Appraisal of planning regulations regarding large urban distressed areas in European countries

Deliverable 3

Project Director: Prof. Dr. Bernhard Müller
Authors: IOER-LUDA-Team - Christiane Westphal, Andreas Otto, Sabine von Löwis, Carlos Smaniotto Costa and Patrycja Bielawska-Roepke with contribution of the partners

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Contributors
UNIFI TaED – Vincenzo Bentivegna, Marta Berni, Simone Ombuen
SUT – Lubomir Jamecny
SBE – Mark Deakin
ULHT – Diogo Mateus
SMASH – Gilles Verpraet
USAL – Jemma Turner
DIT – Julie Gannon
DGGS – Aleksandra Kolpak, Ferdinand Hofer
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1 Introduction

The report D3 is an appraisal of planning regulations regarding large urban distressed areas (LUDA) in European countries. It aims at analysing the legal and planning framework influencing the rehabilitation of LUDA in European countries. The different backgrounds comprising planning legislation, development strategies and urban rehabilitation programmes shall be described, assessed and compared in order to find out, which conditions have a positive or negative impact on urban rehabilitation.

In detail, the report has the objective to characterise national planning legislation, to analyse strategies and programmes of urban rehabilitation according to main characteristics such as scope, coordination, participation, allocation and financing, and to come to first conclusions regarding planning regulations in the scope of large urban distressed areas.

The report is based on a survey and review of the national legal systems, development strategies of countries and regions, as well as concrete programmes of urban rehabilitation. In order to analyse these planning regulations the following structure has been applied:

- Planning legislations affecting the rehabilitation of large urban distressed areas: This part contains all legislation with relevance for the rehabilitation of large urban distressed areas. The instruments provided by planning laws are legally binding on different levels.

- Strategies on different levels for LUDA rehabilitation: Strategies contain overall aims and planning guidance but are not connected to the allocation of resources. They provide a framework but are not legally binding and need further programmes for their realisation.

- National and regional programmes for the rehabilitation of LUDA: This part contains special programmes designed to promote urban rehabilitation with the help of allocating resources: time, money, staff, know how, etc.

The analysis has been carried out with the support of the scientific partners of the project in their respective countries. Thus, the report considers mainly those countries in which project partners of LUDA are situated. Furthermore the partners were asked to shortly assess their national planning systems as well as analyse the socio-economic and political context as framework conditions for urban rehabilitation.

The report contains six chapters. Chapter 2 gives an overview of different spatial planning systems in European countries as well as statements on their legal and administrative backgrounds on the one hand. On the other hand the specific legal frameworks with regard to urban rehabilitation are analysed. This chapter is a necessary precondition to understand different “cultures” of rehabilitation approaches in Europe. Strategies and programmes of urban rehabilitation are characterised in detail in chapter 3. They are analysed according to main characteristics such as spatial and time scope, coordination and participation as well as allocation and financing. These statements will be further appraised in chapter 4. Particularly, those requirements of planning regulations are taken into consideration, which are needed to improve the quality of life in large urban distressed areas. Chapter 5 gives a brief conclusion and chapter 6 contains the bibliography. A list of analysed strategies and programmes of rehabilitation in European countries is attached in the annex.
2 Legal Framework of Spatial Planning in European Countries

European countries are characterised by different spatial planning systems. It is necessary to understand different planning traditions to reflect approaches of rehabilitation strategies. The following statements base on the reports about national spatial planning systems in Europe which have been prepared by the LUDA project’s research partners as well as on a literature review. Chapter 2.1 gives an overview of the varying legal and administrative backgrounds in European countries and their impact on different natures of planning systems. Closely related to this first step the varying planning cultures and traditions in Europe are considered in chapter 2.2. This includes the question whether there is a harmonisation of planning systems among European countries within the framework of the enlargement of the European Union. Chapter 2.3 deals with the concrete legal basis available for urban rehabilitation. National planning laws and building codes are described and compared regarding their ability of handling issues of urban distress.

2.1 Legal and Administrative Background in Europe

Analysing legal and administrative systems of Europe five main ‘families’ can be identified (Zweigert and Kötz 1987, Newman and Thornley 1996): the British family including the UK and Ireland, the Napoleonic family, originating in France and including the Mediterranean and Benelux, the Germanic family with Germany, Austria and Switzerland, the Scandinavian family of the Nordic countries and the East European family which is not consistently and still in the phase of transition.

The British family is characterised by a system of case law that has built up decision by decision. There is a dual system of administration: the central government and the municipalities. However, municipalities are mostly seen as ‘agents’ achieving central government policies. In the centralised system of the UK central government policy has a strong influence on the rest of the planning system through its Planning Policy Guidance. Since the 1990’s more importance has evolved for development plans again after a decade during which they were downgraded. The amount of discretion in making decisions is high. Negotiations are usually conducted in secret and there is often no right for third parties to challenge planning decisions. Scotland has considerable autonomy over planning matters and the main difference is the development of a stronger strategic approach. The Irish case is centralised also and mirrors British planning practice. Planning legislation in Ireland has traditionally focused on regulation rather than development, with local authorities having more restrictive rather than permissive powers. Local authorities produce development plans within which development is controlled and these do not have to be approved by a higher authority.

The Napoleonic family has a considerable amount of internal variation. The legal style has a tendency to use abstract legal norms. In general, the administrative system bases on a centralised national level and stronger municipalities. In some countries, like Italy and Spain, substantially power is transferred to the regional level. Until the early 1980’s France used to be very centralised. Since then power has been shared with local government. However, the state still has considerable influence over local government especially for the Grand Projets. Compared to other countries the Portuguese planning system is not yet fully developed. Regional co-ordination commissions exist as branches of the central government. Municipalities are the actual centres of regulatory planning power but often lack expertise and finances.
In Italy the national government is responsible for producing planning legislation but this power has been shared with the regions and this has created considerable complexity. The principal planning authority is the municipality. However, the planning system is very fragmented and decision-making processes are often difficult to understand.

The Germanic approach has strong traditions in the Roman law. It is codified, of systematic order and more abstract and intellectual. Another feature is the importance given to the written constitutions. Both, Germany and Austria, have strong legal frameworks and decentralised decision-making structures. In terms of planning the state level (Länder) plays a crucial role while the federal level only sets out a framework of regulations. This causes considerable variations in planning practices across the different Länder. The local level has a strong role, too, expressed by the self-government of municipalities.

The Scandinavian approach can be characterised as less scientific and more pragmatic. It has origins in the Germanic and Napoleon styles combined with own characteristics. Due to similar languages and traditionally close relations, the Nordic countries vary only little in their legal and administrative systems. On the one hand, there is a strong relationship between national level and the regions which are often ‘agents’ for central government policies. On the other hand, the municipalities are very strong and local self-government is seen as an important cornerstone of the Scandinavian constitution.

In Eastern Europe extensive legal and administrative reforms have occurred since 1989. However, they often have the appearance of being transitional and it is still hard to summarise these developments. In common for countries like Poland, Slovakia and Czech Republic is the adoption of a stronger regional level and the municipalities seem to get more rights, as well. However, often the decentralisation of responsibilities goes not hand in hand with the decentralisation of funding and resources. It is still difficult to say anything definitive about the actual role of the new administrative entities.

2.2 Planning Traditions in Europe

The EU compendium of spatial planning systems and policies (EC 1997) characterises four different types of planning traditions in Europe. These are: the ‘regional economic planning approach’, the ‘comprehensive integrated approach’, the ‘tradition of land use management’ and the ‘urbanism’. It has to be said that those traditions are developing and have been all in the process of change especially within the past 10 to 15 years. Additionally to the indication of the traditions the change of the organisation shall be presented below with the special concern of rehabilitation aspects in city planning using country examples.

The regional economic planning approach is characterised by very broad and wide objectives regarding social and economic issues. Attention is given to regional disparities concerning employment and social conditions. The central government is taking a big part in the planning and undertaking public sector investment. Examples of this approach are France and to some extent also Portugal.

In France the central state was very active in balancing the disparity between the strength of the Paris region and the weakness of the provinces. A number of central institutions responsible for economic and spatial development supported this approach of steering from above. This politics were successful (e.g. industrial cores in the west) but the disparities remained. A decentralisation took place in the 1980s characterized by the strengthening of
the regions concerning power, responsibilities and possibilities of action. Nowadays there is the state, regions, departments and municipalities having planning responsibilities. Regions are very new within this context with a few competencies so far. Nevertheless the state is the coordinating authority – the institutional cooperation between all the administrative levels is open. Coordinated action is only possible by negotiation or national contract with the regional level (contrat de plan). The ambiguity between the responsibilities led to a steering within planning. A number of laws defining spatial planning followed. Strategic documents regarding planning developed as well as very detailed planning instruments for the local level. Further instruments are national contracts with the regional level providing national and regional money on the one side and general objectives substantiated with projects on the other side. In conclusion it can be said that there are a number of instruments to provide a coherent spatial planning, still undefined is the effectiveness of decentralisation (Braumann / Elianau 2002).

The city development and the rehabilitation strategies in France are characterised by a conservation district approach (plan malraux) in the sixties which was led by the power of public planning on urban growth management. This belief got disappointed in the 70ies and ecological aspects and housing rehabilitation got important. The 80ies were characterized by decentralisation and local communities were suddenly confronted with planning responsibilities. Laws were made to assure the coordination of social housing and a more sensitive rehabilitation of old neighbourhoods and the integration of urban design aspects. The ‘projet urbain’ is the integrated action-oriented approach of the 90ies. (Albers 1997: 52ff)

‘Contrat de ville’ is an example of an instrument for negotiation and contract of rehabilitation issues between the state and the local partners. “In this system central government offered limited additional finance and/or influence over its policies in return for securing, through a process of negotiation, a city-wide strategy to engage all communes in addressing problems of social exclusion.” (Hall / Mawson 1999: 15).

The second type comprehensive integrated approach, which also can be described as ‘framework management’, is characterised by a very systematic and formalised planning hierarchy from the national to the local level aiming the coordination across different sectors. This tradition is distinguished by mature systems and is in need of adequate and sophisticated planning institutions including a considerable political commitment to the planning processes. This tradition is typical for the Nordic countries. Germany and Austria characterized by the Federal systems also following this tradition.

An example for this approach is Germany with legislation of national, Länder, regional and local plans which make up a system of strategic frames and plans from the national level with guiding plans to the Länder and further to the regional and local level. The planning system is organised in a reverse flow principle taking both directions top down and bottom up. Plans and strategies at the national level and the level of the Länder are frames for a more detailed planning at the regional and local level. It is a sectoral approach accompanied with sectoral planning systems as transportation. Despite the differentiation in sectoral planning systems the organisation of planning asks for intersectoral coordination.

Similar to this procedure is the design of the German rehabilitation approach seeking a cross-sectoral proceeding in addressing all relevant needs, e.g. social housing, labour market development, social integration. Furthermore sectoral approaches exist as the rehabilitation of large prefabricated housing areas. In the 60ies and 70ies a change in
rehabilitation strategies took place from tearing down buildings and constructing new ones to an approach of renovation, modernisation and valorisation of buildings and neighbourhoods. More social aspects were integrated and in the 80ies ecological aspects had influence. The implementation involves increasingly private and public-private partners. This development goes in line with attempts of more deregulation and simplification of planning laws and ordinances (Albers 1997: 43).

The land use management is the third approach and is much more focussing on the controlling of changing land uses at the strategic and local level. Very typical for this tradition is the UK. Regulation is used to ensure a sustainable and growing development. The local level is the planning level while the central government is giving supervision on setting central objectives.

The typical example for this proceeding is England. A number of innovations have taken place in the English Planning System. It is characterized by general guidelines concerning development issues which are substantiated by Planning Policy Guidance from the different ministries. It is criticised that those general guidelines and policy formulations do not reflect regional specialities. This critique is also relevant regarding the development of urban areas. The 60% Brownfield Target demanded that 60% of the already used areas are to be used for housing. The effect is very positive in a dynamic area but problematic in a shrinking context (Ganser/Rumberg 2002).

Further a development to a plan-led system took place which can be compared with the German planning control. With the Urban Renaissance started a programme which aimed mainly in the direction of renewal and revitalisation. After Word War II a strong emphasis was put on the building of new towns and cities, which led to some ignorance regarding the old towns and inner-city neighbourhoods. Problematic neighbourhoods and the critic on the dry and technical planning of the 50ies led to an increasing importance of the ‘old’. Combined with the revaluation of the existing structure the decentralisation and shrinking of planning documents led to a new planning culture still in move today (Albers 1997: 63ff).

An approach designed in 1997 was the Challenge Funding implying competition for the regeneration resources available. Regeneration is applied in bidding for the resources. Money was provided for the most deprived neighbourhoods, goals and strategies are defined by the community. Some formal criteria were given for the decision by the government on who is getting the funding (Hall / Mawson 1999: 7ff). This strategy still combines the setting of central objectives and let the implementation free to the according level of action.

The forth tradition is named the urbanism and is putting a strong emphasis on the architectural flavour and concerned with urban design, townscape and building control. Regulation is very strong through the rigid zones and codes. A number of regulations and laws are existing but are not well established within the planning system as well as in the general public and politics. For this reason the urbanism has not been proved successful in controlling development. This tradition is typical for the Mediterranean member states.

Italy can be described as an example of the urbanism. The development of the cities and old neighbourhoods after World War II was characterized by speculation and market-driven developments. City planning developed plans and laws for guiding the development, but this stayed without effect. There is a deep split between the ‘city manager approach’ and the ‘urban design planer approach’ in the Italian city planning system (Albers 1997: 71 ff)
So the Italian planning system is working in a typical ‘urbanism’ tradition, but also here changes take place. Plans have been proven clumsy and not very helpful within the planning application. The current Italian planning is characterized by experiments providing new strategies within the traditions of Masterplans and the Regional Strategic Plan. The innovative ideas comprise a structural plan and action plan to proceed within city development and also the integration of several sectoral policies which also result in integrated neighbourhood development plans as well as also contracts for the rehabilitation of urban areas (Elisei 2002; Cramachi 2002).

However, the different legal, administrative and planning traditions can not be clearly assigned to each country. France, for example, can be assigned to the ‘regional economic planning approach’ and the ‘urbanism’. And also the innovations and reforms described show the harmonisation of the different planning approaches. Discussing the European spatial planning systems it is mentioned that all of them are in change and development is strongly influenced by the European Union and between the countries (Albers 1997).

**Further characteristics of planning traditions**

Following further characteristics of planning traditions can be deduced. Three themes for exploring the variety across European planning systems can be set out (cf. the European Commission Report Europe 2000+): first, the degree of centralisation, second, the way of being reactive or proactive with regard to private sector activity and third, attitudes of regulation or discretion. There is a considerable variation of centralisation within Europe. While the Nordic countries have the most decentralised system with a powerful local level, the UK is most centralised. Newman and Thorney (1996) say that most of the current planning systems rather react to private sector activities. However, strategic planning approaches of several countries might be a first sign for more proactive planning. There are strong differences between regulatory and discretionary systems in Europe. On the one hand, the issue raised to compare these differences is usually the degree of flexibility. However, even countries with a strong regulatory tradition characterised by legally binding plans show moves to make plans less specific and introduce mechanisms for greater flexibility. On the other hand, there exist differences in local control as well as third party involvement and participation. The regulatory system usually of plans contains the right of third party appeal while the discretionary system is more characterised by secrecy (Newman and Thorney 1996).

There are many indications of similar trends throughout the countries of Europe based on their common membership in the EU. Thus, the thesis can be stated that the national spatial planning systems move towards each other in order to adjust the individual spatial planning approaches (Braumann / Elinau 2002; Cremaschi 2002). In common is that there is a shift to regionalization and subsidiarity and naturally connected with it the rising importance of the local level. Also in common is the shift from the public sector as the only partner in rehabilitation strategy to private and public-private partnerships in most of the European countries (e.g. France, UK, and Germany).

However distinctions exist based upon legal and administrative approaches and historic development as well as varying social and economic processes. Newman and Thorney (1996) see the future as unlikely to produce a harmonised system throughout Europe, but, rather, a convergence of planning policies within different legal and institutional settings.
2.3 Legal Framework of Urban Rehabilitation

Talking about the legal framework includes a number of influencing factors as the nature of the law, the extent to which plans and policies are binding and the existence of constitutional or other legal rights in relation to land and property (EC 1997). In many European States a fragmentation into many laws as environmental or other specific laws is characteristic, as for example rehabilitation aspects. Especially Portugal and Italy are typical for a fragmented legislative framework leading to difficulties approaching an integrative and comprehensive development.

The compendium differentiates between three general systems which can be found in the European countries (EC 1997: 42f):

- Countries with a fundamental law which provides a basis for the regulation of building and the preparation of planning instruments. This fundamental law is supplemented by a small number of other laws e.g. concerned with historical monuments, urban renewal or environmental assessment. Those laws are amended from time to time. This is true for the UK and Ireland.

- Countries with a large number of acts, decrees and regulations which make provisions for a specific plan or other instrument or procedure. Those countries are characterized by many different types of planning instruments for special situations. This is true for Italy and Portugal.

- Another group are countries with a federalized or regionalized government which develop regional planning laws. This is true for instance for Austria. Also Germany belongs to this group in so far that very own regional specifications are existing in a great degree of consistency with the national and federal law.

France could be classified in the countries with planning laws and complex multilevel contracting. Initially in the 1960's and 1970's the planning legislation was oriented on the urban growth management. But since the decentralisation of power to lower administrative levels the need for a general spatial planning law evolved und led since 1992 to three main laws dealing with spatial planning and providing legislation for the local level and a subordinate spatial planning law. The third law is concerning cooperation between different levels of administration since the responsibilities are still very fragmented.

The accession states can not easy be included in one of the groups mentioned above. They are having a special situation in defining their planning legislation and at the same time reform their administrative systems.

Typical for all countries seems to be the reformation of the planning system concerning decentralisation and the design of an easy and flexible legislation. The core problem concerning the legislative regulations is to give guidelines for a well regulated development as well as being flexible in reaction on current requirements and demands as rehabilitation of urban distress (Albers 1997: 251f).

The competences in planning in the European countries tend to be at the local level. Germany is a traditional example of this procedure. Nevertheless the competences have to be approved by a higher state authority. Same autonomy is given to Austrian communities and very strong are the Scandinavian countries in providing autonomy to the local level.
Different are France, Great Britain or Spain where in the last decade competences are given to the local and regional levels (Albers 1997: 252f).

Almost in every country there is a two-stage planning system at the local level with a preparing general plan / master plan and legally binding component plans. The more general plan addresses more strategic aspects while component plans are more specific. The general ones are for instance the Structure plan (England) or Schéma de cohérence territorial (France) or Piano regolatore general (Italy). Examples of detailed plans are Plan local d’urbanisme or Local plans. Because of the time general plans take for their development and approval informal planning evolved concerning occurring aspects in city development.

Rehabilitation issues are expressed indirectly within the existing laws and only in a few cases an extra legislation is made concerning those issues. Within the legislations instruments exist or have been included in the past years. Such expressions of rehabilitation in the laws are supportive.

In the last 10 to 15 years a number of dynamic changes have taken place in most of the countries as Italy, France, UK, Germany and of course this is true for the accession states. Also rehabilitation aspects have got important within this reformation processes since the existing regulations have not been proven successful or sufficient for this matter.

For example Italy introduced programmi complessi (complex programme) and patto territoriale (territorial contract). The patto territoriale developed within the context of problematic areas as for example the Mezzogiorno and is seen as an instrument for the support of such areas. This territorial pact is defined as an agreement between local corporations, social partners and other public and private agencies for the implementation of measures with the goal of local development (Elisei 2002). Regarding rehabilitation a number of integrated measures developed on the background of European programmes as programmi integrati (programmes for rehabilitation), contratti di quartiere (neighbourhood contracts) and programmazione negoziata (programmed negotiation) which negotiate the local development and support the regulation of the Structural Funds (Cremachi 2002). These instruments base on two laws or ordinances: the Residential Public Housing Act as amendment of the Public Housing Act as well as the Urban Retrieval Programme including Quarter Agreements to support investment. The Italian legal instruments are in closely connected to the programmes of rehabilitation which offer financial resources. These approaches of rehabilitation legislations are strongly concerned with infrastructural aspects especially environmental and transportation.

One country with very less intent to address the problems in large urban distressed areas is Portugal. Legislation exists for the recovery of flats and real estates in degradation. This is characteristic for Portugal as a country with a fragmented planning system designing special laws for specific challenges. An integrated planning system does not exist. Instead a number of local strategies exist and also Local Agenda 21 processes develop. Regarding urban distressed areas much responsibility has to be taken by the municipalities dealing with actual problems.

With the reformation of planning in France a new law “Loi relative à la solidarité et au renouvellement urbain” (2000) is regulating the local building code (Code de l’urbanisme) and already has got in its name ‘urban solidarity and renewal’. With this new law local
development shall be given a new orientation and provides coherence in between the different plans and instruments. Major approach for rehabilitation in France is the *Contrat de Ville* already mentioned above – formally negotiated agreement (contracts). While the central government is offering limited additional finance and influence regarding policies the municipality defines a city-wide strategy addressing problems of social exclusion. The *Contrat de Ville* has been proven successful, but further developments have occurred as for example the *Grands Projets Urbains*, public private partnerships to tackle the worst social housing estates in France or the *Pact de relance* addressing the economic dimension of area regeneration offering financial incentives to small businesses. A basic law affecting the direct rehabilitation of housing is addressing loans and grants to households and housing corporations for buildings (*Loi Barre sur le financement du logement*).

The **England** is having a law named the Local Government, Planning and Land Act (1980) which is addressing *Urban Development Areas* and accordingly *Urban Development Corporations* which act with the goal “to secure the regeneration of the area which include housing, social infrastructure, environmental improvements, commercial and industrial redevelopment”. Another instrument as part of this law are *Enterprise Zones*, representing a combination of taxation incentives with a greatly reduced level of planning control in order to encourage redevelopment in run-down areas.

In comparison **Ireland** enacted the Urban Renewal Act in 1986 (revised 1994 and 1999) addressing the increasing problems of decay in large inner city areas. It has proven successful in attracting investment into designated inner city areas by tax-based incentives but not so much in addressing wider social implications of urban distress. Nevertheless it marks the first step of an proactive Irish policy. The act was revised in 1998 to make several provisions to rehabilitation on certain areas, define functions of local authorities and delegates, etc.. But also the Planning and Development Act (2000) addresses rehabilitation issues, e.g. the preparation of various development plans which have to consider urban rehabilitation as one facet.

Rehabilitation in **Austria** is addressed by the Law of Preservation of Historic Centres which focuses on the appearance and structure of the city centre. It very much focuses on the preservation and use of buildings as well as the preservation of public space. Other legislations having influence are: Law for Renovation of Towns, regulating the restoration of buildings and offering financial support and subsidies and the Law for Rehabilitation of Inherited Waste, concerning the registration and identification of brownfields.

The Federal Building Code in **Germany** is the legal framework for urban planning which provides formal well-established instruments for urban rehabilitation and redevelopment as the *Urban Redevelopment Measure* and the *Urban Development Measure*. Additional sectoral legislations address specific laws as the environmental legislation, e.g. Federal Soil Protection Law, Federal Immission Control Act. Since the last reformation of the Federal Building Code in 1998 special aspects are now proposed for the current reformation 2003 of the German Building Code. Urban restructuring (*Stadtumbau*) and the socially integrative city (*Soziale Stadt*) have been proposed in the revised version. The *Stadtumbau* is addressing the demographic and economic change by encouraging property owners for the realization of urban restructuring. The *Soziale Stadt* is addressing social problems in deprived inner city areas.
**Slovakia** shall be given as an example of legislation including indirect expressions on rehabilitation as Territorial Planning “will determine necessary interventions into territory for restoration, reconstruction or recultivation purposes and it defines the manner of its further use” or „it will propose territorial and technical organizational measures necessary for improvement of the environment, achievement of ecological stability and provision of sustainable development“ (Slovakian Planning and Building Code Section 1, article 2). The lack of financial resources and interest by the state induced that no specific legislation or instrument is existing for designing rehabilitation strategies. There exists a specific legislation concerning housing blocks and flats but not taking into account the larger area around blocks. Environmentally oriented public and specialists address rehabilitation issues concerning large urban distressed areas in the current draft procedure for a new legislation on spatial planning. A number of aspects support the consideration of rehabilitation aspects as a rehabilitation movement by the public and specialists, the decentralisation of public responsibilities, the big scale of problems within large urban distressed areas caused by the former military areas and prevailing dwellings and the lack of offers on the housing market.

Similar is the situation in **Poland** where there is no legislation regarding rehabilitation and no instruments being able to address problems in large urban distressed areas yet. An act about revitalisation programmes of residential areas is in progress. Supportive for the development of the planned act about revitalisation were activities as the National Residential Fund, Preferential Credits and Initiatives towards activation of human resources based on different programmes. This act is going to address the eligible area, the institutions, the funding and the process of revitalisation in urban distressed areas. Same as in Slovakia Poland is characterized by decentralisation of powers to the local level but without spreading the adequate financial resources.

While in some countries the political context is tending to be interested in the improvement of the quality of life in large urban distressed areas and accordingly work on legislations and instruments to address the needs of large urban distressed areas others do not concern this issues adequately the existing problems and needs.

Another attribute which can be observed looking at the legislative framework is the existence of sectoral laws concerning rehabilitation as public housing legislation, transportation and environmental infrastructure, housing improvement addressing the single house owner in distressed areas, offering financial incentives to small businesses or on the other hand only focusing on the centre of cities with respect to building preservation. Besides the information about the Polish act about rehabilitation which is in preparation and indicates a broader approach Ireland is country already addressing rehabilitation in an Urban Renewal Act (last revision 1998).

Typical for most of the approaches is the public-private cooperation and partnership orientation. This can be seen in the ideas of the contracts in France and Italy but also in the Urban Development Corporations in England.

The overview shows that on the one hand rehabilitation measures and instruments are part of the overall legal framework addressing aspects of rehabilitation and on the other hand own legislations or regulations are in place addressing specific issues of rehabilitation.
All together the legal frameworks of different countries show a puzzle of instruments and legislations missing links to be adequate addressing the whole complexity of large urban distressed areas.
3 Characterisation of Rehabilitation Strategies and Programmes

The objective of this chapter is to characterise specific strategies and programmes of urban rehabilitation in European countries. Therefore single approaches have been analysed and compared with each other to achieve statements regarding important key characteristics which are:

- the scope of strategies and programmes, including the extent of integrative character, the spatial scope, the time scope, potential of innovation,
- the coordination of strategies and programmes, including their initiation, coordination and management, the role of the municipal level, and the importance of stakeholder and community participation as well as private sector involvement,
- the allocation and financing of strategies and programmes, including sources of financing, the allocation of resources, applied instruments, and the balance of task assignment and financing.

With the help of the LUDA research partners the project has been able to gain knowledge about a considerable amount of urban rehabilitation strategies and programmes in all participating countries as well as some other countries. Sectoral and inter-sectoral approaches on the European, national, regional and local level have been taken into consideration. A list of analysed strategies and programmes is attached in the annex of this report.

3.1 Scope of Strategies and Programmes

Due to the complexity of problems in LUDAs their rehabilitation depends on strategies and programmes that are not only directed at single aspects but that are broader in scope. The scope of existing strategies and programmes can mainly be described by four aspects, which are further elaborated in the text:

- Extent of Integrative character
- Spatial Scope
- Time Scope
- Potential of Innovation

3.1.1 Extent of Integrative Character

The extent of integrative character considers whether different sectoral aspects of urban rehabilitation are addressed in specific strategies, legislations and programmes or in an integrated manner. The extent of integration varies among the strategies and programmes.

From the present analysis of strategies, three main approaches could be identified: first overall national sustainability strategies without spatial scope, second national strategies focusing on spatial development and third strategies on the regional or local level.

- Overall national sustainability strategies are integrative by referring to the principle of sustainable development with its social, economic and ecological aspects. In most cases however their impact on urban rehabilitation is limited since they put forward overall objectives without a distinctive spatial scope. For instance the German National Strategy for Sustainable Development Perspektive Deutschland (Perspective for Germany)
generally aims at fairness to different generations, quality of life, social cohesion and international responsibility.

- Other national strategies are especially directed at an integrated spatial development such as the *Österreichisches Raumentwicklungskonzept* (Austrian Spatial Development Concept). This concept aims at competitive Austrian regions with a special concern on cities and urban regions, settlement structures with mixed uses, integrated development of settlements and open spaces, renewal of core areas within the cities, resource efficiency and environmental protection. Some national strategies even refer to the problems of the restoration and revitalisation of areas in crisis. For instance the *Concept of Territorial Development* of Slovakia defines the tasks to restore and revitalise the areas with a high degree of environmental pollution, to identify the stress factors in the area and ensure their elimination. Further aims are to build on the principles of reconstruction and restoration of existing industrial and construction areas. The Polish *Narodowa Strategia Rozwoju Regionalnego* (National Strategy for Regional Development) among others is directed at counteracting marginalisation of disadvantaged areas and at the revitalisation of economic base for the cities and the revitalisation of urban areas threatened by social and economic marginalisation. The *National Strategy for Neighbourhood Renewal (UK)* focuses on the integrated solution of deficits in housing and the physical fabric of deprived neighbourhoods as well as of the fundamental problems of worklessness, crime and poor public services. The strategy also puts in place new ideas including *Neighbourhood Management* and *Local Strategic Partnerships* for empowering residents and getting public and voluntary organisations to work in partnership.

- **Strategies on the regional or local level** are more often directly relevant for the improvement in LUDAs. The *Dublin Local Government Strategy 2002-2012* for instance is based on the core principles of sustainable development and tackles this concept through multi-dimensional interventions aimed at groups experiencing multiple forms of disadvantage within distinct geographical areas. The strategy is one of the most proactive strategies prepared for Dublin city to date to direct its transformation to a sustainable future.

In some countries (e.g. Italy, Portugal) no integrative strategies of urban rehabilitation do exist. Furthermore in most cases the implementation of the more ore less integrated strategies remains quite vague.

**Programmes** directed at urban renewal and urban rehabilitation are the most flexible approach to promote the improvement of quality of life in LUDAs. Recently some integrative programmes evolved which open up some possibilities for the regeneration of disadvantaged urban areas.

On the **European level** the *European Regional Development Fund* (ERDF) and the *European Social Fund* (ESF) support those programmes which are most relevant for the rehabilitation of LUDA. While the *ESF* focuses on human resource development, the *ERDF* aims at promoting regional cohesion and competitiveness through an approach which integrates economic, environmental and social activity. The *Community Initiative URBAN II*, funded by the *ERDF*, is the most important programme that supports an integrative solution of urban renewal’s complex problems. Its aim is to further innovative strategies for economic and social regeneration in deprived urban areas. The programme presents an integrated approach that at the same time furthers equality of access to jobs and training and the
compliance with the Community’s environmental requirements at local level. Therefore the programme covers economical, social, transport, environmental, security and other aspects. Especially municipalities in the accession countries (e.g. Poland) express their hope to solve problems of urban rehabilitation by an inclusion into this community initiative. However the importance regarding the integrative approach of the programme is not reflected in its financial strength, generally contributing € 500 per resident in the disadvantaged areas.

Current programmes on the national level are shifting towards a higher level of integration. The programmes aim to move away from the funding of isolated, project-based regeneration initiatives and place urban regeneration in a wider strategic framework such as Better Communities in Scotland (2002). The Irish National Development Plan 2000-2006 employs a multi-faceted approach that addresses various sectors of society and it aims to realise its objectives by means of an expansive investment of € 50 billion. The investment is channelled by three national programmes: Economic and Social Infrastructure, Employment and Resources, Productive Sector.

In most cases integrative programmes evolved over time, resulting from previous sectoral approaches as exemplified by France: First approaches of urban rehabilitation focused on the physical improvement of housing and the urban environment. These were supplemented by social aspects. For instance the programme PALULOS aims at a social mix of population supported by the reorganisation of housing typology. With the Dévelopement Social des Quartiers (Social District Development) (1983) social policy became a part of urban regeneration. The procedure of social development combines the housing rehabilitation and the public support to community development and training. Moving towards the Politique de la Ville (Urban Policy) aspects such as the connection to the city centre are considered as well. Urban rehabilitation now consists of a combination between social development, housing rehabilitation and economic development. With the current approach of Redévelopement Urbain (Urban Redevelopment), urban rehabilitation in France integrates housing, social development, urban development and the local co-ordination of public services.

Few recent programmes are integrated in multiple ways. The German programme Soziale Stadt (Socially Integrative City) is directed at inter-institutional and cross-sectoral approaches on national, regional, municipal and district levels. At the same time it combines investment and non-investment activities such as mobilizing local self-organizing forces. A core instrument within the programme is the Integrated Action Plan containing long-term and district-based development policies. The programme envisages a pooling of resources from different programmes led by different ministries and funds from third parties such as housing associations, European Structural Funds and employment promotion programmes. It fosters co-operation between all relevant players and mobilisation of residents of a neighbourhood. Although the programme is a great success still many problems arise concerning its implementation, e.g. with regard to the co-operation of municipal staff and grassroots works, the pooling of resources from different levels and the difficulties for municipal governments to provide co-financing (Becker et al. 2003). The terminated UK’s City Challenge Programme (1991-1996) and the current Single Regeneration Budget (1994-1997) both are integrative in several dimensions: including the whole city, combining planning and action, integrating various stakeholders as well as strategic planning and long-term visioning. City Challenge was the most promising regeneration scheme so far attempted because of its partnership
base, community and private sector involvement, strategic and targeted approach and its implementation by dedicated, multi-disciplinary teams.

In spite of these few integrated programmes urban rehabilitation is in most cases still conducted by the help of sectoral or specific programmes, such as for instance Sanierungsmaßnahmen (Urban Redevelopment Measures) in Germany, Programmi di Recupero Urbano (Urban Retrieval Programme) in Italy or PROGRAMA ESCOLHAS in Portugal, which are directed at the prevention of juvenile crime.

In many countries however integrated programmes are completely missing. In Slovakia no national and regional programmes dealing with the integrated rehabilitation of disadvantaged urban areas have been developed yet. In Poland there is still a need for comprehensive, integrated programmes which connect the solutions provided in physical or zoning plans with procedures of project participation, suitable organisational structures and financial management of urban planning. Due to a lack of integrative programmes on the national or regional level, revitalisation was limited to local community initiatives, which focused on the improvement of technical infrastructure and the physical improvement of residential areas and single buildings within the inner cities. In Portugal existing programmes only provide support to specific and isolated problems. Some state initiatives focused on the architectural and physical rehabilitation of housing or the social problems of illegal housing.

In Italy the Programmi Integrati di Intervento (Integrated Intervention Programme), which from its design moves towards a greater integration of urban rehabilitation, is often used for specific policies such as the restoration of ancient parts of the town in Sardinia, Liguria and Lazio, or the production of dwellings for fishermen in Sicily. Within the Italian Programmi di Recupero Urbano (Urban Retrieval Programme) the social targets of urban transformation and regeneration are sometimes more declared than effectively pursued, mainly because these programmes are still in an experimental period.

3.1.2 Spatial Scope

Due to the large size of LUDAs as well as their multiple interrelations with their city and region, the success of their rehabilitation fundamentally depends on its integration into a citywide and regional context.

With the growing transfer of competences and responsibilities from the national level to the regions (e.g experiences in Italy, Poland, Slovakia) the regional level becomes more and more important for the strategic planning of urban rehabilitation. Problems that are connected with a dispersion and diffusion of settlement structures, which arise due to the increase in transportation and of accessibility, can no longer be solved on the local level.

Regarding the citywide or regional integration of LUDA rehabilitation strategies two main developments can be recognized: First the focus on larger areas targeted in programmes or urban rehabilitation and second the need to take into account citywide or regional strategies.

- Some current programmes of urban rehabilitation in Europe focus on larger areas. The European Community Initiative URBAN II aims at areas which cover a critical mass of population of not less than 20,000 inhabitants. The UK’s Single Regeneration Budget funds urban regeneration in areas of around 25,000 inhabitants. The French Politique de la Ville (Urban Policy) moves from district policy to metropolitan joined actions which combine the social and public interventions between outskirt districts and city centres. Consequently the projected areas become larger and larger in scale.
Villes (Large City Projects) are followed by even larger Grand Projets Urbains (Large Urban Projects). In Marseille for instance the Grand Projet de Ville covered 2160 ha and the Grand Projet Urbain covers 5 districts, 5,000 ha and 210,000 inhabitants.

- Up to now some programmes pay special attention to the **citywide or regional integration of LUDA rehabilitation strategies**. On the **European level the Community Initiative URBAN II** asks to take account of existing strategies for the wider urban area or region. With its programme **Priority Partnership Areas for Urban Regeneration** Scotland sets urban regeneration in a city-wide context. Another Scottish programme **Building Better Cities: Delivering Growth and opportunities** promotes citywide visioning. While focussing on cities it is not only cross-sectional, but also concious of the spatial inter-connectivity of settlements at the regional and national scales.

However in most cases, programmes with the limited spatial scope of a neighbourhood are directed at problems of disadvantaged urban areas. In England the **New Deal for Communities** focuses on smaller areas such as neighbourhoods. The German **Sanierungsgebiete** (Urban Redevelopment Areas) are as well limited to the neighbourhood level. Another example is the Portuguese **PROGRAMA ESCOLHAS** directed at the prevention of juvenile crime at neighbourhood level.

### 3.1.3 Time Scope

Apart from the short-term planning of projects, a strategic process of improving the quality of life in disadvantaged areas requires planning documents with a long-term perspective.

**Overall or general strategies** in some cases provide a long-term framework for urban development. The **Irish National Spatial Strategy** and the German **Perspektive Deutschland** (Perspective for Germany) look ahead for 20 years, until 2020. On a local level the **Dublin Local Government Strategy** provides a 10 year framework from 2002-2012. Other strategic planning documents, which define the objectives of urban development more precisely, are much more restricted in their time scope. The **Slovakian National Plan of Regional Development** provides a planning period from 2001-2006. The Polish **Narodowy Plan Rozwoju** (National Development Plan) focuses on the period from 2004-2006.

However strategies with a long-term framework run the risk of becoming out-dated if they are not revised a regular interval. For instance the German **Raumordnungspolitischer Orientierungsrahmen** (Guidelines for Regional Policy) from 1993 is based on the assumption of a permanent growth in Eastern Germany and thus is fairly out-dated under the current conditions of shrinking cities and regions. To avoid obsolete concepts, the Austrian **Österreichisches Raumentwicklungskonzept** (Austrian Spatial Development Concept) should be reissued every 10 years.

The limited time scope of funding programmes often constraints the development of a continuous regeneration process. So the limitation of projects within the **Single Regeneration Budget** (UK) to 7 years has been criticised. The **European Community Initiative URBAN** in its first period has been restricted to 5 years (1994-1999). In order to achieve a continuing regeneration process in Portugal the areas participating in the second period (2000-2006) are in general the same as in the first period, or complementary areas near the URBAN I areas.
Few current programmes of urban rehabilitation give incentives to create long-term visions for disadvantaged areas. One of the British City Challenge Programme’s main aims was to provide long-term visions for the participating areas. The English New Deal for Communities (1998) aims at long-term commitment of local partnerships to deliver real change.

3.1.4 Potential of Innovation

The success of urban regeneration of LUDA very much depends on the scope for innovation provided by the respective strategies and programmes. Some moves towards more flexibility and innovation could already be identified from the analysed strategies and programmes. These issues concern the planning and implementation process, stakeholder integration or the integrative consideration of current problems of urban rehabilitation.

The Scottish Programme Building Better Cities: Delivering Growth and Opportunities promotes the use of community-led visioning and scenario building. However the programme is still very much at the policy stage with little attention on the institutional and organisational aspects of urban regeneration and the empowering of communities in delivering the services needed for citizens to participate in work, domestic life and leisure.

Within current programmes the aspect community involvement and empowerment receives a major focus. These approaches often receive a strong commitment to the partnership approach and involvement of all stakeholders in the urban regeneration programme. However in some cases the institutional arrangements for organising the delivery of urban regeneration plans and programmes are still missing so that the communities are not sure what path to follow in transforming their environmental, economic and social situation. Main success factor within the British Government’s Programme New Deal for Communities was the community involvement and empowerment provided by a deep community consultation. The Scottish programmes New Life for Urban Scotland as well as Priority Partnership Areas for Urban Regeneration both achieved real community involvement and empowerment of local residents in the urban regeneration programme.1

Innovation requires flexibility regarding the integrative solution of prevailing problems of urban rehabilitation. A change of determining factors of urban development, e.g. the current development of shrinking cities, causes the need for new solutions. The current German programme Stadtumbau Ost (Urban Restructuring in Eastern Germany) accepts the challenge to elaborate innovative concepts meeting the needs of downsizing. Grants for the elaboration of citywide Integrierte Stadtentwicklungskonzepte (Integrated Development Concept) and a competition in which the best concepts are rewarded are the means to further innovation. The Austrian Stadterneuerungsgesetz (Law for Renovation of Towns) also funds ideas competitions to prepare urban regeneration. The Scottish Social Inclusion Partnerships are innovative in the sense that they do not rest on an area based approach to urban regeneration but cut across key sectors (for instance education and health) seen as necessary to reaching social inclusion (skills, jobs, employment, a high level of public services). These Social Inclusion Partnerships furthermore stress the important aspect of education and out of school learning which considers the current problem of achieving social inclusion in a special way.

1 The aspect of community involvement and participation will further be dealt with in chapter 3.2.5.
Global contracting is a means of ensuring the implementation through an agreement fixed in a contract. The French Politique de la Ville (Urban Policy) and the Polish Strategia Rozwoju Wojewodztwa (Strategy of Regional Development) imply the approach of a contract between stakeholders\(^2\) defining the partners' responsibilities for planning as well as for funding and implementation.

Up to now only few approaches at the same time take into account the planning, implementation and monitoring of regeneration processes. Within the programme New Deal for Communities (England) the prompt assessment of success is a major aspect: In the first quarter of the financial year each New Deal for Communities Partnership undertakes an assessment of its performance, together with the Government Office. This is followed in October or November by a review of progress made against its improvement plan made at the annual assessment. At years 3 and 6, partnerships undergo a more thorough review of progress by re-examining their 'baseline data' and 'targets'.

3.2 Coordination and Participation

Urban rehabilitation within large urban distressed areas requires strategies and programmes which are jointly coordinated in an inter-institutional and inter-sectoral approach, which put emphasis on local level action as well as community participation and which involve the private sector in an appropriate way. Therefore, the following statements give an overview of existing and applied rehabilitation strategies and programmes with regard to their initiation, their coordination and management, the role of the local / municipal level, the importance of participation and the state of private sector involvement.

3.2.1 Initiating of Strategies and Programmes

The way of initiating strategies and programmes regarding urban rehabilitation is very much depending on the general legal and administrative system of a respective country and the varying planning cultures as described above. In countries characterised by centralised structures it is likely that general strategies of urban development and specific programmes are initiated at the national level, even if the coordination of activities will occur at the local level. Countries with decentralised structures feature varying actions on different levels.

As for strategies, the vertical level of the initiating institution is depending on whether the strategy is a national, a regional or a local one. However, differences can be stated in the importance of involving lower level institutions in the elaboration of higher level strategies. In particular federal countries such as Germany or Austria involve the state or regional level and sometimes even the local level in the elaboration of federal strategies. An example is the Austrian Spatial Development Conception, ÖREK, which has been developed with decision-taking power of the federal chancellor, the federal ministers, the state governors and the presidents of the Austrian Union of Towns and the Austrian Union of Communities.

Taking the horizontal level into consideration, specific spatial development strategies or plans are mostly developed by the responsible government authorities for planning. General strategies on sustainable development or social cohesion are more likely to be the result of interdepartmental action, including several ministries as well as other institutions and

\(^2\) For instance between the state, the municipal actors from different sectors and the metropolitan level within the French Politique de la Ville or between the state and the regions within the Polish Regional Contracts.
authorities. E.g. the Portuguese PROGRAMA ESCOLHAS is a joint effort of five ministries oriented towards youth marginality and juvenile delinquency in urban areas.

Responsibilities for initiating programmes of urban rehabilitation are similar to the ones occurring with regard to strategies. Three main groups can be characterised at the moment:

1. Approaches with traditionally strong interest and power of the national level in urban issues where the national level takes the lead in initiating urban rehabilitation programmes (e.g. New Deal for Communities in the UK or Politique de la Ville in France).

2. Approaches in which the local level has strong legal and administrative power of initiating appropriate measures (e.g. Urban Redevelopment Measures in Germany), supported by programmes of the states and the federal government (e.g. Soziale Stadt in Germany).

3. Approaches without strong support of the national level in urban rehabilitation or with weak planning systems in which the local level is responsible to develop own programmes and measures (e.g. Poland and Portugal).

In general a growing vertical (national, regional, local level) as well as horizontal (several sectoral or integrative authorities on the same spatial level) linkage can be observed in most countries.

The European level plays another crucial role in initiating policies, strategies and programmes with direct or indirect impact on urban rehabilitation, e.g. by the structural funds ERDF and ESF which also finance Community initiatives such as URBAN II and EQUAL. The support of European level programmes is especially important in those countries which are lacking a strong support of the national or regional level in urban rehabilitation.

3.2.2 Responsibilities of Coordination and Management

While the responsibilities of initiating strategies and programmes appear to be rather clear, their coordination and management is much more complex. To simplify matters an initiative or programme might be coordinated mainly at the national, the regional or the local level. However, reality shows that there are manifold combinations of joint action. It remains difficult to give any definitive statements. Following, a first rather vague ‘classification’ is taken into consideration:

- The national level (e.g. a ministry) initiates a programme. For the coordination of this programme an existing government agency is used or a new one will be founded. The programme is directly oriented at the level of the eligible district or area while the municipalities do not play a major role in coordinating and implementing.

  An example is P.A.H. (Prêt d’amélioration à l’habitation) a loan programme for housing improvement in France. The programme is administered by two ministries and the government agency ANAH (Agence Nationale pour l’Amélioration de l’Habitat). The financial support is directly oriented towards the residents of older city districts.

- The national level initiates a programme. For the coordination of this programme an existing government agency is used or a new one will be founded. Municipalities and other institutions at the local level are involved to a larger extent, e.g. within a cooperation between a municipality and state authorities.

  An example from the UK concerns the Neighbourhood Renewal Fund. The fund is administered by the Neighbourhood Renewal Unit, a central government entity, which will
work in close partnership with the Government Offices for the Regions. At the local level Local Strategic Partnership (LSP) play the key role – multi-agency bodies, which aim to bring together the different parts of the public, private, community and voluntary sectors.

- The national level or the regional level or both together initiate a programme of urban rehabilitation. A municipality applies or competes for participating in this programme. The coordination will mainly be a local task, supervised or consulted by higher level authorities.

An example is the Soziale Stadt programme (The Socially Integrative City) in Germany, a joint effort of the federal government and the states (Länder). Municipalities can designate dense urban areas in the inner city or within large monofunctional residential areas and apply for funding from the federal and state level. The approach is coordinated at the local level which also defines specific objectives. A necessary precondition is the elaboration of an Integrated Action Plan.

- The local level has the right and power to initiate urban rehabilitation action. The coordination of the programme is a local level affair. The implementation might be controlled by a regulation such as specific laws.

An example is the Städtebauliche Sanierungsmaßnahme (Urban Redevelopment Measure) as established in the German Baugesetzbuch (Federal Building Code). These measures are implemented in a redevelopment area which is formally designated by the municipality. Financially, the activities might be supported by urban development grants as joint efforts of the local, state, and federal level.

The analysis of urban rehabilitation strategies and programmes in European countries allows further conclusions:

In generally it can be said, the more complex a programme appears the more institutions at different levels are involved in coordination and implementation. ‘Simple’, single-issue programmes might be still administered by a single agency. Comprehensive approaches, as needed for the rehabilitation of large urban distressed areas in Europe, require inter-institutional and cross-sectoral activity on national, regional, municipal and district levels. In spite of all their differences in detail, approaches like Politique de la Ville and Redéveloppement Urbain in France, New Deals for Communities in the UK or Soziale Stadt in Germany follow this direction.

Activities are increasingly coordinated within strategic plans and concepts. This is especially true for the comprehensive approaches mentioned above, e.g. Community Strategies in the New Deal for Communities programme or Integrated Action Plans in the Soziale Stadt areas. With the elaboration of strategic concepts not only problems of single districts but more and more city-wide and regional issues are taken into consideration. This issue has been discussed above, too.

Whereas some programmes only allow coordination by government authorities, the rather complex approaches ask for integration of non-government public entities as well as private sector institutions (e.g. within the Soziale Stadt Programme in Germany or Local Strategic Partnerships in the UK). Especially housing companies in problem areas play a growing role in coordinating activities (e.g. the public housing companies OPHLM and SAHLM in France). Participation of residents and further private sector activities will be described later.
3.2.3 The Role of Municipalities

What is the role of the local level (especially municipalities) in coordinating and implementing rehabilitation processes? Are they ‘reactive receivers’ or ‘proactive players’? As mentioned above, the role of the municipal level strongly depends on the varying administrative systems of European countries.

With regard to the complex coordination of comprehensive programmes the local level and partly the regional level have gained more importance in administering and implementing activities in recent years. This is not only the case in countries with local self-government and traditionally high local power but also in countries in which the local level did not play a major role in urban rehabilitation in the past. In spite of the still crucial role of the national level, the right of determination for municipalities has improved in countries like France, Italy, Ireland or the UK. While British municipalities were often by-passed in terms of urban regeneration in the 1990’s they are currently gaining stronger positions. Some accession countries have recently introduced local self-government. However, the need for regional activities in metropolitan areas might require taking issues from the level of single municipalities to inter-governmental, regional entities (e.g. partly in the ‘Grand Projet de Ville’ approach in France).

However, more responsibilities at local and regional levels go not always hand in hand with additional local and regional resources. In the accession countries the decentralisation of tasks has often not been linked with decentralisation of expertise and resources such as public finances. Municipalities in some Mediterranean and CEE-countries are simply overstrained without national level support. The problem of ‘non-action’ of the central government forces municipalities to start small programmes or projects. This is often the only way to react on a single problem, a way that is likely to remain inefficient.

3.2.4 Community Involvement and Participation

The extent of local community participation in urban rehabilitation programmes and processes varies from ‘simple forms’ of hearing and consultation via discussions and debates to true involvement with specific rights and duties. Participation also depends on various factors:

- the different traditions of participation in planning processes,
- the necessity of a certain degree of participation due to regulation, and, in particularly
- the characteristics and objectives of the respective rehabilitation programmes.

Participation and involvement of affected parties, like tenants, property owners, leaseholders, in the elaboration of concepts and plans as well as in case of rehabilitation measures can be regulated by law, e.g. in Germany by the Baugesetzbuch (Federal Building Code). Even ‘traditional’ urban redevelopment measures ask for public involvement and participation. However, this ‘regulated participation’ is not always sufficient. Therefore, new approaches such as Soziale Stadt encourage more comprehensive and advanced self-organizing forces within the local communities.

Planning regulation in other countries might not directly require participation. The discretionary system of the UK with negotiations usually conducted in secret often contains no right for third parties to challenge planning decisions. However, this does not mean that participation plays a minor role. The long and extensive experience with urban rehabilitation programmes in the UK has created a strong commitment to community involvement.
Participation is encouraged by such initiatives as *Local Strategic Partnerships* (mentioned above) and *Community Empowerment Networks* which bring together community and voluntary sector groups, including the marginalised groups such as some ethnic minorities.

A key factor with regard to the extent of participation is the **character and objective of a respective rehabilitation programme**. While ‘social programmes’ often have involved strong community participation – due to the nature of the programme objectives – ‘physical rehabilitation programmes’ have been less likely to involve residents and other affected groups. The currently applied comprehensive approaches of linking physical rehabilitation and social questions put much more emphasis on the topic of participation.

The resident mobilisation in the *Projet de Ville* aims at mutual agreements between residents, users, developers and municipalities. The *Soziale Stadt* approach in Germany is fostering the mobilisation of neighbourhood residents and the cooperation between relevant players to encourage self-organizing processes. The new strategies and programmes (see above) in the UK reflect the fundamental principle of participation. It has been stated that “local people know best what the priorities and needs of their own neighbourhoods are”.

However, true participation and community involvement is not a reality in some cases. Still programmes do not foresee the participation of residents and other affected and interested groups, e.g. the *RECRIA* programme for housing improvements in Portugal. In other cases the procedures of programmes simply discourage participation. In some accession countries community involvement is still something new and therefore, people need to be empowered and informed about their rights.

### 3.2.5 Private Sector Involvement

Private sector involvement is an objective of many programmes on urban rehabilitation in recent years. At last, this is an **inevitable necessity** when it comes to small and further **decreasing public budgets** on the one hand and growing needs of urban rehabilitation on the other hand. However, it remains difficult to say anything definitive about private sector involvement. This is due to the often vague distinction between public, quasi-public and private activities and due to the vagueness if a certain private activity is achieved within a programme, in the frame of a programme or outside a programme. Also there might be a simple lack of information.

Private sector involvement is mainly seen as a way of making further **financial resources** accessible to urban rehabilitation. However, it contains **other resources**, too, which are expressed in general know how, coordination, implementation, management, etc. Particularly private sector involvement can be described in the activities of quasi-commercial companies responsible for (re-)development issues, in the activities of housing companies in rehabilitation efforts as well as in the activities of banks in financing rehabilitation measures. With regard to investments of other private enterprises no clear statements can be made at the moment.

A common way of coordinating and implementing development and redevelopment measures is their assignment towards **development companies or corporations**. These companies legally act as private enterprises but have public owners or shareholders in most cases. This way might be obligatory due to legal restrictions or simply a better way of handling rehabilitation issues. Examples are *Sanierungsgesellschaften* (redevelopment
companies) in Germany. Much more market-oriented examples of delivering urban regeneration are Urban Development Companies (UDC) in the UK which were particularly used in the 1980’s and 1990’s. They combine private sector money and public grants aiming at further private investments. Thus, they can be seen as instruments of using public sector investment to maximise a positive market response. However, due to the by-passing of local authorities and other reasons UDC’s have been criticised for being unrepresentative and, in some cases unsympathetic to local communities. Therefore, Urban Regeneration Companies (URC) have been applied recently which represent a new coordinated approach to regeneration with better community representation and involvement of municipalities.

The involvement of public and private banks is often a necessary condition of financing urban rehabilitation measures. In cooperation with the national or state government and other public authorities some banks offer specific low interest rate loans within rehabilitation programs. An example is the P.A.P. programme (Prêt d’accession à la propriété) in France, a joint effort of the Ministère de l’Equipement, the Ministère des Finances and the banking system Crédit Foncier to encourage homeownership. Another example is the Wohnraum-modernisierungsprogramm of the Kreditanstalt für Wiederaufbau (KfW) a German public bank at the federal level.

A major role in urban rehabilitation is played by quasi-public and private housing companies which usually own a considerable portion of the building stock within distressed areas. Thus, these companies are not only important stakeholders but investors, developers and managers of urban rehabilitation projects, as well. In France the main owners of housing units are the two major public housing agencies and companies: OPHLM which is under municipal control and SAHLM with private status. In cooperation with the central government and to a varying extent with the municipalities these companies take the leadership in the implementation of rehabilitation measures. Although not every country has such strong single players in the field of housing, (public) housing companies are seen as crucial actors on the district and local levels.

### 3.3 Allocation and Financing

Large Urban Distressed Areas experience a quality of life below the city average and far below a situation which can be called sustainable. To raise their quality of life financial resources are required. This chapter reveals the current sources of financing urban rehabilitation, the criteria according to which resources are distributed, instruments for the allocation of financial resources as well as the current state of balancing task assignment and distribution of finances. As public funding is becoming more and more scarce, procedures and instruments to organise the distribution of financial resources are needed that guarantee the most efficient use of these scarce resources.

#### 3.3.1 Sources of Financing

The available sources for financing urban rehabilitation are public investment from European, national / regional or local sources and private investment. With regard to the analysed planning regulations a major dominance of public funding was recognised.

On the European level main sources of financing urban rehabilitation are the European Regional Development Fund (ERDF) and the European Social Fund (ESF). The community initiative URBAN is important to fund the rehabilitation of Large Urban Distressed Areas. It
provides 700 MEUR (2000-2006) for integrative approaches of urban rehabilitation. However with generally € 500 per inhabitant in the affected areas, the budget to initiate change in these areas is quite limited. The initiative is funded 75% by the ERDF and needs 25% of municipal co-financing.

Especially the accession states plan to incorporate European Funding into their strategies to improve the quality of life in disadvantaged areas. For instance the Polish Sektorowy Program Operacyjny Rozwój Zasobów Ludzkich (Sectional Operational Programme Human Resource Development) (2004-2006) is mainly financed by the European Social Fund: € 1270,4 million will come from ESF funding and € 485,4 million will come from national public funding, including € 31,6 million from the local self-governments. The private funding will amount to € 26,4 million.

**Public National Funding** provided by specific national programmes is the main source for financing urban rehabilitation. The Irish National Development Plan (2000-2006) for instance plans an investment of € 50 billion, with € 40 billion from Irish exchequer and €10 billion from EU, public private partnership and private investment. UK provides massive public investments for urban regeneration as well: City Challenge (1991-1996); £1,16 billion (€ 1,67 billion); Single Regeneration Budget so far £8.5 billion (€ 12 billion); New Deals for Communities (1998) £2 billion (€ 3 billion); Neighbourhood Renewal Fund (2001) £1,88 billion (€ 2,7 billion). In Italy € 2006 million have been spent on the Programmi di Recupero Urbano (1994-1998) (Urban Retrieval Programme) and € 442 million on the Programmi Integrati di Intervento (Pill) (1994-1998) (Integrated Intervention Programmes).

In most cases urban rehabilitation is funded by mixed funding from different sources, as for instance in the French system of urban rehabilitation. The repartition of funding depends on the specific situation within the deprived areas. In areas with low market values the state provides housing developers with public loans with bonified interests. Within cities which cannot provide any funding, the state takes the main responsibility for financing urban rehabilitation. A general evaluation of the provision of funds for rehabilitation in 1993 identified the repartition of funding as follows. Building rehabilitation was funded by the State (31%), the region (7%) and others such as developers, bankers (61%). The improvement of public space was funded by the state (40%), the region (12%), the city (30%) and others (12%). In Germany Städtebauförderung (urban development support) is funded one third by the national level, one third by the states (Länder) and one third by the municipalities (Commissariat general au plan 1993). In 2001 the German Federal Government provided approximately € 435 million urban development support.

Especially in the UK private investment is an important source of implementing urban rehabilitation. Urban Development Corporations and the Urban Regeneration companies replacing them in the early 1990ies include financing from a consortium of private stakeholders as well as public grants and tax incentives which are donated in order to encourage private investment. Public investment is seen as a means to stimulate private investment.

In case no public funding from the national or local level is granted, some municipalities realised their own revitalisation programmes, e.g. Polish municipalities which created own programmes for the physical improvement as well as for the improvement of infrastructure. However due to the lack of finance these programmes are very limited in scope and their success depends on the level of engagement of local stakeholders.
Portuguese municipalities, due to a lack of national programmes, define specific areas of rehabilitation within their urban master plans and finance their rehabilitation from the general municipal budget.

3.3.2 Allocation of Programmes and Resources

As the main source for financing urban rehabilitation is public funding, the main questions is according to which criteria the financial resources are allocated.

As shown above specific **programmes on the European, national or regional level** are used to channel the public investment. These programmes are directed at 1. Renting or ownerships support of single persons e.g. *Aide Personnalisée au Logement* (French private support for renting) 2. Physical improvement of neighbourhoods, city districts, blocks of flats e.g. *Städtebauförderung* (Urban Development Support) in Germany, *PALULOS* in France and 3. Pooling of resources for an integrated renewal of deprived neighbourhoods (e.g. *City Challenge in the UK*, *Soziale Stadt* (Socially Integrative City) in Germany and *Politique de la Ville* (Urban policy) in France).

One major criterion for the allocation of finances is the **level of deprivation**. In England the 88 most deprived areas, determined by the Index of Deprivation set up Local Strategic Partnerships and receive resources through funding programmes such as the *Neighbourhood Renewal Fund*, *New Deal for Communities* etc. In Scotland indicators are used to identify most socially deprived areas in Scottish Cities and channel funds into these areas (e.g. *Priority Partnership Areas for Urban Regeneration* in Scotland). According to the Polish *Naradowa Strategia Rozwoju Regionalnego* (National Strategy for Regional Development) funding will be provided among others for the revitalisation of urban areas threatened by social and economic marginalisation.

**Competition** for funding is another means to decide on the allocation of financial resources. To receive funding from the UK’s terminated *City Challenge Programme* (1991-1996) as well as from the current *Single Regeneration Budget* (1994-2007) cities compete with one another for an allocation of a limited budget which is granted for the best concepts handed in. However it was criticised that in this case development still very much depended on the success/failure of the property market and ability of the real estate sector to lead the urban regeneration programmes. The current German programme *Stadtumbau Ost* (Urban Restructuring in Eastern Germany) implies a competition for financial rewards granted for the best citywide integrated development concepts.

**The relevant level for the allocation of funds is the regional level** which is used to redistribute funding gained from the national level according to the specific needs within the regions. For instance Ireland distributes the money provided by the *National Development Plan* (2000-2006) according to two *Regional Operational Programmes*. In Germany the Federal state allocates funding for urban development to the German *Länder* (states). Municipalities apply for these funding and the respective state ministry responsible for urban development decides on the distribution of urban development support. In Poland the regions apply for funding according to the *Naradowa Strategia Rozwoju Regionalnego* (National Strategy for Regional Development). In Italy with the transfer of competences from national to regional government in the year 2001, the whole effort to govern transformation of territory has to be managed by regional government.
Due to the general lack of financing some new strategies are evolving to achieve the most successful application of funding:

- **Co-ordination and pooling of finances from various sources**: To achieve a more efficient use of scarce financial resources some countries elaborated programmes to pool finances from different sources. In its implementation this pooling however is connected with some problems. One major aim of the Scottish *Social Inclusion Partnerships* is to co-ordinate funds to tackle the worst excesses of social exclusion. In France funding from various resources can be combined: *PALULOS* subvention is the supply basis of the rehabilitation process. It has to be supported and attended by *Aide Personnalisée au Logement* (supporting the affordability of household) and by *Dévelopement Social des Quartiers* (supporting the public space, social life in the area). In Germany the programme *Soziale Stadt* (The Socially Integrative City) aims to pool resources from different programmes of different ministries (urban development and housing construction support, housing, transport, employment and training promotion, safety, women’s issues, family and youth welfare, economic development, environment, district culture, leisure). Furthermore it is directed at the inclusion of funds from third parties such as housing associations, European Structural Funds and employment promotion programmes. Within the Italian case of northern Milano finances from URBAN, *Contratti di Quartiere* (Quarter Agreements) and INTERREG III are combined.

- **Initiating private investment**: Strategies directed at the mobilization of private investment are used to complement public funding. The UK strategy of supply-side economics focuses on the regeneration of private investment by removing bottlenecks in the allocation of resources and nurturing the enterprise culture needed for the market to regenerate urban areas. This implies reclamation of derelict land, decontamination of site and consolidation of land, provision of sites and services needed for economic development, relaxation of planning controls and de-regulation of development as well as the provision of grants to property developers taking actions aimed at urban regeneration. *Urban Regeneration Companies* (England) and *Urban Development Companies* (Scotland) use public sector investment to maximise a positive market response to growth and to add value to urban regeneration programmes by tackling decline head on. It is estimated that the current *Single Regeneration Budget* attracted with a public funding of £5.7 billion further private investment of £8.6 billion.

- **Flexibility within the allocation of resources/grants**: Due to changing conditions of urban development and the general lack of finances, flexibility within the process of allocating financial resources is required. For this purpose the *Irish National Development Plan* is flexible in nature in that priorities and resource allocation within it reflect the current assessment of the situation but if these priorities change over the period of the plan, there is enough flexibility to switch resources if necessary. In France approaches exist to make the system of public funding for housing rehabilitation more flexible (programme *PLUS*). This includes a diversification of loans for households with different income (low income, middle income) as well as flexibility in regard to the level of rehabilitation (whole renovation, partly renovation).

### 3.3.3 Instruments of Financing and Financing Control

Within the different European Countries a variety of instruments exists to provide finances for urban renewal and to execute financial control. The traditional means are grants,
credits/loans and tax benefits. Current approaches of urban rehabilitation include contracting as a further possible means to allocate financial sources. Apart from that, integrative approaches evolve which at the same time deal with the distribution of resources and a prompt monitoring of success.

**Grants or funds** are a direct financial support to investments in urban rehabilitation. According to the UK Local Government, Planning and Land Act (1980) grants are provided to property developers taking actions aimed at urban regeneration. The English New Deal for Communities allocates funding to Local Strategic Partnerships which bring together local authorities and other public services as well as residents and the private, voluntary and community sector organisations. In France grants are provided to households to enable them paying higher rent for refurbished dwelling (Aide Personnalisée au Logement). These grants constitute social subventions for low income families and burden the public budget with an exponential growth. The German programme Stadtumbau Ost (Urban Restructuring in Eastern Germany) provides grants for the development of integrated urban development concepts as well as funds for deconstruction, physical improvement, accumulation of private housing proprietary in inner city areas and capital investment subsidies for lodgings in inner city areas with old buildings and monuments.

**Tax benefits** approved in disadvantaged areas are an instrument to channel private investment into these areas. Enterprise Zones according to the UK’s Local Government Planning and Land Act (1980) have a special status including an exemption from rates and tax allowances. Within the French Zones Franches (Free Urban Zones) income taxes are suppressed. The plan of the Zone Franches is a national project that favours the creation of working places employing the measures of exemption from social and fiscal charges during 5 years. It encourages enterprises to settle in the territories in which the lack of economic activities is observed on the level of enterprises, as well as on the level of commercial, professional activities and crafts. Within the Irish “Designated Tax Incentive Areas” under the Urban Renewal Schemes (1986, 1994, 1999) tax incentives are granted to target investors in and occupiers of properties in the designated areas. Initially, the tax incentives were blunt and there is evidence of “dead weight”, that is, it is accepted that some of the projects that enjoyed tax breaks under the schemes probably would have gone ahead anyway, however, the incentives were capable of delivering major development with substantial economic gain. The schemes have also been criticised for the fact that designated areas received favourable treatment over other areas in greater need of rehabilitation. Although criticism such as this may be justified, the fact remains that areas such as the Dublin Docklands have been transformed in one decade from derelict wastelands into competitive international and financial business centres representing a prime example of this success.

**Credits/loans** with special conditions are a further means to stimulate private investment. These credits/loans are in most cases granted by national level public banks. For instance the National Residential Fund created by the Polish Bank of National Economy provides credits for residential societies’ investments in technical infrastructure of housing areas. The Polish Bank of Ecological Preservation distributes preferential credits for environmental protection measures. In France various programmes exist for the distribution of loans which should enable the inhabitant, owner of investor (especially the public and private housing companies) of housing areas to conduct measures of housing rehabilitation. Main owners in French LUDAs are the public housing companies. The Prêt d’amélioration à l’habitation
A subsidised loan for building rehabilitation is granted to apartment owners so that they can improve building quality (surface, quality, equipment). The programme PALULOS distributes loans with low rate and bonified interest. This public loan concerns specifically the public housing agencies. It focuses on public housing district with a large part of degraded housing. The loan is delivered under conditions of the resulting prices, with limit of €12,800/housing (1991). The State authorities pay a part of the interest and thus reduce the financial charges of the public housing company and its investment of requalification. The PALULOS subvention covers 25% to 40% of the investment and is usually completed by low rate of public banking (Caisse des Dépots et Consignation (CDC); 3 15 years, 5.8%). These loans are very successful by rising the rehabilitation in public housing from 60,000 houses per year in the 1980ies to 150,000 houses per year in 2000 at the national level.

Currently in some countries, e.g. France and Poland contracts between the respective stakeholders manage the planning, implementation and financing of a defined sum of projects. Within the French Politique de la Ville (urban policy) Contracts de Villes (city contracts) are agreed on by the state, the regions, the departments and the cities. The repartition of funding very much depends on the local situation. The funding repartition within the Valenciennes Politique de la Ville (2002-2006) is agreed on as follows: State € 16,77 million, region € 21,8 million, Department du Nord € 16,7 million. Normally cities should contribute 10% to 50% of the summed funding from the state and the region. As cities like Anzin and Beuvrage have deficits in income raise, they at first contribute the minimum of 10% in the first period and step by step raise their contributions. Regional contracts are as well a part of the Polish Strategia Rozwoju Wojewodztwa (Strategy of Regional Development) (2001-2003). These contracts between the Polish National Government and its regions determine the regions’ responsibilities for realising their regional development strategy as well as the national funding provided for these developments. Scope, timeframe and conditions are defined for tasks supported by the national budget as well as for tasks supported by the regional administration unit only. Because of financial support from the national budget the contracts have a positive effect on the financial situation within the regions. However a high number of tasks, which are included in the contracts, lead to dispersion of financial support. Furthermore the amount of money provided is low in relation to the assigned tasks. In Italy Contratti di Quartiere (Quarter Agreements) aim at a mix of public and private funding as well as a co-ordination of funding from different levels and sectors.

Contracting is a first step towards approaches that integrate urban and financial planning as well as their implementation and monitoring. In most cases however there is still a need for comprehensive, integrated instruments in the area of operating urban planning, i.e. those which connect the solutions provided in physical or zoning plans with the related procedures which guarantee project participation, selection of suitable organisational structures and access of financing. A main requirement of the Programmes of Economic and Social Development which have to be elaborated according to the Slovakian Act on Regional Development is the consideration of the financial and administrative provision of set tasks. A first approach towards a permanent financial monitoring is provided within the UK’s Neighbourhood Renewal Fund. The Neighbourhood Renewal Fund can be spent in any way that tackles deprivation in the most deprived neighbourhoods, particularly, but not

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3 CDC is the main institution in France providing low rate loans to support the rehabilitation of public housing.
exclusively, in relation to the floor targets\textsuperscript{4} and to local targets set out in the \textit{Local Neighbourhood Renewal Strategy}.

3.3.4 Balancing of Task Assignment and Financing

The success of improving the quality of life in Large Urban Distressed Areas is often restricted by a lack of availability of sufficient financial resources, especially on the local level.

Due to the lack of national legislations and programmes to support urban rehabilitation especially the accession states suffer from this problem. In Poland there is still a lack of coordination of urban planning and financial management. Slovakian rehabilitation lacks active economic instruments in territorial planning.

However the municipalities’ lack of financial resources is not only relevant for accession states. In Germany the restricted budget of municipalities is a main factor limiting the success of urban rehabilitation as well. Most programmes require a municipal co-financing of one third of the total amount of funding. Due to recent downturns of municipal incomes deriving from business tax revenues and high spending on social security it becomes more and more difficult for municipalities to provide the required amount of co-financing. Thus a high discrepancy can be noticed between the valuable right of municipal self-government on the one hand and the insufficient resources to fulfil municipal tasks on the other hand. In Italy the shortened amount of financial resources of the public sector, mainly the municipalities do not allow building larger partnerships with the private sector and thus limits the overall capacity of urban rehabilitation programmes.

One of the main causes of financial shortage on the municipal level is the decentralisation of government responsibilities which does not go along with the decentralisation of financial resources. In Slovakia a regional level self-government has been created. However the decentralisation of responsibilities was not linked with the decentralisation of public finances. Poland also experienced a decentralisation of public responsibilities obliging the regional and local level to elaborate regional and local development plans. In many cases the reassignment of responsibilities has not been accompanied by adequate financial resources. Due to limited tax-raising powers of the Irish local authorities, financial control remains with the central government. Nevertheless the municipal level is responsible for urban planning.

Apart from the lack of public funding for the rehabilitation of LUDAs with the implementation of the European bank accord Basel II in 2006 the incentives for banks to invest in disadvantaged urban areas will further diminish. According to the additional costs and risks of investments in LUDAs private banks and investors normally do not carry the costs of restructuring and depend on additional public funding.

The new Basel accord will bring new conditions for credit lending. Basel II aims to make the capital requirements equivalent to the economic risk. That means a more overall risk measurement will be replaced by a much more differentiated one. Therefore low risks creditors will get loans with better interest conditions and high risk creditors will have to deal

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\textsuperscript{4}“Floor targets” are an advance in how Government tackles disadvantage. Setting floor targets means that we will ensure a certain level of standards for all, because for the first time Government departments, local authorities and other service providers are being judged on their performance in the areas where they are doing worst, rather than on the national average.
with higher credit prices. Consequently a risk and return orientation becomes more and more important for private banks. Risk profiles will be checked separate for different loans. Therefore lending with high risks will not be subsidised by more profitable loans of the banks portfolio any more. This risk and return orientation is stimulated by share-holder value standards concerning return on equity and in particular by the preparation for Basel II.

Basel II will for instance have an effect on the financing of urban restructuring in Eastern Germany. Here housing societies are confronted with high vacancy rates within their housing stock, low yields and liquidity problems. Basel II does not intend to differentiate between “good and bad” customers, but between risk categories. Nevertheless up to normalisation of the housing market development in East Germany and an improvement of the economic situation of housing societies, they might be confronted with credit price conditions above average.
4 Analysis of Legislations, Strategies and Programmes

Legal framework and administrative system

The administrative organisation plays an important role in spatial planning and it is the conventional framework for urban rehabilitation. Five different families of administrative and legal systems within Europe could be identified and are described in the present report. These are the British, the Napoleonic, the Germanic, and the Scandinavian families as well as the Eastern European system.

Depending on the degree of centralisation the role of the regions and municipalities diverges considerably among the different families. The local level differs from a very strong self-government in Scandinavian and some Central European countries, to much more centralised situations in which municipalities are mostly seen as ‘agents’ to implement the policies proposed by the central government, e.g. in the UK or France. Similar diversity can be characterised with regard to the role of the regional level. According to this variety the process and structure of decision-making is very diverse. Often the share of power among different levels creates a considerable complexity.

In spite of all differences a general tendency can be detected in the administrative systems of European countries: the diminishment of central government activities and the power transfer to strengthen regions or municipalities, even in rather centralised countries. Increasingly, municipalities can be seen as focal points of regulatory planning power. However, in many countries they suffer a lack of expertise and especially finances, once the decentralisation efforts are not habitually accompanied by decentralisation of funding and resources.

While for Western European countries statements can be easily made, for Eastern European countries due to the extensive legal and administrative reforms taking place since 1989, it is hard to analysis their developments. As many reforms are yet in process, they still have the appearance of being transitional. This is especially true for the rather new approaches on urban rehabilitation which have been introduced recently. The two countries mentioned in this report, Slovakia and Poland, are characterized by a regionalisation and a delegation of responsibilities to the municipalities. But the growing responsibilities are not connected with the adequate financial resources and funding.

Concerning the planning traditions in Europe four different approaches can be identified: the ‘regional economic planning approach’, the ‘comprehensive integrated approach’, the ‘tradition of land use management’ and the ‘urbanism’. Every approach has its own characteristics, they go from setting broad and wide objectives regarding social and economic issues (regional economic planning approach) to a very systematic and formalized planning hierarchy with specific tasks and their synchronisation across the different sectors (comprehensive integrated approach). The ‘tradition of land use management’ focuses much more on the controlling of changing land uses at the strategic and local level and the tradition of ‘urbanism’ sets a strong emphasis on the architecture of the cities (urban design, townscape and building control).

However, the different legal, administrative and planning traditions can not be clearly assigned to each country. Again the planning tradition in the accession countries is
characterized by a rupture concerning the old systems and by a process of defining a new legislative basis as in Slovakia defining a law on spatial planning.

Concerning the legal framework of planning there are countries with an organized or coordinated legislation of planning from the state level to the lower levels as in Germany or the UK and countries with a fragmented legislation addressing different issues at different levels as in Italy or France. Typical for most countries seems to be the trend of reforming the planning systems towards more decentralisation and the design of a more manageable and flexible legislation.

Typical for most of the approaches is on the one hand the claim for more public-private cooperation and partnerships as for example quasi-commercial enterprises. On the other hand, for example in France and Italy, contracting as an instrument of global steering is a very common method to address complex situations.

An attribute which can be observed looking at the legislative framework is the existence of sectoral approaches concerning rehabilitation, e.g. public housing legislation, transportation and environmental infrastructure, housing improvement strategies addressing house owners, historic preservation issues, or offering financial incentives to small businesses.

The analysis shows that on the one hand rehabilitation measures and instruments are included as parts of the overall legal framework of planning and on the other hand own specific legislations or regulations are in place addressing exclusively issues of rehabilitation. The latter is for example the case in Ireland and will be in Poland in the near future.

Large urban distressed areas (LUDA) are not yet a recognised phenomenon. A lack of adequate legislation on rehabilitation for such areas reflects this fact. Legal instruments to directly address the requirements of single issues of large urban distressed areas are in place in several countries. Nevertheless those approaches do not face the challenge of solutions for the complex LUDA phenomenon as a whole. Concerning the accession states it can be recognized that first attempts are taken to include rehabilitation issues in the existing legislation or to design new adequate legislation.

In conclusion it can be said that the rehabilitation of large urban distressed areas is confronted with different legal frameworks in the countries mentioned in this report. The situation varies from singular approaches without an overall planning law to well established general planning legislations and even to specific laws regarding urban rehabilitation. Current reforms of legal regulations show a wide range from single changes within existing laws to the elaboration of new laws specifically concerning rehabilitation. All together the legal framework of the different countries shows a puzzle of legislations and instruments which in parts address the complexity of urban distress. To discuss the demands regarding an adequate legislation which would address the whole complexity of large urban distressed areas a more detailed analysis is still necessary.

Strategies

Strategies with relevance for the urban rehabilitation are mostly formulated on the national level and with reference to the principle of sustainable development. They are general in nature and express overall objectives sometimes for the development of society and sometimes with specific reference to spatial development or even problems of urban rehabilitation. The analysed strategies outline in very general way planning guidance and
could be only considered integrative if taken into account the principles of sustainable development (with its requirements for the integration of social, economic and ecological aspects). Their direct impact on the solution of complex problems of urban rehabilitation is limited since they are mostly positioned on a national level. Some European countries do not possess any overall strategies with reference to spatial development at all.

In spite of their limited impact on the solution of manifested urban problems, strategies however show the general frame or background which influences the way of thinking of the stakeholders and their attitude towards urban rehabilitation. They have the ability to put in place new ideas as neighbourhood management or ideas for empowering residents and get public and voluntary organisations to cooperate more closely to resolve their problems. Against the background of this mental influence of strategies the need has to be stressed that strategies take into account the growing complexity of urban problems and the demands for more integrated solutions.

Programmes

Programmes directed at urban development and urban rehabilitation are the most important approach to improve the quality of life in large urban distressed areas. Programmes, which are mostly originated at the European or national level, are able to quickly react to changing conditions of urban development and are furthermore attributed with financial resources.

In many cases programmes available for the rehabilitation of disadvantaged urban areas are sectoral programmes with a limited scope, focusing only on single aspects of urban revitalisation or rehabilitation as physical improvement of housing, renovation of single buildings, improvement of urban environment or social aspects. With their sectoral nature these programmes can only have a limited impact on the solution of complex urban problems.

Considering the inputs from the country reports it is noticeable that recently some more integrative programmes evolved however with difficulties concerning their implementation. In the analysed cases most of the integrative programmes are generated over time arising from previous sectoral approaches.

On the European level the Community Initiative URBAN, although equipped with a limited budget, focuses on an integrated approach combining sectoral policies, area-based and citywide strategies as well as the mobilisation of different stakeholders.

From the analysis carried in the countries represented within this project, mainly three national programmes can be pointed out, which are integrative in multiple ways, the UK's Single Regeneration Budget, the French Politique de la Ville (Urban Policy) and the German Soziale Stadt (Socially Integrative City). In spite of their difference resulting from legislative and administrative backgrounds they show considerable similarities regarding their degree of integration. They all are directed at the integration of sectoral policies on the basis of an area-based approach, at the integration of various stakeholders as well as at a pooling of finances from different public and private sources. Problems in relation to their implementation for instance concern difficulties with the pooling of resources, the problem of delegating real decision power to local communities or the stigmatisation of affected neighbourhoods.
In spite of the success which could be reached with these three programmes, they are only a first approach directed at the integrated solution of disadvantaged urban areas’ complex problems. Still these integrated programmes are few in numbers, are equipped with a comparatively low budget of financial resources and lack experiences concerning their implementation and long-term impact.

In summary the current European and national programmes of urban rehabilitation analysed in this report show multiple potentials and deficits concerning the initiation of integrative, strategic and collaborative processes towards the rehabilitation of disadvantaged areas, described below. These require a closer look during the further progress of the project.

Because many problems can be only solved at a higher level than within the area being considered, the importance of spatially integrated approaches is growing. Some programmes already pay stronger attention to a broader spatial view of urban problems by forwarding citywide or regional integration.

Due to quickly changing conditions of urban development and a growing degree of uncertainty within urban planning new requirements evolve to exploit more contentiously innovation potentials. Some innovative and flexible approaches have been developed, including for instance prospective visioning and foresight, flexibility regarding the reaction to changing conditions as well as the integration of planning, implementation and monitoring.

Whereas some programmes only allow coordination by government authorities, the rather complex approaches ask for integration of non-government public entities as well as private sector institutions. Especially housing companies in problem areas play a growing role in coordinating activities. To achieve successful rehabilitation of disadvantaged urban areas this aspect still requires more significant consideration within future programmes of urban rehabilitation.

In general it can be said, the more complex a strategy or a programme appears the more institutions at different levels are involved in coordination and implementation. ‘Simple’, single-issue programmes might be still administered by a single agency. Comprehensive approaches, as needed for the rehabilitation of large urban distressed areas in Europe, require inter-institutional and cross-sectoral activity on national, regional, municipal and district levels, an approach still applied in few cases of urban rehabilitation.

A key demand refers to the extent of empowerment and involvement which is already the brand of some rehabilitation programmes. Stronger community involvement accompanied by mutual agreements between residents, users, developers and municipalities seems to be the trend in some countries. It has been stated that “local people know best what the priorities and needs of their own neighbourhoods are”, suggesting that co-operation of relevant players encourages self-organising processes. In spite of this positive development still in some programmes the true participation and community involvement is not a reality. Still programmes do not foresee the participation of residents and other affected and interested groups. In other cases the procedures simply discourage participation. In some cases local neighbourhoods are swamped with the multiple requirements connected with neighbourhood involvement. In some accession countries community involvement is still something new and therefore, people need to be informed and included into decision taking.

Growing complexities and uncertainties ask for coordination by the help of strategic plans and concepts. With the elaboration of strategic concepts not only problems of single districts
but more and more city-wide and regional issues are taken into consideration. This is especially true for the comprehensive approaches mentioned above, e.g. Community Strategies in the New Deal for Communities Programme (England) or Integrated Action Plans in the Soziale Stadt (Socially Integrative Cities) areas (Germany). However many approaches of urban rehabilitation are often isolated and not integrated into a broader strategic frame.

Another important aspect of the strategies and programmes is their time scope. Especially the limited time scope of funding programmes often constraints the development of a continuous regeneration process. Furthermore, more integrated approaches and the stronger involvement of stakeholders call for long-term commitment. The need of strategies and programmes taking a long-term perspective seems to be essential for urban rehabilitation in distressed areas. A few efforts in this direction are already made in some countries. Bearing in mind long-term visions though does not substitute the revision of strategies and programmes at a regular interval. A strategy or programme should be able to consider long-term objectives and frameworks and at the same time promote short-term implementation.

A further aspect regards the financing of the rehabilitation process, as a major basis for their implementation. The increasing requirements for larger involvement of the private sector in many programmes, taking into account the decreasing public budgets, seem to be an inevitable necessity. The search of supplementary ways of funding is also a necessity considering the growing needs of urban rehabilitation. In times of economic recession, scarce public finances and uncertainty it is important to have multiple funding or a pooled funding to ensure a continuous regeneration process. Instruments are needed which guarantee the most effective use of scarce resources. Contracts as used in France, and recently as well in Poland and Italy are a first approach towards the implementation of more flexible ways of financing urban rehabilitation.
5 Conclusions

The aim of the report D3 “Appraisal of Planning Regulations Regarding LUDA in European Countries” is to provide a general overview of the legal and planning framework in different European countries that could influence the rehabilitation of large urban distressed areas.

The present report compiles and analyses planning legislations, strategies and urban rehabilitation programmes at different levels (European, national, regional and local) with particular focus on countries represented by project partners. From this first overview however arise open questions. Resolving these questions and providing a broader European scope will be the target in the forthcoming work within Work Package 4. A cross examination analysis between European planning systems will be presented in the Compendium (D10), available by December 2004.

The knowledge of the different spatial planning systems that characterise Europe is relevant to enable the better understanding of frame conditions the case study areas are embedded in. Moreover it is a precondition to come to general conclusions which conditions are favourable or unfavourable with regard to improving the quality of life in large urban distressed areas.

The European Union with its attempts of integration and harmonisation provoke similar and/or common trends not only in the member but also in accession countries. This has taken some authors to state the thesis that the different national spatial planning systems are moving towards each other in order to adjust the individual spatial planning approaches. In common can be recognised a shift to regionalization and subsidiarity and naturally connected with it the rising importance of the local level. However other authors see the future as unlikely to produce a harmonised system, but rather a convergence of planning policies within different legal and institutional settings. Both theses confirm the attempts towards a more adjusted framework, which provides minimum standard harmonisation and at the same time leaves enough scope for national and regional peculiarities.

The support of programmes at the European level, sufficiently equipped with financial resources, is especially important in those countries which are lacking a strong support of the national or regional level in rehabilitation processes.

Apart from the need for a harmonised European framework and sufficient financial support of urban rehabilitation programmes, the report at hand reveals further common deficits of current legislation, strategies and programmes on the European, national and regional level. Against this background the further elaboration of European and national approaches requires:

- integrated approaches, including both, integration of sectors and of different spatial levels (national, regional, local and inter-municipal);
- legal frameworks taking into account the problems of disadvantaged urban areas and providing instruments for their solution;
- incentives for the creation of a long term visioning combined with the promotion of short-term project implementation;
- involvement of manifold stakeholders in all phases of the regeneration process;
- empowerment of communities;
flexibility regarding integrative solutions and coping with rapid changing circumstances and challenges;

→ mixed financial resources (public and private funding) as well as flexible instruments for financing urban regeneration;

→ public-private partnerships and involvement of the private sector to channel investments in rehabilitation processes and

→ performance in the monitoring of the regeneration process.

However this report does not ask for a European unification and standardisation of urban rehabilitation, but for approaches which can be adapted to the specific national and regional situations in a flexible way. The here gained experiences will serve to formulate later recommendations with a high grade of transferability between the countries and cities but at the same time taking into account the requirement for some specific solutions according to the local needs and potentials.
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