

LUKAS BEHREND

URBAN AND LAND USE PLANNING IN FINLAND AND GERMANY

Cases Helsinki and Hamburg



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1 DIFFERENCES AND COMMONALITIES IN SPATIAL PLANNING AMONG EU MEMBERS

The current planning systems are complex structures that were developed out of historical impacts as well as values and norms. The ongoing process of cooperation in spatial planning within Europe has drawn attention to the differences and commonalities in the planning systems of the member states. The differences are based on the varying local and regional conditions and created specific instruments as well as planning cultures. Because of the regulations in spatial planning and the funding programmes of the EU, a lot of reforms in planning systems of the member states took place in recent years (Duehr 2011: 759). Moreover, in recent decades a lot of studies dealing with these differences were carried out and so-called planning families were established by these studies.

According to Dr. Joaquín Farinós Dasí, there are four different approaches (comprehensive integrated approach (i.e. Finland), regional economic approach (i.e. France), land use planning (i.e. Czech Republic) and urbanism tradition (i.e. Italy)) (Dasí 2006: 40). Finland and Germany are part of the comprehensive integrated approach but in Germany there are ongoing influences of the regional economic approach (ibid.). The comprehensive integrated approach is based on a framework which tries to coordinate the spatial influences of different political layers as well as to create a systematic hierarchy of planning at the national, regional and local level (Duehr 2011: 762). There are two sub-categories:

Nordic states: cities and municipalities share the main competences with the national level.

Federal states: a similarly spatial approach but the federal states have a more powerful role.

The classification in these four categories is a simplification of the reality but allows discussions about the main differences. Moreover, increasing globalisation and the competition within European cities and regions develop towards similar adjustment processes because of similar trends (Duehr 2011: 764).

In this article the planning systems of Finland (example Helsinki) and Germany (example Hamburg) are evaluated and compared to each other. The main goal is to get an overview and to create a feeling for the differences as well as the commonalities of the planning systems in terms of planning structure, principles, objectives, instruments, authorities and the planning process (participation).

The case studies for the land-use planning systems of Finland and Germany are Helsinki and Hamburg. Both cities are related to one another because of the INTERREG programmes in the Baltic Sea. Therefore, influences from the EU level with similar objectives take place. Moreover, the cities are good examples of different approaches to two-staged land-use planning. On the one hand, there are some similar aspects between the cities, and on the other hand, there are some different aspects. Therefore, a comparison between

Helsinki and Hamburg helps to create a better feeling for the implementation of planning instruments and the influences of similar EU targets and programmes.

Firstly, the formal structures of Finland and Germany at the different levels (national, regional and local) are evaluated and compared, and secondly, those of Helsinki and Hamburg. For each city there will be also one example which indicates urban planning in practice by means of a convention or a planning project (MAL agreement, Helsinki; HafenCity, Hamburg). Moreover, participation becomes more important in the planning process. Therefore, some examples of the process in land-use planning in Helsinki and Hamburg will succeed. Afterwards the final conclusion will focus on the main aspects and the possibilities of implementing planning tools from each other.

The article describes the Helsinki case and its planning system as it was before the organisational change that took place on 1 June 2017. The main targets and processes of urban planning remain the same but there have been some changes in the organisational structure and some names of the core “actors” have since changed.

2 FINLAND

2.1 Basic principles of the planning system

The planning system of Finland is defined in the Land Use and Building Act (2000) (Maankäyttö- ja rakennuslaki). The act contains all general building regulations and the general objectives. Firstly, these are a favourable living environment and sustainable development, and secondly there is a participatory and well-informed planning process (COMMIN 2007: 3).

'The objective of this Act is to ensure that the use of land and water areas and building activities on them create preconditions for a favourable living environment and promote ecologically, economically, socially and culturally sustainable development.'

'The Act also aims to ensure that everyone has the right to participate in the preparation process, and that planning is high quality and interactive, that expertise is comprehensive and that there is open provision of information on matters being processed.'
(Land Use and Building Act; Chapter 1; Section 1)

These general objectives have been written in a target-oriented form (COMMIN 2007: 3). The municipalities have profound autonomy, as defined in the Land Use and Building Act, and because of the target-oriented form the municipalities have to interpret these objectives for the purposes of the municipality. Additionally, the Land Use and Building Act contains objectives for land-use planning (Land Use and Building Act; Chapter 1; Section 5). These objectives have been written in a target-oriented form, too, but every statutory land-use plan must contain these targets. Furthermore, there is no national plan in Finland for the whole country – instead the national government formulates the National Regional Development Targets. The National Regional Development Targets itemise the objectives of the Land Use and Building Act and aim to strengthen regional competitiveness. Next to the Land Use and Building Act, the National Land Use Guidelines (NLG) (Valtakunnalliset alueidenkäyttötavoitteet) (set by the Finnish Council of State) are some of the most important documents that deal with spatial planning. They contain the national targets for planning and are situated under the objectives for land-use planning (COMMIN 2007: 4). The National Land Use Guidelines aim to guarantee that nationally important interests are considered in regional and local land-use planning and define land-use far into the future (ibid.: 5). (Hirvonen-Kantola; Mäntysalo 2014: 46)

2.2 Legal framework of planning at different levels

2.2.1 Governmental level

The Land Use and Building Act defines the legal framework for the whole country, except for the Åland Islands, which are an autonomous province. In the field of spatial planning, the highest superintendence authority is the Ministry of the Environment, which is responsible for environment policy, environmental protection, land-use, housing and building at the national level (COMMIN 2007: 7). Further duties are the setting of general aims within the administration sector as well as the supervision of their implementation. Moreover, the Ministry of the Environment is steering the Regional Environment Centre, the Regional Councils (Maakuntaliitto) and local authorities, which focus on regional land-use planning, and is also providing information to the contributors (ibid.: 8). There is no national spatial plan in Finland, thus the Ministry of the Environment only has to prepare the National Land Use Guidelines and has a supervising and monitoring function. The governmental layer has to ensure that national interests are considered in regional and local land-use planning.

2.2.2 Regional level

Centre for Economic Development, Transport and the Environment (Elinkeino-, liikenne- ja ympäristökeskus)

The Centres for Economic Development, Transport and the Environment essentially contribute in three areas. They are responsible for the regional implementation of projects given by the central government and they can develop and implement developmental tasks on their own (ibid.). In Finland there are 15 of these Centres, which promote regional competitiveness, well-being and sustainable development and reduction of climate change. The three areas of responsibility are:

- Business and industry, labour force, competence and cultural activities
- Transport and infrastructure
- Environment and natural resources

(Centre for Economic Development, Transport and the Environment 2016: 1)

Moreover, they are offering counsel and expertise within land-use planning issues as well as research for local authorities and inhabitants. Once a year, developmental negotiations take place and the Centre and a local authority discuss cooperation and land-use planning issues (COMMIN 2007: 8). The Centres are aiming to guarantee that the National Land Use Guidelines are taken into account.

Regional Councils (Maakuntien liitot)

The 18 Regional Councils are 'region-based cooperation organisations between local authorities, and represent the local self-governance at the regional level' (ibid.). Their main task is the development and planning of the region where they are responsible for guaranteeing that the National Land Use Guidelines are taken into account. Moreover, the Regional Council is in charge of inter-municipal cooperation as well as cooperation between regions on an international scale and acts like an organ for the entire region. Most of the EU funding for development programmes is managed by the Councils. The members of the Regional Council are representatives from the local authorities because there are no regional elections. The municipal councils of the local authorities in the region nominate the members to the joint council, which is the decision-making board of the Regional Council. The Regional Council is headed by a managing director (ibid.: 9).

The Regional Council is responsible for the statutory regional planning, which consists of:

- regional development strategy
- regional development programme
- regional land - use plan

Regional development strategy

The regional development strategy is a new instrument (statutory strategic plan) from the Land Use and Building Act (2000). It indicates long-term aims for the region (20–30 years) (see Fig. 1). The content meant to be applied to the regional needs is not defined in the Act. The strategy does not have any legal effects but is concretised within the regional land-use plan and, more importantly, in the regional programme. (COMMIN 2007: 9)

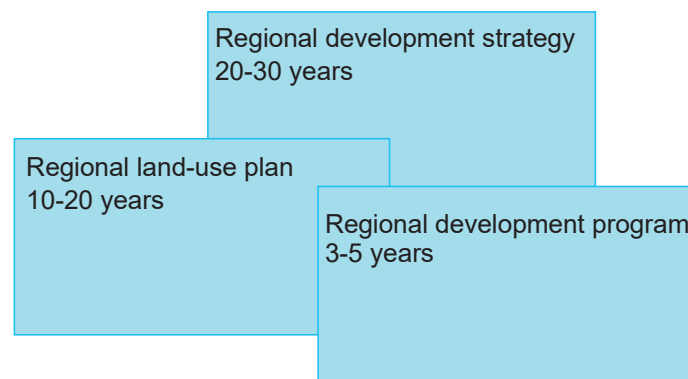
Regional development programme

A regional development programme outlines development targets and key projects and is set up every three to five years (see Fig. 1). The content is based on the needs of the region but takes the National Regional Development Targets and the regional development strategy into account. The programme leads regional development work and coordinates national targets, programmes co-financed by the European Union and the strategies and development of the region as well as local authorities. An implementation plan, created by the regional development programme specifies projects and the required financing for the next two years. 'The implementation plan is a joint document between State and local authorities that provides regional authorities with political support from the region when they negotiate performance targets with the relevant ministries' (ibid.). It is a guideline with no binding legal effect. (ibid.)

Regional land-use plan (Maakuntakaava)

The regional land-use plan is the highest statutory land-use plan in Finland and is set up every 10–20 years (see Fig. 1). Drafting and approving the plan is the task of the Regional Council (ibid.: 10). The plan is made for the whole region and helps to steer everyday life, such as locating housing, working places, services, green areas etc. (Helsinki-Uusimaa Regional Council 2016: 4). The plan specifies policies of land-use and urban structure and needs to take the National Land Use Guidelines into account. It balances the special needs of the region with these guidelines. It also is based on the Land Use and Building Act and uses variegated background information, an interactive participatory process and evaluates different alternatives (ibid.: 5). The Land Use and Building Act highlights some aspects of the regional plan (i.e. special attention shall be paid to an appropriate regional and community structure of the region; Land Use and Building Act; Chapter 4; Section 28). The plan also must avoid unreasonable harm to landowners or other titleholders (ibid.).

Figure 1 Regional planning in Finland (own diagram based on COMMIN 2007: 12)



The regional plan defines a framework for the local plans (master plan and local detailed plan). The plan is legally binding. The master plan and the local detailed plan have to take the goals of the regional plan into account but the regional plan leaves a lot of tolerance for local authorities to resolve local issues independently (COMMIN 2007: 10). The plan contains a map with a land-use classification and a written statement. The statement states the objectives as well as information that is necessary for the interpretation and implementation of the plan (Helsinki-Uusimaa Regional Council 2016: 9).

There are three different forms of regional land-use plans:

1. comprehensive regional land-use plan: covers the whole region and includes all forms of land-use
2. phased regional land-use plan: deals with only some forms of land-use
3. sub-regional land-use plan: covering smaller sub-regions or coherent areas (i.e. river systems)

The combination of these land-use plans should make the entire territory easy to study.

2.2.3 Local level

'The local authority is responsible for land-use planning and building guidance and control within its territory' (COMMIN 2007: 12). The municipalities have a monopoly in statutory land-use planning within their territory and it is up to the local authority to decide if a detailed plan is necessary. Furthermore, they are primarily responsible for the implementation of the aims of the Land Use and Building Act (minimum requirements have to be implemented). The municipal council is the highest decision-making contributor and approves the statutory land-use plans. (ibid.: 13)

The local authorities have different instruments (plans) to fulfil their targets.

Joint municipal master plan

The joint municipal master plan is optional. It is not a legally binding plan and could be drawn up for joint cooperation between local authorities. This plan is a new instrument from the Land Use and Building Act and is especially for growing urban regions to prevent urban sprawl. Because of the larger area, the plan has a stronger potential to guide urban regional development in quickly changing conditions. It is a more general plan than the local master plan. (COMMIN 2007: 16)

Local master plan (Yleiskaava)

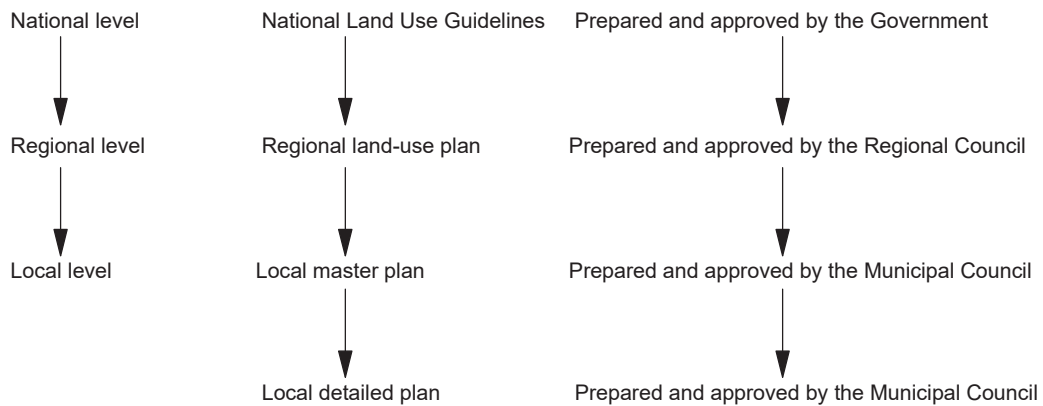
The local master plan is a general land-use plan for one municipality or a part of it but usually contains the whole area (Helsinki-Uusimaa Regional Council 2016: 6). The local council draws up and approves the plan and there is no need for the plan to be ratified by a higher state authority. In contrast, there is a need to draw up a local master plan. *'The local authority must see to the necessary drawing up of a local master plan and to keeping it up-to-date'* (Land Use and Building Act, Chapter 5, Section 36). Occasionally there is certain content for the local master plan required. The plan must avoid unreasonable harm to landowners or other titleholders, too. (COMMIN 2007: 13)

One important function of the local master plan is to reconcile between the different requirements and interests of the regional plan as well as the local detailed plan. On account of that, the local master plan defines a framework for the local detailed plan and is legally binding. (COMMIN 2007: 14)

Local detailed plan (Asemakaava)

The local detailed plan points out how areas can be used and built (location of building, kind of use) and is legally binding (Helsinki-Uusimaa Regional Council 2016: 6). The local authorities decide when a local detailed plan needs to be drawn up. There is a demand that a local detailed plan needs to be drawn up if it is required, because of modifications in the municipality or concerning the need to steer land use (see Fig. 2). The latter is usually the case. 'The local detailed plan must be drawn up and kept up-to-date as required by development of the municipality or by the need to steer land use' (Land Use and Building Act, Chapter 7, Section 51).

Figure 2. Land-use planning in Finland (own diagram)

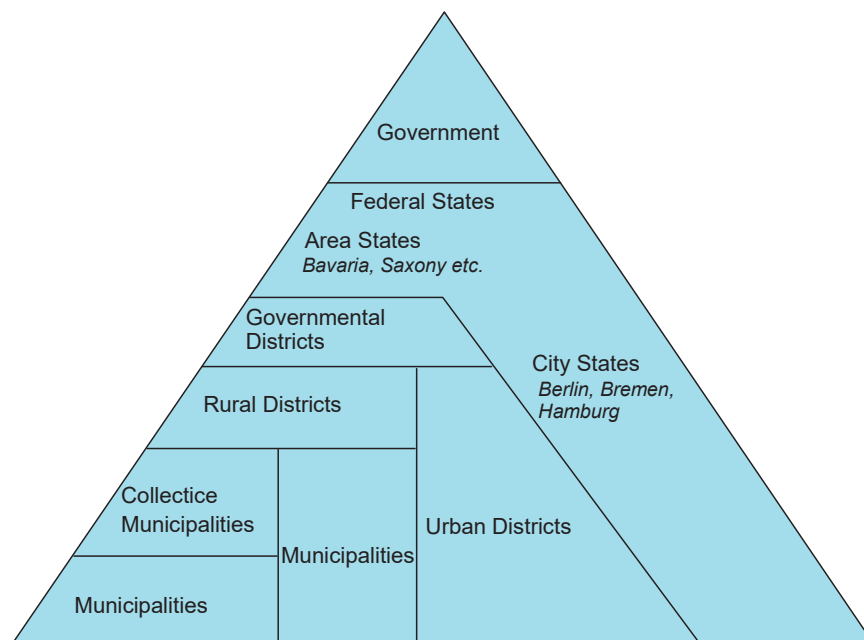


3 GERMANY

3.1 Basic principles of the planning system

Germany is a federal republic consisting of 16 states (Land, plural Länder); Berlin, Bremen and Hamburg are City States (Stadtstaaten) (see Fig. 3). The planning system is defined in the Federal Building Code (Baugesetzbuch) and in the Federal Regional Planning Act (Raumordnungsgesetz). The three levels of the federal structure have a strong influence on spatial planning in Germany and all three contributors produce a legally, organisationally and differentiated planning system together. Moreover, the different levels are associated with each other because of the mutual feedback principle and requirements of notification, coordination and participation. (Henkel; Pahl-Weber 2008: 38)

Figure 3. Administrative structure of Germany (own diagram based on <http://bit.ly/2f3B5Z1> referenced 03.11.2016)



The Federal Ministry of Transport and Digital Infrastructure is in charge at the federal level. The functions of the federal spatial planning are to form a regional and national structural policy and to create key points for sectoral planning and public investment. Furthermore, it produces guidelines, which facilitate binding and extensive models for lower-level layers and sectoral planning. The main goal is to enforce equivalent living conditions in all parts of the country. (Henkel; Pahl-Weber 2008: 39; Reitzig 2011: 415)

The members of the state level play an important role in spatial planning development in Germany, because the Federal Spatial Planning Act requires the states to engage in state spatial planning (Henkel; Pahl-Weber 2008: 39). In the Act it is appointed that planning in

the states is a two-phase procedure (BBR 2000: 6). The spatial planning of the states directs spatial development in the whole state, while regional planning focuses on concrete areas of the state. The authorities, which are responsible at this level, prepare the state-wide and the regional-wide structure plan. Thus, they set out the aims of spatial planning (Henkel; Pahl-Weber 2008: 39). They have to guarantee that the aims of national spatial planning and state spatial planning are respected and fulfilled in local government planning. Because of the mixed top-down/bottom-up planning system (bottom-up: right of self-governance of the municipalities and their strong influence on the local level), it is important to coordinate the aims of the state spatial planning with the local development goals. Therefore, regional planning is in between the state level and the local level (Turowski 2005: 965). The challenge is to develop an anticipatory, summarising, supra-local and interdisciplinary development structure, which integrates the goals of state spatial planning as well as the needs of the local authorities (ibid.). Moreover, the regional planning '... mediates between state spatial planning and local urban land-use planning' (Henkel; Pahl-Weber 2008: 40) but always has to coincide with federal and state spatial planning. The objective is to guarantee that local land-use plans are according to the goals of spatial planning (Section 1 (4) Building Code) and the coordination between the different levels of planning (mutual feedback principle) ensures that the federal and state spatial planning is not disproportioned to the needs of local authorities (Henkel; Pahl-Weber 2008: 40)

3.2 Legal framework of planning at different levels

3.2.1 Federal state level

The federal state level does not have any legally effective planning tools but it can exercise significant influence through legislative powers in spatial, urban and sectoral planning because of economic, financial and transport policy instruments (Turowski 2005: 895). In the process of planning '... the principles of spatial planning set forth in Section 2 of the Federal Spatial Planning Act have to be taken into account when weighing interests and in discretionary decisions...' (Henkel; Pahl-Weber 2008: 40). Therefore, the federal state level coordinates the sectoral departmental policy. Furthermore, they prepare spatial planning reports and statements, which are based on state and regional spatial structure plans, and they design general guidelines and plans of action for the Conference of Ministers for Spatial Planning (Ministerkonferenz für Raumordnung) (ibid.).

The Federal Spatial Planning Act represents a guiding principle for the spatial development. Thus, the federation receives an instrument to create aims for nationwide spatial planning (Turowski 2005: 896). Because there is no binding legal structure plan for the whole country, the federal level develops a framework for the spatial development of the national territory as well as different concepts for different states (Henkel; Pahl-Weber 2008: 43). The Federal Regional Planning Act records in Section 1 the function and the overall concept of regional planning (i.e. that natural resources shall be protected and developed).

The Conference of Ministers for Spatial Planning (Ministerkonferenz für Raumordnung) designated new guiding principles and strategies for spatial development in the whole of Germany on 3 March 2016. This new resolution replaces the guidelines from 2006. One of the main reasons for making a new resolution was that spatial planning could impact the

turnaround in energy policies (Rainer Bomba, State Secretary, Federal Ministry of Transport and Digital Infrastructure).

3.2.2 State level

State spatial planning

The 16 states are in charge of the state spatial planning. The Federal State Planning Act points out that a superordinate plan (see Fig. 4) has to be prepared for the territory of a state. This is implemented by the states themselves. Exceptionally, in the city-states, a preparatory land-use plan serves as a superordinate plan for the state.

- (1) For the territory of each individual Land, a comprehensive, overriding plan shall be prepared. In the city states of Berlin, Bremen and Hamburg, a land-use plan in accordance with section 5 of the Federal Building Code may serve as a plan in accordance with sentence 1; section 7 shall apply *mutatis mutandis*.
- (2) The regional plans of neighboring Laender shall be coordinated.
(Federal Spatial Planning Act; Section 8)

The contents of the state-wide spatial structure plan deal with central place structure, superordinate infrastructure, spatial structure in general as well as allocation of potential settlement areas and open areas. These goals are trend-setting in all following plans. (Henkel; Pahl-Weber 2008: 42; Turowski 2005: 896)

The states are also responsible for the coordination of transnational coordination of spatial plans and measures (Section 16 of the Federal Spatial Planning Act), as well as for simplifying state spatial planning coordination procedures, which are distinguished from state to state. Moreover, the states have to produce a state spatial planning report. (Henkel; Pahl-Weber 2008: 45)

Regional planning

Regional planning is a subset of state spatial planning and deals with concrete areas of the state's territory. Beneath the federal state level and the state spatial level, the regional planning level is the most concrete level of planning so far (Turowski 2005: 965). The duty is to develop a foresighted, summarising, supra-local and interdisciplinary development structure, which considers, on the one hand, the goals of state spatial planning and, on the other hand, the needs of the local authorities (*ibid.*). [It is independent federal spatial planning, state spatial planning and local planning and acts like a mediator between these levels with its own functions according to Section 9 of the Federal Spatial Planning Act (Federal Spatial Planning Act, Section 9; Henkel; Pahl-Weber 2008: 42).] Every state is divided into different numbers of planning regions (i.e. five in Brandenburg; four in Mecklenburg-Western Pomerania) and regional planning organisation also depends on the state (Henkel; Pahl-Weber 2008: 42). Mostly, special associations are in charge of regional planning (i.e. Bavaria, Brandenburg) but it is also possible that regional planning is either a matter for the counties (Lower Saxony), the middle-tier state bodies (Hessen, NRW) or the government level

(Schleswig-Holstein) (ibid.). The state Saarland decided not to have a regional planning level because of the smallness of the state. There are three possible forms of regional plans depending on the state. They *'could take the form of ordinances, local government statutes of bye-laws, or special types of government measure'* (Henkel; Pahl-Weber 2008: 42).

The three main functions of regional planning are:

1. Steering function compared to public bodies charged with planning tasks
2. Conflict settlement in contradicting development objectives
3. Implementation of large-scale principles and objectives in spatial planning
(Turowski 2005: 966)

3.2.3 Local urban land-use planning (Bauleitplanung)

Local urban land-use planning is based on the Federal Building Code. The scope, definitions and principles of urban land-use planning are listed in the following.

According to Section 1 (1) of the Code, the function of urban land-use planning is to prepare and control the use of land within a municipality, for buildings or for other purposes, in accordance with this Code. The objectives of urban land-use planning are recorded in the guideline in Section 1 (5). This enumeration is not complete, because of the phrase *'attention is to be paid in particular to the following'* and therefore it is possible for local authorities to add aspects, referring to special needs of the municipality. The objectives include, for example, protection and development of resources, preservation of cultural heritage and ensuring sustainable urban development and a socially equitable utilisation of land for the general good of the community. Furthermore, it is the responsibility of municipalities to prepare land-use plans as soon as possible and to the extent that these are required for urban development and regional policy planning (Federal Building Code, Section 1 (3)). The municipality could decide itself if a land-use plan should be prepared, because of the planning sovereignty (Schmidt-Eichenstaedt; Stich 2005: 76). Moreover, the land-use plans shall be brought into line with the aims of comprehensive regional planning (Federal Building Code, Section 1 (4); Federal Spatial Planning Act, Section 4 (1)). This is obligatory, because the directory of spatial planning is strictly binding. In contrast, a land-use plan, which is not in line with the aims of comprehensive regional planning, is not legally binding (Schmidt-Eichenstaedt; Stich 2005: 76). The land-use plans must be coordinated with the land-use plans of neighbouring municipalities. In preparing land-use plans, public and private interests are to be duly weighed (Federal Building Code, Section 1 (7)). This is one of the most important phrases in the act because the essential principle of the urban planning is the request to weigh the pros and cons and every interest has to be considered. Finally, urban land-use plans comprise the preparatory land-use plan and the legally binding land-use plan (Federal Building Code, Section 1(2)).

Preparatory land-use plan (Flächennutzungsplan)

The preparatory land-use plan illustrates the possibilities of urban land-use for the area of an entire municipality (Federal Building Code, Section 5 (1)). The plan aims to meet the needs of the municipality by directing urban development (Henkel; Pahl-Weber 2008: 79). The main goal of the preparatory land-use plan for urban development is to set out

the main features on how and what objectives (transport, nature, building etc.) the available land should be used (ibid.; Schmidt-Eichenstaedt; Stich 2005: 79). Therefore, the preparatory land-use plan is the framework for the binding land-use plan, which must be developed out of the preparatory land-use plan (Federal Building Code, Section 8(2)). If a municipality sets up the preparatory land-use plan, the aims of comprehensive regional planning must be taken into account (Federal Building Code, Section 1 (4); Federal Spatial Planning Act, Section 4 (1)).

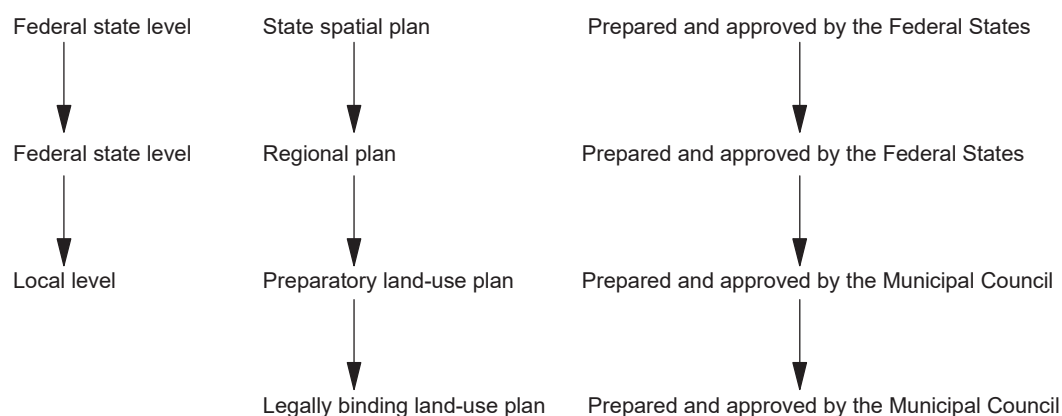
The preparatory land-use plan consists of a map (scale ranges between 1:5,000 and 1:25,000, depending on the size of the municipality) and a memorandum. The memorandum describes the goals, effects and objectives of the land-use plan (Schmidt-Eichensstaedt; Stich 2005: 79). Moreover, it contains the notations of the process as well as the outcome of weighing the interests (Henkel; Pahl-Weber 2008: 79). Furthermore, an environmental report is included, which explains the environmental impacts of the land-use plan (Federal Building Code, Section 2a).

The preparatory land-use plan is passed as a special type of government measure and it alone (single preparatory land-use plan) does not have strong implications (e.g. building permission) (Henkel; Pahl-Weber 2008: 79). It is a propaedeutic plan, which provides the framework for the legally binding land-use plan and this is the only passive binding effect (Federal Building Code, Section 8(2)). Moreover, the preparatory land-use plan is an important contributor in areas that are not controlled from a legally binding land-use plan, because 'a privileged (subsection 1) or other (subsection 2) project is contrary or detrimental to the public interest if it contravenes the representations in the preparatory land-use plan (Section 35 (3) no. 1 of the Building Code)' (Henkel; Pahl-Weber 2008: 79).

Legally binding land-use plan (Bebauungsplan)

In the two-stage system of local urban development planning, the legally binding land-use plan is the second stage after the preparatory land-use plan (see Fig. 4). In contrast to the preparatory land-use plan, the binding land-use plan contains legally binding specifications and controls the land-use of the urban development structures etc. (Federal Building Code, Section 8(1)). The plan is passed by the municipal council as a by-law or municipal statute and is the main instrument for the implementation of the objectives of the local

Figure 4. Land-use plans in Germany (own diagram)



government (Schmidt-Eichenstaedt; Stich 2005: 80). Moreover, binding land-use plans are evolved out of the preparatory land-use plan (Federal Building Code, Section 8(2)). Section 9 of the Federal Building Code provides a wide list with possible specifications, for example the type and degree of building and land-use (1 Nr. 1), spaces for local public infrastructure (1 Nr. 12) and spaces for earth deposits, excavation and mineral transport (1 Nr. 17) etc.

The binding land-use plan consists of a map with a scale between 1:500 and 1:2,000 and a memorandum, which sets out the aims etc. (Federal Building Code, Section 9 (8): The binding land-use plan shall be accompanied by a statement of grounds for its adoption. This sets out the aims, purposes and most significant effects of the binding land-use plan.). Moreover, it includes the environmental report, which values the impacts of the plan on the environment (Federal Building Code, Section 2a).

4 COMPARISON BETWEEN FINLAND AND GERMANY

Finland and Germany have some differences as well as communalities in the way of planning and in developing the administrative structure (these will not be focused on in the following). These differences as well as the commonalities will be explained for the national level, the regional level and the local level in the following section (see Fig. 5; 6 page 14).

National level

In both countries, the government plays an important role in the target-oriented aspects of planning. For instance, the advisory function and the setting out of guidelines for the national development are designed on the governmental layer (Finland: National Land Use Guidelines; Germany: Overall concept of regional policy). Moreover, both governments have the potency of legislation and developed legally binding acts (Finland: Land Use and Building Act; Germany: Federal Regional Planning Act, Federal Building Code). Nevertheless, their principles of operation can be distinguished.

In Finland, the Ministry of the Environment acts at the national level but does not have any planning tools for spatial planning at the national level. The advisory function is the most essential aspect. Besides, they have the right to set out the National Land Use Guidelines, thus they influence the planning at the regional and local levels. Therefore, legal binding effects do not exist in principle but within the objectives for the national development the influence of the national level is steering the overall development.

In Germany, the government has the competence to issue framework legislation, which means that there is no directly binding tool. However, the government could set an overall concept of regional policy as well as the principles of land utilisation and regional planning. Moreover, the legislation in sectoral planning areas are binding and the Federal Ministry of Transport and Digital Infrastructure, which is in charge of spatial planning in Germany, has some binding instruments (advisory and binding functions). Therefore, the national level has also a more steering related function but could engage in fields of sectoral planning directly as well as controlling the lower-level authorities.

All in all, the role of the national level in Finland and Germany is similar in most aspects but the German government has more indirect tools (i.e. sectoral planning).

Regional level

At the regional level, Finland has 18 Regional Councils (members from the municipalities of the region), which are responsible for the regional planning of their territories and the implementation of the objectives of the national level. The Councils prepare the regional development strategy, the regional development programme and the regional land-use

plan. The regional land-use plan is binding for the lower-level plans, and the objectives, which are arranged by the council, have to be considered. But the regional councils do not have a real power within the territories of the municipalities, because the regional plan and the strategy define a framework, which is not very exact (more target oriented).

In contrast, in Germany this level is subdivided into two stages and has an own government as a federal state. First, the state spatial planning has a leading role for the following plans and levels. There are the 16 federal states, which are responsible for the planning of their territory (13 area + 3 city states) and have a large-scale planning competence. Moreover, based on the Federal Regional Act plus the Regional Planning Act (legislature by the federal states), the federal states could make objectives independently and prepare developmental plans for their entire territory as well as regional plans for smaller areas at the second stage. The objectives of these plans and strategies are legally binding and have a strong influence on the local authorities.

Therefore, the regional planning level in Germany is much stronger in most of the federal states as in Finland at the level of the regional councils. This is mainly due to the fact that the federal states have their own legislature and are in many planning aspects and strategies independent from the national level. Moreover, the right of self-governance is common to both countries but the Finnish municipalities have more rights as the German ones (see chapter 'Local level').

Local level

The Finnish municipalities have to draw up a local master plan, which is a general land-use plan for one municipality and usually covers the entire territory. The essential function of the local master plan is the reconciliation of the different requirements and interests of the regional plan plus the local detailed plan. The latter plan points out how areas can be used and built (locations of buildings, kinds of uses) and is legally binding. These plans are part of the right of self-governance of the municipalities. If the minimum requirements are fulfilled, the regional and state level do not have any impact on the planning of the municipalities.

In Germany, land-use planning is also a two-staged system. Firstly, a preparatory land-use plan needs to be developed. It covers the entire municipality and must also (like the local master plan in Finland) define the land-use and act as a mediator between regional planning and legally binding land-use planning. This is synonymous with the local master plan in Finland. Moreover, the legally binding land-use plan must be developed out of the preparatory land-use plan. Therefore, the preparatory land-use plan does not have any binding effects on the detailed planning of buildings etc. Besides, there is no legally binding land-use plan in charge. The legally binding land-use plan contains specifications and it controls the land-use and the urban development structures etc. These two levels of urban land-use planning enable the right of self-governance. However, the plans have to adopt the objectives of the regional plans and are bound to consider the objectives of the sectoral planning. This process is mainly guided by the national and state spatial planning levels. Therefore, the municipalities are guided by municipal councils at the local level in Finland and in Germany. Moreover, the municipalities have the right of self-governance and are in charge of planning their own territory in both countries and they have a two-staged planning system (local master plan and local detailed plan; preparatory land-use plan and legally binding land-use plan).

Conclusion of the comparison at the national level

Both sides have roughly three main stages but the second stage (regional level) is very different. In Finland, the regional councils are not very powerful and, rather, act more like a mediator between the national and the local level. In Germany, instead the federal states are more powerful in planning strategies and could define objectives as well as act to execute these strategies. They have in many aspects more power than the national level and could influence the municipalities more intensely to a certain extent.

Moreover, also the local levels differ at some points. Especially the detailed plan and the legally binding land-use plan have a lot in common but also one main difference. The legally binding land-use plan could define the design of buildings more decisively than the detailed plan. It is possible to stipulate the facade, materials and colours, for instance, in this land-use plan. This does not offer the detailed plan. Furthermore, the legally binding land-use plan must be developed out of the preparatory land-use plan. Indeed, the detailed plan has to take the master plan into account but it does not depend as much on the master plan as the legally binding land-use plan depends on the preparatory land-use plan. However, it needs to be emphasised that in practice the legally binding land-use plan is often developed without a strong relationship to the preparatory land-use plan.

In the following, the administrative structure and the main instruments of planning are evaluated from the cities of Helsinki and Hamburg. This should demonstrate the differences as well as the commonalities more clearly and strengthen the comparison of these two planning systems.

Figure 5. Planning in Finland
(own diagram based on Hirvonen-Kantola,S.; Mäntysalo,R. 2014: 46)

Finland	Planning authority	Planning instrument	Legal effect
National level	Government	National land use guidelines	Advisory
Local level	Regional councils	Regional plan	Binding
Regional level	Municipal councils	Optional joint master plan	Optional
		Master plan	Optional
		Detailed plan	Binding

Figure 6. Planning in Germany (own diagram)

Germany	Planning authority	Planning instrument	Legal effect
National level	Government	Overall concept of regional policy	Advisory
Regional level	Federal states	Spatial plan	Advisory
		Regional plan	Binding
Local level	Municipal councils	Preparatory land-use plan	Preparatory
		Legally binding land-use plan	Binding

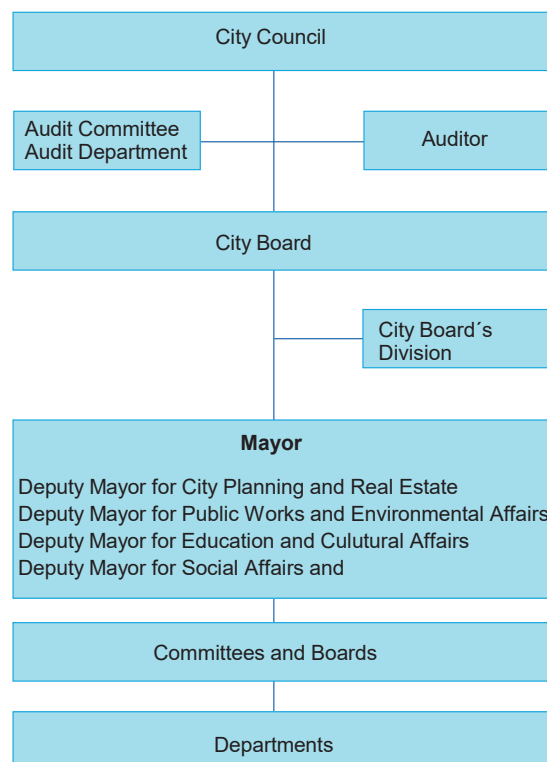
5 CITY OF HELSINKI

Helsinki is the capital of Finland, has approximately 630,000 inhabitants and is located in the economically most important region of Finland (Giersig 2008: 157). Moreover, 1/5 of the Finnish population lives in the Helsinki metropolitan area (Helsinki, Espoo, Vantaa, Kauniainen (ca. 1,100,000)). This area is responsible for 1/3 of the Finnish GDP (ibid.: 158). As a municipality, Helsinki has the right of self-governance, thus it could realise land-use planning within its territory independently. Furthermore, the City of Helsinki owns most of the area's territory by itself (65%), thereby a huge difference in the way of planning and developing of the urban structure arises compared to other neighbouring cities like Vantaa and Espoo (Hirvonen-Kantola; Mäntysalo 2014: 50).

In the following introduction, the most important bodies of the administration (see Fig. 7) relating to urban planning will be posed. Moreover, the main instruments of urban development within Helsinki (local master plan and local detailed plan) will be elucidated. The organisational structure of the city of Helsinki has changed since 1 June 2017. The following description relates to the situation before the organisational change. The main objectives and processes of urban planning remain the same but, due to changes in the organisational structure, the names of some core “actors” have been changed.

5.1 Organisation

Figure 7. Administrative structure of Helsinki as it was before 1 June 2017 (own diagram based on City of Helsinki 2016: 1)



City Council (Kaupunginvaltuusto)

The City Council is the highest decision-making body of the City of Helsinki. It has 85 permanent members and an equal number of deputy members. Their aims are to define City strategies and other important objectives concerning housing production, transfer of plots and planning. Additionally, they organise the city administration and the main financial matters like the city budget and the municipal tax rate. Related to the role of planning, the City Council approves the master plan as well as the most local detailed plans for the City of Helsinki. (City of Helsinki 2016)

City Board (Kaupunginhallitus)

The City Board is elected regularly by the City Council every two years. It comprises 15 members, who decide matters that are not under the authority of another city body. The Board directs, for example, the city administration, supervises decisions of the City Council and represents the city in the court of law. Related to city planning, the City Board decides on less important plans and on the allocation of water and land areas for development. Furthermore, the City Board is the implementation body and prepares the decisions for the City Council that are approved by the City Planning Committee in first place. Moreover, the City Board has the right to return the planning proposal back to preparation. Therefore, it has a strong influence on the City Council and approval of land-use plans. (City of Helsinki 2016)

Mayor and Deputy Mayors of Helsinki (Kaupunginjohtaja; apulaiskaupunginjohtaja)

The Mayor and Deputy Mayors of Helsinki are the executive of the city's administration. They are monitoring the operations of the city's units as well as assessing needs for the development of the city structure. The Mayor and Deputy Mayors manage, supervise and develop the City administration in their area of responsibility. Furthermore, they monitor and supervise the committees, boards and departments, underlying their authority and giving guidelines and orders to the directors. Moreover, they are present in the committee meetings of their own field of responsibility. (City of Helsinki 2016)

Committees and Boards (City of Helsinki City Planning Committee) (Lautakunnat ja johtokunnat)

The City Planning Committee directs the City Planning Department. It approves the annual objectives defined in the AM-programme (AM-ohjelma), which is approved by the City Council and monitors the results. Moreover, plans concerning land-use and traffic planning are submitted for approval to the Committee. The Committee is an elective body, which has 9 members who are appointed by the City Council every four years. City planning is subordinated to the Deputy Mayor in charge of real estate services and city planning. (City of Helsinki 2016)

Departments (City Planning Department) (Virastot)

The City Planning Department is responsible for developing the city's structure and environment, traffic and town planning. It is subdivided into four divisions: Strategic Urban Planning Division, Town Planning Division, Transportation & Traffic Planning Division, and Administrative Division. (City of Helsinki 2016)

5.2 Effects from the national state and regional level

The land-use plans of the City of Helsinki have to take the National Land Use Guidelines as well as the objectives of the regional plan into account. Because of the aim to strengthen the regional and primarily local competitiveness, the goals, however, which are set by the state and the regional level are not strict but are very flexible (Hirvonen-Kantola; Mäntysalo 2014: 46). The regional plan is more a framework for the master plan, which gives guidelines but does not specify strictly on any term. Especially in the metropolitan region of Helsinki, the regional plan seems like a collection of the master plans of the cities of Helsinki, Espoo and Vantaa. At the moment a new regional plan is being developed and it is not yet sure if the Regional Council will decide to change this general role and head towards more concrete objectives (Interview Pentillä 2016).

5.3 Land-use planning

Local master plan

The master plan of Helsinki covers the entire City. It was approved on 26 October 2016. It contains a land-use and zoning map. The latter designates areas of land in terms of five broad categories (mixed metropolitan uses, housing, public utilities and technical services, commercial and recreation and parks) (City of Helsinki; City Planning Department 2012: 2). The master plan provides main traffic networks and future plans (these form an important part of the document). The provisions of the plan are legally binding and the detailed plans have to be considerate of the objectives of the master plan. Moreover, the master plan uses in Helsinki a population forecast of the city in future years. Therefore, the master plan could be a visionary tool, which predicts the required development of the city based on the highest expected population forecast to enable the city to grow.

The local plan is a particular tool of Helsinki, which links the master plan and the local detailed plans. It outlines the land-use of developmental areas and the overall character, primary road network and transport connections as well as green areas etc. (City of Helsinki; City Planning Department 2012: 2)

Local detailed plan

The local detailed plan is an official document, which sets out the mandated land-use rights for a specific plot of land or area (City of Helsinki; City Planning Department 2012: 3). Therefore, it contains the building rights as directed by the City of Helsinki. Only the local detailed plan includes legal sanctions to establish development or to change the land-use designation (City of Helsinki; City Planning Department 2012: 3). The master plan could change the land-use designation too, however just for larger areas and not on this specific level. Moreover, the detailed plan has to follow the guidelines of the master plan. Exemptions are only passed if there are exceptional conditions (ibid.).

The City of Helsinki has the right to prepare the detailed plans for its own territory as well as for private land too and the City Planning Department is in charge of carrying out this duty. The City of Helsinki owns most of the land within the boundaries of the city (ibid.). Therefore, the City Council has a near monopoly in controlling the development of the city. All new developmental projects are executed by the City Planning Department and the majority of the territory of Helsinki is covered by detailed plans (ibid.). Usually the detailed plan cannot make any specifications such as the design of facades, fenestration, materials or colours of a building, because this is regulated by the Building Control Department (ibid.). But it is possible to restrict the height of buildings as well as the housing type in general. The local detailed plan can determine the sizes of flats and plans made for private land; also the material and other specifics of facades can be specified in a detailed plan, which is often done in Helsinki. Moreover, the numbers of car parks are always marked in the plan.

5.4 Urban planning in practice – City Executive Board and MAL agreement

The City Executive Office is a department which is subordinated to the City Board. It is a planning, preparation and executive body for the City Council, the City Board and the Mayor of Helsinki. The Office does planning based on the housing production target approved by the City Council.

Accordingly, the economic and planning division (of the City Executive Office), which is responsible for the implementation of projects after a local detailed plan is approved, has an important role (Helsinki owns most of its own territory). Moreover, the economic and planning division executes the budget for urban development projects (375m/year 2015–2025) and decides on a ten-year lapse of time during which projects are realised. (City of Helsinki 2016a: 1)

The City Executive Office gets the information of which detailed plans will be prepared and approved by the City Planning Department in the next ten years. Afterwards, the economic and planning division calculates the necessary housing units and decides in which parts of the city they are going to be developed. The calculation is based on two main points: The areas where detailed planning is ongoing in the next ten years and the discussions with the regional building projects about realisation of regions/areas. This forecast helps to draw up regional population forecasts. Moreover, the city has an execution programme for housing and land-use, which determines the objective for housing production. All in all, 60% of housing production is within the regional building projects and 40% is complementary building. Therefore, the economic and planning division of the City Executive

Office is the implementation body for urban development projects in Helsinki and has a big influence on the development of the city structure. The main strategy for the next years is the infilling of already built areas to densify the city structure. Moreover, the economic and planning division focuses on a nearly similar development of the whole territory of Helsinki. This process takes place especially for planning projects that are only related to Helsinki and not in the metropolitan area. (ibid.)

All in all, the economic and planning division is responsible for the planning of the City finances and operations and preparation of the City strategy. The division carries out tasks related to the Helsinki City Group management and financing. The division assists the City management in urban development projects and in the coordination of housing policies. The City budget includes an investment programme that determines the investments for regional building projects for the next ten years.

Due to the fact that the municipalities in the metropolitan region draw up their own plans and make their own decisions, this leads sometimes to different positions and planning strategies. Accordingly, the MAL agreement (land-use, housing, transport planning) (agreement between the government and the 14 municipalities in the metropolitan region) tries to steer the planning and implementation processes in the metropolitan region (newest: MAL 2016–2019). Objectives are, for example, development of a dense core and district centres as well as sustainable modes of transport. In the first part of implementing a specific project into the MAL agreement, initial studies take place. Afterwards, the preparation of the project and the specific studies follow. Based on these studies the decisions on frames are identified and the preparation of the developmental process is discussed. In the last step, the decision-making takes place (Helsinki, Espoo, Vantaa, Kauniainen, Hyvinkää, Mäntsälä, Pornainen, Järvenpää, Kerava, Kirkkonummi, Nurmijärvi, Sipoo, Tuusula and Vihti) and the project will be implemented through the MAL 2019 plan / agreement. (ibid.)

The City of Helsinki has a considerable role in MAL-planning. The Deputy Mayor is the chairman of the MAL advisory board, which directs the regional MAL-planning concerning land-use and housing. Each municipality (14 in total) has a governing land use and housing official as a member on the MAL advisory board. Also other specialists in land use, housing and traffic from municipalities and federations of municipalities take part in the meetings. The City Executive Office of Helsinki acts as the secretary on the MAL advisory board. Therefore, Helsinki has a central responsibility in coordination of MAL planning. (ibid.)

The role of the City Executive Office in Helsinki is important because of their role in urban development. Therefore, urban planning by the City of Helsinki has a big influence and can define the development of the city structure. Moreover, the MAL agreement makes an impact on planning projects between the municipalities and especially the City of Helsinki can define many details by themselves.

6 FREE AND HANSEATIC CITY OF HAMBURG

The City of Hamburg is a city state in the north of Germany with approximately 1.8 million inhabitants (metropolitan region 3,400,000). The role as a city state makes a general difference compared to the area states (Bavaria, Saxony etc.) and to other cities in Germany (Munich, Frankfurt). As a federal state, the City of Hamburg is in charge of the execution of federal acts but misses the usual three stages of administration structure, which are often in the area states. Furthermore, there is no regional planning level as in the area states, because a preparatory land-use plan can serve as a superordinate plan for the state (Federal Spatial Planning Act; Section 8). Additionally, there is no municipal level in Hamburg as in the area states. The tasks of the municipalities are perceived directly by the City of Hamburg as a federal state.

Basically, the administrative structure (see Fig. 8) as well as the way of decision making is different from every other city and federal state in Germany. In the following introduction, the most important bodies of the administration process in urban planning are posed.

6.1 Organisation

State parliament (Hamburgische Buergerschaft)

The state parliament in Hamburg is called Buergerschaft. Every four years, the 121 members are elected by a system of proportional representation. The state parliament elects the head of government, passes state laws and adopts the budget. (Hamburg.de 2016)

State government (Senat)

The state government is called 'Senat' (Senate) and the ministers are called 'Senatoren' (Senators). The political guidelines are dictated by the First Mayor, who is the head of the government. The Senate is in charge of leading the 11 departmental authorities, which are each headed by a Senator. Moreover, the Senate represents the City of Hamburg in affairs with other federal states, with the Federal Government or with other countries. Moreover, the Senate has the right of evocation which means that the Senate could absorb tasks from the departmental authorities and, if necessary, from the district offices. (Hamburg.de 2016)

Departmental authorities (Behörden)

The eleven departmental authorities are related to different divisions (e.g. Justice, Culture, Finance, Urban development and housing) and have equal areas of responsibility like the ministries in the area states. Every departmental authority is headed by a Senator who

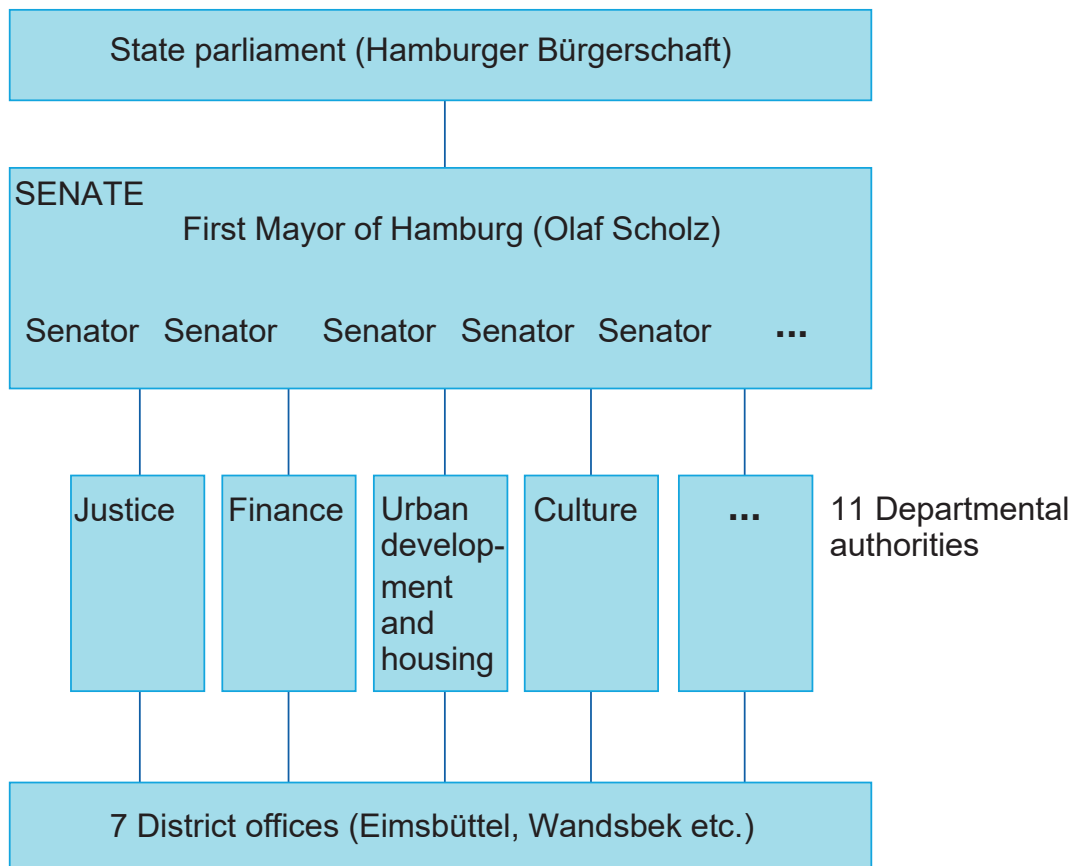
represents the departmental authority in the Senate and who decides the guidelines and projects. Residents of the City of Hamburg could participate in deputations (Senator + 15 citizens), which are responsible for preparing and executing the budget, for example of the departmental authority. (Hamburg.de 2016)

District offices (Bezirke)

In order to ensure that the administrative guidelines are executed, there are seven district offices, which are in charge of their own area (e.g. Eimsbüttel, Altona, Wandsbek). The district offices are subordinated to the eleven departmental authorities and have to execute the guidelines that are developed by the Senate and the departmental authorities. Moreover, the district office could execute tasks that are not for the greater interest, however they do not have the right of local self-government like the municipalities in area states. The Senate decides which tasks are directed to the district offices and how the tasks are executed. (Hamburg.de 2016)

After the short introduction in the structures and functions of the main government bodies the land-use planning will now be explained. The following will focus on effects due to the federal state level, the particular role as a city state (without a spatial or regional planning stage as in area states) and the specifics of preparatory and legally binding land-use planning.

Figure 8. Administrative structure of Hamburg (own diagram)



6.2 Effects from the federal state level and the role as a city state

The City of Hamburg is in charge of executing the federal acts on their own, because of their particular role as a city state. As a federal state, the City of Hamburg is also responsible for the state spatial planning as well as the regional planning. Due to the city state status, the City of Hamburg has to draw up a superordinate plan for their territory. However, the Federal State Planning Act points out that for the city states a preparatory land-use plan serves as a superordinate plan for the state (Federal Spatial Planning Act, Section 8). Therefore, there is no actual spatial or regional planning level because the land-use planning adopts these tasks. According to the Federal Building Code, the preparatory land-use plan has to involve a foresighted, summarising and interdisciplinary development structure, which integrates the goals of federal spatial planning as well as the needs on the level of state spatial and regional planning for the City of Hamburg. However, the role as a mediator of regional planning between the state spatial planning and the local planning authorities is not applied because the city state has no municipalities.

6.3 Land-use planning

Preparatory land-use plan

The preparatory land-use plan from the City of Hamburg illustrates not only the possibilities of urban land-use etc. but also has a steering function for the public bodies. It implements large-scale principles and objectives in spatial planning. The plan aims to pose the needs of the city and is the framework for the binding land-use plan (Federal Building Code, Section 8 (2)). Because there is no state planning level, the preparatory land-use plan serves as a subordinated plan and it has to take the objectives of the federal planning level directly into account. Moreover, the preparatory land-use plan sets out the framework for the legally binding land-use plans and provides a guideline for the administration in the decision-making process for binding land-use plans. (Hamburg.de (a))

The plan is liable for the area of the entire city and contains the main objectives of spatial planning and urban development. Furthermore, the plan points out the locations of service centres for the economy as well as the residential population. Related to the street- and rapid train railway, the location of the service centres forms the structure of the development concept. (Hamburg.de (a))

The preparatory land-use plan is approved by the Bürgerschaft (state parliament) and is binding for the administration. However, it does not contain any right to build. The map has a scale of 1:20,000 and provides a scope for the more detailed legally binding land-use plan. Urban developmental projects like the HafenCity as well as smaller development projects require the amendment of the preparatory land-use plan. The plan was approved in 1973 and since then the plan has been constantly updated because of new objectives in urban development or projects (usually, a preparatory land-use plan will be developed every 10–20 years in Germany). This also occurs if a legally binding land-use plan, which must be developed out of the preparatory land-use plan, does not equate to the aims of the preparatory land-use plan. Therefore, the preparatory land-use plan has to be updated or amended. (Hamburg.de (a))

Legally binding land-use plan

The legally binding land-use plan contains legally binding specifications and it controls the land-use and the urban developmental structures. The plans are not passed as statutes, unlike in municipalities. Instead, the legally binding land-use plan is passed as ordinances by the Senate or as acts by the Bürgerschaft (state parliament). The district offices are in charge of drawing up the plan in general. However, the Senate could use its right of evocation to draw the plan up if there are some subordinated objectives.

The legally binding land-use plan is developed out of the preparatory land-use plan. As explained, this is not the usual practice in Hamburg. Due to projects from the City of Hamburg or other stakeholders, the legally binding land-use plan is developed and the preparatory land-use plan is amended afterwards. This does not undermine the aims of federal planning, because the aims are expressed very generally and set only a framework. However, it undermines the role of the preparatory land-use plan, which led the urban development.

6.4 Urban planning in practice – HafenCity Hamburg

The City of Hamburg is redeveloping 157ha of unused harbour area as a new urban centre. The project is estimated to end in the 2020's. In the planning process, the Masterplan is a tool which is only used for this area (not official, only created for the project because of the size of the area). The plan is integrated between the preparatory and the legally binding land-use plan.

Hamburg's Senate approved the Masterplan for the area of the HafenCity on 29 February 29 2000. The idea to develop the edges of the port around the city centre came up in the 1990's and was also influenced by international waterfront development projects like the London Docklands. In the ongoing process, the City of Hamburg was able to take control of mostly all parts of the area, since the majority of the land belonged to Hamburg already. In 1995, the city founded the GHS, Gesellschaft für Hafen- und Standortentwicklung (since 2004 HafenCity Hamburg GmbH), which is 100% city-owned and responsible for the development of the area. (HafenCity 2016a: 1)

In 1999, Kees Christianse / ASTOC were the winner of the urban planning ideas competition (draft masterplan). The Masterplan formulates the urban redevelopment plan for the HafenCity area and was approved by the Hamburg Senate but does not have any legally binding effects. Therefore, the masterplan creates the framework for the development of the area but also defines the development of neighbourhoods as well as flood protection and the fine-grained mix of uses. Moreover, the Masterplan sets the target of making the HafenCity a new downtown for new business, social, cultural and economic expansion and is very flexible to adapt to new trends. For example, the Masterplan was revised in 2010 due to the need for more housing facilities. (ibid.)

The HafenCity GmbH is responsible for the development of the area but did not develop it by themselves and acts more like a public manager. Since 2006, HafenCity has a priority area status. Therefore, all legally binding plans are discussed by the Commission of Urban Development, which represents all political parties in Hamburg's State Parliament. After the ratification by the Commission, there is an 'exclusive option period with an obligation to plan' (HafenCity 2016:1). The City of Hamburg and the chosen investor have to proceed with an architectural competition and have to prepare for building approval. In

the whole process the stakeholders (City of Hamburg, HafenCity GmbH and the investor) stay in constant dialogue. (HafenCity 2016: 1)

Due to this process, the HafenCity GmbH has a big influence on the development of the area and can guarantee that the aims of the city are taken into account. During the development process, the City retains its ability to ensure the building's quality by intervening in the first one and a half years. The cooperation between the city and the investor/developer should optimise risks, costs, quality and time scales. (ibid.)

Therefore, the development of the HafenCity is a special example of the implementation of urban planning projects in Hamburg. Due to the large scale (157ha), the area has with the Masterplan its own development tool and the process of allocating plots of land to investors is far more restricted. The Masterplan itself is integrated between the preparatory- and the legally binding land-use plan. It has strong influences on the development of the area but not a legally binding character. The plan is not a formal tool and doesn't have to be developed out of the preparatory land-use plan, which will be amended after a legally binding land-use plan is approved. Within the realm of the Masterplan there are legally binding land-use plans which define the development more exactly. Therefore, the Masterplan steps into the role of the preparatory land-use plan in this case, but has more specific terms and restrictions.

All in all, the HafenCity is a good example, which shows how the implementation of planning could work in Hamburg. Because of the role as a city state and according to the the power of the Senate, the City of Hamburg has a lot of opportunities to fulfill its aims of urban development and land-use planning.

7 COMPARISON BETWEEN HELSINKI AND HAMBURG

The cities of Helsinki and Hamburg have some commonalities as well as some differences. One of the main differences is that Hamburg is a city state and thus it has a legislative competence, which includes aspects of urban planning. Therefore, the City Council in Hamburg is a state parliament (Senate) and the leading Senators are ministers with their own technical authorities. Moreover, the districts of the City of Hamburg have a more powerful position and could do most parts of urban planning by themselves. They act similar to municipalities in some cases but do not have the right of self-governance, which means that there is no obstacle for the Senate to use the right of evocation. Furthermore, the City of Hamburg does not need to take a regional plan into account, because the preparatory land-use plan acts like a regional plan for the territory of the city. Therefore, the legally binding land-use plan is the only plan on the entire territory that is actually legally binding. The City of Helsinki instead is a municipality, which does not have legislative competences like the City of Hamburg. Moreover, the regional plan has to be taken into account, albeit the plan is not a very powerful model.

Both cities have the mainly two-stage land-use planning system in common. The City of Helsinki prepares a master plan, which has nearly the same objectives as the preparatory land-use plan (to create a sustainable urban development). They differ because the preparatory land-use plan guides the following plan more directly than the master plan, however in Hamburg this practice is not common. Moreover, the second stage of land-use planning is also very similar in aspects like that the plan contains the land-use rights for a specific plot of land. Moreover, the legally binding land-use plan in Hamburg as well as the detailed plan in Helsinki could define design instructions (façade, material).

The main difference in the process of implementation in Helsinki and Hamburg is that the City of Helsinki owns more of the land within its territory than the City of Hamburg does. Instead, the City of Hamburg has to deal a lot more with investors and can't do as much by itself. The example of the HafenCity shows how the City of Hamburg gets control of an area and how the development of the project between the city and the investors could work. The City of Helsinki is in a very strong position when it comes to creating an urban and sustainable environment for their inhabitants by themselves and within the metropolitan region (City Executive Office; MAL agreement).

Aside from the administrative structure, the main difference between the City of Helsinki and the City of Hamburg is the particular city state status of the City of Hamburg and the consequential differences in legislative competence. The cities have the main aims of the master and the preparatory land-use plan as well as the overall goal of urban land-use planning in common.

8 DIGRESSION: PARTICIPATION

Civic participation is a very important instrument for urban planning. On the one hand, civic participation helps to get different perceptions related to a certain topic and makes an important impact on decisions, which are specifically for one area. On the other hand, civic participation helps to create legitimation, acceptance and identification with the project or planning process for the residents. Moreover, the participation is necessary, to involve the residents of a city. Political clients, partners and users of the planned project have to get involved and be represented as much as possible.

It is important not to use participation at the end of a planning project as an instrument of justification. The society has to be integrated in the whole process. The influence of the participators is at the beginning of a project higher than the effect in final processes (see Fig. 9 page 26). However, in the end, when most of the people get interested and want to contribute, their influence gets lower. Therefore, it is important to come up with a system that integrates the community as early as possible and to highlight the opportunities especially in the starting process. (Danielzyk; Knieling 2011: 488)

If there is the will to get people involved, it is necessary to promote the opportunities for participation. It is also important to communicate on different media to reach everyone who is interested (papers, internet, public events etc.) as well as to have a good composition of informing, participating and cooperating between the stakeholders. The administration has to act like a social interest group if they want to get a planning process, which provides participating opportunities for the whole society.

In the following, the formal participation processes in Helsinki and in Hamburg, and some informal instruments that are used, are elucidated and compared.

8.1 Civic participation in the detailed planning preparation – Helsinki

The ideals of public participation are pronounced in the general objectives of the Land Use and Building Act, which postulates the participation of the public in the planning process (Hirvonen-Kantola; Mäntysalo 2014: 48). The demands, which deal with the inclusiveness of civic participation, are high and, therefore, the planning authorities have to publicise planning information at nearly every step of the decision-making process and of the plan development (ibid.). It makes an impact on every step from the introduction to the approval of a plan.

In the first step of the detailed plan preparation process, a participation and assessment scheme is prepared (in the initial phase of the plan or project) (City of Helsinki; City Planning Department 2016: 39). It points out the goals and starting points of the planning work as well as the progress of the preparation and decision-making process. It highlights the opportunities for participation and communication. Information can be obtained via the website of the City Planning Department, in a community bulletin, in the Planning Review, which concerns important planning of the project, and by e-mail. Moreover, it is possible to express oneself about the way of participation in the City Hall as well as at the Laituri Infopoint.

After the first step of the detailed plan preparation process, the following first main opportunity for participation is at the draft plan stage. The draft plan is published for public display (online, near the planning area, Laituri infopoint) and interested people have the opportunity to give their opinion about it (ibid.). Moreover, if there is a more important project also public events could take place.

The opinions about the draft plan are obtained as far as possible. Furthermore, the plan proposal is based on the draft plan (ibid.). If the board supports the proposal, the City's Administration Centre will publish the plan proposal for public display. Therefore, interested people have the opportunity again to give their opinion right before the approval of the plan and could make a written protest within 30 or 14 days (depending on the project). (ibid.) If there is no protest within the deadline, the plan proposal goes to the City Board and then to the City Council for its approval. At the end, the approval is announced (by means of a public notice) in certain newspapers that are used for the city's official notices (e.g. Helsingin Sanomat). (ibid.)

8.2 Civic participation in the legally binding land-use plan preparation – Hamburg

Civic participation in the process of preparation of a legally binding land-use plan is regulated in the Federal Building Code. For the setup of a legally binding land-use plan there must be an urban developmental requirement. There is no legal claim for a binding land-use plan but the residents, the city council as well as the administration can request the preparation of a legally binding land-use plan. Before a plan is set up, early participation of the administrations as well as public agencies takes place. The administration controls the necessity and if they confirm the need to draw up a binding land-use plan, the planning committee and the city council have to approve the preparation and publish the decision of setting up a binding land-use plan. (Hamburg.de b)

The administration draws up a draft plan in which the main objectives and contents are described. The planning committee discusses the draft plan and decides about the preparation of the plan (Federal Building Code, Section 2 (1)). If it is confirmed, the early two-stage civic participation takes place. In the first stage, the residents get informed about the planning concept and could give their opinion. Moreover, the impacts for the environment are discussed as well as the extent of the environmental audit. The feedback is evaluated and is used in the ongoing planning process. The draft plan has to be revised. (ibid.)

The draft of a land-use plan is presented within the city's administration as well as to the district offices and the public agencies. If there is an amicable agreement, the plan would be proposed to the public. Monthly, every interested resident could make statements on the legally binding land-use plan (Federal Building Code, Section 3 (2)). (ibid.)

The plan is going to be construed at the responsible district office and is approved by the responsible district office, if it is a district plan otherwise from the Senate. In some cases, the state parliament (Bürgerschaft) has to approve the plan. (ibid.)

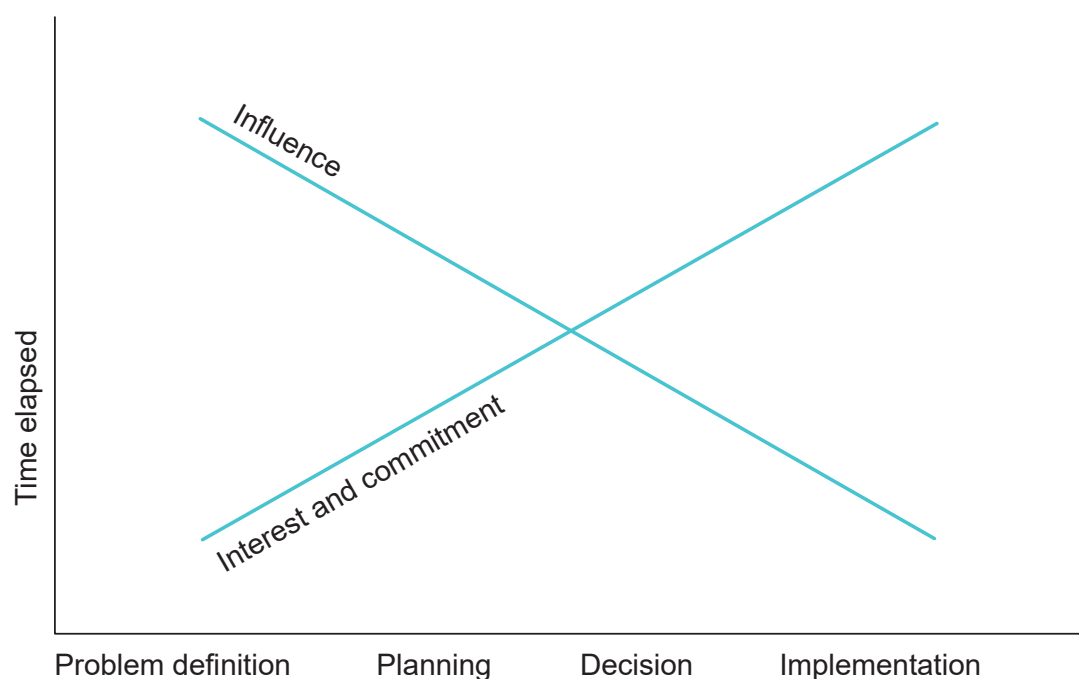
8.3 Informal participation

Additional to the formal participation, there are different instruments that are used by the cities of Helsinki and Hamburg for informal participation (but these are not going to be presented and evaluated in the following). Moreover, some general aspects on informal participation as well as involved potentials and problems are explained in the following.

The potentials of informal planning are, for example, an improvement of the decision-making process as well as the increase of transparency, of planning processes and of the acceptance of a project (Danielzyk; Knieling 2011: 488). The main difference between the formal and the informal participation is that the formal has a legal basis, which is not present in informal participation processes. Therefore, in informal participation processes there are no legal guidelines and the process has a higher latitude. Moreover, it is flexible and could rely more on the needs of the project as well as involve more people into the process (ibid.: 476). Expressions of participation could take the form of informing on-line and in meetings, workshops and conferences as well as round-table discussions and mediation processes. Therefore, the informal participation has the function of informing, participating and cooperating between the interests of the inhabitants and the stakeholders of the project.

Nevertheless, there is also one disadvantage in informal planning, which has to be emphasised. As already mentioned above, the results of informal participation processes have no legal basis and therefore do not have any claim of influence (ibid.). Informal planning could expand the instruments of civic participation, however the planners are responsible for taking the results into account.

Figure 9. Influence in participation
(own diagram based on <http://bit.ly/2eIRsUc> referenced 10.11.2016)



9 CONCLUSION

Learning from each other?

'Town planning, both as a discipline and an administrative practice, has a curiously chameleon-like quality whose colours depend intimately on the particular social, political and cultural context in which it is found (Booth 1986: 1).'

With the ongoing process of merging within the EU and the development of structures for similar goals (globalisation etc.), the planning systems are adapting more aspects and more from each other. Foreign ideas are often adopted directly but are adjusted to the individual situation in a certain state or a region. Therefore, the complexity of planning systems within the EU is not going to be restricted (Duehr 2011: 792), albeit there is an ongoing process of adapting strategies from each other or new regulations are established by the EU.

There are some aspects between Finland and Germany that would be worth implementing in the opposing country. In the following, there will be one aspect concretised for either site, which would be worth adapting. Related to the metropolitan region of Helsinki, the regional plan of the Uusimaa Region seems like a collection of the master plans of the cities and municipalities of the metropolitan region. From a German perspective, a stronger Regional Council could create a more effective framework for guiding projects such as the improvement of the connection between the airport in Vantaa and the harbour in Helsinki. Moreover, the Regional Council would be more useful as a mediator between the different levels of authority. This would make an impact especially within the metropolitan region of Helsinki, because of the great number of stakeholders.

On the other side, the City of Hamburg could adapt the preparation of an assessment scheme for participation within land-use planning projects. The opportunity to point out objectives of a project as well as the preparation of a decision-making process connected with a plan for participation tools and communication creates a more open-minded process. In the case of Hamburg this could help to create more participation opportunities, because at the moment many tools are informal and the influence on the planning process depends on the will of the district offices or the government of the City of Hamburg.

The context of planning influences the practice of spatial planning most of the time. Therefore, the adaption of planning contents is often an interpretation and follows a need, which has its own approach to solving the problem. The examples above are intellectual approaches, which are worth reviewing in continuative research.

In general, Finland and Germany as well as Helsinki and Hamburg develop towards similar objectives. Especially the objectives from the national level are very common and also the overall strategies of implementation. Moreover, the main planning tools are similar but have some different legal forms.

At the end of the comparison between these two planning systems, it can be concluded that there are major differences but also some commonalities between the Finnish and the German way of planning. The main difference is that the regional councils are not very powerful in Finland and act more like a mediator between the national and the local level. Instead, in Germany the federal states have a lot of power in planning strategies and

can define objectives as well as act to execute strategies. They have in many aspects more power than the national level and could influence the municipalities to a certain extent. This emphasises the different historical development of the systems. The Finnish urban planning is based on very strong municipalities. This role has developed out of the right of detailed planning for their own territory since the 17th century (COMMIN 2007: 1). The German planning is more based on the role of the guiding federal states and municipalities, which have the right of self-governance, but are not as strong as the Finnish municipalities.

All in all, the differences and the commonalities are developed out of some needs, which are similar or different for both countries. Therefore, different or similar approaches are developed to solve these needs. The adaption of planning strategies and tools could help in some aspects, however it is important to implement these tools to the national and regional way of planning. Learning from each other could be possible but the local situation has to be taken into account.

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Fig. 3: Administrative structure of Germany (own diagram based on <http://bit.ly/2f3B5Z1>, referenced 03.11.2016)

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