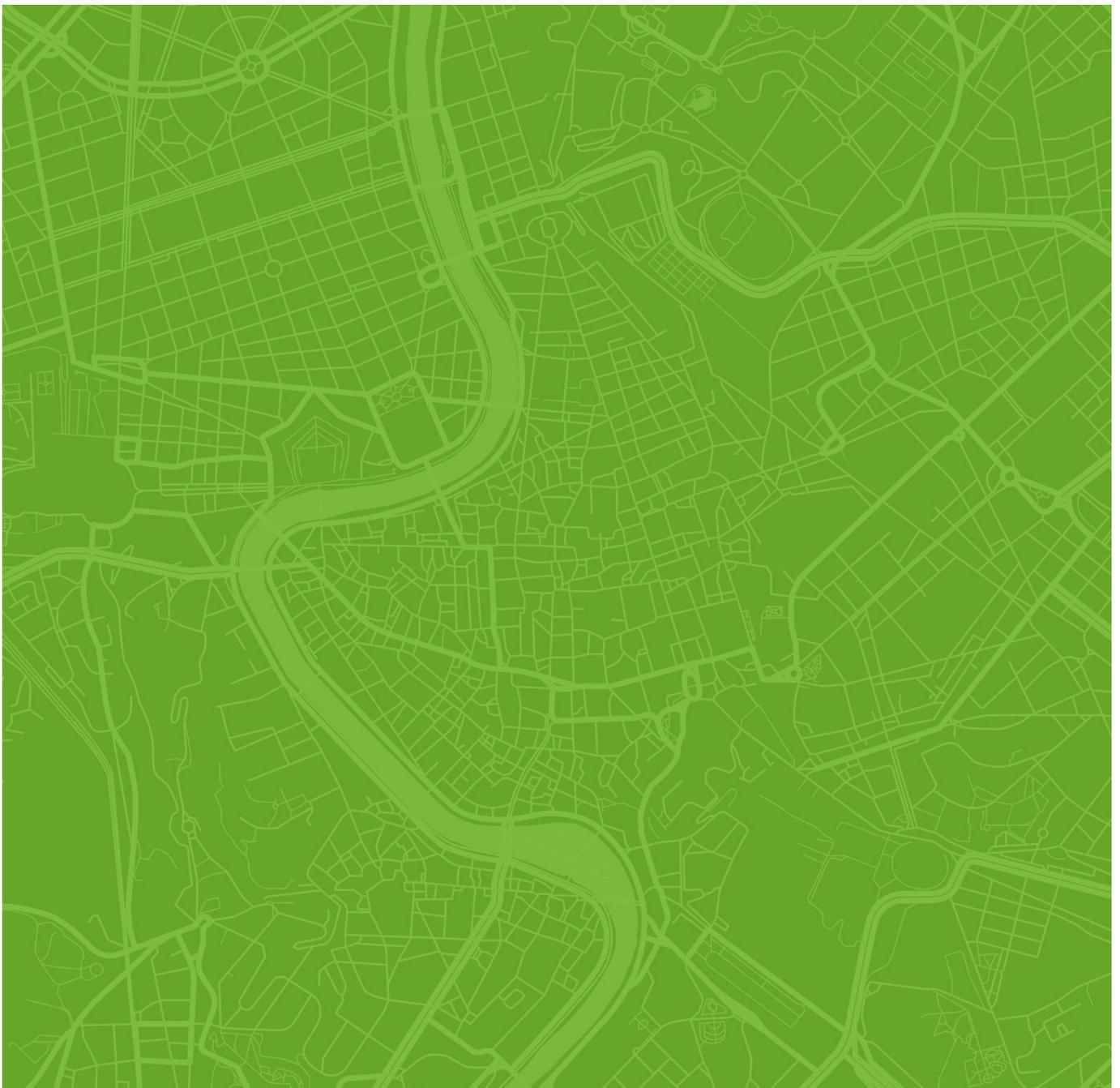


Scottish Land Commission

International Experience of Land Use Plans Final Report

Final report

Prepared by LUC in association with Collingwood Environmental
Planning Ltd
September 2020



Scottish Land Commission

International Experience of Land Use Plans Final Report

Project Number
11068

Version	Status	Prepared	Checked	Approved	Date
1.	Interim Report	K Kaczor S Kolaric S Underwood	N James	N James	04.09.2020
2.	Draft Final Report	K Kaczor S Underwood	N James	N James	13.08.2020
3.	Final Report	S Underwood	N James	N James	02.09.2020

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Chapter 1

Introduction

Background

1.1 The Scottish Government committed in the 2019 Programme for Government to develop proposals for regional land use partnerships in Scotland. The commitment is to establish regional land use partnerships in 2021, with an expectation that the partnerships will prepare regional land use frameworks by 2023. The Scottish Land Commission was established by the Land Reform (Scotland) Act 2016 and advises Scottish Government on land reform. The Scottish Land Commission will submit advice to Ministers this year on proposals for establishing regional land use partnerships. This will be informed by wide engagement across sectors and regions in Scotland, to consider the options and opportunities.

Study aims and objectives

1.2 LUC in association with Collingwood Environmental Planning Ltd has been commissioned by the Scottish Land Commission to identify and examine international examples of governance arrangements for regional scale land use planning and to identify lessons to inform the establishment of regional land use partnerships in Scotland.

1.3 The focus of this research is the use of regional land use planning for rural land use change particularly to reflect actions required in response to climate change.

1.4 The research aims are to:

- identify and examine examples of regional level land use planning and explain the spatial scale, governance model and legislative/policy underpinning;
- where possible comment on the practical implementation, strengths and weaknesses of each example;
- identify whether the approach is dependent on key organisations, data or information;
- consider in particular examples that integrate rural and urban land use planning, co-ordinate regional level climate action, and enable conflict resolution; and
- consider the relevance and potential lessons for the establishment of regional land use partnerships and frameworks in Scotland.

Context

1.5 The focus of the research was on regional scale (i.e. sub national) land use planning with a focus on examples with a strong rural land use component (agriculture, forestry, resource management etc.) though the research also sought to include examples that link to or include policies for built development.

1.6 The Scottish land use frameworks will focus mainly on rural areas (though not excluding urban areas and built environment) and on land use (agriculture, forestry etc.).

1.7 The research reflected on how the regional frameworks sit within the hierarchy of national to local planning and whether their geography coincides with that used for other plans or strategies (e.g. economic plans, development plans).

1.8 The Scottish Land Commission has undertaken engagement with stakeholders on the development of land use partnerships from the initial phase of engagement, the following headline themes were identified:

- a. **Climate and nature:** These are driving forces behind the regional land use plans and in the green recovery from Covid-19.
 - b. **Governance:** The core of advice will be towards governance. Of particular interest are the tensions between local and national policy and priorities and how examples address these tensions. It will be important to consider how this links with the Planning Act Regional Spatial Strategies. The partnerships and frameworks need to be viewed as part of the regional economy, and RLUP will be referenced in NPF4.
 - c. **Legitimacy:** The partnerships need to inform decision making. How will the plans have a genuine impact? This is understood to mean:
 - Rooted in policy
 - Relevant to stakeholders
 - Stakeholder involvement in preparation
 - Democratic process but informed by evidence / science
 - Clear, understandable, tangible
 - Providing a framework for informed and collective decisions
- Further synthesis of the stakeholder workshop paper responses in May 2020 identified four key areas for discussion: Governance, Strategic Fit, Data & Information, and Implementation. Governance is further subdivided into Functions, Mandate & Participation, and Geography & Scale.

1.9 Areas of agreement and areas of tension were identified in the discussion. Areas of tension which should be further explored through this research include:

- Mandate and participation; and
- Geography and scale.

Methodology

1.10 The approach to the research involved identifying and reviewing a selection of international land use plans.

Longlisting

1.11 The research identified a range of regional scale land use plans in a range of countries:

- Canada
- Denmark
- England
- Finland
- France
- Germany
- Iceland
- Italy
- New Zealand
- Poland
- Serbia
- Slovenia
- Sweden
- USA

1.12 These case studies were reviewed in terms of:

- Date
- Governance structure
- Legislative driver
- Stakeholder involvement
- Evidence of evaluation
- Plan purpose
- Availability in languages accessible to the project team.

Shortlisting

1.13 The shortlisting process identified plan examples as the most relevant and able to offer suitable lessons for the Scottish context. The shortlist includes plan examples from:

- Canada
- Finland
- Germany
- Italy
- New Zealand
- Sweden
- USA
- England.

1.14 The partnership and framework examples identified for Italy, Germany and Sweden are based on literature sources which evaluate the planning system, and not on the plans themselves, reflecting the lack of availability of the plans in English.

1.15 The scale of the areas covered by regional plans differs depending on the case and on the governmental structure. Federal states tend to have much of their regional decisions made on a federal level, whereas unitary states base their regional planning on a single or multiple province level. There are exceptions, Italy for example is a unitary parliamentary republic, but its planning system is comparable to those of a federal state. However, more recently some Italian regions have taken a different approach, defining regions in terms of their landscape-based similarities rather than using existing administrative borders.

1.16 The remainder of this report is structured as follows:

- Section 2: Geography and scale
- Section 3: Governance
- Section 4: Climate change
- Section 5: Interim conclusions and next steps.

Terminology

1.17 The literature review also identified the variations in the use of terminology in relation to planning systems and regional planning. In particular where the literature is based on translation, there is further variation in terminology and the accuracy of the translation of technical terms. Variations in terms used include:

- spatial planning
- territorial planning
- land use planning
- ecosystem services planning
- resource management planning
- urban planning.

Chapter 2

Geography and Scale

2.1 This section provides an overview of the geography and scale of the case study plans/countries in order to provide the context for the more detailed sections that follow, and to provide comparison with the Scottish context.

2.2 The case study examples encompass a range of different types of land area, facing different land use pressures, with widely different population levels and significantly varying scales.

2.3 As outlined in Table 2.2 *Land area comparison of case studies and selected areas of Scotland*, case studies with land areas and population most closely in line with areas of Scotland include the Helsinki - Uusimaa regional plan, Finland, the territorial regional plans in Italy, the Auckland and Waikato regional plans in New Zealand, and King County, Washington.

2.4 For comparison, the area and population of Clyde indicative Regional Spatial Strategy (see Table 2.1) is included to provide an example of existing regional scale administrations, and the example constituent local authorities of South Lanarkshire, Glasgow and a Highland for comparison.

Table 2.1: Clydeplan Regional Spatial Strategy local authorities

Local authority	Total population	Total area (km ²)
West Dunbartonshire	83,130	158.8
East Dunbartonshire	108,330	174.5
North Lanarkshire	340,180	469.9
South Lanarkshire	319,020	1,772
Glasgow	598,830	175
East Renfrewshire	95,170	174.2
Renfrewshire	177,790	261.5
Inverclyde	78,150	160.5
Clydeplan RSS	1,800,600	3,346.4

Table 2.2: Land area comparison of case studies and selected areas of Scotland

	Scotland		Canada		Finland	Germany		Italy		New Zealand		Sweden	USA		
Region	Clydeplan RSS		Alberta Province	Northwest Territories				Lombardy Regional Plan					Oregon	Washington	
Area (km ²)	3,346.4		661,848	1,144,000				24,000							
Pop'n	1.8 million		4.371 million (2019)	44,826 (2019)				10 million							
	Example local authority areas		Example land use regions			(not included as case studies, but example of two states with populations most comparable to parts of Scotland)		Example territorial regional plans				(no specific case study plan)			
	South Lanarkshire	Glasgow	Highland	Lower Athabasca	Sahtu	Uusimaa	Mecklenburg-Vorpommern	Saarland	Alpine	Franciacorta	Auckland	Waikato	Östergötland	Metro Council ¹	King County
Area (km ²)	1,772	175	25,657	93,212	41,437	9,568	180	2,571	901.6	262)	4,938	23,902	9,979	344	5,517
Pop'n	319,020	598,830	235,830	88,131 (2007)	2,545 (2017)	1.671million	1,609,675	990,509	47,100	146,000	1,415,550 (2013)	403,638	461,583	654,741	2,252,782
Plan area key issues				<ul style="list-style-type: none"> ■ Aboriginal communities ■ Tourism and recreation ■ Fossil fuel exploitation ■ Mining ■ Forestry and agriculture 	<ul style="list-style-type: none"> ■ Sahtu Dene and Metis communities ■ Permafrost ■ Boreal biome ■ Forest fires ■ Species of cultural and ecological significance ■ Oil and gas ■ Mining ■ Tourism ■ Infrastructure 	<ul style="list-style-type: none"> ■ Heavily urbanised ■ Agricultural landscapes and rocky coasts ■ Extensive forestry 			<ul style="list-style-type: none"> ■ Small villages located on slopes and at high altitudes ■ High environmental values ■ Second homes ■ Tourism ■ Mountain farming and local products 	<ul style="list-style-type: none"> ■ Wine growing region ■ High agricultural value soils ■ Need for landscape enhancement ■ Need to improve public and private transport 	<ul style="list-style-type: none"> ■ Urban growth and form; ■ Infrastructure, transport and energy; ■ Built heritage and character; ■ Natural heritage ■ Issues of significance to Mana Whenua²; ■ Natural resources; ■ The coastal environment; ■ The rural environment; ■ Environmental risks (climate change) 	<ul style="list-style-type: none"> ■ Matters of significance to Maori ■ Management of water quality and quantity ■ Wetlands ■ Drilling ■ Environmental pollution ■ Resource use 	<ul style="list-style-type: none"> ■ Regional transportation and mass transit system; ■ Management and amendment of the urban growth boundary; ■ Protection of lands outside the urban growth boundary for natural resource, future urban or other uses; ■ Housing densities; ■ Urban design and settlement patterns; ■ Parks, open spaces and recreational facilities; ■ Water use and storage 	<ul style="list-style-type: none"> ■ Geographic diversity ■ Numerous water bodies ■ Agriculture and forest areas ■ Mining ■ Parks, trails and natural areas ■ Substantial population growth and projected population growth ■ Urban coastal area affected by sea level rise and coastal flood risk 	

¹ Figures relate to Portland City

² The indigenous Maori people who have historic and territorial rights over the land. Mana Whenua have a special cultural and spiritual relationship with the environment, which is a matter of national importance under the Resource Management Act. Available at: <https://www.aucklandcouncil.govt.nz/building-and-consents/understanding-building-consents-process/prepare-application/prepare-resource-consent-application/Pages/engaging-with-mana-whenua.aspx>

Chapter 3

Climate change, nature, and plan purpose

Introduction

3.1 Climate change mitigation and adaptation will be a key theme for regional land use planning in Scotland. This section of the case study review reflects on how climate change mitigation and adaptation is reflected in the plan purpose for the case study examples.

3.2 The COVID-19 crisis was ongoing during the research and has implications for the approach to climate change and green economic recovery within regional land use planning.

3.3 The Committee on Climate Change (CCC) has highlighted the opportunity to turn the COVID-19 crisis into a defining moment in the fight against climate change, and have provided advice on delivering economic recovery that accelerates the transition to a cleaner, net-zero emissions economy, whilst strengthening resilience to the impacts of climate change. From an economic perspective, this includes investing in climate-resilient low-carbon infrastructure, job creation in low-carbon and climate-resilient industries, training and reskilling of the workforce.

3.4 The CCC have set out the principles to building a resilient economy in the 'Reducing UK emissions: 2020 Progress Report to Parliament'. One of the key principles relates to increasing tree planting, peatland restoration and green infrastructure. The report acknowledges that there may be significant benefits for the climate, biodiversity, air quality and flood prevention, as a result of making substantial changes to land use.

Canada

Lower Athabasca, Alberta, Canada

3.5 In the example of the Lower Athabasca Regional Plan (LARP), although protection of the environment is reflected in the regional outcomes, under the heading of healthy ecosystems and environment, there is a strong focus on exploitation of natural resources particularly mineral extraction and fossil fuels.

3.6 Overall there is insufficient focus on future climate change impacts, lack of inclusion of ecosystem services in terms of climate change adaptation and mitigation (potentially

because the plan is trying to balance all economy, environmental and social goals).

3.7 Short-term environmental gains focused around the extraction of oil sands, natural gas and other mineral resources may be counterproductive to environmental protection and biodiversity in long-term time scales.

Sahtu, Northwest Territories, Canada

3.8 The Sahtu Land Use Plan has a stronger environmental focus than the LARP. The plan reflects the right of the Sahtu Dene and Metis communities to participate in decision-making concerning the use, management and conservation of land, water and natural resources. There is an integrated system of land and water management that incorporates land use planning, environmental impact assessment and review, and the regulation of land and water use through associated institutions of public government. The plan contains both legally binding and non-binding actions, and one of these non-binding recommendations relates to climate change.

3.9 Applicants and regulators are encouraged to integrate an analysis of the effects of climate change into proposed land use activities, including structures and operations. These effects should be accommodated in the design, operation, and closure and reclamation of the proposed activities. Throughout the planning, development, and management phases, applicants and regulators are also encouraged to assess, report, and monitor how proposed activities contribute to climate change and take steps to minimise such effects.

3.10 In summary, the plan has a strong environmental focus, however it is potentially weakened by the non-binding nature of the recommendation on climate change, and the role of fossil fuels in the economy.

Finland

3.11 Helsinki - Uusimaa Regional Council is currently preparing the Helsinki-Uusimaa Regional Land Use Plan 2050 (the Regional Plan 4). The plan will be approved by the Regional Council by the end of the summer 2020. One of the four key targets of the LUP 2050 is Facing climate change and the sustainable use of nature and natural resources. The approach to the plan development is based on mapping green infrastructure and ecosystem services to include these as part of the planning process and to support sustainable land use.

3.12 Helsinki – Uusimaa Region is participating in the CANEMURE project that promotes actions to mitigate climate change. The role of the Helsinki – Uusimaa Regional Council is to promote regional cooperation and create a roadmap for carbon-neutral Helsinki – Uusimaa region by 2035. The aim in Helsinki-Uusimaa is also to clarify the climate change policy of regional actors, and to find and select a common direction. In this project, the Regional Council collaborates closely with the Helsinki-Uusimaa Centre for Economic Development, Transport and the Environment and the Helsinki Region Environmental Services Authority³.

3.13 It is anticipated that climate change adaptation and mitigation will be high up on the agenda of the Land Use Plan 2050, however further information is required on the extent to which climate change is reflected in the actual plan content (expected to be published summer 2020).

Germany

3.14 Climate protection is considered within German spatial planning legislation. The Federal Spatial Planning Act demands the inclusion of general climate protection at higher planning levels (including planning regions). While the Federal Building Code requires climate protection to be considered in the municipal zoning and construction development plans (Wende et al., 2010)⁴.

3.15 As urban areas are the hotspots of climate change impacts, German metropolitan regions are implementing various spatial strategies. For example, Berlin/Brandenburg metropolitan region has, at city level, adopted an Urban development plan for climate (Wende et al., 2010).

3.16 To address climate challenges, the concept of an 'ecosystem services framework' is emerging regional as well as local spatial planning practices. A study by Albert et al. (2014)⁵ concluded that at a landscape and regional scale, most spatial plans in Germany include and refer to several ecosystem services. However, the terms 'ecosystem services' or 'ecosystem services frameworks' are seldom explicitly considered.

3.17 The literature suggests that climate change is recognised in spatial planning, however further research is required to identify the extent to which climate change is reflected within current plans.

³ Helsinki – Uusimaa Regional Council (2020) CANEMURE for carbon neutral municipalities and regions [online] Available at: https://www.uudenmaanliitto.fi/en/projects/canemure_-_towards_carbon_neutral_municipalities_and_regions [accessed on 16/06/2020]
⁴ Wende, W., Huelsmann, W., Marty, M., Penn-Bressel, G. and Bobylev, N., 2010. Climate protection and compact urban structures in spatial planning and local construction plans in Germany. *Land Use Policy*, 27(3), pp.864-868

⁵ Albert, C., Hauck, J., Buhr, N. and Von Haaren, C., 2014. What ecosystem services information do users want? Investigating interests and requirements among landscape and regional planners in Germany. *Landscape Ecology*, 29(8), pp.1301-1313

Italy-Lombardy

3.18 Lombardy Region is testing a new planning instrument, the Area Regional Territorial Plan, which is conceived as a tool with a strong strategic approach, to support specific areas of regional relevance, identified by common and current territorial issues and local identity. This represents a shift from the pre-determined administrative borders of the Province level, to the identification of an area of interest according to specific conditions, such as the marginality of the mountainous areas or the presence of a key node for transport and logistics⁶.

3.19 The Lombardy Regional Territorial Plan (LRTP) provides guidelines for coordinated and effective actions regarding all the programming of the involved territorial entities and calls for an inventory of the needs and aspirations of the territory, guidelines for territorial changes to promote sustainable development, and countryside regulations to protect and maximise the territorial resources. LRTP is the territorial governance tool that ensures implementing and effective cooperation between the strategies of economic and social development and safeguards environmental sustainability for part of the territory. It also takes a proactive approach in protecting and enhancing environmental components of the landscape.

3.20 The Lombardy Region encompasses six distinct regional territories, for which regional territorial plans are prepared (six have been prepared to date, and the available literature explored two examples).

Alpine Valleys

3.21 For the mountain area of the Alpine Valleys the plan's strategic guidelines are based on the general objective of moving towards sustainable development (including social, environmental and economic components) divided into specific objectives and actions. The literature identifies the aims of the plan which include aims to support actions which address aspects of climate change mitigation, such as active travel, energy efficiency in public and private buildings, and soil conservation, but without explicit mention of climate change.

Franciacorta

3.22 For the wine growing region of Franciacorta the PTR (Piano Territoriale Regionale d'Area – Provincial Territorial Coordination Plan) has adopted the objective of orienting the territory towards more sustainable and coordinated economic

development, integrating the different interests through a multidisciplinary approach.

3.23 The aim for the area is to support the coexistence between the different economic activities present in the territory, reconciling economic development, social consensus and environmental sustainability. The plan includes a specific focus on protection of the soil resource, landscape and territorial competitiveness, and sustainable and active transport. As for the Alpine Valleys, there is no explicit reference to climate change in the literature, however it is implicit in several of the plan aims.

3.24 In conclusion, environmental, social and economic sustainability is a key theme within the Lombardy territorial plan, and the sub regional Alpine Valleys and Franciacorta plans. However, while climate change is not explicitly identified as a driver for the plans, it does appear to be integrated with other plan themes.

New Zealand

Auckland, New Zealand

3.25 The Auckland Plan identifies key climate change impacts for Auckland region, and they include temperature rise, stronger westerly winds, increasing storm events, changes to precipitation, sea level rise, ocean acidification, coastal erosion and flooding, loss of biodiversity, human health, and droughts⁷.

3.26 Climate change is explicitly recognised as one of the three key challenges of the Auckland region. The focus of this is adapting to the effects of climate change and not on climate change mitigation.

3.27 The Auckland Plan 2050 is supported by a range of Supporting Plans that include the Unitary Plan, 10-year budget plans and local board plans. Key issues addressed by the Unitary Plan include Environmental risks (climate change). A chapter of the plan covers environmental risks and sets out clear objectives and specific policies. As previously noted, the focus of this is on climate change adaptation and not mitigation.

Waikato, New Zealand

3.28 The Waikato Regional Plan (2019) is focused on local resource management, particularly the water environment. Although the plan recognises the impacts of climate change on some aspects of resource management, it is not a key focus of the plan.

⁶ CIUDADES, 23 (2020): pp. 23-48 ISSN-E: 2445-3943

⁷ Auckland Council (2015) The Health of Auckland's Natural Environment in 2015 [pdf] Available at: <https://www.aucklandcouncil.govt.nz/environment/state->

[of-auckland-research-report-cards/Documents/stateofenvironmentreport2015.pdf](https://www.aucklandcouncil.govt.nz/environment/state-of-auckland-research-report-cards/Documents/stateofenvironmentreport2015.pdf) [accessed on 15/05/2020]

3.29 In summary, both examples from New Zealand recognise the effects of climate change, but this is primarily in relation to climate change adaptation.

Sweden

3.30 In response to increasing sustainability and environmental concerns, approaches such as an ecosystem approach and ecosystem-based (climate) adaptation are being adopted in Swedish spatial planning. This recognises the importance of land use planning in addressing climate change adaptation (Storbjork and Uggla, 2014).

3.31 According to research⁸ looking across 10 Swedish urban municipalities, the main regulatory mechanism executing climate adaptation in spatial planning is the Planning and Building Act (PBA). The Act intends to ensure that the consequences of climate change are dealt with in municipal comprehensive plans (MCP), local development plans (LDP) and the granting of building permits. In practice, this has led to a predominant planning focus on risks of flooding, erosion and sea-level rise and the development of strategic guidelines for action frameworks to institutionalise climate adaptation approach in spatial planning.

3.32 To address climate change, some municipalities (e.g. Malmö, Helsingborg, Lomma, Kristianstad, etc.) are implementing ecosystem-based adaptation utilising ecosystems services (ES) and biodiversity as part of their adaptation strategy (Wamsler et al., 2014). According to Wamsler et al. (2014) they are mainstreaming climate change adaptation activities through horizontal as well as vertical actions⁹.

3.33 In line with the other case studies, spatial planning in Sweden appears to focus more strongly on climate change adaptation.

USA

Metro Council, Portland Region, Oregon, USA

3.34 The foundation of Oregon's state-wide land use planning program is based on 19 state-wide planning goals. The goals express the state's policies on land use and related topics, such as citizen involvement, housing and natural resources. They do not refer to climate change.

3.35 Metro Council manages the boundary that separates urban from rural land in Portland region. The Regional Framework Plan identifies regional policies to implement the 2040 Growth Concept: preserving access to nature and

building great communities for today and the future. This provides coverage of 'regional natural hazards' which includes flood hazards and severe weather hazards, although these are not explicitly referred to as a consequence of climate change.

3.36 The Regional Framework Plan is supported by the Climate Smart Strategy that sets out policies, strategies and actions to guide how the region will reduce greenhouse gas emissions from the region. The Climate Smart Strategy responds to a state mandate to develop and implement a strategy to reduce per capita greenhouse gas emissions from cars and small trucks by 2035.

3.37 Climate change therefore has a very limited role in the plan, and a narrow scope within the associated Climate Smart Strategy which only reflects vehicle emissions.

King County, Washington State, USA

3.38 The King County Comprehensive Plan (updated 2018) is designed to manage growth so that development is directed to designated urban areas and away from the Rural Area and Natural Resource Lands.

3.39 The 2016 Comprehensive Plan incorporates key goals and policies from the County's 2015 Strategic Climate Action Plan. It demonstrates the County's commitment to climate action, with new policies on environmental and climate justice; more specific references to efforts to reduce County greenhouse gas emissions through new technologies, such as all-electric battery buses; commitments to ongoing preservation of valuable open spaces; and development of a Green Building handbook and building codes.

3.40 The adopted 2016 Comprehensive Plan reaffirms King County's commitment to protecting valuable forest and agricultural lands in accordance with the State Growth Management Act. The Comprehensive Plan links the production of local food and the proliferation of farmers markets to continued protection for the Agriculture Production Districts, which have remained in place for more than forty years. New policies in this update also encourage the use of Best Management Practices and sustainable farming activities to help protect the environment.

3.41 The principle of 'Achieving Environmental Sustainability', reflects the need to reduce climate pollution and prepare for the effects of climate change. The 2016 update included increased focus on Climate Change in multiple chapters. Integration of relevant policies from the Strategic Climate Action Plan and the King County-Cities Climate Collaboration. The policies seek to reduce greenhouse gas emissions and

⁸ Storbjörk, S. and Uggla, Y., 2015. The practice of settling and enacting strategic guidelines for climate adaptation in spatial planning: lessons from ten Swedish municipalities. *Regional environmental change*, 15(6), pp.1133-1143.

⁹ Wamsler, C., Luederitz, C. and Brink, E., 2014. Local levers for change: mainstreaming ecosystem-based adaptation into municipal planning to foster sustainability transitions. *Global Environmental Change*, 29, pp.189-201.

prepare for climate change impacts across a range of sectors, and therefore climate change is embedded throughout the plan.

Conclusions

3.42 The case study plans do not provide strong examples of plans for which climate change mitigation is a key driver. There is typically a greater focus on climate change adaptation than mitigation. In the case studies, climate change adaptation is typically recognised in relation to impacts on resource management. The approach of using ecosystem services to manage climate change adaptation is identified in Finland, Germany and Sweden. Both New Zealand plan examples recognise climate change impacts, but this is subsidiary to their main plan focus.

3.43 Examples such as King Country, illustrate a shift in focus in recent years to include greater recognition of climate change issues, covering both mitigation and adaptation.

3.44 The Uusimaa Regional Plan is the most recent plan example (2020) and climate change has a high profile within the plan, being one of the four targets. However, it is unclear of the extent to which climate change mitigation is reflected in the yet to be published plan content.

Chapter 4

Governance and legitimacy

Mandate and participation

4.1 This section explores the approaches to mandate and participation across the case studies. Mandate relates to who prepares and implements the plans. Participation describes who is involved in the preparation process and what form that involvement takes.

Canada

4.2 Canada, as a federal state, has three levels of government: national, provincial, and local. The Canadian constitution defines the division of power between federal and provincial government. Provinces have full autonomy over land-use planning and creating their own planning framework legislation. **Table 4.1** gives a general overview of Canada's spatial planning divisions in comparison to Scotland.

Table 4.1: Canada - overview

	Canada	Scotland
Government Structure	Federal parliamentary republic	Devolved government within parliamentary democracy
National planning legislation	No national level legislation	National Planning Framework
Number of regions/states	5	-
Number of provinces/counties	10 provinces and 3 territorial governments	32 local authorities
Number of municipalities	~3,573	-
Area	9.985 million km ²	88,077 km ²
Population	37.59 million (2019)	5.454 million (2019)

Alberta Province

4.3 Alberta's Land Use Framework (LUF) provides a strategic level framework that sets out provincial outcomes for the regional plans. This document sits alongside other provincial level strategies for water, air and climate change

(Water for Life (2003) [updated in 2008¹⁰], the Clear Air Strategy (1991) [updated in 2012¹¹], and Alberta's 2008 Climate Change Strategy¹²).

4.4 The LUF established seven new land-use regions (Lower Peace, Upper Peace, Lower Athabasca, Upper Athabasca, North Saskatchewan, South Saskatchewan, Red Deer) within Alberta Province and requires them to develop regional plans by collaborating across municipalities that lie within these newly defined regions.

4.5 Regional plans apply to Crown and private lands. Planning on private lands is governed by Municipal Government Act, and Crown lands are governed by Public Lands Act, the Provincial Parks Act, Forests Act and the Highways Development and Protection Act.

4.6 Table 4.2 gives an overview of the scale and size of a region covered by a regional plan in comparison to Scotland, and the two local authorities of Highland and Stirling. In terms of population size, Alberta province is slightly less populated than Scotland, however the total land area is significantly larger.

Table 4.2: Alberta Province - overview

	Area	Population	Regional planning framework	Number of municipalities/ sub regions
Alberta Province	661,848 km ²	4.371 million (2019)	Land Use Framework	Divided into 7 regions
Lower Athabasca	93,212 km ²	88,131 (2007)	Lower Athabasca Regional Plan	3 municipalities
Scotland	88,077 km ²	5.454 million (2019)	No regional framework	32 local authorities
Stirling Council	2,187km ²	94,210	-	-
Highland Council	25,657 km ²	235,830		

Lower Athabasca

4.7 The region covers significant land area that is 45 times larger than Stirling Local Authority however with a similar

population size. Lower Athabasca has sparsely distributed population and significant areas covered by forests.

4.8 The Lower Athabasca Regional Plan (LARP) was prepared by the Government of Alberta in collaboration with three Municipal Councils, and the Lower Athabasca Regional Advisory Council (that includes members of the First Nations and Metis communities). LARP is managed by the Land Use Secretariat which is also responsible for community engagement.

4.9 The Lower Athabasca Regional Advisory Council (RAC) was established by the Government of Alberta. The original council was chaired by the then assistant deputy minister in the Government of Alberta's Oil Sands Secretariat who appointed the members of the RAC. The RAC was in place until the Regional Plan was completed in 2010¹³.

4.10 The plan is implemented by those who already make land use decisions, and include municipal governments, and Alberta government departments, boards and agencies and other organisations.

4.11 On public lands, direction under the LARP is delivered through existing legislation (the Public Lands Act, the Forests Act and the Provincial Parks Act) and through existing tools such as integrated resource plans, access management plans and forest management planning.

4.12 The Regional Plan consists of:

- the Strategic Plan,
- the Implementation Plan, and
- the Regulatory Details Plan.

4.13 The Implementation and the Strategic Plans are not legally-binding, they only guide decision-making within the region. The Strategic Plan presents a strategic vision for the region and sets the direction. The Implementation Plan includes strategies necessary to address regional outcomes that were set out in the Alberta Land Use Framework. The Regulatory Details Plan is enforced by law and its provisions bind the Crown, decision-makers, local government bodies and all other persons.

4.14 The LARP includes a range of actions and strategies to be taken by the Government of Alberta to deliver the objectives of the plan. Strategies pre-dating the implementation of the regional plan require assessment as to

¹⁰ Alberta Government (2008) Water for life: a renewal [online] Available at: <https://open.alberta.ca/dataset/16e373f7-35c6-438c-8028-b9ab7e3e2fee/resource/bd7930bf-da3b-449a-8630-ef0b11dde99e/download/waterforlife-renewal-nov2008.pdf>

¹¹ Alberta Government (2012) Clearing the Air [online] Available at: <https://open.alberta.ca/dataset/bc18d01f-5e4e-4cc2-8668-f43782258915/resource/1d0ab909-6d06-4f02-9f29-f35dbe7fe19a/download/5909071-2012-clearing-air-albertas-renewed-clean-air-strategy-2012-10-09.pdf>

¹² Alberta Government (2008) Alberta's Climate Change Strategy [online] Available at: <https://open.alberta.ca/dataset/e86a9861-aa19-400e-bb7a-909ef8ccfe46/resource/ad5754f4-cc7f-40bf-a2ad-0775bd83ba7e/download/4063885-2008-albertas-2008-climate-change-strategy.pdf>

¹³ Revised Lower Athabasca Regional Advisory Council Announced (2008) <https://www.alberta.ca/release.cfm?xID=250325077DCA0-9DBB-B78C-62D8CB4065D98526>

whether they are still suitable and, if not, they must be updated by the respective authorities or Ministries. Moreover, the regional plan lists a range of new strategies and actions that are required for the success of the regional plan. The Ministries of Government of Alberta involved in LARP include Energy, Environment and Sustainable Resource Development, Human Services, Tourism, Parks and Recreation, Transportation, Enterprise & Advanced Education, and Aboriginal Relations.

4.15 LARP's key focus is three-fold it aims to:

- deliver healthy economy supported by its land and natural resources,
- healthy ecosystem and environment; and
- people-friendly communities.

4.16 Stakeholder and public participation in preparing of the plan takes the form of a three-phase consultation process. During the consultation process participants have an opportunity to give their input on the region's key issues, provide feedback on the advice from the Lower Athabasca Regional Advisory Council and on Government of Alberta Draft Lower Athabasca Integrated Regional Plan.

4.17 The Government of Alberta together with the Land Use Secretariat established the Aboriginal Consultation Coordination Group with representatives from each of the First Nations and delivered the Metis Communities Engagement Plan.

Northwest Territories

4.18 Northwest Territories is one of the only two jurisdictions in Canada with a consensus system of government (instead of one based on party politics). The Legislative Assembly (LA) is the seat of elected government and the members are directly elected every 4 years from each of 19 ridings¹⁴. All members of the LA are elected as independents and shortly after the election they meet as a Caucus to set priorities for that Assembly. The Premier and Cabinet are selected by the Members of the LA. The Premier is then responsible for assigning portfolios to Cabinet Ministers and establishing mandates based on the priorities of the LA. Ministers work with the whole Caucus and, with other Ministers, or as individuals. They discuss policy, consider new laws, and work on budget estimates. Individually, they are department heads, making sure laws administered by their departments are enforced¹⁵.

4.19 Land Use Planning Policy Framework (2014) is delivered by the Department of Lands of the Northwest Territories Government (NWT) and it sets out high-level land use guidelines, approach to managing public lands, and a new direction for the Government of Northwest Territories as a land owner and responsible land manager.

4.20 The Government of Northwest Territories is responsible for review and approval of regional plans under the *Mackenzie Valley Management Act*. The Department of Lands is mandated to coordinate the Government of Northwest Territories' participation in planning processes.

4.21 Table 4.3 presents a comparison between Northwest Territories and Highland Council (one of the least populated areas in Scotland). Population density of Northern Territories is about 0.39/km² whereas in Highland Council area it is 9/km².

Table 4.3: Northwest Territories - overview

	Area	Population	Regional planning framework	Number of municipalities/ sub regions
Northwest Territories	1,144,000 km ²	44,826 (2019)	Land Use Planning Policy Framework (2014)	5 administrative regions
Sahtu	41,437 km ²	2,545 (2017)	Sahtu Land Use Plan	3 district governments
Scotland	88,077 km ²	5.454 million (2019)	No regional framework	32 local authorities
Highland Council	25,657 km ²	235,830	-	-

4.22 In 2015, the Department of Lands created the NWT Land Use Planning Forum to provide a vehicle for Indigenous, regulatory, territorial and federal planning partners to meet annually, build shared understanding and renew the commitment to land use planning across all regions of the NWT. In 2019 the Government of Northwest territories published *Finding Common Ground*¹⁶ which reflects the themes from the forum and renews the commitment to regional land use planning in the Northwest Territories. The document guides territorial, Indigenous, and federal governments in understanding each other's perspectives by establishing a common approach based on 16 objectives that

¹⁴ Legislative Assembly of the Northwest Territories (2020) What is Consensus Government? [online] Available at: <https://www.ntassembly.ca/visitors/what-consensus> [accessed on 18/06/2020]

¹⁵ Government of Northwest Territories (2020) The Premier and Cabinet [online] Available at: <https://www.gov.nt.ca/en/premier>

¹⁶ Government of Northwest Territories (2019) Finding Common Ground: a renewed commitment to regional and use planning in the Northwest Territories [pdf] Available at: https://www.lands.gov.nt.ca/sites/lands/files/resources/lup_stratetic_approach_w eb_ready_2_0_0.pdf [accessed on 19/05/2020]

address shared responsibility, common ground, and ongoing renewal.

Sahtu

4.23 Regional land use planning in Sahtu region is based on *Sahtu Dene and Metis Comprehensive Land Claim Agreement* and the *Mackenzie Valley Resource Management Act*. The agreement is a modern treaty between the Sahtu Dene, Metis indigenous communities and the Crown and it affirms the treaty rights of the Sahtu Dene and Metis by the Canadian Constitution. The act governs an integrated system of land and water management that incorporates land use planning, environmental impact assessment and review, and the regulation of land and water use through associated institutions of public government.

4.24 The Sahtu Land Use Plan sets out strategic level guidelines on how land (including water and other resources) will be conserved, developed and used within the Sahtu Settlement Area (SSA). The plan provides legally binding direction to regulators, landowners and applicants.

4.25 The Plan recognizes that regional planning is most successful when the residents have an opportunity to participate, however there is a lack of information about the process of participation.

Conclusions

4.26 The Canadian planning system is mainly based upon a collaboration of provincial/territorial and local governments. Provincial governments provide planning legislation and regional plans that guide decisions of local governments who produce legally-binding land use plans. Both examples indicate a significant amount of collaboration between different levels of the government, Indigenous governments, public and private institutions and the wider public.

4.27 The case of Lower Athabasca has shown that the regional government is utilising existing land planning and management tools and reviews outdated strategies where necessary to align with the new regional plan.

Finland

4.28 The Land Use and Building Act defines the land use planning system, and provisions ensuring the environmental, economic, social, and cultural sustainability of the Finnish planning system. Together with the Local Government Act, which sets out the responsibilities of municipalities, they form the framework legislation for land-use planning. The Nature Conservation Act and the Environmental Protection Act set out important restrictions on land use. The Ministry of Environment issues the national land use guidelines which influence regional land use planning. The national government also provides guidance on the land-use planning process and the regulation of building activities and indirectly influences spatial policy through its Centres for Economic Development, Transport and the Environment (deconcentrated branches of the national administration).

4.29 Regional councils are required to oversee regional development and regional land use planning and produce Regional Strategic Plans, Regional Land Use Plans, Regional Implementation Plans and Research and Innovation Strategies. Regional land use planning must reflect and reconcile international, national, regional and local interests. Table 4.4 provides a comparison of the government structure, land area and population of Finland with Scotland.

Table 4.4: Finland - overview

	Finland	Scotland
Government Structure	Unitary parliamentary republic	Devolved government within parliamentary democracy
National planning legislation	National Planning Framework	National Planning Framework
Number of regions/states	18 regions	-
Number of provinces/counties	-	32 local authorities
Number of municipalities	311 municipalities	-
Area	338,440 km ²	88,077 km ²
Population	5.518 million (2019)	5.454 million (2019)

4.30 Regional land use plans serve as high-level strategic frameworks that provide direction for long-term plans for urban and green structures, transportation network, and land use. Local governments (municipalities) prepare Local Master Plans and Local Detailed Plans and issue planning permissions and building permits.

4.31 Regional councils also implement programmes supported by EU structural funds. The Finnish Regional Councils are joint regional authorities and their members are the municipalities in the corresponding geographical regions. Regional Councils each receives their funding from member municipalities. They also receive funds for regional development from the Finnish Government and the European Union. The councils operate according to the principles of local self-government and they articulate common regional needs, long term development goals and conditions for sustainable development. The council's tasks include regional and land-use planning, and the promotion of local and regional interests in general.

4.32 As illustrated in **Table 4.4** the population of Finland and Scotland are very similar, although the majority of the Finnish population lives in the southern part of the county, similar to the Central Belt in Scotland. The total area of land in Finland is significantly larger than that of Scotland. The area of Helsinki – Uusimaa serves as an economic centre and is home to almost one third of Finland's population (as shown in **Table 4.5**).

Helsinki – Uusimaa Region

4.33 Helsinki - Uusimaa Regional Council is elected by the member municipalities¹⁷ and serves as a joint authority and promoter of interests for regional cooperation and consists of 26 municipalities as members and financiers. It is governed by the Regional Development Act and the Land Use and Building Act. Currently, the Uusimaa Regional Council is preparing the Helsinki – Uusimaa Regional Land Use Plan 2050 which will not be legally binding, but it will steer land use planning in the region's municipalities.

Table 4.5: Helsinki – Uusimaa region - overview

	Area	Population	Regional planning framework	Number of municipalities/sub regions
Helsinki – Uusimaa region	9,568 km ²	1.671 million (2019)	-	26 municipalities
Lothian Joint Board Area	1,720 km ²	858,090	-	4 councils (East Lothian, Edinburgh, Midlothian, West Lothian)

4.34 Public participation takes form of three-phases of consultation during the plan preparation process. The public and stakeholders are invited to contribute to the plan's creation by helping to set the plan's goals and then provide feedback on the draft and on the proposed plan versions.

¹⁷ Helsinki EU Office (2020) Uusimaa Regional Council [online] Available at: [https://helsinki.eu/en/helsinki-eu-office/uusimaa-regional-](https://helsinki.eu/en/helsinki-eu-office/uusimaa-regional-council/#:~:text=The%20elected%20officials%20in%20the,a%20mandate%20of%20four%20years.)

[council/#:~:text=The%20elected%20officials%20in%20the,a%20mandate%20of%20four%20years.](https://helsinki.eu/en/helsinki-eu-office/uusimaa-regional-council/#:~:text=The%20elected%20officials%20in%20the,a%20mandate%20of%20four%20years.)

Conclusions

4.35 From this brief overview, Finnish regional governance is exercised by a Regional Council which serves as a joint authority and encourages cooperation between involved municipal councils. It produces a regional land use plan that serves as a guidance for the underlying municipal governments who produce their own local plans.

Germany

4.36 Spatial planning in Germany is organised at all governance levels - federal, state, regional, and local. At the federal level, there is a set of legally binding principles and guidelines that are prepared by the Conference of Ministers for Spatial Planning. **Table 4.6** illustrates an overview of the scales and spatial divisions in Germany.

Table 4.6: Germany - overview

	Germany	Scotland
Government Structure	Federal parliamentary republic	Devolved government within parliamentary democracy
National planning legislation	Federal principles and guidelines for spatial planning and development prepared by the Conference of Ministers for Spatial Planning	National Planning Framework
Number of regions/states	16 states	-
Number of provinces/counties	323 counties and 116 county-free cities (Stadtkreise or Landkreise)	32 local authorities
Number of municipalities	12,000 municipalities	-
Area	357,386 km ²	88,077 km ²
Population	83.02 million (2019)	5.454 million (2019)

4.37 Although, Germany has a strong regional government in a form of constitutive states ('Länder') that in a European context, are often labelled as 'regions'¹⁸ its spatial development policy is mainly assigned to so called 'planning regions' ('Planungsregionen'), which are below the 'Länder' planning level. While the aim of regional plans (e.g. regional spatial structure plan) is to harmonise state development ambitions with local interests, local authorities (i.e. municipalities) make the final decisions on land-use designation for specific sites (e.g. buildings, parks, etc.).

4.38 At the state level, spatial planning instruments include state development plans and state spatial planning/development programmes, but these vary from state to state¹⁹.

4.39 Even though municipalities have a certain level of decision-making autonomy, they are required to follow a very structured institutional and legal framework that determines legal responsibilities of the federal state (Bund), the states, and the municipalities. There is an intermediate governmental tier of districts (Kreise) in between the state and municipalities. They consist of several municipalities and coordinate responsibilities that are outside the scope of a single municipality.

4.40 A study²⁰ found that in Bavaria there are strong connections between land-use planning and public administration. Public administration serves as a governance tool that drives and delivers land-use planning objectives and to guide decision-making for land-uses (and planning) and public interests. This study also found that there are regulations of cooperation within the administrative structure of German municipalities between staff, mayor and council and these regulations give them the choice on the manner and mechanisms of cooperation. However, in many cases functions are poorly defined and clearly interwoven. The study concludes that lack of clearly defined functions may result in a poor separation of political power and the administrative management.

4.41 Within the administration of land-use planning, there is a power imbalance between urban and rural areas, that favours urban areas. For example, only municipalities with a population of over 250,000 have the legal powers to issue permits. As a result, urban areas and cities enjoy the right to control building permits and this stimulates urban advantage and deprives rural municipalities of regulatory development powers.

4.42 Land-use planning is not unified across Germany, and as a result there is no uniform structure for public administration for municipalities. Even in the single state of Bavaria, legislative processes of land use planning differs considerably between municipalities (and especially between urban and rural areas). Cities tend to be more professionally organised in respect of land use planning, whereas rural municipalities may require external experts to handle their land-use concerns. Equally, at the state level, governance of land-use planning varies between states. Therefore, this lack of uniformity prevents comparisons between municipalities.

4.43 Although the study focused on Bavaria, it sheds light on other parts of Germany and raises important questions regarding the German planning system and the role of the state. The study²¹ identified that there is a need for

¹⁸ Benz, A. and Meincke, A., 2006. Sub-national government and regional governance in Germany. In State and Local Government Reforms in France and Germany (pp. 59-74). VS Verlag für Sozialwissenschaften, Wiesbaden.

¹⁹ Pahl-Weber, E. and Henckel, D., 2008. The planning system and planning terms in Germany: A glossary (No. 7). Studies in Spatial Development.

²⁰ Chigbu U. E., Vache K., (2015) Land -use planning and public administration in Bavaria, Germany: toward a public administration approach to land-use planning. Geomatics, Landmanagement and Landscape, No. 1, pp.7 – 17.

²¹ Ibid.

restructuring of the current system in order to mitigate against political power infringing on land-use planning administration. It suggests that politicians, administrators and society have inter-dependent but separate duties. It is because the more dominant and top down direction of the information flow, the more political regime is inclined towards totalitarian and authoritarian manifestations in administrative activities. Similarly, the case of the dominance of bottom-up directions can lead to excessive liberal manifestations. Therefore, the interaction between political power and administrative duties should be balanced by following four steps recommended by the authors:

1. Develop an approach for separating political functions from managerial ones. This is possible through readdressing the roles of the mayor and council, and the staff of the municipality in land-use planning issues.
2. Establish positions for “municipal servants” at the local level that should be, also, protected by law and in line with promoting the objectives of land-use planning within municipalities.
3. Clearer job descriptions should be made concerning the role of municipal civil servants operating to ward off higher political interferences in their duties. It requires career stability in the position of the head of staff of the municipality (in terms of tenure) and independence from the influence of the mayor or council of the municipality concerning employment of personnel.
4. Improving the capacity and development of municipal staff in administrative duties regarding land-use planning is important. This can be achieved by providing obligatory training courses for municipal servants in land management. However, such training can lead to further strengthening of relationships between the academic institutions and local self-government system.

4.44 As a result of the separation of political power from administrative management, decision-making process will become professionally adequate for handling new realities faced by municipalities. By operating in a non-linear process, the administration of land management issues will be carried out in a more participative manner within the administrative office. Participation should not only be about citizens, but also practised in the spheres of administrative decision-making on land-use planning duties. This way, public administration will

govern land-use planning in a more responsive manner to the growing needs of local societies²².

4.45 Planning regions are defined by the states and their number and organisation varies. In most states (e.g. Bavaria, Brandenburg, Saxony-Anhalt) regional spatial planning is entrusted to special associations mainly set up by local authorities, and in others (e.g. Lower Saxony) it is assigned to counties, or other bodies (as seen in Hessen, North Rhine-Westphalia). In some states, like Saarland, regional planning has not been introduced²³.

4.46 According to the Federal Spatial Planning Act, regional planning is independent from state and local spatial planning. It deals with broad, supra-local, and cross-sectoral, long-term spatial development of a region. Depending on the state, regional plans (e.g. regional spatial structure plans, territorial development plans - the names differ between regions) can be ordinances, local government bylaws, and statutes of types of government measures²⁴.

4.47 In Germany, 11 metropolitan regions (e.g. Berlin/Brandenburg; Rhine-Ruhr; Central German, etc.) have been organised into political units for planning purposes. This emergence of new regional spaces alongside existing (territorial and governance) organisation, is creating overlaps, contradiction, and competing interests, and is leading to even greater development disparities between rural and urban areas in Germany²⁵.

4.48 The German spatial planning system is comprehensive and facilitates (cross-) sectoral integration as well as integration of sectoral ambitions with overall spatial planning. Separated/parallel actions of ‘sectoral planning’ (including transport and communications; utilities; defence; agriculture; and environmental protection and nature conservation) are (by law) coordinated and integrated within spatial planning mechanisms (e.g. urban land -use plans) at all levels (i.e. state, regional and, local)²⁶. Nevertheless, there is considerable competition for scarce land in Germany with changes in sectoral policies significantly influencing land pressures. For example, the shift away from nuclear power to renewable energy sources, created the need for space to grow crops for biofuels. This not only increased the pressure on land but also created conflict between energy-crop cultivation and food production²⁷.

²² Chigbu U. E., Vache K., (2015) Land -use planning and public administration in Bavaria, Germany: toward a public administration approach to land-use planning. *Geomatics, Landmanagement and Landscape*, No. 1, pp.7 – 17.

²³ Ibid.

²⁴ Ibid.

²⁵ Harrison J., Grove A., (2014) From places to flows? Planning for the new ‘regional world’ in Germany. *European Urban and Regional Studies*, 21(1), pp. 21 – 41.

²⁶ Ibid.

²⁷ Steinhäuser, R., Siebert, R., Steinführer, A. and Hellmich, M., 2015. National and regional land-use conflicts in Germany from the perspective of stakeholders. *Land Use Policy*, 49, pp.183-194.

4.49 This case study lacks detailed information on participation and public engagement in the process of plans' preparation.

Conclusions

4.50 The German regional planning system significantly varies between states and between municipalities. In cases where regional planning is implemented, there are examples of special associations being set up by local authorities to manage regional scale planning. It is unclear what form the regional planning takes and whether regional planning regulations are legally-binding or not. Additionally, the emergence of new regional spaces of metropolitan regions and the existing rural-urban power imbalances contribute to enlarging disparities between areas.

Italy

4.51 Italy has four levels of government: national, regional, provincial, and local. The national government provides guidelines for territorial development, constructs and manages infrastructure of national importance and protects heritage sites and the natural landscape. There is no national planning framework, therefore, regional laws and planning acts define the structure and processes for local authorities.

4.52 Regional authorities together with the National Ministry of Cultural Heritage and Activities and Tourism prepare Regional Landscape Plans and Regional Territorial Plans. The second level of sub-national government, the provinces, are responsible for preparing the Provincial Territorial Coordination Plans that help manage land use decisions across municipalities and major infrastructure projects.

4.53 Urban and spatial decision-making is left almost entirely to the local level municipalities²⁸ who prepare *Local Development Plans*. Details of the planning process can vary across regions, however in cases when municipalities have less than 5000 inhabitants, they have to form inter-municipal partnerships to perform their land use planning²⁹. **Table 4.7** shows the distribution of different planning tiers in Italy.

Table 4.7: Italy - overview

	Italy	Scotland
Government Structure	Unitary parliamentary republic	Devolved government within parliamentary democracy
National planning legislation	No national planning framework, only guidelines for territorial development	National Planning Framework
Number of regions/states	19 regions and 2 autonomous provinces	-
Number of provinces/counties	110 provinces	32 local authorities
Number of municipalities	~ 8,000 municipalities	-
Area	301,338 km ²	88,077 km ²
Population	60.36 million (2019)	5.454 million (2019)

4.54 A study³⁰ found that one of the key weaknesses of Italian planning system is the size of the municipalities as 55%

of them are medium-small sized (< 25km²). It also suggests that the small size undermines municipalities' potential for strategic visions that drives fundamental urban and spatial transformations. The study also found that geographical distribution of municipal size classes per region is clear-cut and clustered. About 77% of the smallest municipalities in Italy (<10km²) are concentrated in three regions: Lombardy, Piedmont and Campania, simultaneously these municipalities have the highest urbanisation density. In Lombardy, over half of the territory is managed by these small municipalities. The small size of the municipalities will limit the role they can play in spatial planning.

4.55 The Italian planning system is not only dispersed but also lacks access to modern digital planning tools hence, unable to fully address the most urgent environmental and socio-economic issues.

4.56 It is also argued that planning continuity over time is still an issue in Italy. Lombardy, Emilia Romagna, and Tuscany are the only regions that have updated their municipal plans within the past 8 years. Municipalities in southern and central Italy are lagging considerably (some plans may be 25 years old).

4.57 The study further suggests that Italy can benefit from re-organisation of national and regional urban development legislation by assigning a decision-making role to regional land planning and re-establishing a top-down approach. It can also delegate implementation, management and participatory roles to municipalities but exclude them from decision-making. Finally, it can benefit from a broader utilisation of GIS³¹.

4.58 The *State-Regions Conference* is a forum to co-ordinate high-level spatial planning and environmental regulations' issues between the national and the regional governments. At the municipality level, *Service Conferences* offer space for co-ordinating decision-making related to regulatory decisions that need to be approved by a number of agencies and service providers. They enable facilitation of planning for local service provisions and infrastructure delivery. They can also involve higher levels of government if required. *Programme Agreements* are another form of vertical co-ordination mechanism for special development projects that require co-

²⁸ Romano B., Zullo F., Fiorini L., Marucci A., (2019) Molecular No Smart-Planning in Italy: 8000 Municipalities in Action throughout the Country [online] Available at: <https://www.mdpi.com/2071-1050/11/22/6467/htm>

²⁹ OECD (2017) Land Use Planning – Country fact sheet Italy [online] Available at: https://read.oecd-ilibrary.org/urban-rural-and-regional-development/land-use-planning-systems-in-the-oecd_9789264268579-en#page136

³⁰ Romano B., Zullo F., Fiorini L., Marucci A., (2019) Molecular No Smart-Planning in Italy: 8000 Municipalities in Action throughout the Country [online] Available at: <https://www.mdpi.com/2071-1050/11/22/6467/htm>

³¹ Romano B., Zullo F., Fiorini L., Marucci A., (2019) Molecular No Smart-Planning in Italy: 8000 Municipalities in Action throughout the Country [online] Available at: <https://www.mdpi.com/2071-1050/11/22/6467/htm>

ordination between different levels of government and enable municipalities to issue joint land-use plans³².

Lombardy

4.59 In 2005, the Regional Authority of Lombardy passed the *Territorial Government Law* that enforces planning structures at municipal, provincial and regional levels to address the issues of landscape protection and its enhancement. Decision-making on the respective levels is required to be based on Strategic Environmental Assessment of plans and programmes and should be informed by Geographic Information System (GIS). In this context, a Regional Territorial Plan serves as a strategic and operational document that supports territorial governance in the region, links strategic visions of the general and sectoral planning to physical, environmental, economic and social issues and it provides SWOT analysis of local and territorial systems³³.

4.60 The Lombardy Regional Territorial Plan, approved in 2018, introduced a new division of the Lombard territory in order to address a range of needs that included:

- The physical morphology of the regional territory;
- Recognition of the landscape and environmental systems;
- The selection of the rural elements that characterize local identity;
- The historical structure of the settlements and their evolution; and
- The existing infrastructural framework and the forecasts of new works.

4.61 This provides an example of regional division based on shared characteristics and provides a unique example among the case studies.

4.62 Lombardy Region is one of the receivers of Regional Operation Programme (ROP) 2014 – 2020 of the European Regional Development Fund (ERDF). The ERDF is one of implementation tools to achieve the aims of Cohesion Policy of the European Union for the period 2014 – 2020³⁴. The key aims of the programme are:

- Boosting competitiveness through research and innovation;

- Reducing carbon emissions through promotion of renewable energy and energy efficiency;
- Supporting sustainable mobility; and
- Enhancing the attractiveness of the region with a particular focus on cities, environmental and cultural promotion.

4.63 The EU has invested over €210 million in the region, and the National Public Contribution accounted for an additional €321 million³⁵.

4.64 Lombardy region is twice as big in terms of land area and population size as the Central Belt of Scotland as indicated in **Table 4.8**.

Table 4.8: Lombardy region - overview

	Area	Population	Regional planning framework	Number of municipalities/sub regions
Lombardy	24,000 km ²	10 million	Territorial Government Law	11 administrative provinces, 1 metropolitan city and 1,530 communes
Central Belt of Scotland	10,000 km ²	~ 4 million	-	Greater Glasgow, Ayrshire, Falkirk, Edinburgh, Lothian and Fife

Alpine Valleys and Franciacorta

4.65 In terms of governance on the regional level plans for Alpine Valleys and Franciacorta there is little information provided in English.

Conclusions

4.66 As in Germany, Italian regional planning hugely varies across regions. In Lombardy, where regional planning is exercised, plans do not respect already existing provincial borders but create new landscape-based regional borders for the purposes of land-use planning and management.

³² OECD (2017) Land Use Planning – Country fact sheet Italy [online] Available at: https://read.oecd-ilibrary.org/urban-rural-and-regional-development/land-use-planning-systems-in-the-oecd_9789264268579-en#page136

³³ Palazzoli C. (2018) Lombardy Region Territorial Context and Planning Structures [online] Available at: https://www.interregeurope.eu/fileadmin/user_upload/tx_tevprojects/library/file_1527148038.pdf

³⁴ European Commission (2015) ERDF Regional Operational Program 2014 – 2020 [online] Available at: <https://ec.europa.eu/growth/tools-databases/regional-innovation-monitor/policy-document/erdf-regional-operational-programme-2014-2020>

³⁵ European commission (2020) Operational Programme 'Lombardia' [online] Available at: https://ec.europa.eu/regional_policy/en/atlas/programmes/2007-2013/italy/operational-programme-lombardia

New Zealand

4.67 New Zealand has three levels of government: national, regional, and local. The national government provides the framework legislation that structures the planning system and guides planning of the lower government tiers. The Resource Management Act, along with the Environment Act, the Local Government Act, and the Land Transport Management Act govern the planning system in New Zealand.

4.68 In terms of environmental regulations, the Ministry for the Environment is responsible for the publication of National Environmental Standards and National Policy Statements that direct specific environmental decisions and impact land use planning.

4.69 Spatial plans are prepared on the regional and territorial levels respectively. There is no national level spatial plan for the entire country. Regional councils prepare their own Regional Policy Statements that set out strategic policies for spatial development and are implemented through Regional Plans, Regional Coastal Plans and Spatial Plans.

4.70 Territorial authorities control land zoning and adopt District Plans. These Plans set out the requirements for public infrastructure, roads, footpaths and establish the permitted activities for each area. They are required to align with the Regional Policy Statement, the Regional Plan and any environmental standard³⁶.

4.71 New Zealand, in terms of its population size is comparable to Scotland, nevertheless its total land area is approximately three times larger than that of Scotland as indicated in **Table 4.9**.

Table 4.9: New Zealand - overview

	New Zealand	Scotland
Government Structure	Unitary parliamentary democracy under a constitutional monarchy	Devolved government within parliamentary democracy
National planning legislation	National Planning Framework	National Planning Framework
Number of regions/states	16 regions	-
Number of provinces/counties	-	32 local authorities
Number of municipalities	67 territorial authorities	-

³⁶ OECD (2017) The Governance of Land Use: Country fact sheet New Zealand [online] Available at: <https://www.oecd.org/regional/regional-policy/land-use-New-Zealand.pdf> [accessed 14/05/2020]

³⁷ Auckland Council (2020) How our plans work together? [website] Available at: <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-by-laws/our-plans-strategies/Pages/how-plans-work-together.aspx> [accessed on 14/05/2020]

	New Zealand	Scotland
Area	268,021 km ²	88,077 km ²
Population	4.886 million (2018)	5.454 million (2019)

4.72 Established regions may be comparable in size in terms of land area or population size as shown in **Table 4.10**.

Table 4.10: Auckland and Waikato regions - overview

	Area (km ²)	Population	Regional planning framework	Number of municipalities/sub regions
Auckland	4,938	1,415,550	Regional Policy Statement	15 municipalities
Waikato	23,902	403,638	Regional Policy Statement	11 territorial authorities (two in part)
Aberdeenshire	6,313	261,470	-	-

Auckland

4.73 The Auckland Plan 2050 is supported by a range of Supporting Plans that include:

- The Unitary Plan;
- Budget plans:
 - The 10-year budget (long-term);
 - The annual budget (annual plan);
- Local board plans (3-year plans that set out aspirations and priorities for the communities)³⁷.

4.74 The Auckland Unitary Plan³⁸, published in May 2020, replaces the former Regional Policy Statement and the 12 district and regional plans (except for the Auckland Council District Plan Hauraki Gulf Islands Section – Operative 2013). It guides Auckland to meet its economic and housing needs by determining what can be built and where, how to create a higher quality and more compact Auckland, how to provide for rural activities, and how to maintain the marine environment³⁹.

4.75 The Unitary Plan combines the regional policy statement, regional coastal plan, regional plan and district plans into **one combined plan**. The plan has a hierarchical policy framework with the regional policy statement at the top,

³⁸ Auckland council (2020) The Auckland unitary Plan [online] Available at: https://unitaryplan.aucklandcouncil.govt.nz/pages/plan/Book.aspx?exhibit=AucklandUnitaryPlan_Print [accessed on 18/05/2020]

³⁹ Auckland Council (2020) What is the Auckland Unitary Plan? [website] Available at: <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-by-laws/our-plans-strategies/unitary-plan/Pages/what-is-the-auckland-unitary-plan.aspx> [accessed on 14/05/2020]

then with regional and district plan provisions giving effect to the regional policy statement⁴⁰.

4.76 The Auckland Plan 2050 is a result of a collaboration between central and regional government, Maori communities, private sector, institutions and non-governmental organisations and Auckland's public.

4.77 Public participation takes form of three-phased consultation. During the first stage, the public can contribute to identifying key challenges for the plan. Then, the second phase involves targeted engagement that involves partners and stakeholders into more detailed and technical level of discussion. Finally, the public has an opportunity to provide feedback to the Proposed Plan.

Waikato

4.78 Waikato Regional Plan 2019 is a result of a collaboration between Waikato Regional Council, Maori communities, Hamilton City Council, 10 district council and wider stakeholders who were interested in participating in the plan preparation process.

4.79 The detailed review of the case studies (Appendix A) provides more detail on the history of the plans' development and how certain policies have been changed or added to the plan over the course of its existence.

Conclusions

4.80 New Zealand regional planning examples show the importance of collaboration across different institutions and organisations and the inclusion of indigenous peoples in the planning process.

⁴⁰ Auckland Council (2020) The Auckland Unitary Plan: chapter A Introduction [pdf] Available at: [https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan](https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20A%20Introduction/Chapter%20A%20Introduction.pdf)

[n%20Operative/Chapter%20A%20Introduction/Chapter%20A%20Introduction.pdf](https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20A%20Introduction/Chapter%20A%20Introduction.pdf) [accessed on 14/05/2020]

Sweden

Governance

4.81 Sweden has three governance levels: national (the parliament, the government with its ministries and agencies); subnational (county administrative boards, regions); and local (municipalities). The Swedish governance system has two authorities acting at a sub-national regional level: the county *administrative board* - a national state agency acting as a regional governing and coordinating agency representing national interests; and the *regions* (until 2019 called county councils) - directly elected regional authorities responsible for regional development, health and public transport.

4.82 Spatial planning in Sweden is partly organised at regional level and can (to a limited extent) vary between regions. For example, according to Sweden's National Strategy for Sustainable Regional Growth and Attractiveness 2015-2020 (Government Offices of Sweden 2015), all regions must adopt a spatial perspective (e.g. non-statutory spatial strategy) for their development policies. Nevertheless, spatial planning is mainly the domain of municipalities who have no legislative obligations to coordinate their decisions with higher level plans and programmes.

Table 4.11: Sweden - overview

	Sweden	Scotland
Government Structure	Unitary parliamentary democracy under a constitutional monarchy	Devolved government within parliamentary democracy
National planning legislation	National regulatory framework from planning system (the Planning and Building Act)	National Planning Framework
Number of regions/states	3 regions	-
Number of provinces/counties	21 counties	32 local authorities
Number of municipalities	290 municipalities	-
Area	450,295 km ²	88,077 km ²
Population	10.23 million (2019)	5.454 million (2019)

4.83 Table 4.11 presents an overview of the Swedish planning division across different governmental levels.

4.84 A study suggests that Swedish municipalities hold a monopoly over spatial planning. Compulsory (but not legally binding) municipal development plans aim to reflect the public interest through the support for development and provision of public services (e.g. education, care for elderly, retail, health care, etc.). They often include elements (e.g. aims, objectives) of strategic development policies, as well as land use guidelines. These plans give municipalities the power to decide (site-specific) land use and related activities through detailed development plans and building permits⁴¹.

4.85 As municipalities in Sweden cover large areas (comparable to the size of regions in other EU countries such as Germany, Italy, or Netherlands), municipal spatial planning also deals with issues of a regional scope and scale, such as urban-rural interactions, (e.g. transport, energy) infrastructure, and environment (e.g. ecosystem services provisions)⁴².

4.86 Spatial planning at the local level is a tool for implementing regional development policies. However, rather than with regions, the decision-making powers lie with municipalities. While regions provide guidelines and advice, they have no legislative authority over decisions made in municipal spatial plans. Furthermore, regional development policy is strongly influenced by municipal spatial planning. For example, in Östergötland Region regional development policy addresses local issues closely related to spatial planning such as education, elderly care, economic development, and balanced territorial development of urban regional centres (Norrköping and Linköping) and their rural surroundings⁴³.

4.87 Generally, regional development policies and associated spatial strategies, as well as municipal spatial development plans, support economic ambitions at national, regional and local governance levels.

Participation

4.88 A study showed that all municipalities engaged in activities to support and increase legally binding citizen involvement (e.g. meetings in different places not just larger towns but including small villages, conducted dialogues and made plan presentation to local communities). However, there were considerable differences in the involvement of municipal staff and even politicians in the planning process⁴⁴.

4.89 The approach to participation varies between municipalities, some establish large working groups (up to 40 people) whereas others hire external consultants and only involve a few members of staff in the planning process. All municipalities managed to establish steering groups with

⁴¹ Smas, L. and Lidmo, J., 2018. Organising regions: spatial planning and territorial governance practices in two Swedish regions. *Europa XXI*, 35, pp.21-36.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Elbakidze, M., Dawson, L., Andersson, K., Axelsson, R., Angelstam, P., Stjernquist, I., Teitelbaum, S., Schlyter, P. and Thellbro, C., 2015. Is spatial planning a collaborative learning process? A case study from a rural-urban gradient in Sweden. *Land Use Policy*, 48, pp.270-285.

representatives from all political parties, however there were cases in which politicians did not engage and hindered the planning process⁴⁵.

4.90 Some municipalities created partnerships including representatives of all municipal departments and political parties, who jointly produced the plan. This enabled a consensus to be achieved among the stakeholders involved before the final decision was made by politicians⁴⁶.

4.91 Citizens participation involved them commenting on the Proposed Plan via municipalities' web sites, by written letters, or by e-mail.

4.92 Interviewees involved in the study⁴⁷ claimed that the current level of citizen involvement in spatial planning was insufficient and unsatisfactory. This was due to the limited involvement of key sectors of the population (i.e. women, young people, and new Swedes) in the planning process, risking underrepresentation of their needs, views and values in the final plan.

Conclusions

4.93 The Swedish example of regional planning illustrates that, even though theoretically most planning decisions take place at a municipal level, this is similar in scale to regional scale planning in the other case study examples. Moreover, this case indicates that despite municipal efforts to involve stakeholders some actions may be undermined by the lack of willingness of stakeholders to contribute to the plan. Equally, citizen involvement seemed to be partial and under representative of the range of citizen groups.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid

USA

4.94 The United States, as a federal country, has four levels of government, the national government, 50 federated states, counties (an intermediate level) and local authorities. Decisions regarding land use are hugely decentralised, and land use planning constitutionally, is one of the powers retained by the states. However, state governments tend to delegate large part of their authority further down to local governments.

Table 4.12: USA - overview

	USA	Scotland
Government Structure	Federal republic	Devolved government within parliamentary democracy
National planning legislation	No national level planning framework	National Planning Framework
Number of regions/states	50	-
Number of provinces/counties	~ 3,141	32 local authorities
Number of municipalities	~ 19,492 municipal government and ~16,519 township governments	-
Area	9.834 million km ²	88,077 km ²
Population	328.2 million (2019)	5.454 million (2019)

4.95 National government lacks direct powers over land use on non-federal lands, however it enacts environmental legislation that influences land use decision-making. It has also signed treaties that influence or govern land use on Native American tribal land.

4.96 Federal states also have considerable indirect influence. State governments pass the framework legislation that defines the tools that local governments can use for land use planning, specify how local governments finance themselves, adopt building codes, and require environmental reviews.

4.97 There is no national level spatial plan, so far 12 states have adopted state-wide plans (Strategic Plan) however they vary in the degree of detail included. In seven states strategic plans are legally binding and local governments must comply with them, the other are used as guidelines.

4.98 Comprehensive plans are local government instruments for strategic planning and in most states, they also only serve

as guidelines for the development of zoning ordinances and other strategic planning purposes⁴⁸.

4.99 **Table 4.12** and **4.13** present a general and detailed overview of the distribution of governmental levels across the USA.

Table 4.13: Metro Council and King County - overview

	Area	Population	Regional planning framework	Number of municipalities/sub regions
Metro Council	344km ²	654,741	Statewide land use planning program	6 districts
King County	5,517km ²	2,252,782	Growth Management Act	39 municipalities
Glasgow City Council (metropolitan area)	492 km ²	1,655,810	-	-

Metro Council, Portland Region, Oregon

4.100 The foundation of Oregon's statewide land use planning program is based on 19 statewide planning goals. The goals express the state's policies on land use and related topics, such as citizen involvement, housing and natural resources.

4.101 The statewide planning programme does not mandate the adoption of a state plan. The state's cities and counties are responsible for adopting local comprehensive plans, zoning land to implement the plan, administering land use regulations, and handling land use permits for Oregon's non-federal land. City and county comprehensive plans include statements of issues and problems to be addressed, various inventories and other technical information, the goals and policies for addressing the issues and problems, and implementation measures. Plans must be in accordance with state standards outlined in statute, statewide planning goals, and administrative rules.

4.102 Oregon's planning law applies to local governments, special districts and state agencies. The laws strongly emphasise coordination so that the plans and programmes are consistent with each other, with the goals, and with acknowledged local plans⁴⁹.

4.103 Metro Council consists of a president, elected regionwide, and six councillors who are elected by district every four years. The Metro Auditor, elected regionwide, is responsible for oversight of Metro's annual financial

⁴⁸ OECD (2017) The Governance of Land Use: county fact sheet United States [pdf] Available at: <https://www.oecd.org/regional/regional-policy/land-use-United-States.pdf> [accessed 18/05/2020]

⁴⁹ Oregon Department of Land Conservation and Development (2019) Oregon Statewide Planning Goals and Guidelines [pdf] Available at: https://www.oregon.gov/lcd/Publications/compilation_of_statewide_planning_goals_July2019.pdf [accessed on 18/05/2020]

statements and for conducting performance audits. The council appoints a chief operating officer to carry out council policies and manage Metro operations.

4.104 Metro Council manages the boundary that separates urban and from rural land in Portland region and works with communities to plan for future population growth while preserving the unique character of each community. Metro is authorised by Congress and the State of Oregon to coordinate and plan investments in the transportation system for the three-county areas (Clackamas, Multnomah, and Washington).

4.105 Metro Council Regional Framework Plan is a result of a collaboration between the Metro Council, district governments, interested community members, private and public sector, and experts (academics from various fields of study).

4.106 Metro Council is required by its policy to engage the public into the plan preparation process. The council has established the Office of Public Engagement which helps ensuring engagement with region's full diversity, connecting public input to decisions and effectively evaluate engagement outcomes. The office supports and builds capacity to create more inclusive, transparent, and relationship-based public engagement.

4.107 The Council has published a Public Engagement Guide that establishes consistent guidelines to ensure people have meaningful opportunities to be involved in the regional planning process. The guide provides examples of the tools and techniques that Metro Council may use to communicate with and receive input from the public. The range of public engagement processes include: a semi-annual meeting of professional public involvement peers (the Public Engagement Network peer group); an annual community summit; an annual survey and report; the establishment of the Public Engagement Review Committee, and a range of policy and technical committees. The committees are made up of mayors, neighbours, business owners who are willing to advise the Metro Council and present their diverse perspectives⁵⁰.

King County, Washington State

4.108 In Washington State, the Growth Management Act lays out broad state goals for growth which are implemented by local governments through comprehensive plans and they address issues such as the identification and protection of critical areas, zoning urban and rural land use areas, sprawl reduction and the provision of public infrastructure.

4.109 The King County Comprehensive Plan is mainly prepared by the King County Council which the feedback from the community and stakeholders.

4.110 Consultation process takes form of community meetings and public hearings. Interested stakeholders are welcomed to provide the County Council with the comments to the Plan. There is no information provided about how the consultation process progresses except from the community meetings information.

Conclusions

4.111 Regional planning in the USA varies between states. The examples show however, that in places where regional planning is exercised it depends on effective collaboration between different actors, including private and public sector.

⁵⁰ Metro Council (2013) Public Engagement Guide Adoption Draft [pdf] Available at:

https://www.oregonmetro.gov/sites/default/files/2014/05/02/11122013_public_engagement_guide_final_adoption_draft.pdf [accessed on 18/05/2020]

England

Table 4.14: England - overview

	England	Scotland
Government Structure	Constitutional monarchy (all political decisions taken by the government and Parliament)	Devolved government within parliamentary democracy
National planning legislation	National Planning Policy Framework	National Planning Framework
Number of regions/states	9	-
Number of provinces/counties	48 counties	32 local authorities
Number of municipalities	343 councils ⁵¹	-
Area	130,395 km ²	88,077 km ²
Population	55.98 million (2018)	5.454 million (2019)

4.112 In 2004, England introduced Regional Spatial Strategies (RSS) through the Planning and Compulsory Purchase Act to bridge the gap between local planning policy and national objectives. England was divided into 9 regions and regional planning bodies were responsible for preparing of the RSS. In this context, local authorities were still required to prepare local development plans, but these plans had to conform to the Regional Spatial Strategy and national policy.

4.113 The Local Democracy, Economic Development and Construction Act 2009 aimed at simplifying of the regional planning process by combining each RSS with other regional strategies (e.g. economic growth and housing) into a Single Regional Strategy.

4.114 RSSs bridged the gap between local planning issues determined by local planning policies and nationally-determined policy aspirations, such as housing or renewable energy⁵².

4.115 With the 2008 economic crisis, regional planning was blamed for undermining recovery strategies. It was also

criticised for being an unnecessary layer of bureaucracy, undemocratic and imposing housing allocation numbers on individual councils. In 2010, the new coalition government abolished regional planning and moved towards localism by introducing Localism Act 2011⁵³.

4.116 Following revocation of the regional strategies in England (outside London), strategic planning is now the responsibility of unitary, district or borough councils. Authorities are expected to address strategic issues in local plans and demonstrate how this has been managed through the 'duty to co-operate' set out in Section 110 of the Localism Act. This applies to all local planning authorities, national park authorities and county councils in England. The duty:

- relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a county council;
- requires that councils set out planning policies to address such issues;
- requires that councils and public bodies 'engage constructively, actively and on an ongoing basis' to develop strategic policies;
- requires councils to consider joint approaches to plan making.⁵⁴

4.117 The abrupt termination in 2010 of Regional Spatial Strategies (RSS) left England as the only major country in North Western Europe, without effective sub-national governance structures (outside London) for spatial planning⁵⁵.

4.118 Combined authorities were introduced by the Labour Government in the Local Democracy, Economic Development and Construction Act 2009. A combined authority (CA) is a legal body set up using national legislation that enables a group of two or more councils to collaborate and take collective decisions across council boundaries. To date ten combined authorities have been established in urban areas.

4.119 At the same time, the lack of regional planning in England is identified as leaving an uncoordinated system of local planning at various scales. Organisations from a range of sectors wrote to the Secretary of State in July 2010, advocating the continuation of some kind of strategic planning

⁵¹ 26 County Councils, 192 District Councils, 32 London Boroughs, 55 Unitary authorities 2 Sui Generis authorities (City of London Corporation and Isles of Scilly) Available at: <https://lgu.org/local-government-facts-and-figures-england/#:-:text=There%20are%20around%2011%2C930%20local,community%2C%20neighbourhood%20and%20village%20councils.>

⁵² House of Commons Communities and Local Government Committee Abolition of Regional Spatial Strategies: a planning vacuum Second Report of Session 2010-2011. Available at: <https://publications.parliament.uk/pa/cm201011/cmselect/cmcomloc/517/517.pdf>

⁵³ Planning Help (no date) Sub-national planning [online] Available at: <https://www.planninghelp.cpre.org.uk/planning-explained/sub-national-planning> [accessed on 16/06/2020]

⁵⁴ Local Government Association and Planning Advisory Service Simple Guide to Strategic Planning and the Duty to Cooperate. Available at: <https://www.local.gov.uk/sites/default/files/documents/simple-guide-strategic-pl-557.pdf>

⁵⁵ McGuinness, D. and Mawson, J. (2017) 'The rescaling of sub-national planning : can localism resolve England's spatial planning conundrum?', Town planning review., 88 (3). pp. 283-303. Available at: <http://dro.dur.ac.uk/19564/1/19564.pdf?DDD2+gpzi32+d700tmt>

at a 'larger than local' level in order to support economic recovery meeting housing need and demand, sustainable transport, regeneration, sustainable development and growth, investment in infrastructure, biodiversity loss, climate change and reducing inequality⁵⁶.

4.120 The UK2070 Commission which conducted an independent inquiry into the deep-rooted spatial inequalities within the UK⁵⁷ identifies that the centralised systems of administration have reinforced inequalities in the UK. The report notes that:

'the constraints on regional economic performance are created by a vicious circle of inadequate infrastructure, restricted access to resources and a lack of institutions to take strategic decisions locally.'

4.121 The report goes on to recommend:

'England needs a new regional framework to facilitate a strategic approach to address regional issues e.g. infrastructure priorities, environmental systems and the management of regionally devolved funding. This should be built around four pan-regional frameworks in the North, Midlands, South West and the Wider South East of England complementing the roles and responsibilities for regional and sub-regional bodies.'

4.122 The report highlights the role of regional frameworks in addressing some of the key issues faced within the UK and addressing the challenges of greenhouse gas emissions reductions, and economic development and tackling inequality.

⁵⁶ House of Commons Communities and Local Government Committee Abolition of Regional Spatial Strategies: A Planning Vacuum. Second report of Session 2010-11. Available at: <https://publications.parliament.uk/pa/cm201011/cmselect/cmcomloc/517/517.pdf>

⁵⁷ An independent inquiry into the deep-rooted spatial inequalities within the UK. Final Report published February 2020 Available at: <http://uk2070.org.uk/wp-content/uploads/2020/02/UK2070-EXEC-SUMMARY-FINAL-REPORT.pdf>

Conclusions

4.123In conclusion, the case studies illustrate a range of different approaches to regional planning. However, the main common theme is that regional planning primarily sets out guidance for lower governmental tiers and serves as an umbrella organisation. A few of the case studies (Canada, Germany, Finland and Italy) indicate that establishing a separate body that deals with regional planning management is helpful and encourages more coordination between different governmental tiers.

4.124Participation includes the involvement of different governmental levels, public and private sector, Indigenous and Aboriginal communities, experts and non-governmental organisations, and the participation process designed to engage with the wider public. The former has been described in more detail in the case studies of Canada (Lower Athabasca and Sahtu), Germany, Italy and New Zealand (Auckland). The Italian example of Lombardy explores the details of vertical and horizontal coordination across the governmental levels and with other organisations. Such collaborations take the form of Conferences during which different parties discuss issues within a region.

4.125Participation by the wider public tends to be typically through consultation processes that gives the public a number of opportunities to contribute during the planning process. The case study of Metro Council in Oregon, USA, presented an interesting and holistic approach as the authority has established a separate Office of Public Engagement and published a Public Engagement Guide.

4.126Canada, Germany and Italy have indicated that for the purposes of regional land use planning there may be a need to establish new regions within a province or a state. New

regional borders tend to be landscape- or issue-based to yield best results when managing and planning for land-use. The Lombardy regional plans are issue-based flexible regions that focus on addressing key issues in a certain area. Flexibility of the plan allows for the change of borders to be introduced upon evidence that the scale of the issue has changed.

4.127In terms of the status of the case study plans, none of the examples are voluntary. All of the plans were legally binding to a different degree. In some examples the actual plan was legally binding to all actors, in others the plan was advisory in nature, however it was founded on a selection of Acts and laws that were legally binding.

4.128The German example indicates that ensuring clear regulations across rural and urban areas is crucially important to avoid enlarging existing discrepancies between regions, especially while transforming of the planning system. This is particularly relevant in the Scottish context where climate change is a key driver and the role of the Just Transition Commission seeks to address inequalities.

4.129Governance tools have been presented in detail in a few cases, Lower Athabasca Regional Plan specifically showed that the responsible authority decided to take advantage of existing land use planning and management tools. It reviewed existing strategies and underlying plans to reassess their suitability to the new context and updated them as required.

4.130Lastly, there is some evidence suggesting that any change in the planning system must be in place for a longer period of time to produce measurable results. As it was indicated in the case of England, the short time period that the plans were in place, did not allow sufficient time for analysis and evaluation.

Chapter 5

Conclusions and Next Steps

Climate change

5.1 Although climate change and sustainability are themes within all of the plan examples, the emphasis on climate change is varied and is not typically identified as a key driver for the plan. The case studies also illustrated a stronger emphasis on climate change adaptation than mitigation. This means that they focus on adjusting to climate effects rather than reducing greenhouse gas emissions. The case studies therefore provide limited examples to inform the development of a climate change focused plan in Scotland, although emerging or recently updated plans such as those for King County or Uusimaa (awaiting publication summer 2020) may provide more useful examples.

Statutory basis for regional plans

5.2 All of the case study plans sit within a legislative framework and the majority of the case study plans, typically have a traditional planning role. The main exceptions to this are the resource focused plans of Lower Athabasca, Alberta, Canada and Waikato, New Zealand. There are no voluntary or informal plans within the case studies. The research did not identify evidence for why statutory status of the plans is most commonly chosen opposed to voluntary or informal plans, further research would be beneficial to find out more.

5.3 The study has focused on examples where regional planning is active, but in many places regional planning is under threat or has been abandoned. Attitudes to regional planning in the UK have reflected this with abolition of regional assemblies in England and earlier in Scotland. However, regional planning is longstanding in some of the case studies for example King County. There may be challenges associated with the overlap between existing planning functions and those of regional planning when introducing the regional planning tier, for example focusing on rural land use, rural economy, climate mitigation and adaptation, and nature.

Relationship with existing plans and strategies

5.4 The relationship of the case study plans with existing plans and strategies is of key relevance to the development of regional land use frameworks in Scotland. The case study countries do not always include a national or federal level planning framework. The majority of case studies also include municipal government, which typically sits below provinces or counties. There may be several tiers of administration within

the case studies. For example in Lombardy, municipalities form a province, and several provinces form the Lombardy region. It is worth noting that a common theme is that regional planning primarily sets out guidance for lower governmental tiers, however there is no equivalent regional or municipality governmental level in Scotland.

5.5 The case studies differ to Scotland where the National Planning Framework is a key document, and local authorities are the lowest tier of statutory planning (with the exception of locality plans, where these are produced). The difference in the levels of planning partly reflect the different scales of land area and population in the case study examples. The case studies are typically dealing with more populous regions, or land areas of a much greater scale than in Scotland.

5.6 The approach to regional planning in Canada and Lombardy, Italy illustrate the approach of two-tier regional planning, although the scale of the geography in Canada is much larger than can be compared with Scotland. The province wide land use framework, Alberta's Land Use Framework (LUF) which provides a strategic level framework by setting provincial outcomes for the regional plans. In Italy, Lombardy region is both extensive (comparable to Highland Council in area) but with a population of almost 10 million, nearly twice that of Scotland. The Lombardy Regional Plan provides the framework for the territorial regional plans. Lombardy is characterised by six regional territories with clear geographical rationality, and within this the Regional Territorial Plan, approved in 2018 identifies 33 homogeneous territorial areas. The case study from Italy illustrates the potential for regions to be defined based on shared characteristics and not administrative boundaries.

5.7 In Germany, the case study literature illustrates a range of different approaches to regional planning between the states. It also highlights some of the challenges of creating regional spaces alongside existing territorial and governance organisation, leading to the enlargement of development disparities between rural and urban areas.

5.8 EU Cohesion Policy and the EU Regional Development Fund focus on bridging gaps between regions and directly support development of regions. Specifically, Lombardy and Uusimaa regions have benefited from EU funding for these purposes. In Finland, the municipalities from the Helsinki – Uusimaa region have received the EU funding. Accordingly, they were the financiers of the Regional Council. Both areas have participated in the EU funding scheme for 2014 and 2020, however there is no evaluation available to date. Further investigation could be useful once this information is made available.

5.9 The case studies presented different approaches to establishing the boundaries of regions for land use planning. Some, as in the case of Helsinki – Uusimaa or Waikato and

Auckland have relied on already existing administrative boundaries. This illustrates the use of existing administrative boundaries for both planning focused and resource focused plans.

5.10 The case study examples of Lombardy in Italy and Alberta Province in Canada have established new regions as the basis for regional land use planning. In Lombardy specifically, a landscape-based approach has been used to determine issue-based geographical boundaries for the regional land use plan. The advantages of this approach include that the regional land use plan can be applied where regional level public administration that is responsible for land use planning is weak or non-existent. Landscape based regional plans may also allow greater focus on specific issues, potentially reducing the complexity of the plan content. However, landscape-based plans require the establishment of new institutions unrelated to existing structures to develop and perform the required plan making and partnership tasks. Landscape based plans may be easier to implement where they nest within existing administrative boundaries, for example sub-divisions of larger areas such as Highland, or the grouping of smaller scale local authorities. The creation of the two national parks in Scotland illustrated the challenges of creating a new boundary which cuts across existing administrative areas.

5.11 Regional plans based on existing regional geographies utilise existing structures which may be more resource efficient. This also supports alignment with existing plans and strategies, potentially streamlining the plan preparation process.

Role of guidance documents in implementing regional land use plans

5.12 The case studies identify the role of guidance both at a national level, above regional plans, and in the implementation of regional plans.

5.13 In Alberta, Canada regional land use planning is guided by the Alberta Land-Use Framework which sets out high level provincial outcomes that serve as guidance for the lower tier regional plans.

5.14 The role of guidance in regional plan delivery includes the Lower Athabasca Regional Plan which is supported by the Strategic Plan and the Implementation Plan that serve as guidance for decision makers in the region but are not legally binding.

5.15 In the Northwest Territories the guidance document *Finding Common Ground* is a renewed commitment to regional land use planning in the NWT, and is a commitment to promote ongoing dialogue and shared accountability with federal and Indigenous governments. It is intended to serve as

a guide for the territorial, Indigenous and federal governments to help with understanding each other's perspectives, setting directions and working between waypoints. Other guidance documents include guidance intended to facilitate greater consistency in the Government of the Northwest Territories decision-making and participation in land management, and guidance which specifies the government's criteria and decision-making processes for land use plans.

5.16 Metro Council has also published a Public Engagement Guide, that provides consistent guidelines to ensure people have meaningful opportunities to be involved in the regional planning process.

5.17 The case studies of Northwest Territories and Metro Council illustrate the potential requirement for guidance on public engagement and participation in regional land use partnerships and frameworks.

5.18 The case study examples of Lower Athabasca, Uusimaa and Waikato also illustrate the role of supporting documents alongside the Regional Land Use Plan, specifically the role of an implementation plan which provides the short-term action plan for the document.

Evaluation and evolution of the case study plans over time

5.19 All the plans considered for the case studies were prepared between 2013 and 2020. Limited evaluation of the plans has been published to date. Therefore, the research is unable to draw conclusions on the weight and influence of the regional plans.

5.20 However, two of the plan case studies for King County and Waikato are longstanding plans and provide information on how the plans have changed over time. Changes in plans over time may indicate areas which may be particularly relevant to the development of regional land use frameworks in Scotland.

5.21 The King County Comprehensive Plan dates originally from 1964 and has been subject to five major reviews. The changes from the two most recent reviews are summarised below to provide an indication of how the plan has evolved over time.

5.22 The 2016 update included:

- Stronger protection of the Forest Production District through policy changes
- Greater coverage of how Equity and Social Justice will shape County actions
- Stronger commitments to Climate Action.

5.23 The fourth significant revision of the plan in 2012 included:

- Integration with the King County Strategic Plan
- Greater focus on promoting public health
- Alignment with transport planning
- Improved policies on affordable housing and biodiversity
- Making links to the Strategic Climate Action Plan
- Alignment with the King County Open Space Plan

5.24 Overall the changes for the King County Comprehensive Plan appear to reflect changes in policy focus over time, but also a recognition of the need for the plan to align more closely with other existing plans and strategies.

5.25 The Waikato Land Use Plan (2019) case study is an updated version of the 2012 Plan. The updates made to the document in this period include:

- Increasing the information included on geothermal features;
- Including an alternative policy on the allocation and use of fresh water;
- Increasing protection of water quality in Lake Taupo to address issues caused by land management and nutrient discharge.

5.26 Reflecting the resource management-based focus of the Waikato plan, these changes reflect improving the evidence base in the plan and enhancing the strength of policies.

5.27 Overall these case studies indicate the importance of supporting alignment with existing plans and strategies from the outset of plan preparation and ensuring a comprehensive evidence base for plan preparation.

Regional Councils

5.28 Information on the structure of regional councils can inform the development of Regional Land Use Partnerships, and has been identified for Finland and Waikato, New Zealand. In Finland there are 18 regions which are statutory authorities. The officials are politicians elected by the member municipalities for a mandate of four years. Regional councils are required to oversee regional development and regional land use planning and produce:

- a Regional Strategic Plan (long term) and Programme (a four-year period)
- a Regional Land Use Plan (long term)
- a Regional Implementation Plan (annual)
- a Smart Specialisation - Research and Innovation Strategy.

5.29 The plans and programmes of regional councils have mandatory legal consequences

5.30 Regional councils also implement programmes supported by EU structural funds⁵⁸. The Finnish Regional Councils are joint regional authorities and their members are the municipalities in the corresponding geographical regions. The Regional Councils each receives its funding from its member municipalities. They also receive funds for regional development from the Government and the European Union. The councils operate according to the principles of local self-government and they articulate common regional needs, long term development goals and conditions for sustainable development⁵⁹.

5.31 An implementation plan is prepared every two years by the regional council in cooperation with other central government authorities, municipalities and other parties involved. It is reviewed on yearly basis⁶⁰.

5.32 The Waikato Regional Council was established in 1989 and amalgamated 40 former authorities including catchment boards, united councils, noxious plant authorities, pest destruction boards and drainage boards. The amalgamation of these authorities aimed to make local government more efficient, fair and accountable.

5.33 The responsibilities of the regional council include:

- regional planning and leadership
- regional civil defence
- regional land transport
- managing the effects of activities on air, soil, coastal and water resources
- regional research and investigation
- flood control and drainage
- animal and plant pest control
- environmental education.

5.34 The Waikato regional council therefore has a much broader role than envisaged for regional partnerships in Scotland. The council is supported by a ten-year vision (published 2020) which sets out six strategic priorities for the region, and three-year goals for success. The council is made up of 14 elected council members who work in committees and make decisions and/or recommendations on a variety of

matters which are then reported to or decided on by the full council once a month.

5.35 This illustrates that both case study examples of regional councils are made up of elected members. The Uusimaa example illustrates the role of the constituent municipalities as financiers. However, the structure of the regional councils in the case studies may also reflect that they have to deliver wider responsibilities than the preparation and delivery of the regional plan.

5.36 In relation to funding, only the Uusimaa example includes information on how the regional councils are funded, but no information has been identified on how funding is disseminated through the plans.

Timeframes and review periods

5.37 Comparison of the timeframes and review periods of the case study plans has been undertaken. Where information on the timeframe of the plan has been identified, this is typically for several decades (Auckland and Uusimaa are for 30 year periods and the Lower Athabasca Regional Plan is for 50 years). Other plans do not define a plan period but are prepared on a rolling cycle. All of the plans are subject to review, update or evaluation on a cycle below 10 years, and more commonly between two and five years.

5.38 A summary of the timeframes and frequency of review and update is provided in Table 5.1 below, which may provide useful context for regional land use plans in Scotland.

⁵⁸ OECD (2017) The Governance of Land Use: Country fact sheet Finland [online] Available at: <https://www.oecd.org/regional/regional-policy/land-use-Finland.pdf> [accessed 13/05/2020]

⁵⁹ Helisinki Uusimaa Regional Council. https://www.uudenmaanliitto.fi/en/regional_council/regional_councils_in_finland

⁶⁰ Ministry of Foreign Affairs and Employment of Finland (2020) Regional development and regional councils [website] Available at: <https://tem.fi/en/regional-councils> [accessed 13/05/2020]

Table 5.1: Regional plan timescales and update/review periods

Regional Plan	Timeframes of the plan	Frequency of review/update
Lower Athabasca Regional Plan	The Plan is for 50 years, but the strategic direction is set out every 10 years (the first 2012 – 2022).	The Plan is assessed every 5 years. The first Progress Report has been released after 3 years of implementation.
Sahtu Regional Plan 2013	Not specified	The Plan is reviewed every 5 years.
Helsinki – Uusimaa Land Use Plan 2050	For 30 years (2020 – 2050)	The regional plan is updated every 4 years, the strategic programme every 2 years and the implementation plan every year.
Alpine Valleys Regional Territorial Plan	2010 -	The first evaluation of the plan took place 2 years after its implementation (2012)
Franciacorta Regional Territorial Plan	No information	No information
The Auckland Plan 2050	For 30 years (2020 – 2050)	Plan consists of: the Unitary Plan, budget plans (the 10-year budget plan and annual budget plans) and local board plans (3 year plans that set out aspirations and priorities for the communities). The Auckland Plan 2050 monitoring framework consists of 33 measures. A 'scorecard' is prepared every year and a progress report every 3 years.
Waikato Regional Plan 2019	It is a long standing document and the latest version has been updated in 2019.	Regional Policy Statements are reviewed every 10 years. Regional Plan is supported by annual plans. Strategic direction is revised every 3 years.
Metro Council Regional Plan Framework	The first plan was adopted in 1997 and accordingly amended in 2005, 2010 and 2014.	The Regional Framework Plan is reviewed every 7 years, unless the Councils sees a necessity of updating it earlier.
King County Comprehensive Plan 2016	The Plan has been in place since 1964 and frequently reviewed over the years.	Reviewed every 8 years.

Key themes for regional land use frameworks in Scotland

5.39 Key themes that have emerged from the case studies identify the following considerations for regional land use planning in Scotland:

- Regional land use frameworks need to align with higher tier plans and strategies, and to set a legally binding framework for lower tier plans and strategies. In order to achieve this there is a need to establish mechanisms for vertical and horizontal integration to allow coordination of activities both between regions and with national and local government.
- Regional land use frameworks need to have clearly defined functions and structures for local cooperation.
- Regional land use frameworks need to achieve a balance between urban and rural areas and to avoid creating inequality or disparity.
- Regional land use frameworks need to be balanced alongside existing governance structures to ensure that there are no overlaps or competing interests within the regions.
- Regional land use frameworks need to support collaboration across different institutions and organisations and the inclusion of communities in the planning process.
- Regional land use frameworks need to ensure the commitment of all stakeholders to the plan.
- Regional Councils should serve as a regional joint authority and promoter of interests where lower tiers of governance become members and financiers of the joint authority.

5.40 Additionally, key themes relevant to legitimacy include:

- the use of digitalized maps and GIS for creating regional land use plans;
- meaningful stakeholder engagement;
- taking local knowledge and traditional land management approaches into account in determining land use of an area;
- the requirement of regional plans to have a general structure which is sufficiently flexible to reflect regional differences;
- importance of a landscape-based approach that accounts for regional differences in environmental and economic conditions;
- importance of ecosystem services approach in determining green infrastructure networks

5.41 Table 5.2 overleaf provides a summary of some of the key elements of the case study examples which may be of particular relevance to the Scottish context.

Table 5.2: Summary table of comparable aspects to Scotland’s regional land use planning

Aspect	Case Study	Commentary
Status of the plan	Across all case studies	Regional planning primary sets out guidance for lower governmental tiers and serves as an umbrella organisation. All of the plans or frameworks are supported by relevant policies that have statutory powers, although the plans may have a guidance role.
Area covered by the plan	Helsinki – Uusimaa Finland; Lombardy, Italy; Waikato, New Zealand; King Country, Washington State, USA	Geographical scale of the case studies (Helsinki, Lombardy, Waikato and King County) are the most similar to the Scottish context.
Key focus of the plan	Helsinki – Uusimaa, Finland	The plan gives a significant focus to climate change, sustainability and ecosystem services. Green infrastructure mapping has been utilised to prepare the land use plan and designate and protect green areas that deliver the most valuable ecosystem services.
	Franciacorta, Italy	This regional plan is an example of reconciliation of economic development, social census and environmental sustainability.
	Helsinki – Uusimaa, Finland	The regional plan reconciles national, regional and local policy objectives and needs. However, there is a lack of detailed information from the case study on how this process works, further investigation can be useful.
	Auckland, New Zealand	Provides a good example of how a regional plan can directly addresses the effects of climate change through climate adaptation.
	Sweden	Swedish planning system widely uses the ecosystem services approach in land use planning.
Role of the regional land use framework	Alberta Province, Canada	Alberta’s Land Use Framework sets out provincial outcomes for regional plans, it sits alongside other provincial level strategies for water, air and climate change. It established 7 new regions for land use planning purposes.
Content of the plan	Alberta Province, Canada	The regional plan consists of the Strategic Plan, the Implementation Plan and the Regulatory Details. It also uses the existing planning tools by reviewing and updating so that they fit with the new objectives of the regional plan.
Consultation process	All	All of the case studies presented a similar approach to consultation process, in most cases it is a three-phased consultation process in a form of workshops and

Aspect	Case Study	Commentary
		commentary on draft versions of the plans or frameworks.
	Northwest Territories and Metro Council	Additional consultation guidance has been prepared for these examples.
Parties involved in plans' preparation	Germany	Identifies the issue of political power infringing onto public administration performing land use roles, which is an issue to be avoided
Monitoring and evaluation	-	Lower Athabasca Regional Plan is the only regional plan from the investigated cases that has been evaluated. See recommendation for future research.

Recommendations for future work to improve the evidence base

5.42 The case study review has identified a range of information for each example, however there is less information available on some aspects which are relevant to the Scottish context and further research may improve the evidence base.

5.43 The case study review has identified that there is less information on issues relevant to legitimacy. This includes information on the effectiveness of the plans and the extent to which they influence local decision making. There is also a lack of information on the extent to which community and stakeholder engagement meaningfully influences the plans.

5.44 The three case studies of Germany, Italy and Sweden which are based on literature have provided a degree of synthesis of the issues around the plan examples in these three countries. For the other plan examples, the review of the plan material alone does not provide evidence of the successes or shortcomings of the plans. As such, the German case study has shed light on the issue of political power infringing on the public administration of land use planning and has suggested how such issues can be avoided. The Italian case study has presented the issue of the size of municipalities and accordingly how lack of a sub-national governmental tier leads to significant discrepancies between national and local government and also across the regions. In Sweden, the key issue of the regional planning was the participation of local government in the planning process which compromised public participation.

5.45 The following recommendations for future work have been identified in order to support finding on legitimacy:

- A focused literature search and review should be undertaken of regional planning in a range of international contexts to identify literature sources which provide additional critique of regional planning models.
- Detailed consultation with those involved in developing and implementing regional plans. LUC contacted the case study contacts to request further information, but this was not successful.
- Analysis of the ecosystem services of green infrastructure to confirm the best approach to establish regions' boundaries (administrative or landscape-based).

5.46 The case study analysis has identified limited information on the role of funding for the regional planning authorities. Only the case of Helsinki – Uusimaa identified that the 26 municipalities from the region who are members of the Regional Councils are also its financiers. Additionally, the case studies of Lombardy and Helsinki – Uusimaa have

partially been funded by the EU Regional Development Fund between 2014 and 2020. The funding mechanisms may also impact on the effectiveness of plan development and implementation. Further investigation of funding and resourcing for the plan development and implementation could be undertaken.

5.47 Many of the case study plans have been only approved in 2019-20, for example Auckland and therefore the time has not elapsed for review to have been undertaken. It would be beneficial to analyse evaluations of the plans once they are available. Potentially, interviews with responsible planners could deliver valuable information in shorter timescales.

5.48 The case studies have identified limited information on the process of reconciliation of international, national, regional and local interests. It could be useful to conduct interviews with relevant planners to get more practical and detailed information.

5.49 The participation of different governmental tiers and other public and private organisations in the plan preparation process has been presented in the Italian case study where it takes the form of national and regional conferences. However, further investigation into the detail of this process could be beneficial.

Appendix A

Case Studies

Canada

Alberta Province

Lower Athabasca Region Plan 2012-2022

Land-use planning in Canada

A.1 Canada as a federal state, has three key levels of government: national, provincial (territorial) and local. The Canadian constitution defines the division of power between the federal government and provinces. Provinces have the full autonomy over land-use planning and to create their own framework legislation that structures their planning systems. As a result, land-use planning in Canada is broadly comparable across provinces, however important differences occur. Within territories, power tends to be delegated to local governments.

A.2 There is no national level spatial plan in Canada, however all provinces and territories will have at least one regional plan. Such plan normally sets out high-level objectives and policies for a region in regard to land-use, growth management, environmental protection, regional-scale infrastructure and economic development. Except for these commonalities, the plans will differ across provinces⁶¹.

Regional land-use planning in Alberta

A.3 Alberta's Land-Use Framework (LUF) was implemented as a new set of land-use guidelines to respond to increasing demands of growing population and economy. The Framework was implemented in 2008 to set out a new approach to managing the province's land and resources with the aim to achieve long-term economic, environmental and social goals. It has set out three high-level provincial outcomes that serve as guidance for the regional plans.

⁶¹ OECD (2017) The Governance of Land Use: Canada [online] Available at: <https://www.oecd.org/regional/regional-policy/land-use-Canada.pdf>

Land-use Framework – Provincial Outcomes:

- Healthy economy supported by our land and natural resources;
- Healthy ecosystems and environment; and
- People-friendly communities with ample recreational and cultural opportunities.

A.4 The LUF compliments the province's water and air policies – Water for Life (2003) [updated in 2008⁶²], the Clear Air Strategy (1991) [updated in 2012⁶³], and Alberta's 2008 Climate Change Strategy⁶⁴.

A.5 The LUF has established seven new land-use regions (Lower Peace, Upper Peace, Lower Athabasca, Upper Athabasca, North Saskatchewan, South Saskatchewan, Red Deer) within Alberta province and it called for the development of a regional plan for each of them.

A.6 To date, only two regional plans have been implemented: the Lower Athabasca Regional Plan (2012-2022)⁶⁵ and the South Saskatchewan Regional Plan (2014 – 2024).

A.7 The Lower Athabasca Regional Plan (LARP) is designed to help achieve the three desired province-wide outcomes of the Land-Use Framework. The regional vision describes the desired future state of Lower Athabasca Region, and it is consistent with the outcomes and principles of the Land-Use Framework.

A.8 Figure A.1.1 presents the hierarchy of land-use planning in Canada from the national to the regional plan levels using the examples of the Lower Athabasca Regional Plan.

A.9 The Lower Athabasca Regional Plan includes a range of actions and strategies to be taken by the local government to deliver the objectives of the plan. Strategies pre-dating the implementation of the regional plan require re-assessment as to whether they are still suitable and if not they must be updated by the respective authorities. Moreover, the regional plan lists a range of new strategies and actions that are required for the success of the regional plan. Both groups of

strategies and actions are discussed in more detail in the following paragraphs.

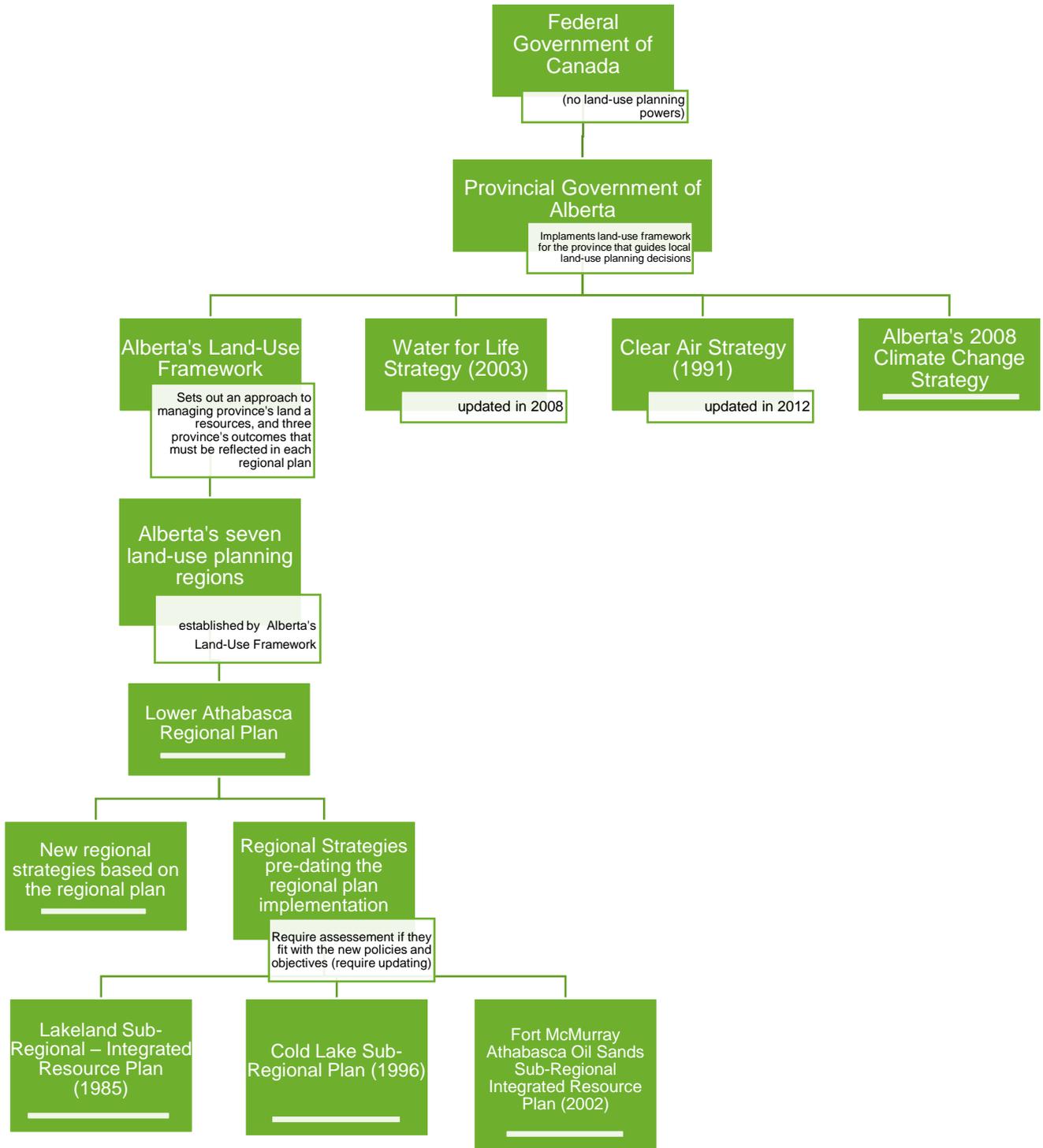
⁶² Alberta Government (2008) Water for life: a renewal [online] Available at: <https://open.alberta.ca/dataset/16e373f7-35c6-438c-8028-b9ab7e3e2fee/resource/bd7930bf-da3b-449a-8630-ef0b11dde99e/download/waterforlife-renewal-nov2008.pdf>

⁶³ Alberta Government (2012) Clearing the Air [online] Available at: <https://open.alberta.ca/dataset/bc18d01f-5e4e-4cc2-8668-f43782258915/resource/1d0ab909-6d06-4f02-9f29-f35dbe7fe19a/download/5909071-2012-clearing-air-albertas-renewed-clean-air-strategy-2012-10-09.pdf>

⁶⁴ Alberta Government (2008) Alberta's Climate Change Strategy [online] Available at: <https://open.alberta.ca/dataset/e86a9861-aa19-400e-bb7a-909ef8ccfe46/resource/ad5754f4-cc7f-40bf-a2ad-0775bd83ba7e/download/4063885-2008-albertas-2008-climate-change-strategy.pdf>

⁶⁵ Alberta Government (2012) Lower Athabasca Regional Plan 2012 – 2022 [online] Available at: <https://landuse.alberta.ca/LandUse%20Documents/Lower%20Athabasca%20Regional%20Plan%202012-2022%20Approved%202012-08.pdf>

Figure A1.1: National to regional level land-use planning hierarchy in Canada illustrated for Alberta and Athabasca



Area covered by the Regional Plan

A.10 Lower Athabasca Region covers about 93,212 square kilometres. This area accounts for approximately 15% of Alberta's total land. The region covers a significant land area that is 45 times larger than Stirling Local Authority however with a similar population size. Lower Athabasca has a sparsely distributed population and significant forest areas.

- Lower Athabasca encompasses three municipal areas:
- Regional Municipality of Wood Buffalo;
- Lac La Biche County; and
- Municipal District of Bonnyville, including the City of Cold Lake.

Economic, environmental and social characteristics of the region

Local economy

A.11 The economy of the region has experienced growth for the last two decades. It is mainly based on extraction of natural resources and power generation, the industries of secondary importance are tourism and services. The key industry for the region is extraction of oil sands. Lower Athabasca has approximately 82% of all oil sand resources of the Alberta Province within its boundaries. The region aims to exploit the resources for the purposes of energy security and economic development. The industry offers a significant number of job opportunities for the local communities, including aboriginal peoples.

A.12 Other economically important industries for Lower Athabasca are natural gas, timber, metallic and mineral, and hydroelectricity generation industries.

A.13 The regions natural landscapes that include lakes, rivers and forests also attract a significant number of tourists visiting the region each year.

Natural environment

A.14 The majority of the region is within Boreal forest, deciduous, mixed wood and coniferous forests, extensive wetlands, lakes and streams.

A.15 The region is of key natural heritage importance as it serves as breeding grounds and staging areas for birds during the migration and over-wintering periods. Some of the land based species, such as woodland caribou, that spend periods of time in the region are also at risk.

A.16 Similarly, river basins in the region are important over-wintering, spawning and rearing grounds for fish. Rivers are also the main source of water to oil sand extraction and mining activities.

Social characteristics

A.17 Growth in natural resources extraction has attracted a growing population into the region. Populations within the three municipalities of the region have doubled between 1999 and 2007.

A.18 The region is also home to 12 First Nations and two Metis Settlements. First Nations lands are vested in the Crown and administered by the federal government. The two Metis Settlements have their unique form of government.

Vision for the Lower Athabasca Region

A.19 *"The Lower Athabasca Region is a vibrant and dynamic region in Alberta. People, industry and government partner to support development of the region and its oil sands reserves. Economic opportunities abound in forestry, minerals, agriculture, infrastructure development, the service industry and tourism. The region's air, water, land and biodiversity support healthy ecosystems and world-class conservation areas. Growing communities are supported by infrastructure and people can enjoy a wide array of recreation and cultural opportunities".*

Policy background

A.20 The structure of land use planning in the region of Lower Athabasca is shown in Figure A1.2. Alberta's Land-Use Framework serves as a guideline for all regions within Alberta Province. Accordingly, each region is required to set out its vision, regional outcomes, objective and strategies that will reflect the principles of the Land-Use Framework. Each region must prepare its regional plan, and the Regulatory Details Plan becomes the law in that region.

Structure of land use planning in the region of Lower Athabasca.

A.21 The Regional Plan is prepared by the Government of Alberta in collaboration with the three Municipal Councils, the Lower Athabasca Regional Advisory Council, and then consulted on with the wider community. The Land Use Secretariat was established to manage the project and to be responsible for engaging with the communities.

A.22 The Regional Plan utilises a cumulative effects management approach (outcomes-based; place-based; knowledge-based; adaptive; shared stewardship) to balance economic development and social and environmental considerations. Additionally, the plan establishes monitoring, evaluation and reporting commitments to assess progress.

A.23 In Alberta, regional plans apply to Crown and private lands in the region. Planning on private lands is primarily governed by Municipal Government Act and instruments made under its authority. Crown lands include lands that are administered as public lands under the Public Lands Act, parks under the Provincial Parks Act and highways under the Highways Development and Protection Act. On public lands, direction under the LARP will be delivered through existing legislation such as the Public Lands Act, the Forests Act and the Provincial Parks Act and through existing tools such as integrated resource plans, access management plans and forest management planning.

A.24 Within the Lower Athabasca Region, there have been three resource plans in place pre-dating the regional plan:

- Lakeland Sub-Regional – Integrated Resource Plan (1985);
- Cold Lake Sub-Regional Plan (1996); and
- Fort McMurray Athabasca Oil Sands Sub-Regional – Integrated Resource Plan (2002).

A.25 The regional plan requires that within 2 years the plans will be reviewed for their relevance and incorporated as appropriate under the implementation strategies in the LARP or future sub-regional or issue-specific plans.

A.26 Additionally, there are several guiding documents pre-dating the implementation of the regional plan, all of which will be assessed for inclusion in the LARP implementation.

Status of the plan

A.27 The regional plan is to be implemented by those who already make land-use decisions (institutions who have legal authority to grant some form of statutory consent such as a development permit, a water license or a project approval) and they include:

- Alberta government departments;
- boards and agencies; and
- other organisations.

A.28 Under the implementation of LARP, local governments are required to ensure that their regulatory instruments comply with and their local policies are informed by LARP.

A.29 The Regional plan consists of the Strategic Plan, the Implementation Plan (Table 2.1) and the Regulatory Details Plan. The provisions of the LARP Implementation Plan and Strategic Plan are not legally-binding, they rather serve as a guidance for decision-makers within the region. LARP Regulatory Details Plan is legally binding, is enforced as law, and the provisions of the LARP Regulatory Detail Plan bind the Crown, decision-makers, local government bodies and (subject to section 15.1 of the Act), all other persons.

A.30 Table A.1.1 lists all of the strategies that are required to be implemented by the regional plan. The Regional Plan has expanded on the three Provincial Outcomes which were set out by the Alberta Land-Use Framework and determined several Regional Outcomes for the Lower Athabasca Region. Each of the regional outcomes has its clear objectives and it is followed by a list of strategies or actions. Accordingly, each strategy or action is assigned to a respective ministry of Alberta's Government who is responsible to deliver it. The last two columns show whether an action or strategy is bounded by a deadline or shall be performed on an ongoing basis. The last column, on the far-right shows whether there has been any progress in the implementation since the release of the regional plan (based on the progress report)

Table A1.1 Regional Outcomes and Strategies

Provincial and Regional Outcomes	Objectives	Strategies	Lead Ministry (Government of Alberta)	Timeline (yearend)	Progress (based on progress report 2015 ⁶⁶)
	Healthy economy supported by our land and natural resources				
Regional Outcome 1: The economic potential of the oil sands resource is optimised.	-	Alberta Provincial Energy Strategy	Energy	Ongoing	Ongoing
		Responsible Actions: A Plan for Alberta's Oil Sands	Energy	Ongoing	Ongoing
		Improved regulatory process	Energy/Environment Sustainable Resource Development	Ongoing	Ongoing
		Sub-regional plan using a strategic environmental assessment approach for the south Athabasca oil sands areas	Environment Sustainable Resource Development	2013	Deferred to 2016
		Connecting the Dots: Aboriginal Workforce and Economic Development in Alberta	Human Services	Ongoing	Ongoing
Regional Outcome 2: The region's economy is diversified	Maintain and diversify the region's forest industry; Maintain and diversify the region's agricultural industry; Tourism potential of the region is optimized; Opportunities for the responsible exploration, development and extraction of energy, mineral and coal resources are maintained; Opportunities for the responsible development of surface minerals resources are maintained on public lands;	Prevent future shortfalls in timber supply	Environment Sustainable Resource Development	Ongoing	Ongoing
		Wildfire management planning initiatives	Environment Sustainable Resource Development	Ongoing	Ongoing
		The Alberta Forest Products Roadmap to 2020	Environment Sustainable Resource Development	Ongoing	Ongoing
		Lakeland Country Designation Development Strategy and Tourism Opportunity Plan	Tourism. Parks and recreation	2015	Deferred to 2017
		Enhance and expand the supply of tourism products and infrastructure	Tourism. Parks and recreation	Ongoing	Ongoing
		Tourism development nodes	Tourism. Parks and recreation	2015	Deferred to 2017
		Tourism opportunity assessments for Quarry of the Ancestors, Bitumont and Fort Chipewyan	Tourism. Parks and recreation	2014	Deferred to 2016

⁶⁶ Government of Alberta (2017) Land-Use Framework Regional Plans Progress Report: a review of our progress in 2015 [online] Available at: https://www.landuse.alberta.ca/LandUse%20Documents/LUF%20Progress%20Report%202015%20Final_2017-11-29%20PUBLIC.pdf [accessed on 12/05/20]

Provincial and Regional Outcomes	Objectives	Strategies	Lead Ministry (Government of Alberta)	Timeline (yearend)	Progress (based on progress report 2015 ⁶⁶)
		Scenic Byways Network	Tourism. Parks and recreation	2015	Completed
		Clarity in rules for physical access to energy, mineral and coal resources	Environment Sustainable Resource Development/Energy	Ongoing	Ongoing
		Promote new investment in energy, mineral and coal resource development	Energy	Ongoing	Ongoing
Healthy ecosystems and environment					
Regional Outcome 3: Landscapes are managed to maintain ecosystem function and biodiversity.	Enhance the regional network of conservation areas to support biodiversity and ecosystem function; Regional biodiversity objectives are developed for various indicators of terrestrial and aquatic biodiversity in the region; Land disturbance impacts to biodiversity should be avoided or mitigated; Increase the rate of reclamation and enhance the reduction of tailing ponds.	Create new conservation areas on provincial Crown land	Environment Sustainable Resource Development/Tourism. Parks and recreation	As soon as practicable	As soon as practicable
		Manage existing conserved lands	Environment Sustainable Resource Development/Tourism. Parks and recreation	Ongoing	Ongoing
		Develop a biodiversity management framework	Environment Sustainable Resource Development	2013	Deferred to 2016
		Develop a landscape plan for public lands in the Green Area	Environment Sustainable Resource Development	2013	Deferred to 2016
		Complete tailings management framework	Environment Sustainable Resource Development	Ongoing	Ongoing
		Implement the progressive reclamations strategy	Environment Sustainable Resource Development	Ongoing	Ongoing
Regional Outcome 4: Air and water are managed to support human and ecosystem needs.	releases from various sources are managed so they do not collectively result in unacceptable air quality; water quality in the Lower Athabasca River is managed so current and future water uses are protected; groundwater quality is protected from contamination by maintaining conditions within the range of natural variability and not exceeding established limits; groundwater resources continue to support human and ecosystem	Implement the Air Quality Management Framework for the Lower Athabasca Region	Environment Sustainable Resource Development	Ongoing	Ongoing
		Implement the Surface Water Quality Management Framework for the Lower Athabasca River	Environment Sustainable Resource Development	Ongoing	Ongoing
		Complete and implement the Groundwater Management Framework for the Lower Athabasca Region	Environment Sustainable Resource Development	2014	Deferred to 2018
		Complete an updated surface water quality management framework	Environment Sustainable Resource Development	2012	Completed

Provincial and Regional Outcomes	Objectives	Strategies	Lead Ministry (Government of Alberta)	Timeline (yearend)	Progress (based on progress report 2015 ⁶⁶)
	needs, and the integrity of the regional flow system is maintained.	for the Lower Athabasca River			
People-friendly communities with ample recreational and cultural opportunities					
Regional Outcome 5: Infrastructure development supports economic and population growth.	the region's infrastructure and land base available for development are planned to facilitate population and economic growth and efficient use;	Use Comprehensive Regional Infrastructure Sustainability Planning (CRISP) to augment and facilitate planning where oil sands development causes growth pressures	Energy	Ongoing	Ongoing
		Ensure opportunities for future routes and siting for pipeline gateways, transmission corridors utility and electrical transmission corridors are maintained	Energy/Transportation	Ongoing	Ongoing
		Critical economic linkages to markets	Transportation/Enterprise & Advanced Education	Ongoing	Ongoing
Regional Outcome 6: The quality of life of residents is enhanced through increased opportunities for recreation and active living.	Provide a wide range of recreation and tourism opportunities that meet the preferences of regional residents and visitors;	Designate new provincial recreation areas to address growing demand for recreational opportunities	Tourism, Parks and Recreation	As soon as practicable	As soon as practicable
		Create public land areas for recreation and tourism that contain unique features or settings	Tourism, Parks and Recreation/Environment Sustainable Resource Development	As soon as practicable	As soon as practicable
		Develop the regional parks plan for the Lower Athabasca Region	Tourism, Parks and Recreation	2013	Deferred to 2016
		Develop the Lower Athabasca Regional Trail system Plan	Tourism, Parks and Recreation/Environment Sustainable Resource Development	Ongoing	Ongoing
		Collect regional data including completion of recreation and tourism inventory, a scenic resource assessment inventory and a regional recreational demand and satisfaction survey	Tourism, Parks and Recreation	Ongoing	Ongoing
Regional Outcome 7: Inclusion of aboriginal	to encourage aboriginal peoples' participation in land-use planning and input to decision-making in recognition of the cultural and economic	Continue to consult with aboriginal peoples in a meaningful way when governments decisions may adversely affect the continued exercise of	Tourism, Parks and Recreation/Environment Sustainable Resource Development/Aboriginal Relations	Ongoing	Ongoing

Provincial and Regional Outcomes	Objectives	Strategies	Lead Ministry (Government of Alberta)	Timeline (yearend)	Progress (based on progress report 2015 ⁶⁶)
peoples in land-use planning.	importance of land use to those aboriginal communities with constitutionally protected rights;	their constitutionally protected rights.			
		Invite First Nations expressing its interest in the Richardson Backcountry to be involved in a sub-regional initiative called the First Nations-Richardson Backcountry Stewardship Initiative (Richardson Initiative)	Tourism, Parks and Recreation/Environment Sustainable Resource Development/Aboriginal Relations	Ongoing	Ongoing

Table Source: Alberta Government (2012) Lower Athabasca Regional Plan 2012 – 2022, Table 2 pp. 70 - 72 [online] Available at: <https://landuse.alberta.ca/LandUse%20Documents/Lower%20Athabasca%20Regional%20Plan%202012-2022%20Approved%202012-08.pdf>

Who is responsible for adopting and updating it?

A.31 The Government of Alberta working in collaboration with the Land Use Secretariat, the Lower Athabasca Regional Advisory Council (that includes members of the First Nations and Metis communities) and the three Municipal Governments are responsible for adopting and updating of the plan.

Consultation process

A.32 The Plan used a three-phase consultation process which gathered:

- Input on region's issues;
- feedback on the advice from the Lower Athabasca Regional Advisory Council;
- feedback on Government of Alberta Draft Lower Athabasca Integrated Regional Plan.

A.33 Parties involved in the plan's preparation

- The regional plan has been informed by:
- the Lower Athabasca Regional Advisory Council;
- First Nations and Metis communities;
- stakeholders;
- municipalities of Government of Alberta include Energy, environment and Sustainable Resource Development, Human Services, Tourism, Parks and Recreation, Transportation, Enterprise & Advanced Education, and Aboriginal Relations; and
- the public.

A.34 Specifically, in terms of community engagement, the Government of Alberta has consulted with 21 First Nations and 9 Metis communities on the LARP. The Government of Alberta together with Land Use Secretariat established Aboriginal Consultation Coordination Group with representatives of each of the First Nations. Then, the Metis Communities Engagement Plan was developed.

A.35 Land Use Secretariat has set up meetings with First Nations and Metis organisations which were also attended by representatives from governmental departments such as Sustainable Resource Development; Environment and Water;

Energy; Intergovernmental, International and Aboriginal Relations; and Tourism, Parks and Recreation.

A.36 An objective consulting company has been contracted to take notes from all the meetings. A total of 107 meetings were held. Additionally, several First Nations and Metis organisations submitted written responses to the Government of Alberta on the draft Lower Athabasca Regional Plan and a vision for the region⁶⁷.

A.37 As a result of the consultation process, the LARP increased the amount of land protected from development, including the areas where a particular First Nation exercises treaty rights.

Monitoring and evaluation processes

A.38 The Plan is far-sighted, and it is meant to guide decisions-makers for the next 50 years. It sets out strategic direction for the next 10 years and it is meant to be assessed every 5 years.

A.39 Local governments must comply with the plan within 5 years of its implementation. Decision-making bodies must comply with the plan within 2 years.

A.40 The evaluation of the regional plan has been released in 2015 in a form of a progress report⁶⁸. It has assessed which of the strategies are on track, have been completed or are delayed. Out of 35 strategies to which the region has committed, 27 were on track or completed and 8 were deferred. There has been an increase in the number of deferred strategies from 5 reported in 2013.

Plan's strengths and weaknesses

Strengths

- Regional plans consider economy, environment and society all together and try to bring benefits to all.
- Regional plan serves as an umbrella policy that oversees the progress of all the other strategies and policies.
- Inclusion of aboriginal peoples' perspectives on the regional plan (community engagement).

⁶⁷ Alberta Government (2013) Response to Aboriginal Consultation on the Lower Athabasca Regional Plan [online] Available at: <https://landuse.alberta.ca/LandUse%20Documents/Response%20to%20Aboriginal%20Consultation%20on%20the%20Lower%20Athabasca%20Regional%20Plan%20-%202013-06.pdf> [accessed 12/05/20]

⁶⁸ Government of Alberta (2017) Land-Use Framework Regional Plans Progress Report: a review of our progress in 2015 [online] Available at: https://www.landuse.alberta.ca/LandUse%20Documents/LUF%20Progress%20Report%202015%20Final_2017-11-29%20PUBLIC.pdf [accessed on 12/05/20]

Weaknesses

- Insufficient focus on future climate change impacts, lack of inclusion of ecosystem services in terms of climate change adaptation and mitigation (potentially because the plan is trying to balance all economy, environmental and social goals).
- Significant focus on extracting tar sands compromises the ability to address climate change and environmental degradation caused by land use change.
- Short-term environmental gains focused around the extraction of oil sands, natural gas and other mineral resources may be counterproductive to environmental protection and biodiversity in long-term scales.

Lessons for Scotland

- Latitude, similar climate change impacts (flooding);
- Differences between regions and differences within regions (economy and population density).

Northwest Territories

Land use planning in Northwest Territories

A.41 Northwest Territories is one of only two jurisdictions in Canada with a consensus system of government (instead of one based on party politics). The Legislative Assembly (LA) is the seat of elected government and the members are directly elected every 4 years from each of 19 ridings⁶⁹. All members of the LA are elected as independents and shortly after the election they meet as a Caucus to set priorities for that Assembly. The Premier and Cabinet are selected by the Members of the LA. The Premier is then responsible for assigning portfolios to Cabinet Ministers and establishing mandates based on the priorities of the LA. Ministers work with the whole Caucus and, with other Ministers, or as individuals. They discuss policy, consider new laws, and work on budget estimates. Individually, they are department heads, ensuring laws administered by their departments are enforced⁷⁰.

A.42 The Department of Lands supports land use planning to guide decision-making about what activities should take place

on public lands in the Northwest Territories by developing a territorial Land Use Planning Policy Framework.

A.43 The Department leads the territorial government's participation in the development, approval, and periodic review of regional land use plans pursuant to Aboriginal land, resources and self-government agreements in the Northwest Territories.

A.44 The Land Use Planning Policy Framework (Land Use and Sustainability 2014) is a vision document that sets out the thinking about land use in the Northwest Territories and it lays out the new direction for the Government of Northwest Territories as a land owner and responsible land manager.

Guiding principles

- **Balanced and sustainable:** land management decisions consider ecological, social, cultural and economic values to ensure maximum benefits to current and future generations;
- **Responsible and responsive:** land management decisions are taken in the context of sound environmental stewardship, where all society takes responsibility to maintain a healthy environment and ecological integrity;
- **Respectful:** land management decision-making respects Aboriginal and Treaty rights, as well as third-party land interests and legal rights;
- **Relevant and informed:** decisions about land and resources within the NWT are made primarily by residents of the NWT⁷¹.

A.45 Land use plans define where certain activities can take place and determine the effect of human impacts on the landscape. They are also used to assign special areas of spiritual, ecological and cultural importance for protection, and areas designated for development.

A.46 Land use plans are used to establish regional zones and broad criteria to help evaluate and screen project proposals as part of regulatory permitting processes.

A.47 Zoning provisions identify the following:

- Areas that are well suited for industrial development;

⁶⁹ Legislative Assembly of the Northwest Territories (2020) What is Consensus Government? [online] Available at: <https://www.ntassembly.ca/visitors/what-consensus> [accessed on 18/06/2020]

⁷⁰ Government of Northwest Territories (2020) The Premier and Cabinet [online] Available at: <https://www.gov.nt.ca/en/premier>

⁷¹ Northwest Territories Government (2014) Northern lands, northern leadership [pdf] Available at: https://www.lands.gov.nt.ca/sites/lands/files/resources/land_use_and_sustainability_framework_updated_email.pdf [accessed on 19/05/2020]

- Areas that can support development while respecting specific cultural or ecological values; and
- Areas where, for cultural or ecological reason, development is prohibited⁷².

A.48 The Government of Northwest Territories is responsible for review and approval of regional plans under the Mackenzie Valley Management Act.

Government of Northwest Territories (GNWT) role

A.49 The Department of Lands is mandated to coordinate the Government of Northwest Territories' participation in planning processes. **Table A1.2** summarises the departmental roles during a planning process

⁷² Northwest Territories Government (2020) Land use planning in the NWT [website] Available at: <https://www.lands.gov.nt.ca/en/services/land-use-planning-nwt> [accessed on 19/05/2020]

Table A1.2: Summary of GNWT's departmental roles during a planning process

Department(s)	Role(s)
Lands (Land Use Planning Unit)	Coordinate the GNWT's involvement; Provide expertise on planning process and practice; Chair and Secretariat for Interdepartmental Working Group;
Headquarters Representatives from core departments*: Lands, Environment and Natural Resources, Industry, Tourism and Investment, Transportation (*occasionally Education, Culture and Employment)	Participate early in defining vision, goals, and plan options Review and comment on plans Communicate interests in planning region Communicate implementation interests Provide legislative requirements and considerations Review plans based on mandate and technical considerations of the department
Regional Offices of core departments: (Lands, Environment and Natural Resources, Industry, Tourism and Investment, Transportation)	Regional guidance on a plan's vision and goals Review and comment on plans Provide practical, region-specific advice and insight
All departments (generally)	Review and comment on mandate-specific items
Justice	Provide legal advice and legal opinions
Aboriginal Affairs and Intergovernmental Relations	Provide advice on how plans relate to land claim implementation Provide advice when a plan may impact the rights of adjacent Aboriginal governments or organizations Provide s.35 consultation advice
Executive	Provide advice and analysis on Cabinet submissions
Issue-specific departments: Education, Culture and Employment, Industry, Tourism and Investment, Municipal and Community Affairs, Public Works and Services, Finance, Transportation	Provide issue-specific guidance towards plan development Provide guidance on a plan's vision and goals Analyse financial implications of plan implementation prior to Cabinet or Financial Management Board submissions Contribute as needed to amendments or five-year reviews
Health and Social Services	Observer role Occasional input to case-specific issue as requested by the Working Group or a planning partner

Table Source: Government of Northwest Territories (2016) Regional land use planning: guidelines on what to expect from the GNWT [pdf] Available at: https://www.lands.gov.nt.ca/sites/lands/files/resources/regional-land-use-planning_guidelines_final-september-19-2016.pdf

Finding Common Ground⁷³

A.50 In 2015, the Department of Lands created the NWT Land Use Planning Forum to provide a vehicle for Indigenous, regulatory, territorial and federal planning partners to meet annually, build shared understanding and renew the commitment to land use planning across all regions of the NWT.

A.51 Finding Common Ground (2019) is a renewed commitment to regional land use planning in the Northwest Territories. It is also a commitment to promote ongoing dialogue and shared accountability with federal and Indigenous governments.

A.52 This document is intended to serve as a guide for the territorial, Indigenous and federal governments to help with understanding each other's perspectives, setting directions and working between waypoints. The objectives set out by the Finding Common Ground approach are grouped into three different perspectives: **shared responsibility, common ground and ongoing renewal.**

⁷³ Government of Northwest Territories (2019) Finding Common Ground: a renewed commitment to regional and use planning in the Northwest Territories [pdf] Available at:

https://www.lands.gov.nt.ca/sites/lands/files/resources/lup_stratetic_approach_web_ready_2_0.pdf [accessed on 19/05/2020]

Table A1.3: Objectives of Finding Common Ground

Shared responsibility	Common ground	Ongoing renewal
Shared investment and stronger business case	Accounting for planning outcomes	Stabilizing support for Indigenous planning activities
Building government-to-government planning partnerships	Culturally appropriate planning resources	Improving integration with resource management planning
Collective responsibility of regulators for tracking and reporting	Dialogue and information sharing	Jointly develop terms of reference for planning
Understanding traditional and current land use and occupancy	Progress on social, cultural and economic goals of planning areas	Third party training and funding partnerships
	A.53 Partnerships with Indigenous governments to strengthen capacity for planning	

Table Source: Government of Northwest Territories (2019) Finding Common Ground [pdf] Available at: https://www.lands.gov.nt.ca/sites/lands/files/resources/lup_strategic_approach_web_ready_2_0.pdf [accessed on 19/05/2020]

Economic, environmental, and social characteristics of the region

Economic characteristics

A.54 The Northwest Territories economy is largely reliant on resource industries and follows a "boom and bust" pattern. As prices for non-renewable resources go up or down, prospects for exploration also change.

A.55 Historically, the key economic activity in the Northwest Territories has been gold mining, however over the last 15 years the focus of mining activities shifted to diamonds. However, the majority of diamond mines in the region are scheduled for closure in the next decade. There is no other mineral exploration activity at the moment, the Mackenzie Valley Pipeline Project intended to transport natural gas across the region was cancelled in 2017 and the population of the Northwest Territories is stagnating. The region will need to look for new economic opportunities in the near future⁷⁴.

Environmental characteristics

A.56 Exploration and development of resources result in landscape changes that can be semi-permanent, such as roads and pipelines. The economic health of the territory is linked to the use of ecosystem services, which can be disrupted by a changing climate or by past economic decisions.

A.57 Wildland fires are normal phenomena in northern forests. They reduce forest pest populations and rejuvenate the forests. However, longer growing seasons are resulting in longer wildland fire seasons.

Social characteristics

A.58 The NWT population has not experienced a rapid increase as seen in some other regions of Canada. The population is generally ageing, and people tend to move to urban areas. Approximately 75% of NWT residents live in medium to large communities. The proportion of NWT people who can speak Aboriginal languages is steadily declining.

Sahtu Land Use Plan 2013⁷⁵

Regional land use planning in Sahtu region

A.59 The key guiding legislation in the region is based on Sahtu Dene and Metis Comprehensive Land Claim Agreement and the Mackenzie Valley Resource Management Act. The first one is a modern treaty between the Sahtu Dene and Metis and the Crown in right of Canada. It recognizes the treaty rights of the Sahtu Dene and Metis and are affirmed by Canada's Constitution. It provides Metis and Sahtu Dene communities with the right to participate in decision-making concerning the use, management and conservation of land, water and resource. The second document enacted an integrated system of land and water management that incorporates land use planning, environmental impact assessment and review, and the regulation of land and water use through associated institutions of public government.

A.60 The Sahtu Land Use Plan provides broad direction to community organizations, governments, regulators and applicants about how land (including water and other resources) will be conserved, developed and used within the Sahtu Settlement Area (SSA). The Plan outlines which land use activities are appropriate, where, and under what conditions.

A.61 The Plan outlines a vision and goals for the conservation, development and use of land within the Sahtu Settlement Area. Also, it addresses a range of social, cultural, economic and ecological values.

A.62 The Plan consists of:

- Implementation Guide: contains information requirements, interpretation and criteria for conformity determinations to guide applicants and regulators in their implementation of the Plan's Conformity Requirements.
- Background Report: includes all background information that is not essential to the interpretation or implementation of the plan.
- Action Plan: outlines the Board's perspective on its monitoring role and provides additional information and guidance on actions, recommendations, and other initiatives to advance the land use plan.

A.63 The key goals of the Plan:

⁷⁴ Government of Northwest Territories (2020) Economic Opportunities Strategy [online] Available at: <https://www.iti.gov.nt.ca/en/economic-opportunities-strategy#:~:text=Over%20the%20last%2015%20years.economic%20growth%20over%20this%20period.>

⁷⁵ Sahtu Land Use Planning Board (2013) Sahtu Land Use Plan [pdf] Available at: https://sahtulanduseplan.org/sites/default/files/final_sahtu_land_use_plan_april_29_2013.pdf [accessed on 19/05/2020]

- Maintain the ecological integrity of Sahtu Settlement Area.
- Maintain or enhance the cultural identity of Sahtu Settlement Area.
- Increase community capacity and decision-making authority in land and resource management.
- Increase the economic self-sufficiency of the region through sustainable development.

Content of the regional plan

A.64 This land use plan consists of:

- 13 legally binding General Conformity Requirements: which are to be implemented through the issuance of licences, permits, other authorizations, and dispositions that regard: land use zoning; community engagement and traditional knowledge; community benefits; archaeological sites and burial sites; watershed management; drinking water; fish and wildlife; species introductions; sensitive species and features; permafrost; project-specific monitoring; financial security and closure and reclamation.
- 6 legally binding Special Management Conformity Requirements that include: protection of special values; the Great Bear Lake Watershed; fish farming and aquaculture; disturbance of lakebed, uses of Sentinel Island Conservation Zone and Water Withdrawal.
- 4 non-binding Actions for various assigned to various bodies that include: establishment of Sahtu Land Use Working Group, inspection and enforcement of priorities, providing access to wildlife information and water withdrawals; and
- 4 non-binding Recommendations for air quality, climate change, community land use monitoring, and incidental harvest.

A.65 The approach of the Plan is to zone all areas proposed for protection – including initiatives for Parks Canada to establish a national park or to acquire a national historic site. A change in boundary or status of an area being proposed for protection affects the Plan's zoning and will require a Plan amendment.

Land use zoning

A.66 The Plan establishes land use zones which provide flexibility to land and resource management by allowing

different rules to be applied to different areas according to need. This Plan establishes four zones and recognized Established Protected Areas:

- General Use Zones;
- Special Management Zones;
- Conservation Zones;
- Proposed Conservation Initiatives;
- Establishes Protected Areas.

Area covered by the plan

A.67 The Plan applies to the Sahtu Settlement Area that covers 41,437 square kilometres.

Status of the plan

A.68 The Sahtu Land Use Plan provides legally binding direction to regulators, land owners and applicants. Additionally, the Plan provides direction to various bodies through Actions, to be implemented outside the regulatory process. By approving the Plan, the approving parties agree to make reasonable efforts to carry out the Actions directed at them. The Plan also includes non-binding Recommendations for the consideration of applicants and regulators.

Consultation process

A.69 "For all land use activities, community organisations and potentially affected community members must be adequately engaged with respect to:

A.70 The proposed activities;

- Specific locations and issues of concern, including important heritage resources; and
- Traditional knowledge that is relevant to the location, scope and nature of the proposed activities.

A.71 The proposed activities must be designed and carried out with due regard for the community concerns and incorporate relevant traditional knowledge".

A.72 This Plan recognizes that regional planning is most successful when the residents have the opportunity to do their own internal planning first, to decide for themselves how they want to their lands, waters and other resources conserved, developed or used.

Monitoring and evaluation processes

A.73 The Sahtu Land Use Plan is reviewed every 5 years.

A.74 The monitoring process is divided into two streams:

- Stream 1: Monitoring addresses the following three questions:
 - Is the Plan being implemented fully and appropriately (by the bodies responsible for implementation)?
 - Would further clarification assist in accurately interpreting and implementing the Plan?
 - How is the Plan affecting the regulatory system (is it having the desired outcome)?
- Stream 2: Focuses on monitoring the progress towards the Plan vision and goals. Monitoring tracks indicators to assess the status of key values captured in the vision and goal statement.

Plan's strengths and weaknesses

Strengths

- Provides a legally binding direction;
- Inclusion of Aboriginal people's perspectives.

Weaknesses

A.75 The region's key economic activities involve extraction of resources what may pose serious challenges when trying to balance environmental, social and economic needs.

Lessons for Scotland

A.76 *'Finding Common Ground'* highlights the need for clarity on how community values will be reflected and stresses the importance of the communities in giving communities the ability to deliver land use plans.

England

A.77 In 2004, England introduced Regional Spatial Strategies (RSS) through the Planning and Compulsory Purchase Act to bridge the gap between local planning policy and national objectives. England was divided into 9 regions and regional planning bodies were responsible for preparing of the RSS. In this context, local authorities were still required to prepare local development plans, but these plans had to conform to the Regional Spatial Strategy and national policy.

A.78 The Local Democracy, Economic Development and Construction Act 2009 aimed at simplifying of the regional planning process by combining RSS with other regional strategies (e.g. economic growth and housing) into a Single Regional Strategy.

A.79 RSSs bridged the gap between local planning issues determined by local planning policies and nationally-determined policy aspirations, such as housing or renewable energy⁷⁶.

A.80 Regional plans were criticised as being an unnecessary layer of bureaucracy, undemocratic and imposing housing allocation numbers of individual councils. Eventually, in 2010 the new coalition government abolished regional planning and moved towards localism by introducing Localism Act 2011⁷⁷.

A.81 Following revocation of the regional strategies in England (outside London), strategic planning is now the responsibility of unitary, district or borough councils. Authorities are expected to address strategic issues in local plans and demonstrate how this has been managed through the 'duty to co-operate' set out in Section 110 of the Localism Act. This applies to all local planning authorities, national park authorities and county councils in England. The duty:

- relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a county council;
- requires that councils set out planning policies to address such issues;

- requires that councils and public bodies 'engage constructively, actively and on an ongoing basis' to develop strategic policies;
- requires councils to consider joint approaches to plan making⁷⁸.

A.82 The abrupt termination in 2010 of Regional Spatial Strategies (RSS) left England as the only major country in North Western Europe, without effective sub-national governance structures (outside London) for spatial planning⁷⁹.

A.83 Combined authorities were introduced by the Labour Government in the Local Democracy, Economic Development and Construction Act 2009. A combined authority (CA) is a legal body set up using national legislation that enables a group of two or more councils to collaborate and take collective decisions across council boundaries. To date ten combined authorities have been established in urban areas.

⁷⁶ House of Commons Communities and Local Government Committee Abolition of Regional Spatial Strategies: a planning vacuum Second Report of Session 2010-2011. Available at:

<https://publications.parliament.uk/pa/cm201011/cmselect/cmcomloc/517/517.pdf>

⁷⁷ Planning Help (no date) Sub-national planning [online] Available at:

<https://www.planninghelp.cpre.org.uk/planning-explained/sub-national-planning> [accessed on 16/06/2020]

⁷⁸ Local Government Association and Planning Advisory Service Simple Guide to Strategic Planning and the Duty to Cooperate. Available at: <https://www.local.gov.uk/sites/default/files/documents/simple-guide-strategic-pl-557.pdf>

⁷⁹ McGuinness, D. and Mawson, J. (2017) 'The rescaling of sub-national planning : can localism resolve England's spatial planning conundrum?', *Town planning review.*, 88 (3). pp. 283-303. Available at: <http://dro.dur.ac.uk/19564/1/19564.pdf?DDD2+gpzt32+d700tmt>

Finland

Land-use planning in Finland

A.84 The Land Use and Building Act defines the land use planning system, and contains provisions to ensure the environmental, economic, social and cultural sustainability of planning in Finland. Along with the Local Government Act, which sets out the responsibilities of municipalities, they form the framework legislation for land-use planning. Additionally, the Nature Conservation Act and the Environmental Protection Act set out important restrictions on land use. The Ministry of Environment issues the national land use guidelines which guide regional land use planning⁸⁰.

A.85 Finland, as a unitary country, is divided into 18 regions and 311 municipalities. The regional councils which serve as statutory municipal boards (except for the island of Åland that has the status of an autonomous regional government and is in addition to the 18 regional councils). The regional councils are statutory authorities. The officials are politicians elected by the member municipalities for a mandate of four years.

A.86 The national level of the government adopts the framework legislation that structures the planning system and other relevant legislation. It may also adopt national land use and regional spatial structure objectives. The national government also provides guidance on the land-use planning process and the regulation of building activities and indirectly influences spatial policy through its Centres for Economic Development, Transport and the Environment (decentralised branches of the national administration).

A.87 Regional councils are required to oversee regional development and regional land use planning and produce:

- a Regional Strategic Plan (long term) and Programme (a four year period)
- a Regional Land Use Plan (long term)
- a Regional Implementation Plan (annual)
- a Smart Specialisation - Research and Innovation Strategy.

A.88 The plans and programmes of regional councils have mandatory legal consequences. In their own actions, local and national government authorities need to take account of the plans and programmes given by the councils.

A.89 Regional councils also implement programmes supported by EU structural funds⁸¹. The Finnish Regional Councils are joint regional authorities and their members are the municipalities in the corresponding geographical regions. The Regional Councils each receives its funding from its member municipalities. They also receive funds for regional development from the Government and the European Union. The councils operate according to the principles of local self-government and they articulate common regional needs, long term development goals and conditions for sustainable development⁸².

A.90 Regional land use plans are high-level and long-term and mainly focus on urban and green structures and transportation network. They serve as guides for municipal planning and other strategic planning of land use. The plans take into consideration and reconcile all international, national, regional and local interests⁸³.

A.91 Local governments (municipalities) are responsible for preparing Local Master Plans and Local Detailed Plans and issuing planning permissions and building permits.

A.92 Currently planned reforms of the land use planning system in Finland aim to ease planning restrictions and increase regional and local autonomy. As the reforms go forward, regional land-use plans will no longer require approval from the national government⁸⁴.

A.93 Figure A1.2 shows the hierarchy of land use planning in Finland from the national to the regional level.

⁸⁰ Helsinki-Uusimaa Regional Council 92020) Regional Land Use Planning [website] Available at: https://www.uudenmaanliitto.fi/en/development_and_planning/regional_land_use_planning/planning_system [accessed 13/05/20]

⁸¹ OECD (2017) The Governance of Land Use: Country fact sheet Finland [online] Available at: <https://www.oecd.org/regional/regional-policy/land-use-Finland.pdf> [accessed 13/05/2020]

⁸² Helsinki Uusimaa Regional Council.

https://www.uudenmaanliitto.fi/en/regional_council/regional_councils_in_finland
⁸³ Information from Ilona Mansikka, Regional Planning Manager at the Helsinki Uusimaa Regional Council [received via e-mail on 14/05/2020]

⁸⁴ OECD (2017) The Governance of Land Use: Country fact sheet Finland [online] Available at: <https://www.oecd.org/regional/regional-policy/land-use-Finland.pdf> [accessed 13/05/2020]

Figure A1.2: Land-use planning hierarchy in Finland



Source 1: https://www.uudenmaanliitto.fi/en/development_and_planning/regional_development

Helsinki – Uusimaa Region

Economic, environmental and social characteristics of the region

Economy

A.94 The region is the centre of Finland's economic activity, led by the service sector that employs approximately 82% of the local labour force. Secondary sector (production and manufacturing) accounts for 16.8% and primary sector (farming, forestry, fishing) for only 0.7%⁸⁵.

A.95 Uusimaa region ranks amongst the highest in Europe regarding creativity, knowledge, economy and productivity. The region accounts for 34% of all jobs in Finland⁸⁶.

Environment

A.96 The natural landscape of the region is characterised by forests, fields, waterways and coastline. One of the key environmental issues is the state of the sea water in the Gulf of Finland and the wider Baltic Sea which has been experiencing unprecedented levels of eutrophication caused by excessive use of fertilizers by the agriculture sector⁸⁷.

A.97 The region includes 300km of coast, which makes it particularly prone to coastal flooding, especially during storm surges.

Social characteristics

A.98 The region of Uusimaa has been experiencing population increase over the last decade. In 2016 18,000 additional people moved into the region of which, 77% are non-native speakers. It is forecasted that the population of the region may increase to approximately 2 million people by 2040.

A.99 Uusimaa Region ranks the seventh in the Social Progress Index (SPI) which measured regional wellbeing across 272 regions in European Union⁸⁸.

Regional challenges

A.100 The key regional challenges for Helsinki – Uusimaa are:

- Increasing population and structural dispersion that leads to an increasing need for travelling;
- Challenges related to competitiveness, both in terms of needing more workspaces and designated employment spaces and affordable housing for the employees;
- Dependency on private cars as a main mode of everyday travel;
- Complex challenges related to climate change impacts and ageing population⁸⁹.
- Regional land-use planning in Helsinki- Region

A.101 Currently, there are several regional land use plans in place within the Helsinki - Uusimaa region:

- Comprehensive Regional Land Use Plan for Uusimaa, which sets out the principles of the land use and the community structure in the former Helsinki – Uusimaa region;
- Comprehensive Regional Land Use Plan for Itä-Uusimaa, which directs the land use planning in the municipalities in the former Eastern Uusimaa Region;
- Phased Regional Land Use Plan for Uusimaa 1, which complements the Comprehensive Regional Land Use Plan for the parts of the plan concerning significant environmental hazards;
- Phased Regional Land Use Plan for Uusimaa 2 that directs the growth of the Metropolitan Region and revises and complements the regional land use plans for Uusimaa and Itä-Uusimaa;
- Phased Regional Land Use Plan for Uusimaa 3, which determines the location of the wastewater treatment plant in Espoo; and

⁸⁵ European Commission (2020) Helsinki-Uusimaa Region [online] Available at: <https://ec.europa.eu/growth/tools-databases/regional-innovation-monitor/base-profile/helsinki-uusimaa-region> [accessed 13/05/2020]

⁸⁶ Helsinki – Uusimaa Regional Council (2018) The Helsinki – Uusimaa Regional Program 2.0 [online] Available at: [https://www.uudenmaanliitto.fi/files/21428/Helsinki-Uusimaa_regional_programme_2.0_\(A40-2018\).pdf](https://www.uudenmaanliitto.fi/files/21428/Helsinki-Uusimaa_regional_programme_2.0_(A40-2018).pdf) [accessed 13/05/2020]

⁸⁷ Uusimaa Regional Council (2014) The Helsinki-Uusimaa Regional Program [online] Available at: https://www.uudenmaanliitto.fi/files/13281/Helsinki-Uusimaa_Regional_Programme_A31-2014.pdf

⁸⁸ Helsinki – Uusimaa Regional Council (2018) The Helsinki – Uusimaa Regional Program 2.0 [online] Available at: [https://www.uudenmaanliitto.fi/files/21428/Helsinki-Uusimaa_regional_programme_2.0_\(A40-2018\).pdf](https://www.uudenmaanliitto.fi/files/21428/Helsinki-Uusimaa_regional_programme_2.0_(A40-2018).pdf) [accessed 13/05/2020]

⁸⁹ Information from Ilona Mansikka, Regional Planning Manager at the Helsinki Uusimaa Regional Council [received via e-mail on 14/05/2020]

- Phased Regional Land Use Plan 4 that aims to be the most competitive region with good conditions for wellbeing.

A.102 These regional plans are supported by the Helsinki – Uusimaa Regional Programme which sets out the vision and the strategic objectives for development of the region in the context of economy, well-being and the environment⁹⁰.

Key Strategic Objectives of the Regional Programme

- Cradle for smart growth – foundation in sustainable development and intelligent solutions;
- Easy to reach and live and work in – emphasis on effortless transport, working and functioning, and an agreeable living environment; and
- Clean and beautiful – sensible use of natural resources, maintenance of biodiversity, and becoming carbon neutral.

A.103 Additionally, the Regional Programme is supported by Implementation Plans that are more concrete than regional strategic programmes as they contain the most important measures and projects. It sets out priority areas for national and European funding and also describes the measures concerning the region's cooperation areas and other joint regional measures. It is prepared every two years by the regional council in cooperation with other central government authorities, municipalities and other parties involved. It is reviewed on yearly basis⁹¹.

Role of the Helsinki – Uusimaa Regional Council

- Regional joint authority and promoter of interests;
- Authority for regional cooperation;
- Joint authority by law with 26 municipalities as members and financiers;
- Regional council as a part of the municipal administration;

- Tasks and responsibilities mainly directed by the Regional Development Act (and the Administration of Structural Funds) and the Land Use and Building Act;
- Delivers the regional plan and the regional programme⁹².

Content of a regional land use plan

A.104 A regional land use plan sets out a general framework for the more detailed local plans, which are prepared by the municipalities. The regional council must also ensure that the plan promotes the implementation of the national land use guidelines.

A.105 When the plan is being drawn up, special attention is given to the following:

- appropriate regional and community structure of the region,
- ecological sustainability of land use,
- environmentally and economically sustainable arrangement of transport and technical services,
- sustainable use of water and extractable land resources,
- operating conditions for the region's businesses,
- protection of landscape, natural values, and cultural heritage,
- sufficient availability of areas suitable for recreation.

A.106 Regional land use plans are legally binding, but nevertheless they leave plenty of scope for the municipalities to resolve local land use and development issues.

A.107 To ensure that regional land use plans provide suitable guidelines for the local plans, they are reassessed and updated regularly according to the changing conditions⁹³.

A.108 Uusimaa Regional Council is currently preparing the Helsinki-Uusimaa Regional Land Use Plan 2050 (the Regional Plan 4). The plan was anticipated to be approved by the Regional Council in summer 2020, but was delayed by the Covid-19 pandemic. It will replace the Comprehensive Regional Plan and the four Phased Regional Plans. It will consist of three legally binding regional plans for sub-regions:

⁹⁰ Uusimaa Regional Council (2014) The Helsinki-Uusimaa Regional Program [online] Available at: https://www.uudenmaanliitto.fi/files/13281/Helsinki-Uusimaa_Regional_Programme_A31-2014.pdf

⁹¹ Ministry of Foreign Affairs and Employment of Finland (2020) Regional development and regional councils [website] Available at: <https://tem.fi/en/regional-councils> [accessed 13/05/2020]

⁹² Information from Ilona Mansikka, Regional Planning Manager at the Helsinki Uusimaa Regional Council [received via e-mail on 14/05/2020]

⁹² https://www.ymparisto.fi/en-US/Living_environment_and_planning/Land_use_planning_system/Regional_land_use_planning

⁹³ https://www.ymparisto.fi/en-US/Living_environment_and_planning/Land_use_planning_system/Regional_land_use_planning

East Uusimaa, West Uusimaa and Helsinki Region and a structural vision of Uusimaa 2050 which will not be legally binding. The plan is going to steer the land use planning in the regions' municipalities⁹⁴.

A.109 For the first time, the regional land use plan will have two different levels; a strategic structural plan for the entire Helsinki-Uusimaa Region, completed by the three Phased Regional Land Use Plans. The structure plan will deal with the network of centres, the structures of densely populated areas, traffic connections and the most important green spaces. The plan will also include an order in which development directions are to be focused upon. The regional land use plans will deal with regional issues relevant to each region. These plans will be made for the Helsinki Metropolitan Region, the Eastern and Western Uusimaa⁹⁵.

A.110 The key reason for preparing three individual sub-regional land use plans is the fact that each subregion has a different starting point and it has different needs for steering the land use and this allows for the plans to give more local flexibility. However, the preparation of all three of them happens in close cooperation. Such division is based on areas for traffic system planning and other established regional cooperation⁹⁶.

A.111 Key targets of the Land Use Plan 2050:

- Steering sustainable growth and regional balance;
- Facing climate change and the sustainable use of nature and natural resources;
- Increasing welfare and attractiveness;
- Sustainable competitiveness.

Area covered by the plan

A.112 The planning area comprises the Helsinki Metropolitan Region, and Eastern and Western Uusimaa, and it consists of 26 municipalities⁹⁷. It is situated on the south coast of Finland and covers 9,568 square kilometres. In comparison to Scotland, it is roughly the area of the Central Belt in terms of the total land area. Uusimaa with only 3% of

national territory is the most populated area in Finland. Its current population reaches 1.7 million inhabitants (approximately 30% of Finland's total population)⁹⁸.

A.113 It is also the most urbanized region in Finland, however outside the metropolitan area there are still small towns, villages and rural areas.

Ecosystem services and green infrastructure

A.114 The new Land Use Plan 2050 (The Regional Plan 4) will concentrate on five themes of green infrastructure, business and innovation, logistics, wind energy and cultural heritage. During the preparation phase of the new plan, the regional case study on green infrastructure and ecosystem services in Helsinki – Uusimaa was implemented between 2016 and 2017 in cooperation with Uusimaa Regional Council. The results of this case study are directly utilised in the green infrastructure theme of the new plan. This study aimed at mapping green infrastructure and ecosystem services to include these as a part of the planning process and sustainable land use. The Regional Plan 4 will have a special role to integrate sustainable development, safeguarding biodiversity, ecosystem services and green infrastructure into land use planning and decision-making at all levels.

Challenges: avoiding potential future land use conflicts

A.115 The exercise of mapping green infrastructure and ecosystem services provides two areas of information. First it enables setting of the baseline, and second it provides information that will help avoid potential future conflicts between sustainable development and strong urbanisation. Mapping the supply of ecosystem services in the region identifies where there are the important green areas and where less harmful new building sites can be located⁹⁹.

Status of the Plan

A.116 The regional plans, as the highest-level plans, are long-term oriented and serve as guidelines for the municipalities when drawing up and amending local master plans and local detailed plans. The regional land use plans set

⁹⁴ Information from Ilona Mansikka, Regional Planning Manager at the Helsinki Uusimaa Regional Council [received via e-mail on 14/05/2020]

⁹⁵ https://www.uudenmaanliitto.fi/en/development_and_planning/regional_land_use_planning/under_way_helsinki-uusimaa_land_use_plan_2050

⁹⁶ Information from Ilona Mansikka, Regional Planning Manager at the Helsinki Uusimaa Regional Council [received via e-mail on 14/05/2020]

⁹⁷ Uusimaa Regional Council (2014) The Helsinki-Uusimaa Regional Program [online] Available at: https://www.uudenmaanliitto.fi/files/13281/Helsinki-Uusimaa_Regional_Programme_A31-2014.pdf

⁹⁸ Helsinki-Uusimaa Regional Council (2020) Regional Land Use Plans in force [online] Available at: https://www.uudenmaanliitto.fi/en/development_and_planning/regional_land_use_planning/regional_land_use_plans_in_force

⁹⁹ Vihinen (2018) Regional Plan 4: Integrating Ecosystem Services Mapping into Regional Land Use Planning [online] Available at: <https://rural-urban.eu/sites/default/files/S-HEL3%20Regional%20Plan%204%20-%20Integrating%20Ecosystem%20Services%20into%20Regional%20Planning.pdf> [accessed 14/05/2020]

out the principles of land use, the community structure, and designate areas that are needed for regional development. The regional plans are drafted and approved by Regional Councils¹⁰⁰.

A.117 Regional land use plans are legally binding, but nevertheless they leave plenty of scope for the municipalities to resolve local land use and development issues¹⁰¹.

Who is responsible for adopting and updating the plan?

A.118 The Helsinki – Uusimaa Regional Council and the 26 Municipal Councils.

Consultation process

A.119 Interested parties (landowners, those living and working in the plan area) in the regional land use plan areas are invited to contribute to the plan creation process through comments.

A.120 Consultations with the public take place on three occasions during the plan preparation process. First, during the initiation stage and goals setting, secondly the public is invited to comment on the draft report and lastly on the proposed plan¹⁰².

Parties involved in the plan's preparation

A.121 The plan is prepared by the Helsinki – Uusimaa Regional Council with the 26 municipal councils and other interested parties, who are involved through the consultation process.

Monitoring and evaluation processes

A.122 The Regional council is responsible for monitoring and evaluation of the plan progress. The Council updates the regional plan every four years, the strategic programme every two years and the implementation plan every year.

Plan's strengths and weaknesses

Strengths

- Comprehensive approach to economic development needs, well-being and environmental protection.

- Strong collaboration between different governmental departments at all different levels (housing, transport, land use planning).
- Climate mitigation and adaptation is at the core of the new land use plan.
- Ecosystem services approach to green infrastructure.

Weaknesses

A.123 Currently regional planning in Uusimaa region is rather complex and includes a range of different plans, however the process is meant to be simplified with the release of the new Land Use Plan 2050.

Lessons for Scotland

- Uusimaa region can be compared to the Central Belt in Scotland in terms of the total land area and the economic significance for the country.
- Finland, similarly, to Scotland is sparsely populated in the northern regions.
- There are similarities in terms of climate change risks, especially coastal flooding (further investigation of climate adaptation and mitigation will be useful).

¹⁰⁰ Helsinki-Uusimaa Regional Council (2020) Regional Land Use Planning [website] Available at: https://www.uudenmaanliitto.fi/en/development_and_planning/regional_land_use_planning/planning_system [accessed 13/05/20]

¹⁰¹ Finland's Environmental Administration (2020) Regional land use planning [website] Available at: <https://www.ymparisto.fi/en->

[US/Living_environment_and_planning/Land_use_planning_system/Regional_land_use_planning](https://www.uudenmaanliitto.fi/en-US/Living_environment_and_planning/Land_use_planning_system/Regional_land_use_planning) [accessed 13/05/2020]

¹⁰² Helsinki – Uusimaa Regional Council (2016) What is a regional land use plan? [online] Available at: https://www.uudenmaanliitto.fi/files/16094/What_is_a_regional_land_use_plan_2016.pdf

Germany

General overview

A.125 Spatial planning in Germany is organised at all governance levels - federal, state, regional, and local. At the federal level, there is a set of legally binding principles and guidelines that are prepared by the Conference of Ministers for Spatial Planning.

A.126 Although, Germany has a strong regional government in a form of constitutive states ('Länder') that in a European context, are often labelled as 'regions' its spatial development policy is mainly assigned to so called 'planning regions' ('Planungsregionen'), which are below the 'Länder' planning level. While the aim of regional plans (e.g. regional spatial structure plan) is to harmonise state development ambitions with local interests, local authorities (i.e. municipalities) make the final decisions on land-use designation for specific sites (e.g. buildings, parks, etc.).

A.127 At the state level, spatial planning instruments include state development plans and state spatial planning/development programmes, but these vary from state to state¹⁰³.

A.128 Even though municipalities have a certain level of decision-making autonomy, they are required to follow a very structured institutional and legal framework that determines legal responsibilities of the federal state (Bund), the states, and the municipalities. There is an intermediate governmental tier of districts (Kreise) in between the state and municipalities. They consist of several municipalities and coordinate responsibilities that are outside the scope of a single municipality.

A.129 A study¹⁰⁴ found that in Bavaria there are strong connections between land-use planning and public administration. Public administration serves as a governance tool that drives and delivers land-use planning objectives and guides decision-making for land-uses (and planning) and public interests. This study also found that there are regulations of cooperation within the administrative structure of German municipalities between staff, mayor and council and these regulations give them the choice on the manner and mechanisms of cooperation. However, in many cases functions are poorly defined and clearly interwoven. The study

concludes that lack of clearly defined functions may result in a poor separation of political power and the administrative management.

A.130 Within the administration of land-use planning, there is a power imbalance between urban and rural areas, that favours urban areas. This relates to the issuance of building permits that indicates that only municipalities with a population of over 250,000 have the legal powers to issue permits. As a result, urban areas and cities enjoy the right to control building permits and this stimulates urban advantage and deprives rural municipalities of regulatory development powers.

A.131 Land-use planning is not unified across Germany, and as a result there is no uniform structure for public administration for municipalities. Even in a single state of Bavaria, legislative processes of land use planning differ considerably between municipalities (and especially between urban and rural areas). Cities tend to be more professionally organised in respect of land use planning, whereas rural municipalities may require external experts to handle their land-use concerns. Equally, at the state level, governance of land-use planning varies between states. Therefore, this lack of uniformity prevents comparisons between municipalities.

A.132 Although this study focused on Bavaria, it sheds light on other parts of Germany and raises important questions regarding the German planning system and the role of the state. It suggests that a common assessment framework for determining the effectiveness of governance will be useful. Moreover, it recommends separation of political power from the administrative management to enable more adequate decision-making that will respond to new realities of land-use planning across municipalities. Lastly, it suggests that the administration of land management should be carried out in a more participative manner. Participation should not only be about citizens, but also practised in the spheres of administrative decision-making on land-use planning duties. This way, public administration will govern land-use planning in a more responsive manner to the growing needs of local societies¹⁰⁵.

A.133 Planning regions are defined by the states and their number and organisation varies. In most states (e.g. Bavaria, Brandenburg, Saxony-Anhalt) regional spatial planning is entrusted to special associations mainly set up by local authorities, and in others (e.g. Lower Saxony) it is assigned to

¹⁰³ Pahl-Weber, E. and Henckel, D., 2008. The planning system and planning terms in Germany: A glossary (No. 7). Studies in Spatial Development.

¹⁰⁴ Chigbu U. E., Vache K., (2015) Land -use planning and public administration in Bavaria, Germany: toward a public administration approach to land-use planning. Geomatics, Landmanagement and Landscape, No. 1, pp.7 – 17.

¹⁰⁵ Ibid.

counties, or other bodies (as seen in Hessen, North Rhine-Westphalia). In some states, like Saarland, regional planning has not been introduced¹⁰⁶.

A.134 According to the Federal Spatial Planning Act, regional planning is independent from state and local spatial planning. It deals with broad, supra-local, and cross-sectoral, long-term spatial development of a region. Depending on the state, regional plans (e.g. regional spatial structure plans, territorial development plans - the names differ between regions) can be ordinances, local government bylaws, and statutes of types of government measures¹⁰⁷.

A.135 In Germany, 11 metropolitan regions (e.g. Berlin/Brandenburg; Rhine-Ruhr; Central German, etc.) have been organised into political units for planning purposes. This emergence of new regional spaces alongside existing (territorial and governance) organisation, is creating overlaps, contradiction, and competing interests, and is leading to even greater development disparities between rural and urban areas in Germany¹⁰⁸.

A.136 The German spatial planning system is comprehensive and facilitates (cross-) sectoral integration as well as integration of sectoral ambitions with overall spatial planning. Separated/parallel actions of 'sectoral planning' (including transport and communications; utilities; defence; agriculture; and environmental protection and nature conservation) are (by law) coordinated and integrated within spatial planning mechanisms (e.g. urban land-use plans) at all levels (i.e. state, regional and, local)¹⁰⁹. Nevertheless, there is a high sectoral competition for (limited available) land in Germany with changes in sectoral policies significantly influencing land pressures. For example, the shift away from nuclear power to renewable energy sources, created the need for space to grow crops for biofuels. This not only increased the pressure on land but also created conflict between energy-crop cultivation and food production¹¹⁰.

A.137 This case study lacks detailed information on participation and public engagement in the process of plans' preparation.

Coverage of economic development, environment/climate and social needs in land use plans

A.138 Germany is the largest economy in Europe with great variations across states in land use patterns, as well as economic and demographic characteristics¹¹¹. Land use planning and management practices also differ considerably across the country¹¹².

A.139 Within spatial planning, sectors including transport and communications; utilities; defence; agriculture; and environmental protection and nature conservation are organised within so called 'sectoral planning'. Legislation on 'spatially significant' sectoral planning requires the coordination of sectoral planning activities within regional (i.e. planning regions), as well as state ('Länder') spatial planning, and land use planning at municipal level¹¹³.

A.140 Generally, the notion of land as a limited resource is growing in Germany with the increasing competition for land among the 'land use sectors', including settlements; transportation; agriculture; forestry; energy (particularly since the country's energy turnaround leading to the closure of nuclear power plants after the Fukushima disaster in 2011); and conservation. In 2012, 95% of Germany's total surface area was used by the land use sectors with conservation areas covering 3.8%¹¹⁴.

Coverage of the environment/climate

A.141 Germany has initiated a number of projects over the last decade to address climate mitigation and adaptation in spatial planning. Climate protection is considered within German spatial planning legislation. The Federal Spatial Planning Act demands the inclusion of general climate protection at higher planning levels (including planning regions). While the Federal Building Code requires climate protection to be considered in the municipal zoning and construction development plans¹¹⁵.

A.142 As urban areas are the hotspots of climate change impacts, German metropolitan regions are implementing various spatial strategies. For example, Berlin/Brandenburg

¹⁰⁶ Chigbu U. E., Vache K., (2015) Land-use planning and public administration in Bavaria, Germany: toward a public administration approach to land-use planning. *Geomatics, Landmanagement and Landscape*, No. 1, pp.7 – 17.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Harrison J., Growe A., (2014) From places to flows? Planning for the new 'regional world' in Germany. *European Urban and Regional Studies*, 21(1), pp. 21 – 41.

¹¹⁰ Steinhäuser, R., Siebert, R., Steinführer, A. and Hellmich, M., 2015. National and regional land-use conflicts in Germany from the perspective of stakeholders. *Land Use Policy*, 49, pp.183-194.

¹¹¹ Ibid.

¹¹² Pahl-Weber, E. and Henckel, D., 2008. The planning system and planning terms in Germany: A glossary (No. 7). *Studies in Spatial Development*.

¹¹³ Ibid.

¹¹⁴ Steinhäuser, R., Siebert, R., Steinführer, A. and Hellmich, M., 2015. National and regional land-use conflicts in Germany from the perspective of stakeholders. *Land Use Policy*, 49, pp.183-194

¹¹⁵ Wende, W., Huelsmann, W., Marty, M., Penn-Bressel, G. and Bobylev, N., 2010. Climate protection and compact urban structures in spatial planning and local construction plans in Germany. *Land Use Policy*, 27(3), pp.864-868.

metropolitan region has at city level adopted Urban development plan for climate¹¹⁶.

A.143 To address climate challenges the concept of an 'ecosystem services framework' is emerging regional as well as local spatial planning practices. A study by Albert et al. (2014)¹¹⁷ concluded that at a landscape and regional scale most spatial plans in Germany include and refer to several ecosystem services. However, the terms 'ecosystem services' or 'ecosystem services frameworks' are seldom explicitly considered.

Overview of strengths and weakness of the plan/planning practices

A.144 Regional planning (i.e. at the level of planning regions) plays an important role in the German spatial planning system. It is an important link between the development ambitions and perspectives of states ('Länder') and the land use planning decisions executed at the municipal level¹¹⁸.

A.145 The German spatial planning systems is comprehensive and facilitates (cross-)sectoral integration as well as integration of sectoral ambitions with overall spatial planning. Separated/parallel actions of 'sectoral planning' (including transport and communications; utilities; defence; agriculture; and environmental protection and nature conservation) are (by law) coordinated and integrated within spatial planning mechanisms (e.g. urban land -use plans) at all levels (i.e. state, regional and, local)¹¹⁹. Nevertheless, there is a high sectoral competition for (limited available) land in Germany with changes in sectoral policies significantly influencing land pressures. For example, the shift away from nuclear power to renewable energy sources, created the need for space to grow crops for biofuels. This not only increased the pressure on land but also created conflict between energy-crop cultivation and food production¹²⁰.

A.146 Due to the geographic as well as demographic and economic variety of states ('Länder'), the German spatial planning system is also quite flexible. 'Länder' have the autonomy to organise their own regional spatial planning (within spatial planning regions), depending on their specific circumstances and needs.

A.147 However, due to its complexity and variations in organisation and application, particularly of regional spatial planning, it is difficult to compare the effectiveness of spatial planning practices at regional level across the states ('Länder').

Key lessons for Scotland from the case study

A.148 Due to the complexity and organisational variations of German (regional) spatial planning practice, it would probably be challenging to implement a similar system in a different country.

A.149 Nonetheless, the system promotes spatial integration at two levels. Firstly, it facilitates cross sectoral integration and secondly, it facilitates the integration between sectoral and overall (state, regional, and local) spatial planning. German spatial planning could be a good example for RLUPs to support sectoral integration through (regional) spatial planning practice Scotland.

A.150 The German planning system is flexible, with the ability to adjust to different geographic, economic, and demographic characteristics of each territory. For RLUPs it could provide an example of how to address the differing needs of different areas through regional spatial planning (i.e. a more placed-based approach).

A.151 Germany provides an example of the challenges of limited availability and high competition for land among different sectors (e.g. transport and communications; utilities; defence; agriculture; and environmental protection and nature conservation), with changes in sectoral policies significantly influencing the pressures on land. To manage sectoral conflicts and address climate change, RLUPs in Scotland could have a key coordinating role in managing and balancing the sectoral demand for land through future spatial planning practice in Scotland.

¹¹⁶ Wende, W., Huelsmann, W., Marty, M., Penn-Bressel, G. and Bobylev, N., 2010. Climate protection and compact urban structures in spatial planning and local construction plans in Germany. *Land Use Policy*, 27(3), pp.864-868.

¹¹⁷ Albert, C., Hauck, J., Buhr, N. and Von Haaren, C., 2014. What ecosystem services information do users want? Investigating interests and requirements among landscape and regional planners in Germany. *Landscape Ecology*, 29(8), pp.1301-1313.

¹¹⁸ Pahl-Weber, E. and Henckel, D., 2008. The planning system and planning terms in Germany: A glossary (No. 7). *Studies in Spatial Development*.

¹¹⁹ Ibid.

¹²⁰ Steinhäuser, R., Siebert, R., Steinführer, A. and Hellmich, M., 2015. National and regional land-use conflicts in Germany from the perspective of stakeholders. *Land Use Policy*, 49, pp.183-194

Italy

General overview

Governance of land use planning in Italy

A.152 Italy, officially the Italian Republic, is one of the 27 EU member states. It is a unitary parliamentary republic. Currently it is divided into 19 regions and 2 autonomous provinces with regional powers, 110 provinces and approximately 8000 municipalities. Italy has 4 levels of government: national, regional, provincial, and local.

A.153 It is a unitary country, however its land use planning system follows a model generally common in federal countries, where regional laws and regulations serve as the main source of legal provisions outlining the planning process. In fact, there is a certain degree of regional autonomy, however the actual planning systems are similar across the country.

A.154 The national government provides guidelines for territorial development and it is also responsible for construction and management of infrastructure of national importance, protection of heritage sites and of the natural landscape. Italian constitution stipulates that the national government should prepare a framework law on planning, however no such law has been approved by parliament to date.

A.155 Italy has two levels of the sub-national government: regions and provinces. In the absence of national framework law, regional laws and planning acts define the structure and processes for local authorities which tend to vary from each other. Regional authorities together with the National Ministry of Cultural Heritage and Activities and Tourism prepare Regional Landscape Plans and Regional Territorial Plans. The second level of sub-national government, the provinces, are responsible for preparing the Provincial Territorial Coordination Plans that help managing land use decisions across municipalities and major infrastructure projects.

A.156 Regional authorities together with the National Ministry of Cultural Heritage and Activities and Tourism prepare Regional Landscape Plans and Regional Territorial Plans. The second level of sub-national government, the provinces, are responsible for preparing the Provincial

Territorial Coordination Plans that help manage land use decisions across municipalities and major infrastructure projects.

A.157 In Italy, urban and spatial decision-making is left almost entirely to the local level municipalities who prepare Local Development Plans. Precise details of the planning process will differ from region to region, however in cases when municipalities have less than 5000 inhabitants, they have to form inter-municipal co-operations to perform their land use planning¹²¹.

Vertical and horizontal co-ordination mechanisms

A.158 There are several vertical and horizontal co-ordination mechanisms in Italy. The State-Regions Conference serves as a forum to co-ordinate high-level spatial planning and environmental regulations issues between the national and the regional governments. At the municipality level, there are Service Conferences that help co-ordinating decision-making related to regulatory decisions that need to be approved by a number of agencies and service providers. They tend to serve as space for facilitating the planning of local service provisions and infrastructure delivery. They can also involve higher levels of governments if required. Programme Agreements are another form of vertical co-ordination mechanisms for special development projects that require co-ordination between different levels of government and enable municipalities to issue joint land-use plans¹²².

Role of municipalities in (regional) planning in Italy

A.159 Italian municipalities are virtually autonomous in their urban and spatial planning decision making, without being subject to almost any higher strategic supervision. In other words, decision-making powers are concentrated in the hands of almost 8000 small territorial authorities where various speculative interests, uncontrollability and dispersion of actions may exist¹²³.

A.160 A study¹²⁴ found that one of the key weaknesses of Italian planning system is the size of the municipalities as 55% of them are medium-small sized (< 25km²). It also suggests that the size undermines municipalities' potential for strategic visions that drives fundamental urban and spatial transformations. The study also found that geographical distribution of municipal size classes per region is clear-cut

¹²¹ OECD (2017) Land Use Planning – Country fact sheet Italy [online] Available at: https://read.oecd-ilibrary.org/urban-rural-and-regional-development/land-use-planning-systems-in-the-oecd_9789264268579-en#page136

¹²² Ibid.

¹²³Romano B., Zullo F., Fiorini L., Marucci A., (2019) Molecular No Smart-Planning in Italy: 8000 Municipalities in Action throughout the Country [online] Available at: <https://www.mdpi.com/2071-1050/11/22/6467/htm>

¹²⁴ Ibid.

and clustered. About 77% of the smallest municipalities in Italy (<10km²) are concentrated in three regions: Lombardy, Piedmont and Campania, simultaneously these municipalities have the highest urbanization density. In Lombardy, over half of the territory is managed by these small municipalities. The small size of the municipalities will limit the role they can play in spatial planning.

A.161 The Italian planning system is not only dispersed but also lacks access to modern digital planning tools hence, unable to fully address the most urgent environmental and socio-economic issues.

A.162 It is also argued that planning continuity over time is closely linked with the sensitivity of the regions. Lombardy, Emilia Romagna, and Tuscany are the only regions that have their municipal plans updated over the past 8 years. Municipalities in southern and central Italy are lagging considerably (some plans may date back 25 years).

A.163 Finally, it is suggested that Italy could benefit from re-organization of national and regional urban development legislation by assigning a decision-making role to regional land planning and reinstating a top-down approach, implementation, management and participatory roles to municipalities and excluding them (the municipalities) from decision-making and from a broader utilisation of GIS mapping¹²⁵.

Lombardy Region

A.164 In 2005, the regional authority of Lombardy passed the Territorial Government Law that enforces planning structures at municipal, provincial and regional level that address the issues of landscape protection and enhancement. Decision-making on the respective levels is required to be based on Strategic Environmental Assessments of plans and programmes and should be informed by Geographic Information System (GIS). In this context, a Regional Territorial Plan serves as a strategic and operative document that supports territorial governance in the region, links strategic visions of the general and sectoral planning to physical, environmental, economic and social issues and it provides SWOT analysis of local and territorial systems¹²⁶.

Examples of Area Regional Territorial Plans in Lombardy Region

A.165 Lombardy Region presents a specific geographical and administrative context. The area covers about 24,000 km² and is inhabited by 10 million people. The territory is divided into 11 provinces, one metropolitan area of Milan and 1,523 municipalities, which even in the Italian context is hugely fragmented.

A.166 The complexity of the area lies not only in the administrative structure but also in its physical environment which encompasses six distinguishable regional territories.

A.167 The Lombardy Regional Territorial Plan, approved in 2018, introduced a new division of the Lombardy territory in order to address a range of needs that included:

- The physical morphology of the regional territory;
- Recognition of the landscape and environmental systems;
- The selection of the rural elements that characterize local identity;
- The historical structure of the settlements and their evolution; and
- The existing infrastructural framework and the forecasts of new works.

A.168 The Lombardy Regional Territorial Plan (LRTP) provides guidelines for coordinated and effective actions regarding all the programming of the involved territorial entities and calls for an inventory of the needs and aspirations of the territory, guidelines for territorial changes to promote sustainable development, and countryside regulations to protect and maximize the territorial resources. LRTP is the territorial governance tool that ensures implementing and effective cooperation between the strategies of economic and social development, and safeguards environmental sustainability for part of the territory. It also takes a proactive approach in protecting and enhancing environmental components of the landscape.

A.169 In terms of provisions and the contents of the LRTP, it may have a direct and mandatory effect on the municipalities and provinces. Therefore, provinces, municipalities and other

¹²⁵ Ibid.

¹²⁶ Palazzoli C. (2018) Lombardy Region Territorial Context and Planning Structures [online] Available at:

https://www.interregeurope.eu/fileadmin/user_upload/tx_tevprojects/library/file_1527148038.pdf

local bodies should align their tools to the guidelines provided in the LRTP.

A.170 Regional Territorial Plans in Lombardy may focus on different aspects of planning, however in each case they will follow the baseline requirements outlined in the earlier paragraphs¹²⁷. To date the Lombardy Region has approved the following Territorial Regional Plans:

- Navigli Lombardy: aimed at promoting the development of several municipalities;
- Montichiari Airport: focused on coordinating the sustainable development of the Airport taking into consideration municipalities affected by its presence and its territorial effects;
- Media and Alta Valtellina: focuses on balancing the development of the area through the enhancement of the environmental heritage and the governance of economic opportunities;
- Alpine Valleys: aims at the enhancement of mountain areas, such as Orobie Bergamasche and the Valassina Plateau through economic and sustainable development; and
- Franciacorta: focuses on new solutions of territorial organisation to reduce consumption of and promote urban regeneration and the enhancement of cultural and landscape identities.

A.171 Lombardy Region is one of the receivers of Regional Operation Programme (ROP) 2014 – 2020 of the European Regional Development Fund (ERDF). The ERDF is one of implementation tools to achieve the aims of Cohesion Policy of the European Union for the period 2014 – 2020¹²⁸. The key aims of the programme are:

- Boosting competitiveness through research and innovation;
- Reducing carbon emissions through promotion of renewable energy and energy efficiency;
- Supporting sustainable mobility; and

- enhancing the attractiveness of the region with a particular focus on cities, environmental and cultural promotion.

A.172 The EU has invested over €210 million in the region, and the National Public Contribution accounted for an additional €321 million¹²⁹.

Alpine Valleys Regional Territorial Plan¹³⁰

A.173 Alpine Valleys Regional Territorial Plan involves 45 municipalities belonging to two provinces (Lecco and Bergamo), one Regional Park (Parco Regionale Orobie Bergamasche) and three mountain communities (Valle Brembanam Valle Seriana, and Valsassina-Valvarrone-Val d'Esino and Riveira). The total population of this area is about 47,100 people.

A.174 The Alpine Valleys area has been experiencing a range of challenges related with the relocation of economic activities and residence, the evolution of the real estate market and the 'second home' phenomena, and the tourism industry which brings significant imbalances to the mountain territory, however serves as an important economic resource.

A.175 The complexity of the above challenges requires development of an integrated approach to navigate through economic, social and environmental recovery. Moreover, the Plan was designed to be in line with the EU's requirements of a large strategic area plan in order to qualify for regional development funds. As a result, the Plan, identified 10 "settlement frameworks" that interpret different territorial structures and the impact of tourism development for the settlement. The overall aims for the Plan include:

- Enhance the value of the local identity;
- Promote a new model of development based on quality tourism;
- Promote new settlement patterns to economise the use of land.

5.50 Regional territorial planning uncovered three key challenges of the area that included:

- Multi-sectoral dimensions of the issues;

¹²⁷ Ibid.

¹²⁸ European Commission (2015) ERDF Regional Operational Program 2014 – 2020 [online] Available at: <https://ec.europa.eu/growth/tools-databases/regional-innovation-monitor/policy-document/erdf-regional-operational-programme-2014-2020>

¹²⁹ European commission (2020) Operational Programme 'Lombarida' [online] Available at: https://ec.europa.eu/regional_policy/en/atlas/programmes/2007-2013/italy/operational-programme-lombardia

¹³⁰ Adobati F., Garda E. (2020) "Governance, institutional stewardship and local identity: the Area Regional Territorial Plan experience in Lombardy" *Ciudades*, 23, pp.23-48. DOI: <https://doi.org/10.24197/ciudades.23.2020.23-48>

- The institutional framework with its administrative competencies being spread across different actors across provincial and municipal level; and
- Administrative and institutional culture may pose challenges encouraging regional coordination and cooperation.

Franciacorta Regional Territorial Plan¹³¹

A.176 Franciacorta Regional Territorial Plan is another example of regional plans from Lombardy Region. Franciacorta is located in the southern parts of Sebino in the Lombardy piedmont area. The region is known for its man-made territory characterized by economic productivity supported by a robust infrastructure system, and for its environmental and landscape values rich in architectural and cultural heritage sites. The region is internationally known for its wine production and "wine landscape". Franciacorta Regional Territorial Plan is divided into six distinctive geo-historical areas.

A.177 Franciacorta has adopted a multidisciplinary approach to its Plan to improve the decisions taken and the effectiveness of policies in the medium-long term and to propose integrated and systematic solutions to be implemented through the ordinary tools of territorial and urban planning.

A.178 The Plan seeks to direct decisions towards solutions that do not produce further soil-sealing while favouring the recovery of brownfield sites and improving already existing sites.

A.179 The key objectives of the Plan include:

- Reducing soil sealing and promote landscape regeneration;
- Promoting landscape attractiveness and territorial competitiveness;
- Foster accessibility and an integrated system of sustainable mobility.

A.180 These two examples show the beginning of the transformation of the Italian planning system. In both cases it is shown that there is a need to address issues and topics at a landscape-territorial scale in a way that goes beyond a single municipality border but compromises the intermediate administrative level (the Provinces). The Lombardy Area Regional Territorial Plans are unique to the Italian planning

system because they represent a shift from the pre-determined administrative borders of the Province level, to the identification of an area of interest according to specific conditions (e.g. marginality of the mountainous areas or the presence of a key node for transport and logistics).

A.181 Alpine Valleys and Franciacorta Regional Territorial Plans show that inter-municipal cooperation focused on long-term effects can build awareness around territorial vision. However, the key obstacles that need to be addressed include:

- Smaller municipalities tend to have constrained economic, technical and human resources;
- Medium-long term effects of Regional Territorial Plans may be jeopardized due to the short-term local administrations and potential loss of interest by local institutional aspects;
- Flexibility risks limiting the impact on real urban planning and planning processes;

A.182 Raising territorial awareness will only be the first step to long term effects of the plan which can only be achieved through coordination of the Plan, articulating, and using it¹³².

Role of partnerships, public participation, and consultation as part of regional land use planning

A.183 There is little information provided on the approach to partnership and public participation in the reviewed sources available in English.

Overview of strengths and weakness of the plan/planning practices

Strengths

A.184 Although area regional territorial plans are quite a new tool in the Italian regional planning, it appears that such solutions can help to ease some of the current issues by taking them into more holistic consideration of a wider area.

A.185 Regional Territorial Plans taking into consideration the economy, environment and social aspects of an area. Additionally, the importance of the identity of the place appears to be one of the characteristics which the Plan focuses on preserving and building its competitiveness on. However, it is unclear how much of the planning system transformation in Lombardy region is a result of internal

¹³¹ Ibid.

¹³² Ibid.

influences or the change is driven by the availability for EU regional funding.

Weaknesses

A.186 The idea of regional plans is not thoroughly developed across all Italian regions; hence it is difficult to conduct analysis between different regions.

Key lessons for Scotland

A.187 The context of the Alpine Valleys Regional Territorial Plan is similar to certain parts of Scotland where economic activity has been relocated and as a result of regions were depopulated. Some areas in Scotland may be temporarily depopulated due to 'second home' phenomena which directly impacts on local economies and housing prices. Additionally, tourism plays a key role in certain areas of Scotland and poses particular pressures on the economy, environment and local society.

A.188 It will be important to consider the available resources for regional authorities to perform planning responsibilities at this new level in Scotland, as mentioned in the case of Italy some of the more remote areas may struggle to deliver on the Plans.

A.189 Equally, regional awareness alone will not deliver the objectives of the plans, there must be firm institutions with set out long term objectives.

A.190 Regional planning shall be beyond short-term tenures and objectives of local administrations to bear the desirable effects.

New Zealand

Land use planning in New Zealand

A.191 New Zealand has two tiers of subnational government which includes 11 regions and 67 municipalities. The national government provides only the framework legislation that structures the planning system and guides planning of the lower government tiers. The Resource Management Act, along with the Environment Act, the Local Government Act, and the Land Transport Management Act, are the laws that govern the planning system in New Zealand.

A.192 The Ministry for the Environment is responsible for the publication of National Environmental Standards and National Policy Statements that direct specific environmental decisions.

A.193 Spatial plans are prepared on the regional and territorial levels respectively. There is no national level spatial plan for the entire country.

A.194 Regional councils are responsible for the preparation of their own Regional Policy Statements (strategic frameworks) which set out strategic policies for spatial development which then are implemented through:

- Regional Plans contain strategic spatial guidelines and selected small-scale land-use regulation and give effect to the Regional Policy Statement; and
- Regional Coastal Plans control all activities and uses of maritime coastal areas (they are either integrated into the Regional Plan or are prepared as a separate document);
- Spatial Plan (exists only in some regions e.g. Auckland, and it gives strategic spatial directions to the subordinate regional plans).

A.195 Territorial authorities have detailed control of land zoning and adopt District Plans. These set out the requirements for public infrastructure, roads, footpaths and establish the permitted activities for each area. They must be

consistent with the Regional Policy Statement, the Regional Plan and any environmental standard. District Plans are prepared every 10 years¹³³.

Auckland

The Auckland Plan 2050¹³⁴

Economic, environmental, and social characteristics of the region

Economy

A.196 The Auckland region plays a significant role in the overall economy of New Zealand. It contributes 38% to the nations GDP, and its key sectors include services, construction and engineering and education¹³⁵.

Environmental characteristics/climate risks

A.197 The Auckland region is not just the location of New Zealand's largest city. Most of the Auckland region's land is rural and contains extensive, productive and valuable areas used for farming, forestry and recreation. The rural parts of Auckland also contain important natural resources, including native bush, significant ecological areas and outstanding natural landscapes¹³⁶.

A.198 The region features different natural environments that include volcanic cones and craters, dunes, forests, streams and estuaries, rivers, ponds, lakes, wetlands, and offshore islands. Some of the ecosystems found in Auckland create unique habitats for species of plants and animals that are not found anywhere else in the world¹³⁷.

A.199 Auckland has areas of rich biodiversity, such as indigenous forests. However, in places where the landscape has been modified, by for example intensive farming and urban growth, biodiversity has suffered. There is a significant decline in the soil function due to the application of phosphorus and fertilizers. There are also issues with soil pollution due to the leaks of cadmium, nickel, lead and zinc. Many of marine and freshwater sites are suffering from the

¹³³ OECD (2017) The Governance of Land Use: Country fact sheet New Zealand [online] Available at: <https://www.oecd.org/regional/regional-policy/land-use-New-Zealand.pdf> [accessed 14/05/2020]

¹³⁴ Auckland Council (2018) Auckland Plan 2050 [pdf] Available at: <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-by-laws-our-plans-strategies/auckland-plan/about-the-auckland-plan/docs/printdocuments/auckland-plan-2050-print-document.pdf> [accessed on 18/05/2020]

¹³⁵ Auckland Tourism, Events and Economic Development Department (2020) Auckland's economic profile [website] Available at:

<https://www.aucklandnz.com/business/economy-and-sectors/aucklands-economic-profile> [accessed on 15/05/2020]

¹³⁶ Auckland Regional Council (2020) Chapter B9 Rural environment [pdf] Available at:

<https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20B%20RPS/B9%20Rural%20environment.pdf> [accessed on 19/05/2020]

¹³⁷ Auckland Council (2020) Natural environments of the Auckland region [website] Available at: <https://www.aucklandcouncil.govt.nz/environment/plants-animals/plant-for-your-ecosystem/Pages/natural-environments-auckland-region.aspx> [accessed on 15/05/2020]

inputs of sediments and contaminants mainly from urban areas and industrial activities. Despite actions taken after the release of the *2009 State of the Environment Auckland Region report*¹³⁸, there remain the slow decline in the environmental health of the marine and freshwaters ecosystems.

Key climate risks for the region

A.200 The key climate change impacts have been identified for Auckland region and they include temperature rise, stronger westerly winds, increasing storm events, changes to precipitation, sea level rise, ocean acidification, coastal erosion and flooding, loss of biodiversity, human health, and droughts¹³⁹.

Social characteristics

A.201 The current Auckland region population accounts for over 1.6 million people, and it is predicted to grow to up to 2 million by 2029. It accounts for over 37% of New Zealand's population. The region is quite diverse in terms of ethnicity and over 39% of region's population were born abroad¹⁴⁰.

Regional land use planning in Auckland

A.202 The Auckland Plan 2050 is a strategic guideline that sets the direction for how Auckland will grow and develop over the next 30 years. It aims at tackling issues such as population growth, unequal prosperity and environmental damage¹⁴¹.

A.203 The Auckland Plan 2050 – Outcomes:

- Belonging and participation;
- Maori identity and wellbeing;
- Homes and places;
- Transport and access;
- Environment and cultural heritage;
- Opportunity and prosperity.

A.204 The Auckland Plan 2050 addresses three key challenges of the Auckland region:

- Population growth and its implications – it is predicted that over the next 30 years additional 0.8 million people will be living in the region.
- Sharing prosperity with all Aucklanders – income, employment, health and education outcomes are different in various parts of Auckland, and there are distinct patterns across broad ethnic and age groups.
- Reducing environmental degradation – the natural features are part of Auckland's identity; however, they are vulnerable to degradation from the impacts of human activity.

A.205 Two specific issues will continue to have the biggest effect on the environment:

- Urban development; and
- The effects of climate change:
 - Damage to ecosystems and infrastructure as a result of changing climate conditions (sea level rise, more frequent extreme weather events);
 - Direct impact on economic productivity, and changes in market demand for some goods and services;
 - Unequal distribution of impacts on Aucklanders (elderly, young, those living in poverty).

Content of the regional plan

A.206 The Auckland Plan 2050 is supported by a range of Supporting Plans that include:

- The Unitary Plan;
- Budget plans:
 - The 10-year budget (long-term);
 - The annual budget (annual plan);
- Local board plans (3-year plans that set out aspirations and priorities for the communities)¹⁴².

¹³⁸ Auckland Regional council (2010) State of Environment Monitoring – River Water Quality Annual Report 2009 [pdf] Available at: <https://knowledgeauckland.org.nz/media/1778/tr2010-030-river-water-quality-data-report-2009.pdf> [accessed 18/05/2020]

¹³⁹ Auckland Council (2015) The Health of Auckland's Natural Environment in 2015 [pdf] Available at: <https://www.aucklandcouncil.govt.nz/environment/state-of-auckland-research-report-cards/Documents/stateofenvironmentreport2015.pdf> [accessed on 15/05/2020]

¹⁴⁰ Auckland Tourism, Event and Economic Development Department (2020) Population [website] Available at: <https://www.aucklandnz.com/auckland-index/people> [accessed on 15/05/2020]

¹⁴¹ Auckland Council (2020) The Auckland Plan 2050 [website] Available at: <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-by-laws/our-plans-strategies/Pages/auckland-plan.aspx> [accessed on 14/05/2020]

¹⁴² Auckland Council (2020) How our plans work together? [website] Available at: <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-by-laws/our-plans-strategies/Pages/how-plans-work-together.aspx> [accessed on 14/05/2020]

A.207 The Auckland Unitary Plan¹⁴³ was published in early May 2020 and it replaces the former Regional Policy Statement and the 12 district and regional plans (except for the Auckland Council District Plan Hauraki Gulf Islands Section – Operative 2013). It guides Auckland to meet its economic and housing needs by determining what can be built and where, how to create a higher quality and more compact Auckland, how to provide for rural activities, and how to maintain the marine environment¹⁴⁴.

A.208 The Unitary Plan combines the regional policy statement, regional coastal plan, regional plan and district plans into one combined plan. The plan has a hierarchical policy framework with the regional policy statement at the top, then with regional and district plan provisions giving effect to the regional policy statement¹⁴⁵.

A.209 There are six types of provisions included in the Unitary Plan:

- General rules: they apply throughout the Plan and include rules applicable to the consent process and notification of applications, how applications involving multiple activities and different types of plan provisions will be assessed, and how infringements of standards for activities will be assessed.
- Overlays: they manage the protection, maintenance or enhancement of particular values associated with an area or resource, can be applied across zones, and can manage specific planning issues.
- Auckland-wide provisions: they apply to the use and development of natural and physical resources across Auckland. Such provisions cover natural resources, Mana Whenua, the built environment, infrastructure, and environmental risk. They generally apply more strict rules than the zone or precincts provisions.
- Zones: they manage the way in which areas of land and the coastal marine area are to be used, developed or protected.

- Precincts: they enable local differences to be recognised by providing detailed place-based provisions which can vary the outcomes sought by the zone or Auckland-wide provisions and can be more restrictive or enabling.
- Standards: activities provided for as permitted, controlled or restricted discretionary activities are normally subject to standards.

Key issues addressed by the unitary plan:

- Urban growth and form;
- Infrastructure, transport and energy;
- Built heritage and character;
- Natural heritage (landscapes, natural features, volcanic viewshafts and trees);
- Issues of significance to Mana Whenua¹⁴⁶;
- Natural resources;
- The coastal environment;
- The rural environment; and
- Environmental risks (climate change).

Addressing environmental risks

A.210 Addressing climate change and environmental risks is one of the three key focuses on the Auckland Plan 2050. The Unitary Plan dedicated four separate chapters to specifically address the needs of natural resources, coastal environment, rural environment and environmental risks. Each of the chapters sets out clear objectives of how to avoid these issues going forward and also provide specific policies¹⁴⁷.

A.211 Natural hazards and climate change objectives:

- Communities are more resilient to natural hazards the risks to people, property, infrastructure and the environment from natural hazards are not increased in existing developed areas;

¹⁴³ Auckland council (2020) The Auckland unitary Plan [online] Available at: https://unitaryplan.aucklandcouncil.govt.nz/pages/plan/Book.aspx?exhibit=Auckl andUnitaryPlan_Print [accessed on 18/05/2020]

¹⁴⁴ Auckland Council (2020) What is the Auckland Unitary Plan? [website] Available at: <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/Pages/what-is-the-auckland-unitary-plan.aspx> [accessed on 14/05/2020]

¹⁴⁵ Auckland Council (2020) The Auckland Unitary Plan: chapter A Introduction [pdf] Available at: <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Pla n%20Operative/Chapter%20A%20Introduction/Chapter%20A%20Introduction.p df> [accessed on 14/05/2020]

¹⁴⁶The indigenous Maori people who have historic and territorial rights over the land. Mana Whenua have a special cultural and spiritual relationship with the environment, which is a matter of national importance under the Resource Management Act. Available at: <https://www.aucklandcouncil.govt.nz/building-and-consents/understanding-building-consents-process/prepare-application/prepare-resource-consent-application/Pages/engaging-with-mana-whenua.aspx>

¹⁴⁷ Auckland Council (2020) Auckland Unitary Plan: chapter B10 [pdf] Available at: <https://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Pla n%20Operative/Chapter%20B%20RPS/B10%20Environmental%20risk.pdf> [accessed on: 19/05/2020]

- New subdivision, use and development avoid the creation of new risks to people, property and infrastructure;
- The effects of climate change on natural hazards, including effects on sea level rise and on the frequency and severity of storm events, is recognized and provided for;
- The functions of natural systems, including floodplains, are protected from inappropriate subdivision, use and development;
- The conveyance function of overland flow paths is maintained.

Area covered by the plan

A.212 The Auckland Region is located in the northern part of the New Zealand's North Island. It is the country's largest urban area. The region encompasses the Auckland Metropolitan area, smaller towns and rural areas and the islands of Hauraki Gulf. The contains about 33% of New Zealand's population.

Utilisation of maps in the Plan

A.213 The Unitary Plan is supported by an extensive list of digitally produced and publicly accessible maps.

Status of the plan

A.214 The Auckland Plan 2050 serves as a high-level guidance and is not legally binding, however the Auckland Unitary Plan is statutory.

Consultation process

A.215 The approach to engagement with the preparation of the plan took three phases:

- Phase 1 – Targeted early engagement (May – June 2017): over 30 meetings with the public took place and delivered 850 pieces of feedback. This stage of engagement focused on identifying key challenges and opportunities for Auckland region. It resulted in the draft strategic framework.
- Phase 2 – Targeted engagement (July – November 2017): engagement took form of workshops, meetings

and written correspondence. It involved partners and stakeholders in the development of the Auckland Plan at a more detailed, technical level.

- Phase 3 – Public consultation on the draft Auckland Plan 2050 (February – March 2020): engagement with over 5,000 people and 18,700 written submissions. The feedback from this phase has directly informed the final Auckland Plan 2050.

Parties involved in the plan's preparation

- Central and local government;
- Maori communities;
- The private sector;
- Institutions and non-governmental organisations;
- Auckland's communities.

Monitoring and evaluation processes

A.216 The Auckland Plan 2050 monitoring framework measures progress towards the strategic direction set out in the plan. The framework consists of 33 measures that are aligned with the six outcomes and the feasible development capacity target for housing as required by the National Policy Statement. A 'scorecard' is prepared every year, and a progress report every three years¹⁴⁸.

Plan's strengths and weaknesses

Strengths

- Strong environmental and climate change focus;
- Aims at balancing the needs of the economy, human well-being and the environment;
- Solid baseline information transposed into map format.

Lessons for Scotland

- Similarities in the spread of the population and economic activity within the country.
- Island geography and climate change impact will result in similar risks (sea level rise, flooding, changed in precipitation).

¹⁴⁸ Auckland Council (2020) The Auckland Plan 2050 [website] Available at: <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-by-laws/our-plans-strategies/Pages/auckland-plan.aspx> [accessed 14/05/2020]

- Coastal planning addressed separately, similar to Scottish Marine Spatial Plans.
- The regional plan supports social equity, which is a key role for regional planning.

Waikato

Land use planning in Waikato

A.217 The Waikato Regional Policy Statement provides an overview of the resource management issues in the Waikato region, and the ways in which integrated management of the region's natural and physical resources will be achieved.

A.218 The document identifies the significant resource management issues of the region and sets out objectives, policies and methods to address them. It guides collaboration between regional, city and district council to ensure sustainable use of resources.

A.219 The regional policy statement is required under the Resource Management Act 1991.

A.220 Progress towards achieving the objectives of the Regional Policy Statement is monitored every 10 years in a comprehensive and constructive manner¹⁴⁹.

Waikato Regional Plan 2019¹⁵⁰

Economic, environmental, and social characteristics of the region

Economy

A.221 The key industries in Waikato region include agriculture, forestry and fishing, manufacturing, real estate, construction, health care and social assistance, and professional. Unemployment rate in Waikato region is 3.8% and it is lower than New Zealand's average which was 4.3% in 2019¹⁵¹.

Environment

A.222 The Waikato Region's distinctive character is largely derived from the scenic and aesthetic impressions of its lakes, rivers and wetlands*. The character of Waikato's water bodies is diverse, reflecting the large variety of water types including the Waikato River, Lake Taupo, wild rivers, mountain streams and ground water. Associated human uses and values of these water bodies* are diverse and range from domestic and community water supply, irrigation, drainage, electricity generation and waste assimilation through to recreational use and fishing. Water bodies are vitally important to the Region and need to be managed in a sustainable manner¹⁵².

Social characteristics

A.223 Current population of Waikato region accounts for 482,000 inhabitants. In 2019, there was a regional positive population growth of 2.1% which is higher than the national growth of 1.6%. Over the last two decades, the region has been experiencing fluctuating positive population growth significantly related with the numbers of net migration into Waikato¹⁵³.

Regional land use planning

A.224 Waikato Regional Plan is a resource-based regional plan which acknowledges the interconnected nature of natural environment.

Purpose of the Plan

A.225 The purpose of a regional plan is to "assist a regional council to carry out any of its functions in order to achieve the purpose of the Resource Management Act".

A.226 The Plan focuses on issues where the greatest 'value' can be added by addressing regionally relevant issues. Accordingly, the Plan does not necessarily address or resolve specific, local issues. Local resource management issues not sufficiently well managed by the more general provisions of the Plan will be addressed through locality or resource specific Plan changes.

¹⁴⁹Waikato Regional Council (2019) The Regional Policy Statement: summary document [pdf] Available at: <https://www.waikatoregion.govt.nz/assets/WRC/Council/Policy-and-Plans/RPS-Regional-Policy-Statement/4686-RPS-summary-document-WR.pdf> [accessed on 28/05/2020]

¹⁵⁰ Waikato Regional Council (2019) Waikato Regional Plan [online] Available at: <https://www.waikatoregion.govt.nz/council/policy-and-plans/rules-and-regulation/regional-plan/waikato-regional-plan/> [accessed on 28/05/2020]

¹⁵¹ Waikato Region Economic Profile (2019) Economic profile [online] Available online:

<https://ecoprofile.infometrics.co.nz/waikato%20region/Employment/Unemployment>

¹⁵² Waikato Regional Council (2019) Waikato Regional Plan Chapter 3 [online] Available at: <https://www.waikatoregion.govt.nz/council/policy-and-plans/rules-and-regulation/regional-plan/waikato-regional-plan/> [accessed on 28/05/2020]

¹⁵³ Waikato Region Economic Profile (2019) Economic profile [online] Available online: <https://ecoprofile.infometrics.co.nz/waikato%20region/Employment/Unemployment>

A.227 Key issues addressed by the Plan:

- The Resource Management Act (RMA) requires a resource consent for certain activities, unless enabled by a permitted activity rule in a plan, while other activities are not restricted unless there is a rule in the Plan.
- The RMA does not always provide clear guidance for how the Region's natural and physical resources are to be managed. This:
 - leads to increased costs and bureaucracy;
 - leads to potentially inconsistent decision-making; and
 - will not achieve integrated management of the Region's natural and physical resources.

Objectives of the Plan:

- Objective 1: Controls exercised by the Plan are matched to the significance of adverse effects of the activity on the environment, either individually or cumulatively, and unnecessary bureaucracy and costs are avoided, so that:
 - activities that do not have more than minor adverse environmental effects are allowed to occur; and
 - activities that have more than minor adverse environmental effects are managed to avoid, remedy, or mitigate those adverse effects.
- Objective 2: Maximise certainty in the decision-making processes.
- Objective 3: The role of resource use in the Waikato and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing and for their health and safety recognised, while ensuring that the purpose of the Act is met.
- Objective 4: The resource consent process assisted by adequate and timely consultation between parties.

Content of the regional plan

A.228 The Plan includes a range of implementation methods such as: specific rules, monitoring of permitted activities, good practice guides, environmental education, economic incentives, assessment criteria and principles of good consultation.

A.229 The Plan contains objectives, policies and implementation methods for:

- matters of significance to Maori
- water quality, flows and levels
- water takes
- efficient use of water
- discharges
- damming and diverting
- wetlands
- drilling
- non-point source discharges
- structures on the beds of rivers and lakes
- river and lake bed disturbance
- accelerated erosion
- discharges onto or into land
- contaminated sites
- air quality
- spray drift
- cross boundary processes
- monitoring and review
- information requirements for resource consents.

5.51 Results anticipated from the Plan:

- Reduced costs and bureaucracy for resource users.
- Reduced number of consents being required by Waikato Regional Council.
- Greater monitoring by Waikato Regional Council of adverse effects of resource use.
- Fewer appeals of consents to the Environment Court on grounds that consultation was inadequate.

A.230 In the first few years of the Plan being operative, an increased number of enforcement proceedings taken by Waikato Regional Council, but this number reducing over time.

Area covered by the plan

A.231 Waikato region is the fourth largest region in New Zealand covering 25,000 square kilometres. The region includes one city (Hamilton) and 10 districts. The population of

the region is over 400,000 inhabitants which accounts for approximately 10% of New Zealand's population¹⁵⁴.

Status of the plan

A.232 Waikato Regional Plan is advisory in nature; however it is founded on the Resource Management Act 1991 which is legally binding.

Consultation process

A.233 The Plan sets out the Principles of Good Consultation that include:

- consulting at an early stage in the development of the proposal;
- genuinely listening to alternative points of view;
- being prepared to amend proposals, where practicable, in response to concerns raised;
- providing sufficient time for consultation;
- providing adequate information to enable the consultee to make an informed response to the proposal;
- providing further information or time following consultation for the consultees to consider their response (that is, not expecting an instant response);
- responsible participation and responses from the parties consulted with.

A.234 Parties involved in the plan's preparation

- Waikato Regional Council;
- Maori communities;
- Hamilton city Council;
- 10 district council;
- Wider stakeholders interested in participating.

Historical Plan variations

A.235 Waikato Land Use Plan 2019 is an updated version of the Plan published in 2012. Prior to this there was a range of updates/changes made to the document:

- Variation no.2 – updates to the Geothermal module have been approved by the Regional Council in 2008.

- Variation no. 5 – Lake Taupo catchment: the plan updated the protection of water quality in Lake Taupo through addressing the issues of inappropriate land use management and nutrient discharges.
- Variation no. 6 – Water allocation: an alternative policy to allocation and use of fresh water across Waikato region has been implemented by the Council in 2012.
- Variation no.7 – Minor variations and geothermal maps: in 2010, the Council introduced minor changes to improve the workability of the plan and to amend the plan's maps showing significant geothermal features and geothermal water features.

Monitoring and evaluation processes

A.236 The information gathered as a result of this Plan by Waikato Regional Council or other agencies, will feed back into the 'Information → Policy Development → Implementation → Monitoring → Review → Information' loop, enabling an effective and efficient review of this Plan.

A.237 The monitoring results will be analysed and reported on in a way that will provide a basis for assessing the effectiveness of the Plan in achieving its objectives and policies. The information and knowledge built up through targeted monitoring and research will also help to identify the best means (method) of achieving resource management objectives over time and will provide a valuable feedback into s32 obligations.

A.238 Waikato Regional Council's monitoring programmes include:

- Regional environmental trends monitoring;
- Compliance and effects monitoring;
- Performance monitoring;
- Community monitoring;
- Research, investigations and surveys; and
- Plan implementation monitoring.

¹⁵⁴ Waikato Regional Council (2020) Our region's boundaries [website] Available at: <https://www.waikatoregion.govt.nz/council/about-us/our-regions-boundaries/> [accessed on 28/05/2020]

Plan's strengths and weaknesses

Strengths

A.239 Guides planning with minimal bureaucracy while keeping high environmental standards;

A.240 Based on continuous evaluation and monitoring of the progress, new information serves as basis for improvements, it is the so-called living document that is designed to meet the changing needs of the Waikato community.

Lessons for Scotland

- Planning system based on minimal bureaucracy;
- A living document which is continuously updated and changed to reflect changing needs;
- Approach to stakeholder engagement;
- Sub-regional issues are reflected in local level plans.

Sweden

Governance

A.241 Sweden has three governance levels: national (the parliament, the government with its ministries and agencies); subnational (county administrative boards, regions); and local (municipalities). The Swedish governance system has two authorities acting at a sub-national regional level: the county administrative board - a national state agency acting as a regional governing and coordinating agency representing national interests; and the regions (until 2019 called county councils) - directly elected regional authorities responsible for regional development, health and public transport.

A.242 Spatial planning in Sweden is partly organised at regional level and can (to a limited extent) vary between regions. For example, according to Sweden's National Strategy for Sustainable Regional Growth and Attractiveness 2015-2020 (Government Offices of Sweden 2015), all regions must adopt a spatial perspective (e.g. non-statutory spatial strategy) for their development policies. Nevertheless, spatial planning is mainly the domain of municipalities who have no legislative obligations to coordinate their decisions with higher level plans and programmes.

A.243 A study suggests that Swedish municipalities hold a monopoly over spatial planning. Compulsory (but not legally binding) municipal development plans aim to reflect the public interest through the support for development and provision of public services (e.g. education, care for elderly, retail, health care, etc.). They often include elements (e.g. aims, objectives) of strategic development policies, as well as land use guidelines. These plans give municipalities the power to decide (site-specific) land use and related activities through detailed development plans and building permits¹⁵⁵.

A.244 As municipalities in Sweden cover large areas (comparable to the size of regions in other EU countries such as Germany, Italy, or Netherlands), municipal spatial planning also deals with issues of a regional scope and scale, such as

urban-rural interactions, (e.g. transport, energy) infrastructure, and environment (e.g. ecosystem services provisions)¹⁵⁶.

A.245 Spatial planning at the local level is a tool for implementing regional development policies. However, rather than with regions, the decision-making powers lie with municipalities. While regions provide guidelines and advice, they have no legislative authority over decisions made in municipal spatial plans. Furthermore, regional development policy is strongly influenced by municipal spatial planning. For example, in Östergötland Region regional development policy addresses local issues closely related to spatial planning like education, elderly care, economic development, and balanced territorial development of urban regional centres (Norrköping and Linköping) and their rural surroundings¹⁵⁷.

A.246 Generally, regional development policies and associated spatial strategies, as well as municipal spatial development plans, support economic ambitions at national, regional and local governance levels.

Participation

A.247 A study showed that all municipalities engaged in activities to support and increase legally binding citizen involvement (e.g. meetings in different places not just larger towns but including small villages, conducted dialogs and made plan presentation to local communities). However, there were considerable differences in the involvement of municipal staff and even politicians in the planning process¹⁵⁸.

A.248 The approach to participation varies between municipalities, some establish large working groups (up to 40 people) whereas others hire external consultants and only involve a few members of staff in the planning process. All municipalities managed to establish steering groups with representatives from all political parties, however there were cases in which politicians did not engage and hindered the planning process¹⁵⁹.

A.249 Some municipalities created partnerships including representatives of all municipal departments and political parties, who jointly produced the plan. This enabled a consensus to be achieved among the stakeholders involved before the final decision was made by politicians¹⁶⁰.

¹⁵⁵ Smas, L. and Lidmo, J., 2018. Organising regions: spatial planning and territorial governance practices in two Swedish regions. *Europa XXI*, 35, pp.21-36.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Elbakidze, M., Dawson, L., Andersson, K., Axelsson, R., Angelstam, P., Stjernquist, I., Teitelbaum, S., Schlyter, P. and Thellbro, C., 2015. Is spatial planning a collaborative learning process? A case study from a rural-urban gradient in Sweden. *Land Use Policy*, 48, pp.270-285.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

A.250 Citizen participation involved them commenting on the Proposed Plan via municipalities' web sites, by written letters, or by e-mail.

A.251 Interviewees involved in the study¹⁶¹ claimed that the current level of citizen involvement in spatial planning was insufficient and unsatisfactory. This was due to the limited involvement of key sectors of the population (i.e. women, young people, and new Swedes) in the planning process, risking underrepresentation of their needs, views and values in the final plan.

Coverage of economic development

A.252 Generally, regional development policies and associated spatial strategies, as well as municipal spatial development plans, support economic ambitions at national, regional and local governance levels.

A.253 The maritime sector is an important part of the Swedish economy (EC, 2006)¹⁶². Marine spatial planning (MSP) in Sweden is managed at the national level by the Swedish Agency for Marine and Water Management (SwAM). All municipalities with a sea territory can prepare MSP within Sweden's territorial sea boundary (12 nm from the baseline, which is the low water line along the coast as officially recognised by the coastal state). However, only a few municipalities have engaged in marine planning (UNESCO, 2020)¹⁶³. SwAM are responsible for creating the plans in cooperation with the coastal municipalities. In some parts of Sweden (e.g. Västerhavet on the west coast), marine environments are being included, to a various extent, in regional and local planning processes. Depending on how strongly the community's identity is based on marine environments, finding the balance between use (i.e. economic interests) and conservation can be challenging (Sandberg, 2018)¹⁶⁴. Coverage of climate considerations

A.254 In response to increasing sustainability and environmental concerns, approaches such as an ecosystem approach and ecosystem-based (climate) adaptation are being adopted in Swedish spatial planning practices. This

recognises the importance of land-use planning in addressing climate change adaptation¹⁶⁵.

A.255 According to research¹⁶⁶ looking across 10 Swedish urban municipalities, the main regulatory mechanism executing climate adaptation in spatial planning is the Planning and Building Act (PBA). The Act intends to ensure that the consequences of climate change are dealt with in municipal comprehensive plans (MCP), local development plans (LDP) and the granting of building permits. In practice, this has led to a predominant planning focus on risks of flooding, erosion and sea-level rise and the development of strategic guidelines for action frameworks to institutionalise climate adaptation approach in spatial planning.

A.256 To address climate change some municipalities (e.g. Malmö, Helsingborg, Lomma, Kristianstad, etc.) are implementing ecosystem-based adaptation utilising ecosystems services (ES) and biodiversity as part of their adaptation strategy¹⁶⁷. According to this study¹⁶⁸ they are mainstreaming climate change adaptation activities through horizontal as well as vertical actions.

A.257 In line with the other case studies, spatial planning in Sweden appears to focus more strongly on climate change adaptation.

Overview of strengths and weakness of the plan/planning practices

A.258 Although the municipalities are the main land use planning institutions in Sweden, spatial planning at the regional level is practised to some extent through statutory regional plans and non-statutory spatial strategies/perspectives. Although there are challenges (e.g. coordination of different sectors, institutions and authorities outside and within regions), the regional level seems to function as an arena for multi-level harmonization across governance levels (i.e. national, regional and local), sectors, and civil society¹⁶⁹. Efforts are being made to further strengthen the coordinating as well as overarching spatial planning role of regions in Sweden (e.g. county councils have

¹⁶¹ Ibid.

¹⁶² EC, (2006). Employment trends in all sectors related to the sea or using sea resources. Available at: https://ec.europa.eu/maritimeaffairs/sites/maritimeaffairs/files/docs/body/sweden_employment_trends_en.pdf

¹⁶³ UNESCO, 2020. Marine Spatial Planning Programme. Sweden. Available at: <http://msp.ioc-unesco.org/world-applications/europe/sweden/>

¹⁶⁴ Sandberg, J., 2018. Balancing use and conservation in marine spatial planning-Perspectives of sustainability and the ecosystem approach in a Swedish context. Available at: <https://gupea.ub.gu.se/handle/2077/55952>

¹⁶⁵ Storbjörk, S. and Uggla, Y., 2015. The practice of settling and enacting strategic guidelines for climate adaptation in spatial planning: lessons from ten Swedish municipalities. *Regional environmental change*, 15(6), pp.1133-1143.

¹⁶⁶ Ibid.

¹⁶⁷ Wamsler, C., Luederitz, C. and Brink, E., 2014. Local levers for change: mainstreaming ecosystem-based adaptation into municipal planning to foster sustainability transitions. *Global Environmental Change*, 29, pp.189-201.

¹⁶⁸ Ibid.

¹⁶⁹ Smas, L. and Lidmo, J., 2018. Organising regions: spatial planning and territorial governance practices in two Swedish regions. *Europa XXI*, 35, pp.21-36.

been renamed to regions, all regions must adopt spatial perspective for the development policies)¹⁷⁰. These efforts are strongly driven by the need to address sustainability and environmental issues, like climate change and biodiversity loss, through strategic landscape scale spatial planning¹⁷¹.

A.259 The need to address sustainability issues through land use planning has been strongly recognised in Swedish planning legislation. Municipalities, as main land-use authorities, are taking actions including: preparing guidelines; implementing ecosystem- based (climate) adaptation; and using ecosystem approach in spatial planning (Wamsler et al., 2014; Storbjork and Ugglå, 2014; Standberg, 2018).

A.260 Legally binding and non-discriminatory engagement of various stakeholders (e.g. municipal staff and politicians; general public including marginalised groups; the County Administrative Board; neighbouring municipalities; and large landowners) in strategic municipal spatial planning in Sweden is considered a fundamental part of the planning process. Municipalities responsible for comprehensive spatial planning are making significant efforts to increase citizen participation (e.g. by organising meetings, providing communication tools, and addressing people's comments and proposals)¹⁷².

A.261 However, there are some challenges. Some argue that municipal monopoly and leadership over spatial planning in Sweden hinders the implementation of an (currently non-existent) integrated landscape-scale (e.g. types of land cover or watershed areas) territorial land-use planning, leading to limited treatment of sustainability issues in spatial planning practices¹⁷³. While this might change with implementation of regions¹⁷⁴, there is currently a lack of coordination in planning processes among different actors (e.g. landowners, national agencies, county administrative boards) who work separately, rather than in cooperation, to implement their sustainability ambitions¹⁷⁵.

A.262 Stakeholder engagement (of all actors) can be challenging and even obstructive to strategic spatial planning objectives (e.g. lack of leadership, insufficient representation of marginalised social groups). (Persson, 2019; Elbakidze et

al., 2014). To achieve democratic legitimacy among stakeholders, in strategic spatial planning, planners and politicians must formulate a vision that takes into account various and potentially conflicting interests. These might to some extent 'dilute' the initial planning doctrines, ideas and objectives such as 'compact city', 'sustainable development', 'green infrastructure'. A study looking at strategic spatial planning in Sweden suggests that the 'necessity of anchoring important decisions among stakeholders and the general public may disable some of the fundamental components of the model'¹⁷⁶.

Key lessons for Scotland from the case study

A.263 Although land-use planning is the domain of municipalities in Sweden, regional level (landscape scale) spatial planning is starting to emerge in order to better tackle sustainability challenges. This is very similar to the approach envisaged by the Scottish government in aiming to establish a regional level of spatial planning through creation of regional land use partnerships (RLUPs) to drive the delivery of the land use decisions needed to meet the 2030 and 2045 climate targets.

A.264 In size municipalities in Sweden are comparable to regions of some EU countries (e.g. Germany and Italy). If RLUPs in Scotland were to cover areas of similar size, Swedish statutory municipal comprehensive planning might provide a good example of spatial planning practice.

A.265 In line with national regulations, comprehensive municipal plans in Sweden aspire to address climate change adaptation mainly through adopting guidelines. However, these efforts are not reflected in spatial planning practices (e.g. when developing new settlements). The importance of taking action, rather than just 'preparing to act' may be an important lesson to successfully address climate change through future regional spatial planning practice in Scotland.

A.266 Sweden's comprehensive municipal plans can include multiple sectors (e.g. marine, transport, forestry, agriculture, and services like education, elderly care and

¹⁷⁰ Ibid.

¹⁷¹ Bjärstig, T., Thellbro, C., Stjernström, O., Svensson, J., Sandström, C., Sandström, P. and Zachrisson, A., 2018. Between protocol and reality—Swedish municipal comprehensive planning. *European Planning Studies*, 26(1), pp.35-54.

¹⁷² Elbakidze, M., Dawson, L., Andersson, K., Axelsson, R., Angelstam, P., Stjernquist, I., Teitelbaum, S., Schlyter, P. and Thellbro, C., 2015. Is spatial planning a collaborative learning process? A case study from a rural–urban gradient in Sweden. *Land Use Policy*, 48, pp.270-285.

¹⁷³ Bjärstig, T., Thellbro, C., Stjernström, O., Svensson, J., Sandström, C., Sandström, P. and Zachrisson, A., 2018. Between protocol and reality—Swedish

municipal comprehensive planning. *European Planning Studies*, 26(1), pp.35-54.

¹⁷⁴ Smas, L. and Lidmo, J., 2018. Organising regions: spatial planning and territorial governance practices in two Swedish regions. *Europa XXI*, 35, pp.21-36.

¹⁷⁵ Bjärstig, T., Thellbro, C., Stjernström, O., Svensson, J., Sandström, C., Sandström, P. and Zachrisson, A., 2018. Between protocol and reality—Swedish municipal comprehensive planning. *European Planning Studies*, 26(1), pp.35-54.

¹⁷⁶ Persson, C., 2019. Perform or conform? Looking for the strategic in municipal spatial planning in Sweden. *European Planning Studies*, pp.1-17.

health). Given that many of these sectors will be relevant to the Scottish economy (e.g. marine, forestry), they might provide interesting examples of integrated planning approach.

A.267 Legally binding and non-discriminatory engagement of various stakeholders (e.g. municipal staff and politicians; general public including marginalised groups; the County Administrative Board; neighbouring municipalities; and large landowners) in strategic municipal spatial planning in Sweden is considered an important part of the successful planning process.

A.268 Some examples of Swedish comprehensive municipal planning practice show that creating partnerships, including representatives of all municipal departments and political parties, who are jointly responsible for the plan helps to achieve a consensus among the stakeholders involved. This positively reflects on the ambitions of the Scottish government to create RLUPs.

A.269 Some evidence from Sweden shows that stakeholder engagement (of all actors) can be challenging and even obstructive to strategic spatial planning. This suggests that the necessity of anchoring important decisions among stakeholders and the general public may disable some of the fundamental mechanisms of strategic planning process (Persson, 2019). This might be a relevant point to consider when thinking about the remit and nature of (public) participation in relation to RLUPs in Scotland and how such challenges might be overcome.

USA

A.270 The United States is a federal country with four levels of government, the national government, 50 federated states, counties (an intermediate level) and local authorities. Decisions regarding land use are hugely decentralised, and land use planning constitutionally, is one of the powers retained by the states. However, state governments tend to delegate a large part of their authority to local governments.

A.271 National government lacks direct powers over land use on non-federal lands, however it enacts environmental legislation that influences land use decision-making. It owns significant parts of land, especially, in the western states, it owns and may decommission military lands for private development, and it has signed treaties that influence or govern land use on Native American tribal land.

A.272 Federal states have the authority to regulate land use, however in many cases this direct authority has been delegated to local governments. Nevertheless, state governments also have considerable indirect influence. State governments pass the framework legislation that defines the tools that local governments can use for land use planning, specifies how local governments finance themselves and adopt building codes, require environmental review and may own land themselves.

A.273 There is no national level spatial plan, 12 states have an adopted state-wide plan (Strategic Plan) however they vary in the degree of detail included. In seven states strategic plans are legally binding and local governments must comply with them, the other six states use them as guidelines.

A.274 Comprehensive plans are local government instruments for strategic planning. In most states, they are not legally binding, but they serve as guidelines for the development of zoning ordinances as well as other strategic planning purposes¹⁷⁷.

Oregon State

Land use planning in Oregon State

A.275 The foundation of Oregon's statewide land use planning program is based on 19 statewide planning goals. The goals express the state's policies on land use and related

topics, such as citizen involvement, housing and natural resources.

Statewide planning goals¹⁷⁸:

- Goal 1 - Citizen involvement: the opportunity for citizens to be involved in all phases of the planning process.
- Goal 2 - Land use planning: land use decisions to be made in accordance with a comprehensive plan;
- Goal 3 - Agricultural lands: requires counties to inventory agricultural lands and to preserve them and maintain them through farm zoning.
- Goal 4 - Forest lands: requires counties to inventory forests and adopt policies that will conserve forest lands for forest uses.
- Goal 5 - Open spaces, scenic and historic areas and natural resources: establishes a process for each resource to be inventoried and evaluated.
- Goal 6 - Air, water and land resource quality: requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.
- Goal 7 - Areas subject to natural disasters and hazards: requires that jurisdictions apply appropriate safeguards when planning for development in such areas.
- Goal 8: Recreation needs: calls each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them.
- Goal 9 - Economy of the state: calls for diversification and improvement of the economy.
- Goal 10 - Housing: specifies that each city must plan for and accommodate needed housing types.
- Goal 11 - Public facilities and services: public services should be planned in accordance with community's needs.
- Goal 12 – Transportation: asks to provide safe, convenient, and economic transport system.
- Goal 13 - Energy: specifies that land and uses developed on the land shall be managed and controlled

¹⁷⁷ OECD (2017) The Governance of Land Use: county fact sheet United States [pdf] Available at: <https://www.oecd.org/regional/regional-policy/land-use-United-States.pdf> [accessed 18/05/2020]

¹⁷⁸ Oregon Government (2020) Oregon's Statewide Land Use Planning Goals [website] Available at: <https://www.oregon.gov/lcd/op/pages/goals.aspx> [accessed 18/05/2020]

so as to maximise the conservation of all forms of energy.

- Goal 14 - Urbanization: requires cities to estimate future growth and needs for land and then plan for these needs.
- Goal 15 - Willamette Greenway: sets procedures for administering the 300 miles of greenway that protects the Willamette River.
- Goal 16 - Estuarine resources: requires local governments to classify estuaries into four categories and appropriately manage them.
- Goal 17 - Coastal shorelines: specifies how certain types of land and resources are to be managed.
- Goal 18 - Beaches and dunes: sets planning standards for development on various types of dunes (residential development is forbidden on beaches and active foredunes)
- Goal 19 - Ocean resources: deals with matters such as dumping, dredge spoils and discharge of waste products into open sea.

A.276 The statewide planning program does not mandate the adoption of a state plan. The state's cities and counties are responsible for adopting local comprehensive plans, zoning regulations, and handling land use permits for Oregon's non-federal land. City and county comprehensive plans include statements of issues and problems to be addressed, various inventories and other technical information, the goals and policies for addressing the issues and problems, and implementation measures. Plans must be done in accordance with state standards outlined in statute, statewide planning goals, and administrative rules.

A.277 Oregon's planning law applies to local governments, special districts and state agencies. The laws strongly emphasize coordination so that the plans and programmes are consistent with each other, with the goals, and with acknowledged local plans¹⁷⁹.

Economic, environmental, and social characteristics of the region

Economic characteristics

A.278 Historically, Oregon's economy was based on natural resources such as timber, fishing and agriculture. Currently, the economy is transitioning, and industries focused on technology, such as manufacturing and service industry are taking the key positions¹⁸⁰.

Environmental characteristics

A.279 Oregon State is home to mountain ranges, rivers, rainforests, deserts and volcanic rock formations resulting from lava beds. It also hosts a diverse array of wildlife as approximately 60% of the state is covered by forest. Typical tree species include douglas fir, redwood ponderosa pine western red cedar and hemlock.

Social characteristics

A.280 In 2019, the population of Oregon accounted for over 4.2 million people. Approximately 12% of the population is of Hispanic and Latin origin.

Metro Council Regional Framework Plan¹⁸¹

Regional land use planning in Portland region

Metro Council

A.281 Metro Council consists of a president, elected regionwide, and six councillors who are elected by district every four years. The Metro Auditor, elected regionwide, is responsible for oversight of Metro's annual financial statements and for conducting performance audits. The council appoints a chief operating officer to carry out council policies and manage Metro operations.

A.282 Metro Council manages the boundary that separates urban and from rural land in Portland region and works with communities to plan for future population growth while preserving the unique character of each community.

A.283 Metro is authorised by Congress and the State of Oregon to coordinate and plan investments in the

¹⁷⁹ Oregon Department of Land Conservation and Development (2019) Oregon Statewide Planning Goals and Guidelines [pdf] Available at: https://www.oregon.gov/cd/Publications/compilation_of_statewide_planning_goals_July2019.pdf [accessed on 18/05/2020]

¹⁸⁰ Oregon Secretary of State (2020) Oregon's economy [website] Available at: <https://sos.oregon.gov/blue-book/Pages/facts-economy.aspx> [accessed on 18/05/2020]

¹⁸¹ Metro Council (2020) Regional Framework Plan [online] Available at: <https://www.oregonmetro.gov/regional-framework-plan> [accessed on 18/05/2020]

transportation system for the three-county areas (Clackamas, Multnomah, and Washington).

A.284 Metro acts as the regional clearinghouse for land information and coordinates data and research activities with government partners, academic institutions and the private sector.

A.285 Metro manages 17,000 acres of parks, trails and natural areas across Portland metropolitan region and purchases additional natural areas to improve water quality and to restore wildlife habitat.

A.286 The Council runs the Oregon Zoo, Oregon Convention Centre, Portland Expo Centre, and Portland's Centres for Arts.

A.287 Metro Council also plans and oversees the region's solid waste system. It owns and operates two rubbish and recycling stations and hazardous waste facilities¹⁸².

A.288 The Councils prepares the Regional Framework Plan in line with the state laws and statewide planning goals.

Content of the regional plan

A.289 Regional Framework Plan was originally adopted in 1997 and is updated regularly (with the most current updates taking place in 2019). It identifies regional policies to implement the *2040 Growth Concept: preserving access to nature and building great communities for today and the future*.

A.290 The Regional Framework Plan provides overall guidance for more detailed policies with regard to:

- Regional transportation and mass transit system;
- Management and amendment of the urban growth boundary;
- Protection of lands outside the urban growth boundary for natural resource, future urban or other uses;
- Housing densities;
- Urban design and settlement patterns;

- Parks, open spaces and recreational facilities;
- Water source and storage;
- Coordination, to the extent feasible, of Metro growth management and land use planning policies with those of Clark County, Washington;
- Planning responsibilities mandated by law.

A.291 The Regional Framework Plan brings together the elements mentioned in paragraph **2.108** as well as previous regional policies including the Regional Urban Growth Goals and Objectives, 2040 Growth Concept¹⁸³, Metropolitan Greenspaces Master Plan and Regional Transportation Plan, to create a coordinated, integrated Regional Framework Plan.

A.292 State law provides that the Regional Framework Plan must comply with statewide land use planning goals¹⁸⁴.

A.293 The Regional Framework Plan is supported by the Climate Smart Strategy¹⁸⁵ that sets out policies, strategies and actions to guide how the region will reduce greenhouse gas emissions from the region.

A.294 The key areas covered by the Regional Framework Plan include: land use, transportation, nature in neighbourhoods, watershed health and water quality, and regional natural hazards.

Land Use

A.295 This chapter of the Framework Plan contains the policies that guide Metro in such areas as development of centres, corridors, station communities, and main streets; housing choices; employment choices and opportunities; economic vitality; urban and rural reserves; management of the Urban Growth Boundary (UGB); urban design and local plan and policy coordination. It also addresses land use planning matters such as affordable housing, strong economy that offers jobs in appropriate locations, and reducing greenhouse gas emissions per capita from light-duty vehicle travel¹⁸⁶.

¹⁸² Oregon Metro (2020) What is Metro? [website] Available at: <https://www.oregonmetro.gov/regional-leadership/what-metro> [accessed on 18/05/2020]

¹⁸³ Metro Council (2014) 2040 Growth Concept [website] Available at: <https://www.oregonmetro.gov/2040-growth-concept> [accessed 18/05/2020]

¹⁸⁴ Metro Council (2020) Regional Framework Plan [online] Available at: <https://www.oregonmetro.gov/regional-framework-plan> [accessed on 18/05/2020]

¹⁸⁵ Oregon Metro (2015) Climate Smart Strategy [pdf] Available at: <https://www.oregonmetro.gov/sites/default/files/2015/05/29/ClimateSmartStrategy-FinalVersion-2014.PDF> [accessed on 18/05/2020]

¹⁸⁶ Oregon Metro (2015) Regional Framework Plan – Land Use [pdf] Available at: <https://www.oregonmetro.gov/sites/default/files/2015/06/19/Regional-Framework-Plan-Chapter1-LandUse-20150318-final%20%28MD-15-8552%29.pdf> [accessed on 19/05/2020]

Transportation

A.296 This chapter presents the overall policy framework for the specific transportation goals, objectives and actions contained in the Regional Transportation Plan (RTP). It also sets a direction for future transportation planning and decision-making.

A.297 Key objectives:

- Provide a transportation system that is efficient and cost-effective and safe;
- Provide access to better choices for travel and adequate level of mobility, and limit dependence on one mode of travel;
- Provide transportation that connects jobs and homes;
- Use green corridors to limit the impacts of urban travel; integrate land use planning for vehicles, bicycles, pedestrians, freight and public transport in regional and local street designs¹⁸⁷.

Nature in neighbourhoods

A.298 This chapter outlines the policies that guide Metro in acquiring, developing, maintaining, and operating a system of parks, open spaces, and recreational facilities. The policies include six main aspects:

- Inventory of park facilities and identification and inventory of Regionally Significant Parks, Natural Areas, Open Spaces, Fish and Wildlife Habitat, Trails and Greenways.
- Protection of Regionally Significant Parks, Natural Areas, Open Spaces, Fish and Wildlife habitats, trails and greenways.
- Management of the publicly owned portion of the regional system of parks, Natural Areas, Open Spaces, Fish and Wildlife habitats, trails and greenways.

- Protection, establishment and management of a regional trails system.
- Provision of community and neighbourhood parks, open spaces, fish and wildlife habitats, natural areas, trails and recreation programmes.
- Participation of citizens in environmental education, planning, stewardship activities and recreational services¹⁸⁸.

Watershed health and water quality

A.299 This chapter contains policies related to maintaining watershed health to benefit people, fish and wildlife, focused in the following areas: water supply, water quality, watershed management; stormwater management¹⁸⁹.

Regional Natural Hazards

A.300 This chapter includes policies concerning hazard mitigation, emergency preparedness, disaster response, and recovery.

A.301 Natural hazards for the region include earthquakes, floods, landslides, volcanic events, wildfires, severe weather, and biological hazards¹⁹⁰.

Area covered by the plan

A.302 The Plan covers an area of urbanized parts of three counties (Clackamas, Multnomah, and Washington). Total land area covers 17,310 square kilometres. The area's population is estimated at 1.5 million inhabitants¹⁹¹.

Status of the plan

A.303 Under the Metro charter and state law, cities and counties within Metro's boundaries are required to comply and be consistent with Metro's adopted Urban Growth

¹⁸⁷ Oregon Metro (2019) Regional Framework Plan – Transportation [pdf]
Available at:

<https://www.oregonmetro.gov/sites/default/files/2019/03/07/Regional-Framework-Plan-chapter-2-transportation-03062019.pdf> [accessed on 19/05/2020]

¹⁸⁸ Oregon Metro (2011) Regional Framework Plan – Nature in neighbourhoods [pdf] Available at:

https://www.oregonmetro.gov/sites/default/files/2014/04/18/01132011_regional_framework_plan_2011_update_chapter_3_nature_in_neighborhoods.pdf [accessed on 19/05/2020]

¹⁸⁹ Oregon Metro (2011) Regional Framework Plan – Watershed health and water quality [pdf] Available at:

https://www.oregonmetro.gov/sites/default/files/2014/04/18/01132011_regional_framework_plan_2011_update_chapter_4_watershed_health_water_quality.pdf [accessed on 19/05/2020]

¹⁹⁰ Oregon Metro (2011) Regional Framework Plan – Regional natural hazards [pdf] Available at:

https://www.oregonmetro.gov/sites/default/files/2014/04/18/01132011_regional_framework_plan_2011_update_chapter_5_regional_natural_hazards.pdf [accessed 19/05/2020]

¹⁹¹ Oregon Metro (2015) Portland region grows to 2.35 million residents, Census estimates, with newcomers leading the way [website] Available at: <https://www.oregonmetro.gov/news/portland-region-grows-235-million-residents-census-estimates-newcomers-leading-way> [accessed on 18/05/2020]

Management Functional Plans and the Regional Framework Plan¹⁹².

Consultation process

A.304 Metro Council is required by its policy to engage the public in the plan preparation process. The council has established the Office of Public Engagement which helps ensuing engagement with region's full diversity, connecting public input to decisions and effectively evaluates engagement outcomes. The office supports and builds capacity to create more inclusive, transparent and relationship-based public engagement.

A.305 The Council has published a Public Engagement Guide that establishes consistent guidelines to ensure people have meaningful opportunities to be involved in the regional planning process. The guide provides examples of the tools and techniques that Metro Council may use to communicate with and receive input from the public. The range of public engagement processes include: a semi-annual meeting of professional public involvement peers (the Public Engagement Network peer group); an annual community summit; an annual survey and report; the establishment of the Public Engagement Review Committee, and a range of policy and technical committees. The committees are made up of mayors, neighbours, business owners who are willing to advise the Metro Council and present their diverse perspectives¹⁹³.

A.306 Parties involved in the plan's preparation

- Metro Council;
- District governments;
- Metro engaged community stakeholders;
- Private and public sector;
- Experts (academics from various fields of study).

Monitoring and evaluation processes

A.307 The Regional Framework Plan is set out to be reviewed every seven years, unless Metro Councils decided that an update is required earlier. Any review and amendment process must involve citizen participation and local

government review of proposed amendments prior to final Metro Council action.

Plan's strengths and weaknesses

Strengths

- Community and stakeholders' engagement;
- Green infrastructure;
- Inclusion of environmental education into the plan;
- Comprehensive approach to transport planning with a significant focus on sustainable travel choices, active travel and connectivity.

Weaknesses

- Focus on regional natural hazards;
- Lack of explicit approach to climate change mitigation and adaptation (however there is a separate climate strategy).

Lessons for Scotland

A.308 Comprehensive approach to stakeholder/community engagement in the plan preparation (see: Public Engagement guide).

Washington State

Land use planning in Washington State

A.309 In Washington State, the Growth Management Act lays out broad state goals for growth. These goals are implemented by local governments through comprehensive plans and they address issues such as the identification and protection of critical areas, zoning urban and rural land use areas, sprawl reduction and the provision of public infrastructure.

A.310 Federal, state and local governments all regulate environmentally sensitive areas such as streams, lakes, wetlands, wildlife habitat and aquifer recharge areas. Local and state governments also regulate development in certain

¹⁹² Metro Council (2020) Regional Framework Plan [online] Available at: <https://www.oregonmetro.gov/regional-framework-plan> [accessed on 18/05/2020]

¹⁹³ Metro Council (2013) Public Engagement Guide Adoption Draft [pdf] Available at: https://www.oregonmetro.gov/sites/default/files/2014/05/02/11122013_public_engagement_guide_final_adoption_draft.pdf [accessed on 18/05/2020]

critical areas, for example, steep slopes or areas vulnerable to erosion, floods, landslides or tsunamis¹⁹⁴.

Economic, environmental, and social characteristics of the region

Economy

A.311 The substantial population growth that King County has experienced in recent years can largely be attributed to the area's thriving economy, which has fostered a massive influx of individuals adding to the County's overall workforce. King County comprises the majority of the Seattle-Bellevue-Tacoma metropolitan statistical area and consists of approximately 70,000 businesses providing nearly 1.2 million jobs.

A.312 The vast majority of King County's workforce is employed in the service sector, such as in the trade transportation-utilities, professional businesses services, and education and health services industries. Overall, King County accounts for 50.3% of Washington's total payroll.

Environment

A.313 King County is characterized by beautiful scenery and geographic diversity, stretching from the Puget Sound in the west to the Cascade Crest in the east. There are 39 cities in the county, ranging in size from the 205-person town of Skykomish to the bustling metropolis of Seattle, with a population greater than 660,000. In addition, King County has a variety of working farm- and forestlands, as well as a vast open space network. Numerous water bodies, including rivers, lakes, and streams, provide key resources and create valuable land assets and unique ecosystems along coastlines and river corridors.

A.314 King County's total land area is 2,130 square miles, accounting for 3% of all land in Washington State. Through careful zoning and development regulations, King County manages its land use in a manner that ensures a high quality of life for its residents. Growth management in King County is largely implemented by directing development toward the Urban Growth Area, while protecting existing Rural Areas, open spaces, and Natural Resource Land.

Social characteristics

A.315 According to most recent available data (2015), King County has an estimated population of 2.05 million people. Approximately 94% of King County's residents live in urban areas and 6% in unincorporated Rural Areas and Natural Resource Lands.

A.316 Over the past 20 years, King County has experienced a substantial 25% growth in its population. By 2031, King County is expected to grow to a population of 2.3 million, adding just over 250,000 residents to its overall population. Based on the Guiding Principles of the Comprehensive Plan, 95% of this growth is targeted to be absorbed by cities and 5% in unincorporated King County¹⁹⁵.

King County Comprehensive Plan (2016)¹⁹⁶

Regional land use planning

A.317 King County Comprehensive Plan was adopted under the State Growth Management Act. The act directs the state's most populous and fastest growing counties and cities to prepare comprehensive land use plans that anticipate growth over a 20-year time horizon.

A.318 At a broader scale, the Growth Management Act requires development of Multicounty Planning Policies by the counties of King, Kitsap, Pierce and Snohomish, as well as the development of Countywide Planning Policies by King County and its 39 cities. These documents are to be used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted.

A.319 The 2016 update is the fifth major review of the King County Comprehensive Plan. In accordance with Growth Management Act, it is designed to manage growth so that development is directed to designated urban areas and away from the Rural Area and Natural Resource Lands. The Growth Management Act also requires King County to designate and protect critical areas and commercially significant forestry, agriculture, and mining areas. The Growth Management Act requires a comprehensive plan to adhere to a set of fourteen goals and to include the following elements: land use, housing, capital facilities, utilities, rural, shorelines, and

¹⁹⁴ Governor's Office for Regulatory Innovation and Assistance (2020) Land Use Permits: Who regulated land use in Washington state? [website] Available at: https://www.oria.wa.gov/site/alias_oria/411/Land-Use-Permits.aspx [accessed on 28/05/2020]

¹⁹⁵ King County (2018 update) 2016 King County Comprehensive Plan [pdf] Available at: [https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/Comprehensive-](https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/Comprehensive-Plan/2018_Update_to_King_County_Comprehensive_Plan.ashx?la=en)

[Plan/2018_Update_to_King_County_Comprehensive_Plan.ashx?la=en](https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/Comprehensive-Plan/2018_Update_to_King_County_Comprehensive_Plan.ashx?la=en) [accessed on 28/05/2020]

¹⁹⁶ King County (2018 update) 2016 King County Comprehensive Plan [pdf] Available at: https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/Comprehensive-Plan/2018_Update_to_King_County_Comprehensive_Plan.ashx?la=en [accessed on 28/05/2020]

transportation. The King County Comprehensive Plan provides a legal framework for managing growth and making decisions about land use in unincorporated King County. Public and private agencies, property owners, developers, community groups and King County staff use the Comprehensive Plan in several ways.

A.320 The Comprehensive Plan provides guidance to county officials for decisions on proposals such as zoning changes and developments. It also gives the public direction on the county's position on proposed changes in land use or zoning, environmental regulations, or broader policy issues. The Plan also serves as a framework for other plans and regulations such as subarea plans and the King County Code that govern the location and density of land uses in unincorporated King County.

A.321 Figure A1.3 provides an overview of planning hierarchy in King County.

A.322 Guiding principles of the Comprehensive Plan:

- Creating sustainable neighbourhoods;
- Preserving and maintaining open space and natural resource lands;
- Directing development towards existing communities;
- Providing a variety of transportation choices;
- Addressing health, equity, social and environmental justice;
- Achieving environmental sustainability.

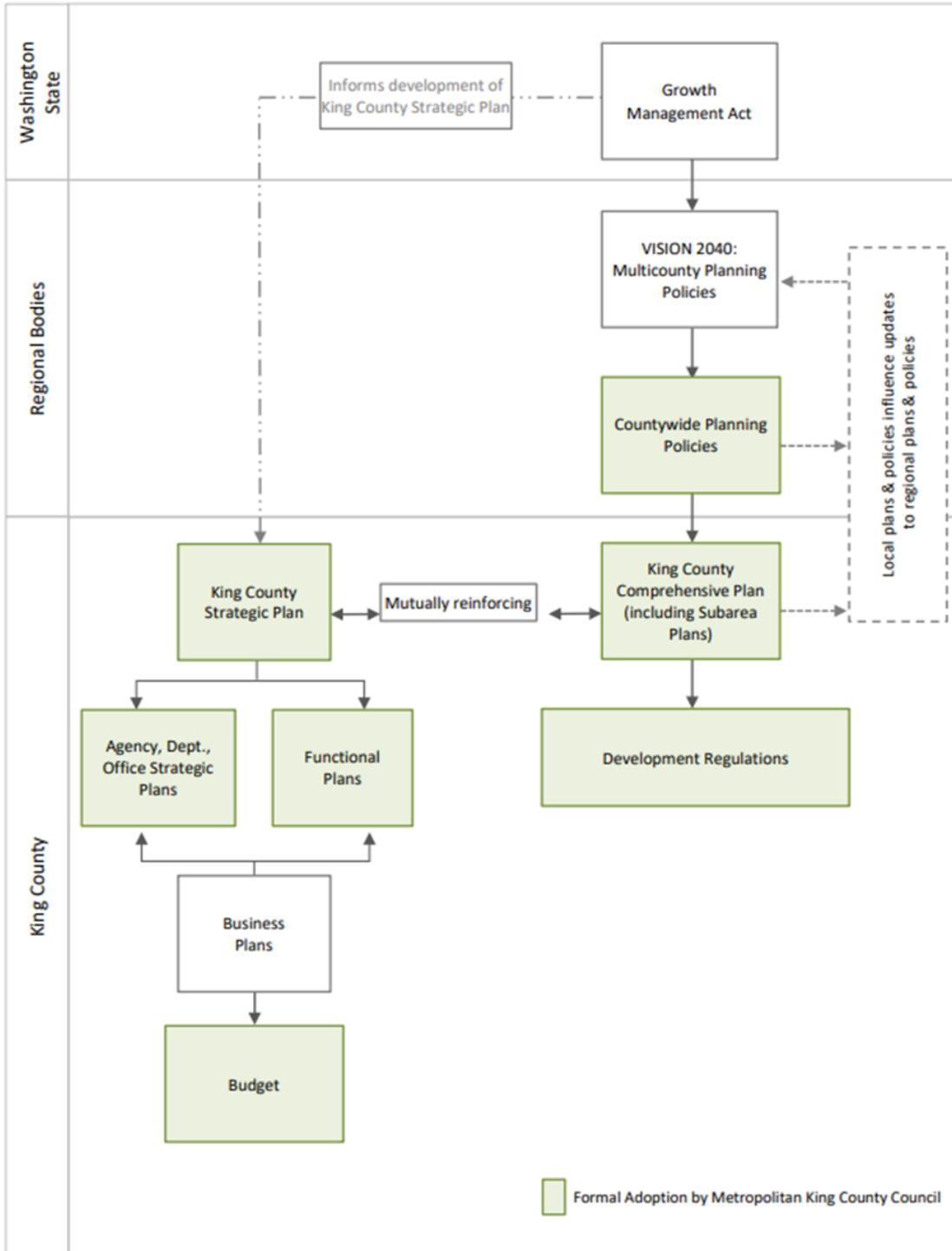
Content of the regional plan

A.323 The plan covers a range of topics that include:

- Regional growth management planning;
- Urban communities;
- Rural areas and natural resource lands;
- Housing and human services;
- Environment;
- Shorelines;
- Parks, open space and cultural resources;
- Transportation;
- Services, facilities and utilities;
- Economic development;

- Community Service Area Subarea Planning;
- Implementation and amendments.

A.324 Figure A1.3 Planning hierarchy King County



Source 2: Source 2 King County Comprehensive Plan (2016) Available at: https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/Comprehensive-Plan/2018_Update_to_King_County_Comprehensive_Plan.ashx?la=en

Area covered by the plan

A.325 King County covers 2,130 square miles and it is the largest county in Washington State. Current population is just over 2 million people.

Status of the plan

A.326 The document is advisory in nature, but it is founded on a legislative framework which is legally binding.

Consultation process

A.327 Consultation process takes form of community meetings and public hearings. Interested stakeholders are welcomed to provide the County Council with the comments to the Plan.

A.328 There is no information provided about how the consultation process progresses except from the community meetings information.

Parties involved in the plan's preparation

A.329 The Comprehensive Plan is mainly prepared by the King County Council which the feedback from the community and stakeholders.

Monitoring and evaluation processes

A.330 The Plans are prepared with 20-year time horizon and are required by the Growth Management Act to be reviewed every 8 years.

A.331 The King County Comprehensive Plan is a longstanding plan dating originally from 1964 and has been subject to a number of major reviews. The changes from the two most recent reviews are documented online and are summarised below to provide an indication of how the plan has evolved over time.

A.332 The King County case study is the fifth major review of the King County Comprehensive Plan. The 2016 update included:

- Stronger protection of the Forest Production District through policy changes
- Greater coverage of how Equity and Social Justice will shape County actions
- Stronger commitments to Climate Action

A.333 The fourth significant revision of the plan in 2012 included:

- Integration with the King County Strategic Plan
- Greater focus on promoting public health
- Alignment with transport planning
- Improved policies on affordable housing and biodiversity
- Making links to the Strategic Climate Action Plan
- Alignment with the King County Open Space Plan

A.334 In summary, the changes appear to reflect changes in policy focus over time, but also a recognition of the need for the plan to align more closely with other existing plans and strategies.

Plan's strengths and weaknesses

Strengths

A.335 Provides a comprehensive framework for land use and spatial planning.

A.336 Addresses climate change through links to the Strategic Climate Action Plan.

Weaknesses

A.337 The plan incorporates a range of planning functions within both urban and rural context, which may be less applicable to the more rural focus of the Scottish regional land use frameworks.

Lessons for Scotland

A.338 The plan covers urban, rural and urban-rural border areas and such scope is applicable to the Scottish context in relation to areas such as Glasgow and Clyde or Edinburgh and Lothians. Equity and social justice have received greater coverage in the 2016 plan update, which may be relevant to the potential role of regional land use partnerships in addressing inequality.