

More quality with less regulation? Finnish model of detailed planning and the growing demands of procedural efficiency

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In Finland, as in many other countries, planning system is increasingly facing demands for greater procedural efficiency. Pro-market organizations and building industry have been lobbying in particular for lighter, smoother and quicker planning procedures at the level of detailed planning. Finnish *Land-use and Building Act* (132/1999) does not set strict requirements for the form and contents of detailed plans, but especially in the biggest cities detailed plans often pre-determine even the architectural detailing of the built environment. The representatives of Finnish building industry have argued that detailed regulations lead to solutions that are too costly, and therefore also non-implementable (Hurmeranta, 2013). The representatives of public planning offices, however, argue that detailedness of detailed plans is the ultimate guarantee of the quality of the built environment. From this perspective, the demands for lighter planning processes can be of course charged with representing neo-liberalist pursue to turn urban space into marketable object, when the 'quality of environment' comes to be reduced to the commercial appeal of the environment (cf. Sager, 2013). In this case, cultural and architectonic values may come to be crowded out from the realm of 'environmental quality'. Yet, architects who are responsible for the building design do not always share this concern, but they often argue, by contrast, that detailedness of regulation impedes creativity, innovativeness and the emergence of novel cultural values in building design (Staffans & al., 2015; Ilonen, 2015; Krokfors, forthcoming 2016).

In big cities such as Helsinki, this discrepancy between detailed planning regulation and implementation of plans at the level of building design has led to a situation wherein building permits typically include discretionary deviations from detailed plans (Staffans & al., 2015). Deviations have become thus mainstream of planning, and this in turn, means that planning procedures have become slow. It may also be argued that deviations are problematic with regard to the legitimacy of planning, given that deviation procedures include much less space for citizen input than do the plan-making processes.

To solve these problems, pro-market organizations have wished to introduce to Finnish planning system a model that would be based on the combination of more flexible municipal plans and privately initiated planning applications. Detailed design would be left to private planning applications. This, as they argue, would improve both the quality of plans and efficiency planning process. (Hurmeranta, 2013.) The model based on privately initiated and prepared plans is typical for discretionary planning systems (see Booth, 1996), but it is not clear whether this model would increase quality of urban design in the context of Finnish regulatory planning system (cf. Maisala, 2014). In particular, in discretionary systems – existing typically in common law countries – courts of law often play a significant role when there are conflicts concerning concretization of ‘quality’ in planning. Decisions taken in courts, then, also steer the use of discretionary powers of public planning officials (cf. Booth, 2007). In the Finnish system, however, courts of law do not consider the quality or expediency of plans, but they assess plans in terms of their legality. This, in turn, has been taken to mean that in the Finnish planning system ‘quality’ is not understood as a normative concept, but comes to be reduced to the minimum requirements set by the law. (Staffans, 2012; Syrjänen 1999.)

Currently, then, the quality of plans is guaranteed procedurally in two ways, both of which appear as problematic:

- 1) Public planning officials can use their discretionary power to guarantee the quality. However, the use of discretionary power is not steered and supported by the courts of law, but rather by political decision-making.

2) The public can participate in planning and influence the quality of plans, but participation is downplayed by the fact that quality issues are increasingly handled in the context of deviation decisions.

De-regulation in planning is one of the objectives of the new government of Finland, the fact of which means that changes in the detailed planning procedures are to be expected in near future. This paper sets out from the hypothesis the objectives of increasing procedural efficiency and the quality of outcomes both require that detailed planning procedures be renewed. It sets out to search for ways in which these objectives can be kept in balance and reconciled with several other objectives set by the Finnish planning law, as well as other relevant legislation. Furthermore, it reviews critically the proposals made by interest groups to renew detailed planning, focusing especially on the role of such elements that come from foreign planning systems and legal contexts. The objective of the paper is not only to analyze the discourse and evaluate proposed changes in the Finnish planning system, but also to make some suggestions as to what kinds of models for detailed planning could be beneficially fitted in the Finnish planning system so that planning really becomes smoother and more supportive of the emergence of good-quality built environment.

Literature:

- Booth, P. (1996) *Controlling Development. Certainty and discretion in Europe, the USA and Hong Kong.* London: UCL Press.
- Booth, P. (2007) *The Control of Discretion. Planning and the common-law tradition.* *Planning Theory* 6(2): 127-145.
- Hurmeranta, M. (2013) *Kaavoihin kangistuneet – Tusina ratkaisua kaavoituks en hitauteen ja tehottomuuteen (Stagnated by plans – 12 remedies for the slowness and inefficiency of planning).* Helsinki: EVA / Taloustieto.
- Ilonen, P. (2015) *Berlin – The new coming of urban townhouses.* *Finnish Architectural Review* 3/2015.
- Krokfors, K. (forthcoming 2016) *Towards Diverse and Resilient Housing Production, On Conditions of Invention.* In: Gromark, S., Ilmonen, M., Paadam, K. and Stoa, E.

Ways of Residing in Transformation. Interdisciplinary Perspectives. Farnham: Ashgate.

- Land-Use and Building Act of Finland (132/1999). Unofficial translation available at: <https://www.finlex.fi/fi/laki/kaannokset/1999/en19990132.pdf>
- Maisala, P. (2014) Englanti ja toisenlaisen kaavoitusjärjestelmän kehittyminen (England and the development of a different kind of planning system). *Yhdyskuntasuunnittelu* 52(1).
- Sager, Tore (2013) *Reviving Critical Planning Theory. Dealing with Pressure, Neo-Liberalism, and Responsibility in Communicative Planning*. New York: Routledge.
- Staffans, A. (2012) MRL ja kansalaisten osallistuminen (Land-use and building Act and Public Participation in Planning). In: *Katsauksia maankäyttö- ja rakennuslain toimivuuteen. Ympäristöministeriön raportteja 4:2012*. Helsinki: Ympäristöministeriö.
- Staffans, A., Hall, A., Krokfors, K. & Vanamo, J. (2015) *Periaatekaavoitus ja agenttipohjainen mallintaminen (Rule-based planning and agent-based modeling)*. Unpublished report. Aalto University.
- Syrjänen, O. (1999) *Harkintavalta kaavoituksessa ja rakentamisessa (Discretion in zoning and building)*. Helsinki: Rakennustieto.
- Syrjänen, O. (2005) *Osallistuminen, vuorovaikutus ja muutoksenhaku kaavoituksessa (Participation, interaction and appeals in planning)*. Helsinki: Rakennustieto Oy.