

PLANNING IN RESTRICTIVE ENVIRONMENTS – A COMPARATIVE ANALYSIS OF PLANNING SYSTEMS IN EU COUNTRIES

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Abstract

The discontinuities in the geographical space determine one of the main functions of territorial planning – the realization of a balanced distribution of economic development between regions. In this context, the restrictive environment concept can have an increased applicability in planning processes, as it explains the constraints in economic development that often lead to these regional imbalances. The aim of this study is to identify, through the analysis of planning systems in two EU countries (France and Italy), the planning instruments used in the case of restrictive environments and compare them to the ones existing in Romania. The comparison criteria used were the administrative structure, the system of plans, the inclusion of elements related to restrictive environments in these plans and other specific tools for such territories.

While the Romanian planning system shares some similarities with the other analysed planning systems, the insufficiently developed mechanisms, the superposition between different types of plans and sectoral policies and the changing institutional structure represent a problem in the management of restrictive environments.

Keywords: Planning instruments, environmental planning, spatial planning, planning law.

1. INTRODUCTION

Planning is defined as a set of procedures, a process that determines future actions through a sequence of choices [1]. Spatial planning comprises the methods, used mostly by the public sector, to influence the future of distribution activities in space [2]. It has, on the one hand, a regulating function – being a prerequisite for the authorisation of some activities by government authorities – and, on the other hand, a development function – as different structures need to develop different instruments for providing services, infrastructure, coordinating urban development and protecting natural resources [3].

Spatial planning aims to be an interdisciplinary coordinator of sectoral policies with spatial impacts, including environmental policies [4]. Consequently, it includes elements such as the rational organization of land use, including the conversion of land uses and property uses, but also the need to balance development demands to ensure environmental protection [2]. Its overall aim is to ensure human well-being through an improvement of the quality and environmental conditions of places [5].

The strong links between spatial planning and the environment are evident, especially under the sustainable development paradigm. Mac considers that regional development cannot neglect environmental components [6], while Cucu considers the environment to be the framework in which the objectives of spatial planning are achieved [7]. Ianoş highlighted the necessity of a correlation between environmental policies and socio-economic policies [8]. One can also stress the impact of spatial planning on the environment, with environmental issues often being the result of errors in spatial and environmental planning [9]. With the belief that traditional land use planning has led to social and environmental problems, environmental planning has emerged recently, as a type of planning more concerned with the application of ecological principles for a better management of anthropogenic interactions with the biophysical environment [10].

Consequently, there is a tendency in spatial planning to consider more and more aspects regarding environmental protection and sustainability, through measures such as the creation and expansion of natural protected areas or by ensuring an efficient waste management [2].

In this context, and based on the determinism and possibilism paradigms in human geography, **restrictive environments** can be defined as territories where the development function of spatial planning is conditioned by either:

- (1) **natural factors** which can be considered restrictive [11] or limitative [12]; e.g. territories with a high vulnerability to natural risks.
- (2) **anthropogenic factors** causing significant environmental degradation, thus limiting future development; e.g. mining areas, derelict industrial platforms, territories affected by significant land use changes.
- (3) **regulations or norms** imposed by law, aiming to protect either natural environments or communities affected by the negative externalities of anthropogenic interventions [13]; e.g. natural protected areas and protection perimeters.

The European Union's Treaty mentions spatial planning as a measure related to environmental protection [2]. Proposed as a new concept in spatial planning, restrictive environments are mentioned, indirectly, in several official documents regarding spatial development at European level. The European Regional/Spatial Planning Charter considers one of the main objectives of spatial planning to be the *responsible management of natural resources and environmental protection* [14]. It also defines specific objectives for areas which can be regarded as restrictive environments - especially mountain areas and areas with structural weaknesses.

Published in 1999 and seen as the first document raising the issue of the Community's role in spatial planning [15], The European Spatial Development

Perspective (1999) aims, among other things, for a *wise management of natural and cultural heritage* [16]. Furthermore, three of the ten Guiding Principles for Sustainable Spatial Development of the European Territory (Hanover, 2000) contain elements related to the restrictive environment concept: *reducing environmental damage, enhancing and protecting natural resources and natural heritage, limitation of the impacts of natural disasters* [17]. At the EU's level, the Territorial Agenda of the European Union (2011) lists *managing and connecting ecological, landscape and cultural values of regions* as one of its territorial priorities [18].

Nevertheless, these strategic spatial concepts at EU level are not legally binding, in contrast with directives like the Water Framework Directive or the Habitats Directive, which represent sectoral instruments with a direct influence on spatial development in member countries [4]. Consequently, EU policies regarding environmental impact assessment or protection of natural areas can have an important impact in national, regional and local planning. They are often supported by financial instruments with diverse objectives, like the reconversion of contaminated lands [2].

How much do Member States consider the European discourse on restrictive environments – or, more broadly put, on environmental protection and risk mitigation issues – in their planning system? The question is even more important in a context where neo-liberal influences exerted on the Member States determines a strong focus on economic competitiveness, while reducing other rationales and policy options, including environmental policies [19]. On the other hand, as actors realize the fact that environmental issues can become a risk to economic growth, they tend to invest more in the management of these issues [20].

The term spatial planning system refers to a *system of rules, competences and practices that steer spatial dynamics* [21]. There are four dimensions of planning systems: discourse, structure, tools and practices [22]. Hence, an analysis of the planning system can give an overview of the spatial planning tools that a country can use in restrictive environments.

There have been different attempts to classify and define typologies of planning systems at European level. Newman and Thornley (1996) classify the spatial planning systems in five families: Scandinavian, German, Napoleonic, British, and East-European [23]. In 1997, the European Compendium on Spatial Planning identified four major traditions of spatial planning - regional economic planning approach, comprehensive integrated approach, land use management and urbanism [2] -, with an attempt being made to update this classification in 2006, after the post-2004 enlargement [21]. Nevertheless, most of these comparison attempts have relied mostly on descriptive analysis [22], looking mainly at the legal and administrative arrangements and less on other important factors in shaping the planning systems, like planning cultures and planning [24] or actor configuration [25].

The aim of this study is to compare Romania's planning system with the planning system of other two European Union countries which share similarities. On the one hand, Romania's territorial planning (*amenajarea teritoriului*) is considered a

regional economic approach of spatial planning, also found in France, while Romania's urban planning (*urbanism*) belongs to the urbanism tradition of spatial planning, also found in Italy. The comparison will focus on the structure and tools [22] used in tackling restrictive environments in each country, as described in the next section.

2. METHODOLOGY

The comparative analysis of the three planning systems (France, Italy, Romania) was based on an extensive literature review – including the *EU Compendium of Spatial Planning Systems* [2]. National legislation was also consulted in order to define the main characteristics of each planning system. The methodology further develops previous attempts of realizing a comparison of planning system provisions for restrictive environments in EU countries [26].

Four criteria were used in the comparative analysis, which was realized taking into account the different territorial units of each EU state (*Figure 1*):

- the legal-administrative framework of the country (structure of the planning system);
- the system of plans defined by national spatial planning legislation (tools / instruments of the planning system)
- the inclusion of aspects related to restrictive environments in these plans;
- other specific tools envisaged for the management of such environments, not included in the spatial planning legislation.

In the end, based on the descriptive analysis realized using the above-mentioned criteria, a more thorough discussion on the Romanian planning system and current instruments was realized, in the context of a lack of tools in dealing with territories with significant environmental issues (restrictive environments).

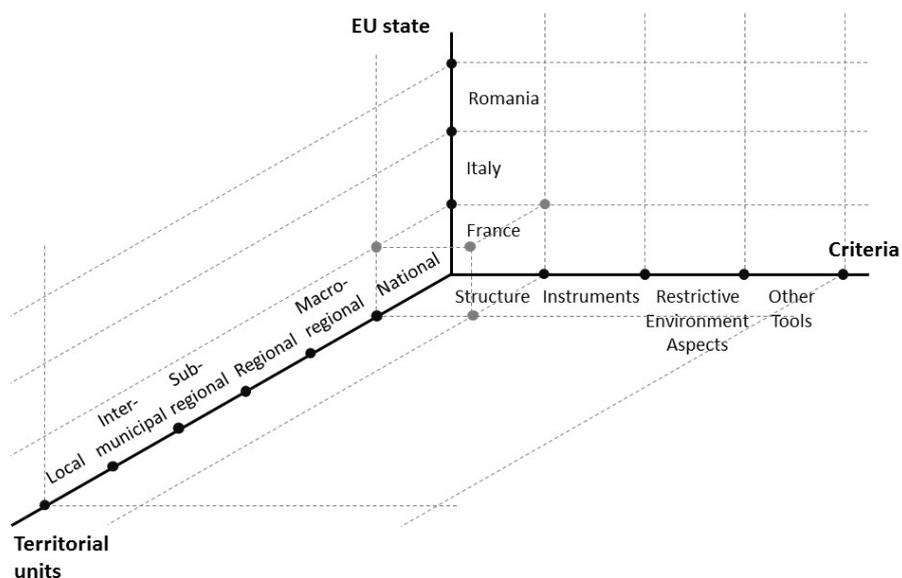


Figure 1. Comparison matrix: EU states, criteria for comparative analysis and territorial units

3. RESULTS AND DISCUSSIONS

3.1. France

Ever since Francois I (1494-1547) laid the foundations for absolutism, France became an extremely centralised country, remaining so until the 1960s [27], when the French *aménagement du territoire* or regional economic planning approach, emerged after the creation of DATAR – the national agency for spatial planning and regional action [19]. Since the decentralization of the 1980s, France has had four administrative levels: the state, the regions (created in 1982), the departments and the municipalities or *communes* [28]. The devolution reform in 1982 meant that land-use planning and local development became the responsibility of the municipalities, with regional planning and economic development transferred to the regions and the central government having just a regulatory function and being responsible for sectoral policies at national level [29].

From an administrative point of view, the territory of France can be considered very fragmented, due to the maintenance of over 36,500 LAU2 units – the *communes* [30]. Consequently, reforms have been undertaken in order to promote the voluntary association of *communes* for the provision of services [30], with three law packages being drafted and approved by the end of the 1990s [31]. Besides the existing *communauté urbaine* – 14 such urban communities [27], each having a population of at least 500,000 inhabitants and a wide sphere of competences, including environmental protection [31] -, the Chevènement law introduced two more forms of intercommunal grouping: the *communauté de communes* and the *communauté d'agglomération*. The three groupings are differentiated by the range of services they can manage on behalf of the constituent *communes*. Nevertheless, the way in which *communes* group, creating the institutions called *Etablissement Public de Coopération Intercommunale* (EPCI), is often decided by political alliances and less by the desire to create appropriate territories for policy making [30]. Besides this *hard* institutional framework, spaces of an urban-rural area that are considered to be geographically coherent can create a common area named the *pays* [29]. They do not represent a new administrative element and do not have to consider administrative borders [31], but represent territories more suitable for devising coherent development strategies [30].

Consequently, in 2014 99 % of the *communes* in France belonged to one of the three types of *communauté* and 80 % of the national territory was covered by *pays* [31], thus underlining the success of inter-community cooperation. The success was mostly based on the strong budgetary and fiscal incentives given to *communes* that were part of such groupings [28].

The system of plans (*Table 1*) is tailored on this complex administrative framework, where inter-community groupings play an important role. At national level, France has no integrated spatial plan, only sectoral guidelines represented by the *Schémas de Services Collectifs* (SSC) [29]. At regional level, a sustainable spatial development perspective is drafted – *Schéma Régional d'Aménagement et de Développement Durable du Territoire* (SRADDT) –, which has little spatial dimension, being more of a forecast of future public investments in the region

[29]. Since 2000, the core document at local level is the *Schéma de Cohérence Territoriale* (SCoT), which is elaborated by the voluntary groupings of municipalities (*communautés*) [29] and aims to balance natural, agricultural, forest and urbanised territories [31]. It is binding for the regulatory land use plans realized by the municipalities – the *Plan Local d'Urbanisme* (PLU) or *carte communale* (CC) in smaller, rural municipalities -, while mobility (*Plan de Déplacements Urbains*) and housing plans (*Programme Local de l'Habitat*) also have to be compatible with it [29]. On the other hand, the *pays* can elaborate spatial visions expressed in a charter – while the charter is not a statutory plan, it has to be correlated with the provisions of the current SCoT approved on the same territory (and viceversa) [29]. Both the *pays* charter and the SCoT are revised every ten years [31].

Table 1. Planning in restrictive environments in France

Territorial units	Administrative structure	Plans	Restrictive environment aspects	Other Tools
National level	State	SSC (9)	Natural and rural areas section	PPR
Macro-regional	-	DTADD	Natural areas with environmental issues	-
Regional level	Régions (28)	SRADD <i>CPER (policy)</i>	Plan environnemental régional	-
Sub-regional level	Départements (100)	-	-	Sensitive natural spaces
Inter-municipal	Communauté (de communes, d'agglomération, urbaine) <i>Pays (not administrative)</i>	ScoT <i>Charter (pays)</i>	PAAD	
Local level	Communes (36,616)	PLU CC	PAAD	

On a policy level, the planning documents mentioned above are complemented by the *Contrat de Plan Etat-Régions* (CPER), which coordinates, in each programmatic period, the public investments co-financed by multiple stakeholders [29].

As far as environmental aspects are concerned, of the nine domains for which national SSCs are drafted, the one on *natural and rural areas* [31] is closely related to restrictive environments. At macro-regional level, the *Directive Territoriale d'Aménagement* (DTA) represented a binding document, created by central documents for broader areas with issues such as high environmental pressure of large natural areas (e.g. Alpes Maritimes or Bouches du Rhône). Nevertheless, their elaboration proved slow and in 2010 they lost their binding nature, also being renamed *Directive Territoriale d'Aménagement et Développement Durable* (DTADD) [29]. At local level, the PLU and SCoT include, since 2000, the *Projet d'Aménagement et de Développement Durable* (PAAD), addressing issues such as the quality of space and environmental protection [28]. This highlights the fact

that, since the late 1990s, sustainability has become an important element in French spatial planning, with its double-d (*Développement Durable*) being now present in most planning acronyms [29]. Moreover, since 2007, the consultation named *Grenelle de l'Environnement* also included discussions on planning, with the subsequent reform focusing on supporting energy-saving construction in spatial planning documents [29].

The *Profil environnemental régional* (PER) should also be included here. Introduced by the Law Voynet in 1999, its aim is to complement the *Contrat de Plan Etat-Régions* (CPER) by describing the environmental issues at regional level and the strategic axes for public policies.

Besides the strategic *instruments* mentioned above in the form of plans at national (SSC – natural and rural areas), macro-regional (DTADD), regional (PER) and local level (PAAR), the legislation in France also includes other tools, specific for issues related to restrictive environments. One example is the possibility for French departments (NUTS 3) to define and levy a departmental tax on *sensitive natural spaces*, defined in the French *Urbanism Code*. This complements the national protection instruments at national (e.g. national parks or nature reserves) and regional level (regional nature parks), thus allowing departments to manage an environmental policy from start to finish [32]. Besides their role in the protection fragile environments, the sensitive natural spaces also aid the departments in raising high tax revenues, which are then used for the management of these areas [32].

Another instrument is the Prevention of Predictable Natural Hazards Plan (*Plan de Prévention des Risques* - PPR), which combines risk zoning and prevention measures with elements of land use planning and flood insurance [33]. First defined in 1984 and updated in 1995, it is a centrally directed instrument applied at local level and focusing on the preparation of maps delimiting hazard zones; these maps need to be taken into account in the elaboration of local land use plans (PLU) [33]. Nevertheless, it remains a policy not integrated enough into spatial planning and development policy – for example, land use control in floodplains refers just to the prevention of flood damage and does not consider other issue like water quality, or the preservation of natural environments [33].

3.2. Italy

Italy is a country very much structured around an urban network [34]. This traditionally strong autonomous structure of the Italian territory determines one of the main traits of its planning system - the predominance of the master plan at local level [35]. This has led some to affirm that the Italian territorial planning is comparable to a mosaic formed of 8,000 local urban plans and a weak central administration as far as spatial planning policies are concerned [36].

The planning system is closely related to the administrative levels of the country: Regions (20), Provinces (110) and municipalities (8,094) [37]. Law no. 135 from July 2012 proposed the reorganization of institutional levels, its main provisions being the unification of provinces, the establishment of the metropolitan city (*città metropolitana*) as an institutional level and the merging of competences in small municipalities to form *unioni di comuni* [35].

The planning system is still defined by the original National Spatial Planning Law (no. 1150 from 1942), however the modification of the Constitution in 2001 conferred upon the state and the regions concurrent powers in matters of urban planning and territorial government [35]. The national law in 1942 defined a three-level planning system [38], with regional level plans (*Piano Territoriale di Coordinamento Regionale* – PTCR) and provincial plans (*Piano Territoriale di Coordinamento Provinciale* - PTCP) setting an overall regulatory framework for the local plan (*Piano Regolatore Generale* - PRG) containing zoning provisions [37] – see *Table 2*. It is also possible to draw plans for the inter-municipal level: *Piano Regolatore Generale Intercomunale* (PRGI) [39]. However, with regions given the power to define their own planning legislation, there are now important differences in planning instruments and their functions and denominations [35], with many regional laws including quite innovative aspects regarding the use of policies and financial resources [38]. As a result, the Italian planning system is fragmented, with very different regulatory frameworks between regions and a weak coordination at national level [37].

Table 2. Planning in restrictive environments in Italy

Territorial units	Administrative structure	Plans	Restrictive environment aspects	Other Tools
National level	State	-	Specific laws for natural emergency situations	-
Macro-regional	-	<i>Piataforme Territoriale</i>	-	-
Regional level	Regions (20)	PTCR PPR	Protected areas, ecological networks	-
Sub-regional level	Provinces (110)	PTCP	Provincial ecological networks	Urban requalification and sustainable development programmes
Inter-municipal	Metropolitan cities <i>Unioni di comuni</i>	PRGI	-	-
Local level	Communes (8,094)	PRG	Attempts at SEA integration	Urban renewal programmes

At national level, the spatial planning framework is mostly sectoral and focused on the management of infrastructure networks [35]. There have been, however, several attempt of the state to define a spatial vision of the country. The first one was the *Progetto 80*, published at the end of the 1960s. It highlighted the reasons for unbalanced development at national level and was designed as a spatial policy to complement central economic planning [34], but had limited success. Afterwards, the state was completely absent in the field of spatial planning at national scale until the Italian Ministry of Infrastructure proposed the Strategic

Territorial Platforms (*Piataforme Strategiche Territoriale*), as a vision of the national territory in the 2007-2013 programming period. The Territorial Platforms represented both a spatial vision and a planning instrument meant to identify investment priorities in the infrastructure sector; they nevertheless generated conflicts with regional planning objectives and were not accepted by the regions [40].

The changes undergone by the planning system over the years started in the 1980s and aimed to cover the serious lacks of the system, especially related to environment protection competences at supra-local level [34]. Consequently, the regional laws adopted after 2000 have tried to integrate environmental impact procedures for the assessment of plans – SEA (Strategic Environmental Assessment) [38], while also shifting from urban planning to spatial planning and from regulatory to more strategic approaches [35].

While the lack of involvement in spatial planning at national level also means the absence of provisions related to restrictive environments, the state has often resorted to top-down actions through special laws that allow for immediate response in case of emergencies such as natural disasters [35].

At regional level, an important change has occurred in 2004, when the Legislative Decree no. 42/2004 defined the landscape as the engine for managing territorial transformations. These transformations are designed and managed through the *Piano Paessaggistico Regionale* (PPR – Regional Landscape Plan), which has become the main instrument to coordinate all other plans [38]. They include regulations regarding identified valuable areas and ecological networks, with a special focus on landscape and general ecological preservation [37].

These provisions for the conservation of protected areas by spatial plans at regional level have to be implemented and detailed also at Province level [37]. Consequently, the provincial territorial plans (PTCP) address the environmental settings of the whole province according to sustainability requirements [39], with one of their main aims being the identification of the provincial ecological network, with core areas subjected to particular restrictions according to their landscape and ecological values [37].

At local level, an important discussion is that of municipal energy plans – *Piano Energetico Comunale*. In some regions like Emilia-Romagna or Veneto, the realization of these plans has led to a consideration of the spatial dimension of energy, in relation to climate change issues, within the local spatial plans [41].

While the Italian legislative framework would still require a structural reform at national level, at regional and local level some interesting legislative innovation actions have taken place [21]. It all started with the institutionalization of two policy instruments in 1990, the *accordo di programma* and *conferenza dei servizi*, both had a contractual approach and were focused on collaborative planning processes [35]. They were followed by the creation of two instruments based on this contractual approach and aiming to integrate different sectoral views and coordinate various institutions. The *complex urban programmes* mostly included urban recovery and renewal programmes, while the *negotiated programming* was mostly directed at the promotion of economic development in weaker areas of the

country [34]. The latter included territorial pacts (*patti territoriali*), local spatial development programmes based on public-private partnerships [35] aimed to capitalize on the territories' endogenous resources [34]. Nevertheless, after generating these innovative tools, the Italian planning system has not produced comparable urban policies in terms of quality and efficiency since 2000 [42].

While these innovative policy instruments did not refer explicitly to restrictive environment situations – with the exception of urban renewal programmes which could also be developed on derelict industrial areas –, they represent an example of efficient planning models which allow both the integration of sectoral policies and the coordination of multiple stakeholders, including private companies.

3.3. Romania

Romania's spatial planning system is based on the country's administrative territorial structure, which consists of two layers: the county level (NUTS 3) and the local level (LAU 2 units: urban towns and municipalities and rural communes) [23]. They have directly elected authorities, with county authorities co-existing with the central government's deconcentrated units [43].

Romania has reformed its regional policy as a pre-requisite for receiving EU structural funds [44]. As a result, eight NUTS 2 development regions with no legal-administrative status were created in 1998, their main aim being the management and implementation of EU funds [43]. However, this new level was characterized by excessive centralization and was never linked with spatial planning instruments [45], as we will see below. Moreover, the regions have never had any policy-making powers [43].

As far as inter-community cooperation is concerned, Romania has developed, also under the influence of EU funding conditions, three types of voluntary associations without administrative status. While Metropolitan Areas (supported by the 2007-2013 Urban Development funds for Growth Poles) and the Local Action Groups (supported by the EU Common Agricultural Policy's LEADER initiative) are more oriented towards an integrated local development, the Inter-community Development Associations have a more sectoral perspective, or even just a project oriented approach [46]. Some consider that the proliferation of inter-community cooperation mechanisms in the traditional Romanian *țări*, very similar to the French *pays*, could play an important role in the country's future spatial development [46].

The current administrative structure is based on the decentralization of the state organization in post-communist Romania [43]. During communism (1945-1989), Romania's planning system was characterized by a top-down approach, forcing processes like industrialization and urbanization with the economy under the strict direction of planning [23]. After the fall of communism, Romania experienced, like neighbouring Eastern European countries, issues related to property disputes, environmental problems or marginalization of vulnerable groups, in a context of weak legal framework and corruption [45].

Consequently, Romania still suffers from *a rather widespread reluctance to accept planning as a democratic discipline, mainly because of its strong tradition during socialist times* [48]. As a result, a spatial planning law was approved only in 2001

(Law no. 350 of 6 July 2001), further detailing the two main directions for spatial planning in the country [23]:

- Territorial planning (*amenajarea teritoriului*), closely related to the French *aménagement du territoire*;
- Urban planning (*urbanism*), more similar to the Mediterranean, architectural and urban designed focused urbanism tradition [2].

Since its issue in 2001, the law has been amended 17 times until 2013. However, spatial planning's strategic role for development is still not clearly defined, with the current planning documents having just a coordinating role [49]. The frequent legislation changes underline the uncertainty and on-going disputes regarding the current planning system, while also illustrating its attempts to adapt to the most recent EU discourse.

Law no. 350/2001 defines the system of plans. At territorial level (*amenajarea teritoriului*) there are three types of plans. The national territorial plan (PATN) does not offer an integrated spatial development vision, as it is structured in sections defining sectoral guidelines at national level that need to be taken into consideration by lower level plans. At regional and sub-regional level, the zonal spatial plan (PATZ) can be drafted for a wide array of scales: inter-county (PATZIJ), regional (PATZR), inter-communal (PATZIC) or inter-city (PATZIO) [23]. At county level, the County Spatial Plan (PATJ) represents the spatial expression of the county's socio-economic development programme. Since 2013, the law has replaced the former metropolitan and periurban zonal spatial plans (PATZM and PATZP) with the metropolitan/periurban territorial development strategies – see *Table 3*. Nevertheless, all territorial level plans have only indicative provisions, which means that local authorities are not obliged to implement the development objectives formulated in these documents [23] – although they need to take into account provisions related to major infrastructure or natural protected areas.

As far as urban planning (*urbanism*) is concerned, all plans are realized at local level and have a strong normative character. The General Urban Plan (PUG) covers the entire administrative territory of a town or commune, the Zonal Urban Plan (PUZ) regulates land use in the main functional areas, while the Detailed Urban Plan (PUD) is realized at plot level [23]. Private parties can initiate Zonal and Detailed Urban Plans, which in most cases leads to an overriding of the General Urban Plan's provisions, fueling debates on the conflict between public and private interest in spatial planning.

Starting from 1990, this private approach to spatial planning has become the main factor in phenomena such as urban sprawl, de-industrialization or environmental problems. These dynamics, along with EU-funded investments, has often led to developments that contradict national policy objectives, for example the large-scale greenfield development despite the large availability of brownfields [45].

Since the approval of the Regional Development Law no. 315/2004, the regions were able to draft Regional Development Plans, which often did not take into account the objectives and provisions of spatial planning documents [23]. This is also true for the Integrated Urban Development Plans (PIDU), which also lacked integration, becoming just a list of projects requesting EU financing [42]. In

addition to this, there is a duplication and lack of correlation between development strategies realized by local authorities, often drafted for justifying single projects [45], and the strategy component of the spatial plans [49]. While the former are not regulated by the spatial planning law, their proliferation among local authorities was triggered by EU-fund conditioning regarding the existence of strategic documents. As a result, planning becomes associated with the absorption of European structural funds [48], with some of the planning instruments thus becoming obsolete or submissive to EU-level guidelines.

Table 3. Planning in restrictive environments in Romania

Territorial units	Administrative structure	Plans	Restrictive environment aspects	Other Tools
National level	State	PATN sections (6)	Section II Water Section III Protected Areas Section V Natural Risk Areas	
Macro-regional	-	-	-	Plans for managing river basins
Regional level	<i>Regions (8) – not administrative</i>	PATZR PATZIJ	Nature and environment chapter	Regional Action Plan for the Environment
Sub-regional level	Counties (41 + Bucharest)	PATJ	Nature and environment chapter	Local Action Plan for the Environment
Inter-municipal	<i>Metropolitan areas IDAs LAGs (not administrative)</i>	Metropolitan or periurban strategies PATZIC PATZIO	Nature and environment chapter	Management plans for natural protected areas
Local level	Towns (320 + 6 Bucharest sectors) Communes (2,859)	PUG PUZ PUD	Provisions for natural areas, risk areas, other building restrictions.	

Elements related to restrictive environments are very often present in spatial planning documentations. Of the six sections of the National Spatial Plan (PATN), two refer to natural protected areas (Section III: Protected Areas) and natural hazards (Section V: Areas of Natural Risk), while a third section (Section II: Water) includes elements such as areas vulnerable to water pollution, highlighting the anthropogenic impact on water resources. Furthermore, all territorial plans must include, in the state-of-the-art analysis as well as in the development strategy, a chapter regarding the nature and the environment. At local level, the General Urban Plan contains provisions regarding building limitations in natural risk areas, natural protected areas or building interdictions caused by other elements like major infrastructure corridors. However, Romania's planning system is

characterized by a great amount of contradictory planning strategies and instruments [44], which also affects interventions in restrictive environments. For example, the environmental legislation stipulates the necessity to realize Management Plans for some types of natural protected areas, containing interdictions regarding possible land use. Moreover, sectoral strategies related to restrictive environments (environmental strategies, climate change strategies, flood management plans etc.), drafted by different institutions at national, regional or local level, often lack a spatial approach and are not correlated with spatial plans.

Overall, Romania's planning system is affected by the lack of correlation between legislative provisions in different domains [50], especially regarding property rights and environmental legislation. The operationalization of law provisions remains unclear, which leads to a lack of tools for intervention in restrictive environments. Most provisions can be found in secondary legislation and not integrated in spatial planning law, for example the management tools for natural protected areas and the application of the SEA directive in the Environmental Law (OUG 195/2005) or the interdiction to build on class I and II soils in the Land Law (no. 18/1991).

4. CONCLUSIONS

The planning systems in all three countries include the main elements of EU discourse regarding environmental issues – the strategic environmental assessment of plans and programmes, the protection of high-value ecological areas and the attention given to natural risk areas. This can mostly be explained by the fact that these elements are directly imposed on the Member States through the SEA, Habitats or Water Framework directives. Nevertheless, there are still important differences regarding the inclusion of concepts such as sustainable development in the planning systems, with France undergoing, since 2000, an important transformation towards spatial planning documentations focused on sustainability (*Développement Durable*).

As far as the legal-administrative framework is concerned, the three countries show considerable differences. France, a highly centralised state until the 1960s, has undergone a decentralisation process centred around regional and economic planning and on inter-communitary cooperative associations which define their own spatial development strategies through the SCoT instrument. Italy, on the other hand, has devolved all planning competences to regions, which has resulted in a very fragmented legislative framework and a weak coordination at national level. The country is currently undergoing a territorial-administrative reform that includes the replacement of some provinces with metropolitan cities; it remains to be seen how these changes will impact on the national planning system. Lastly, Romania is still characterized by a centralist and top-down approach, with a poor participative and collaborative culture and an unclear and un-correlated legislative framework. The apparent decentralisation processes regarding the creation of regions or inter-community associations has been mostly triggered by the opportunity of accessing EU-funds.

The system of plans in each country was tailored on their legal-administrative framework. These planning instruments share some similarities, with all local level plans having a strong normative character and territorial plans providing guidelines for lower-level plans. Nevertheless, France's introduction of the PAAD at local level

represents a shift towards a more strategic and sustainable approach, with Italy also undergoing a similar transition at both local and regional level. In Romania, the territorial level plans have comprehensive integrated approach [23], but remain limited as local authorities are not obliged to implement their provisions.

Environmental aspects are included in the spatial plans and documentations of all countries. The regional level has an important role in this regard in both France (*Profil Environnemental Régional*) and Italy (*Piano Paesaggistico Regionale*), with the latter becoming the main instrument to coordinate other plans. In the case of France, the national level imposed *Plan de Prévention des Risques* has an important impact on local planning, clearly delimitating the areas affected by natural risks. This approach is similar to the one in Romania's National Plan Section V – Natural Risk Areas, whose provisions regarding the obligation of local administrations to draft risk maps was unfortunately only sparsely implemented. All three planning systems include elements regarding the protection of high-value natural areas, with the French *sensitive natural spaces* providing an example of taxation instrument that can aid in the management of these areas.

In the case of Romania, issues related to restrictive environments are acknowledged at both national (PATN sections II, III, V), regional and sub-regional (nature and environment chapter in spatial planning documentations, focusing on natural protected areas, natural risks and areas affected by pollution) and local level (PUG containing provisions regarding natural protected areas, risk areas and other building interdictions). Nevertheless, there is currently a lack of instruments for the operationalization of the provisions of spatial plans, with overlapping sectoral strategies (especially in the environment and regional development – EU financing areas) impeding an integrated planning approach on restrictive environments. While much needed reforms like regionalization or the codification of Romanian spatial planning legislation will probably still take some time to be realized, the Romanian planning system should perhaps look more at innovative policy instruments. The former Italian *patti territoriali* or *complex urban programmes* can be adapted in Romania, ensuring the coordination of stakeholders and funds in integrated projects responding to pressing environmental issues such as the contamination and high anthropogenic pressure in former industrial and mining areas.

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Received February 23, 2015

Accepted March 24, 2015