

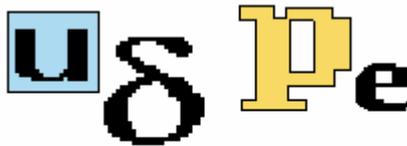
Joaquín Farinós

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FOR SPATIAL PLANNING BETWEEN LOCAL AND
REGIONAL LEVELS ”

*Special issue: “European Spatial Planning: a View
from Spain.*

Quaderns de Política Econòmica.
Revista electrònica. 2^a època.
Vol. 6, Enero-Abril 2004

Edita:



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Av. Tarongers s/n, 46022 Valencia
FAX: 963828415 - WEB: www.uv.es/poleco

ISSN: 1579 - 8151

CHALLENGES OF MULTI-LEVEL GOVERNANCE FOR SPATIAL PLANNING BETWEEN LOCAL AND REGIONAL LEVELS^(*)

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Abstract:

This paper addresses the issue of the emergence of the local scale and the role it plays in Spain from the viewpoint of spatial planning. On the one hand, there is an analysis of the current situation, characterised by a conflicting relationship between town and spatial-regional planning. On the other, some changes are discussed, like the emergence of new and limited figures on a supramunicipal / subregional scale, or the development, also limited, of strategic spatial planning. One of the conclusions reached is that the role of the EU seems to consist more of contributing to the betterment and consolidation of these practises than to their appearance, to which the doctrine dictated by the Spanish Constitutional and Supreme Courts has contributed, albeit less successfully than might have been expected. Finally the hypothesis is posited that this relationship between the local and regional scales has a strategic character above all for regions, both from the viewpoint of spatial planning at a Spanish level (whose jurisdiction corresponds to them) and at a European level. At a European level to become fundamental actors in the stages of design and application of European policies, in view of the coming changes in Regional Policy and the review of the ESDP document.

1. Foreword

We have recently witnessed a recuperation of local issues as the most important reference scale when dealing with the process of economic globalisation. New concepts such as ‘glocalisation’ express this strategic role to be played on a local scale. However, in the Spanish context serious doubts arise when the matter is analysed in detail (Farinós, 2004). One of the first problems we come up against is the difficulty in defining exactly what we mean by the local scale. Generally identified with municipalities, a local scale of the State also comprises a large variety of subregional entities (administrations) established at different levels throughout Spanish territory: counties (*comarcas*), metropolitan areas, service associations (*mancomunidades*) and Provincial Councils (*Diputaciones Provinciales*). This multiplicity of subregional manifestations, however, are reduced to municipalities for matters of land use planning,

^(*) This paper is the result of a coordinated national project titled “*Estrategias de Cooperación y Desarrollo Territorial en España*” (Territorial Cooperation & Development Strategies in Spain) with reference BSO2002-04233-C10, financed by FEDER and the Ministry of Science and Technology within the framework of the National R & D Plan (2000-2003).

because it is the municipality that has the power to develop its own local plans for using the land (see Sánchez de Madariaga in this special issue). This simplification of the local scale as regards land use (town and country) planning, while useful a priori, especially from the viewpoint of regulating jurisdiction according to politico-administrative levels, has not facilitated relations with the regional level, which has exclusive authority over spatial planning (see Romero in this special issue).

The thesis defended in this paper is that the relationship between both scales, local (subregional) and regional, from the viewpoint of spatial planning, is strategically inevitable, and probably mainly so for regions, which might be considered to have a predominant role in this twofold relationship. The regional level needs to establish a multilevel cooperation relationship with the local scale as a strategic element both as a means to develop efficaciously their authority regarding spatial planning and to increase their involvement in community decision-making methods. To this end, in view of the proven inefficiency of the regulating method, it is worth contemplating the alternative of adopting more flexible new systems of governance based on rules voluntarily accepted by the different parties involved in the space constructing or spatial planning process. This last issue will be addressed in the third section of this paper, while we shall deal with the situation of these relationships in Spain today in the section below.

2. Relationship between Urban Planning (Local Scale) and Spatial Planning (Regional Scale).

Whereas spatial planning is still seen in Spain today as an obscure public function, urban planning did reach a relatively advanced stage of development in the last two decades of the 20th century. Urban planning is a perfectly regulated municipal activity by which the criteria for the implementation or the express prohibition of the implementation of the activities in the territory are established¹. Nevertheless, in recent years their techniques and principles have been brought under discussion. The recent evolution of the urban planning system, particularly in terms of deregulation,² have important implications for the future possibilities of spatial planning in Spain. This is the reason why the general opinion is that the two sides should form an alliance.

City councils, which are responsible for assigning the concrete use of land in their municipal area, have a leading role in the relationships generated by the application of sectorial legislation in the regulation framework of spatial planning. Thence the need for a better relationship between urban and spatial planning. Nevertheless, far from having found a satisfactory solution by means of the traditional regulatory style, by means of lists of well-defined responsibilities between the two levels, the situation is still not

¹ The application of penalties, a consubstantial element of Administrative Law, exists in the field of urban planning; however, regarding spatial planning, autonomic laws do not usually contemplate a sanctioning administrative regime. This is the case in the Autonomous Communities of Asturias, the Balearic Islands, the Canary Islands, Catalonia, Galicia, the Basque Country or La Rioja (Martínez, 2004).

² This trend has been promoted by the last Conservative Spanish government thanks to two pieces of legislation: the Law on Land Regime and assessment –LLRA– of 1998 and the Royal Decree on Urgent Measures for Liberalisation (2000).

clear. Although both concepts are differentiated in the Spanish legal system (art. 148.1.3^a of the 1978 Spanish Constitution), they are sometimes used indistinctly both by central and autonomous legislators and by the courts. What is more, in several Autonomous Communities laws regarding spatial planning form a single set of regulations with urban planning (Cantabria, Castile-La Mancha, Navarre, Extremadura, La Rioja, Madrid...), and in even more cases, spatial and urban planning form a single unit of administrative organisation in the organisation chart of the autonomous government.

The difficulty in defining what belongs to each of them has led to urban planning prevailing over spatial plans; this is due to the tangible, well-typified and regulated character of the former and the vagueness of the latter. Although regional spatial planning laws have been enacted to regulate instruments by means of which to develop them (spatial planning on different scales) and to establish the procedures for the drawing up and approval of the said instruments, their content, scope and connection with other planning instruments (sectorial and urban planning) and coordination and standardising bodies, so far very few (regional or subregional) spatial plans proposals have been passed.

In urban planning the City Council is the only representative of public interest in a model with only slight presence in civil society that, when it *is* present, is usually reduced to powerful sectors with financial and real-estate interests that can have a crucial influence on the taking of political decisions. In spatial planning, on the contrary, there are different interests at stake (municipal and supramunicipal, even supraregional, urbanistic and sectorial) for which establishing clear priorities is a complex matter from a regulatory viewpoint. In view of this situation, most spatial planning laws recognise the necessity of greater administrative coordination as a way of enhancing the efficacy of any policy with territorial impact. Interinstitutional coordination is somehow or other reflected in the different autonomous laws (in Aragón, Andalusia, Asturias, Castile and León and Galicia, for example) as a basic element for the successful development of spatial planning policies.

Only a few autonomous laws explicitly define the manner of achieving this in a more rigorous manner: a) in a line of *exclusiveness* (imposing a mandatory report by the Autonomous Community on the remaining decisions at a sectorial level –central State jurisdiction– or urbanistic level –local State jurisdiction; b) by contract philosophy (promoting the settling of disputes by means of agreements, treaties or pacts); c) by *coordination* processes: proposing the setting up of cross-sectorial commissions at a regional level and multi-level commissions. All these instruments, however, have proven to be of limited efficacy (Marinero, 2003), just like the illustrative sentences dictated by the Supreme and Constitutional Courts, which have always addressed exclusivity of authority and insisted on the need for greater cross-sectorial coordination (Farinós, Sánchez & Romero, 2004).

Some recently updated autonomous laws regarding spatial planning attempt to establish a closer link with urban planning and incorporate some of the guidelines included in the ESDP document at the same time. However, not all autonomous laws on spatial planning reflect the relationship or hierarchy between spatial and urban planning. Spatial planning is admitted as a way of orienting or directing urban planning (Ruling 149/1998 of the Constitutional Court)³. The entail of local planning (which can in turn be divided into different degrees: exclusive, alternative or orientating) does not seem to depend so much on the acting administration (the Autonomous Community) as on the type of planning (spatial). The same occurs in the relation of priority between a Special Plan (which may be passed by the central government) and which must comply with the fundamental guidelines of the General Urban Plan (which depends on the local authority)⁴. But it can happen that either this orientating character of spatial planning is not fulfilled for urban planning or even the contrary may occur.

In the event that it is not fulfilled, the question arises about how and where to set the limits of this “lack of coordination”. As González-Varas points out (2004), the fundamental juridical problems of spatial planning stem from the need to articulate the desires of the different authorities (local entities, autonomous communities and central government), each of which has its own legal interests and, it is worth remembering, its own area of jurisdiction.

One of the formulas proposed as a solution to this conflict, while maintaining the substance of the present status quo, is to open channels to facilitate greater participation of local entities affected by spatial planning in the preparation and approval of these territorial plans. Once again the doctrine dictated by the Constitutional Court is illustrative: the solution is cooperation “... with the possibility of choosing the most suitable techniques in each case: mutual exchange of information, issuance of preliminary reports in the sphere of jurisdiction, creation of mixed agencies, etc.” (Ruling 149/1998 of the Constitutional Court, quoting Ruling 40/1998 FJ 30)⁵.

³ This ruling 149/1998 of the Constitutional Court, insisting on the principle of coordination and a non restrictive interpretation of exclusivity of jurisdiction, recognised that the activity of planning land use and the approval of plans, instruments and spatial planning regulations belong within the jurisdiction of spatial planning, and that those responsible for spatial planning (the Autonomous Communities) should exercise the said jurisdiction without impinging on the sphere of jurisdiction reserved for the State (in accordance with the provisions of art. 149.1 of the Spanish Constitution), taking into account the acts performed in their exercise and respecting the conditions arising from them.

⁴ “It is not a question of a clash of authorities but of the juridical efficacy that must be attributed, according to the Law, to each of the Plans” (Ruling of the Constitutional Court of 17th June 1992 Ar. 5160). (González-Varas, 2004).

However, as regards the relationship between urban and supralocal sectorial planning, “the power initially attributed to urban planning policies to cover all planning activities in the territory is giving way to sectorial policies in two channels... One of these is the increase of *supralocal, regional or State interest in sectorial policies*... The other is the pressure permanently exerted by sectorial policies so that their activity be exempted from urban planning control over the establishment of an activity in the territory” (Cruz Villalón, 2004).

⁵ In this sense, the Canary Islands case of the Law of Spatial Planning is a good example (arts. 11.2, 10.2 & 30.2).

These arguments coincide with one of the necessary requisites to develop a new territorial government: intellectual capital. Governance requires two types of capital, which are also necessary for planning spatial development: material (funds, equipment and other resources) and institutional, which includes intellectual, social and political capital (Davoudi, Strange & Wishardt, 2003). Intellectual capital is the most novel of these, and is made up not only of the level of knowledge available for the actors involved in spatial development (knowledge of the spatial system and how it evolves, knowledge of the socioeconomic processes and their impact on spatial development); but also of the development of a shared understanding of the knowledge available (endowed with a common frame of reference that facilitates effective cooperation between actors), transparency in the flow of knowledge when sharing information and the actors' learning capacity (which also influences their readiness to learn and their degree of receptiveness towards new ideas).

The second situation is far more problematic; that is, spatial planning can become a "mother policy" by means of which autonomous governments legitimate urban planning on a supramunicipal scale (Cruz Villalón, 2004). In this way, spatial planning regulations, especially on a subregional scale, can become regulations for urban planning rather than instruments for real interinstitutional and intersectorial agreement; instruments to control urban development rather than actual spatial development plans for the area in question. Spatial planning ends up being considered secondary to urban planning (an interpretation that is not unusual among lawyers), acting against the local scale, on which it imposes many limitations and little promise of development in exchange (a very common interpretation among local politicians and economic actors).

The procedure for drawing up and approving Spatial Plans or Guidelines of a subregional character tends to be complex, with public participation and coordination of sectorial and territorial administrations, but with a marked top-down rather than a bottom-up approach. Their approval depends on the highest authorities (regional government councils and even regional parliaments), with the category of Laws. On the other hand, the difficulties in implementing these plans is one of their main handicaps. Plans establish execution priorities but not dates, because public funds are required to finance them, involving even regional parliamentary procedures. The lack of time guarantees for the investment is one of the principal causes of their impracticality and rejection by municipalities. The latter see these supralocal planning instruments as interference in their jurisdiction without any guarantee of implementation. Finally these supralocal instruments must have faith in sectorial and urban planning (the jurisdiction of local administrations) to carry out their proposals (Benabent, 2001; 2002: 66), which can ultimately give rise to something very different from what was initially provided in these spatial plans.

In spite of this, coordination between the different municipalities is essential in order to achieve more rational spatial planning. On the one hand, territorial phenomena (urbanistic, tourist or industrial development, the effects of a new infrastructure) go

beyond municipal limits, thus producing a clear maladjustment between functional and politico-administrative areas. Localist urban planning can only offer them a fictional solution, as on most occasions a different, even opposite treatment is applied in each municipality for what is actually a single territorial phenomenon. This lack of coordination gives rise to friction between adjacent territories, which lead to a “sum zero” game that has a negative effect on the possibility of reaching sustainable development, to generate an added value to the territory while conserving the available territorial capital.

Inframunicipalism gives rise to other problems too,⁶ such as the inability to find efficient solutions because of a lack of scale or because of the lack of agglomeration economies. But also because of the funding model of local administrations, with a great deal of power and scant resources, which has led them to contracting the highest debts of all public administrations. The causes can be found in the particular features of the local arena, where politicians find it much more complicated to fail to render certain services and allocate public funds demanded by their citizens using the excuse of “the zero deficit objective”. This circumstance has had obvious repercussion on urban planning, and municipal land has become one of the major assets in local financing (see Sánchez de Madariaga in this special issue). This has given rise to a debate about the need to re-examine the current funding system of public administration at local level as a prior condition for the achievement of suitable urban and spatial planning (Romero, 2004).

3. Territorial Development Requires Coordination between Local and Regional Scales. Will Spain Adopt New Forms of Governance?

Coinciding with other authors' opinion (Benabent, 2001), we can consider that one of the major deficiencies of territorial legislation is the fact that greater agreement and understanding of the planning process was not put into practice as a coordination procedure. Spatial planning as a public function comes up against the great challenge of having to “outmanoeuvre” (Cruz, 2002) the different politico-administrative levels and the varied sectorial plans that have, nevertheless, a greater degree of consolidation and tradition than spatial planning. In view of this situation, several options exist: either to prop up the regulating channel that characterises the Spanish planning system or to implement new formulas based on greater coordination or on greater participation. Greater coordination is the route recommended by the Constitutional Court in its successive sentences related to this matter. The option of greater participation involves a change of approach: from avoiding (or denying) the conflict by assigning each actor with a specific, well-defined role, to managing the conflict by admitting that there can be different visions for the same territory that require consensus.

From the Spanish viewpoint, coordination and participation options may be understood as a formula, each in a different degree and with a different intensity, to speed up the

⁶ García Álvarez wrote an interesting text in Spanish about these problems (2003).

progress of the practice of spatial planning, bringing it closer to the principles-objectives of polycentrism and territorial cohesion. These are not entirely new ideas taken from the EU. This demand is already suggested in the Spanish sphere: “it is the actual municipal configuration that must be addressed in the first place to obtain objectives such as more coherent territorial planning, fairer tax regulations, broader political representation, greater equality in the rendering of services or a more powerful, better respected and more efficacious administration” (Burgueño, 2001: 203.) Nonetheless, the slow evolution of spatial planning to date has only demonstrated the difficulty of inserting horizontal-type policies in a State with a strongly sectorialised politico-administrative practice with scant interinstitutional coordination.

The very few spatial plans with supramunicipal character have attempted to solve the issue of fragmentation with the initial function of guaranteeing the cohesion of the different municipal plans, although with all the problems mentioned in the section above. This attempt at coordination has also been present in other spheres such as service planning in figures like Associations (*mancomunidades*) and Metropolitan Entities and other not very successful attempts at territorial organisation of a sub-regional type like *comarcas* (counties). Except for unusual cases like Catalan *comarcas* (currently under re-examination), they are functional spaces without political or financial power through which local or regional governments act on their territory (over which they have jurisdiction).

However, as bottom-up work routine and participation processes are not very widespread, these figures have not proven very useful in developing a new style of spatial planning more in keeping with the current “re-scaling territorialities of governance process” (Swyngedouw, 2003). Fundamentally, because they are not capable of producing spatial visions by means of a bottom-up process. Therefore it would be desirable that there be an empowerment of sub-regional levels that has not occurred to date in Spain, in spite of limited recent initiatives like the Local Pact and the more recent Law for the Modernisation of Local Governments⁷.

The development of new figures at sub-regional level would have repercussion on the State’s current territorial organisation and administration model. It would involve the re-assignment of powers and resources, thus provoking the subsequent frictions that would hold this transformation back. Two types of solution to this problem have been considered. The first has been perfectly well synthesised by Professor Marcou (2004): if territorial organisation largely depends on the territorial organisation of the State, the rationalisation of territorial organisation is also an objective of spatial planning, because the participation of local corporations in spatial planning depends on their ability to conceive and apply projects (or participate in their design).

⁷ On 17th December 1998, at a Plenary Session of Congress, a set of measures was passed for the development of Local Government, known as the Local Pact, which is still pending legislative development by the Autonomous Communities. At the end of 2003, *Law 57/2003 of 16th December, about Measures for the Modernisation of Local Government* was passed, BOE n° 301 of 17/12/2003, as a response to large cities’ demand for self-government.

There is, however, a second possible solution, more indicative and flexible, based more on agreement than on the imposition arising from substantial changes in a regulatory system. We refer to supramunicipal Strategic Territorial Planning. Intermunicipal cooperation fits in perfectly well with the principles inspired by the ESDP document (polycentrism, urban-rural partnership) and the new theoretical development in the field of governance, especially metropolitan governance, directly related also with the objectives of polycentrism, rational urban expansion, urban-rural equilibrium and accessibility.

The appearance of new strategic plans in Spain has been taking place for the last two decades, throughout which time three different stages can be distinguished: the initial stage (1980-1992), the intermediate stage (1992-1999) and the current stage (from 2000 onwards). Strategic planning in Spain is still, therefore, at the introductory stage, with some hundred strategic plans oriented more at integral socioeconomic actions than the regulation of land use. The first Spanish strategic plans (1st Strategic Plan of Barcelona, a pioneer in Spain, and the association Bilbao Metròpoli 30), which serve as a model for the others, are part of second generation European strategic plans. They include in their design, along with municipal government and the local private business sector, associations, trade unions and universities. The most recent plans, the third generation, usually correspond to small and medium-sized cities, and create spaces of mixed participation with the direct incorporation of people alongside organisations.

All the autonomous communities have some of these plans, although there are distinct differences between them. Catalonia and Andalusia stand out at the head of the list, followed at quite a distance by the Basque Country, half-way between the former and the next group, made up of the Valencian Community, Galicia, the Canaries, Castile and León, Aragón and Madrid. As regards the territorial basis of these plans, most of them are centred on a single municipality. Less common so far are supramunicipal plans, although this situation has now started to change. The most usual among these are urban or metropolitan plans, although there seems to be a new front opening in the territories of small and medium-sized towns, with a predominance of rural areas, spaces with medium density and diversified economy. Relatively important too are experiences in declining rural territories, which see cooperation as a possible solution to their precarious situation. Those having a metropolitan character are at a standstill, whereas the ones at county or pertaining to a group of municipalities (*mancomunidades* or other types of association) are growing.

It is worth mentioning especially the increasing supramunicipal character of strategic planning in Spain, although it is still way behind the levels reached in other countries like France, Italy or Germany (Font, 2002; Schön, 2004; Hildenbrand, 2004). Thus, for example, the need for intermunicipal cooperation has been used by legislators in Spain and Italy as a driving force for the self-organisation of local institutions, making it possible to rationalise the municipal map but leaving the initiative and leadership to the municipalities themselves (the voluntary aspect has proven vital in the case of Italy). No

doubt one of the most interesting cases is France, where municipal cooperation is given economic incentives and is also linked to initiatives of *Aménagement du Territoire* on a local scale, akin to the concept of territorial cohesion or *cohérence territoriale*.

Taking supralocal spatial planning as a reference (in the most French sense), it is interesting to see to what extent the reality of supramunicipal strategic plans in France adjust to this conception. The more it does, the closer it will be to the style of territorial governance that seems to be behind the ESDP and its posterior development. It is not by chance that Andreas Faludi, one of the greatest experts on this subject, has used the title “Territorial cohesion: Old (French) wine in new bottles” for one of his recent articles referring to the possible model to be adopted by European Spatial Planning (Faludi, 2004).

The first results of a national research project coordinated by the Geography Department of Valencia University⁸ seem to show the prevalence of the traditional approach to economic planning, in a line that coincides with the style and culture of Spanish regional economic planning. Supramunicipal strategic plans oriented as an explicit priority objective for sustainable territorial development, with a more integrated or holistic approach, are practically testimonial. Thus the possibilities for this new style of planning to advance are still to a great extent unexplored in Spain. There is still a long way to go.

4. Linking Regional and Local. Lessons from EU? Some conclusions.

Economic, social and environmental relationships between cities and the surrounding areas are undergoing rapid change. The city and urban systems become the most significant element (in Europe) to articulate economic development of the territories and to maintain culture and diversity active. The key element to try to understand and resolve these territorial unbalances are the cities, centres of activity, population and employment that act as an engine of economic, social and cultural development in its area of influence.

The complementarity between territorial and urban scalar approaches is present in the “European Spatial Development Perspective” document, the “Sustainable Urban Development in the European Union: A Framework for Action” Communication from the Commission, as also in “Third Report on Economic and Social Cohesion” (CEC, 1999; 1998; 2004). Particular importance is given to polycentric development in the European space. Polycentric development requires the participation of cities (each in the context of its geographical location and on local scale) to achieve territorial balance, to obtain sufficient critical mass for economic activity and to coordinate key aspects such as environmental protection (compaction versus sprawl and mobility) and environmental and transport infrastructure. All these documents highlight the strategic

⁸ It is the project titled *Estrategias de Cooperación y Desarrollo Territorial en España* (Strategies for Territorial Cooperation and Development in Spain), financed by the FEDER and the Ministry of Science and Technology in the context of the National Plan for R&D (2000-2003).

role of interventions taking place in the territory and in the city to produce changes in current development models. The future of the territory and its cities depends to a large extent on the impulse they receive from the complex institutional and organisational apparatus, in other words, on the way in which new forms of governance are projected.

Tensions between urban and spatial planning need new instruments on subregional scale that respond to the objective of territorial cohesion (considering availability of social services as much as productive competitiveness). Nevertheless, in the light of the new objectives of territorial competitiveness in regional policy, both scales must be part of a common strategy and not two separate regional and urban programmes.

As suggested by some authors (e.g. Faludi, 2002), spatial development planning on European scale can be considered an integral part of an emerging system of multilevel government. Planning implies vertical (multilevel) and horizontal (multisectoral) interinstitutional relations, relations between public and private agents as well as relations with the local communities. It is here that coordination between the different levels of government and the different policies with territorial impact become most apparent. Some pilot projects have already been launched: the *Integrated Management of Coastal Areas Programme*, LEADER, the employment initiative (development at local level of the *European Employment Strategy*, INTERREG or environmental policy (specially *Local Agenda 21*). The metropolitan scale can be used as an example and even a reference for territorial cooperation on supralocal/subregional scales.

The new style of Spatial Development stands out for its non-authoritarian conciliatory character. There has been little discordance regarding the need for greater involvement of civil society in European affairs (much progress has in fact occurred in environmental matters). However, some problems have arisen in the search for alternatives to advance a new style of multilevel government. Governance is a far more complex process than simply decentralisation of responsibilities to pursue more appropriately economic development, or the search for democratic legitimacy offering a solution to the *democratic deficit* in decision-taking affecting all citizens. In any case, new forms of governance are best developed on a local scale, whether they pursue goals of economic development or more political ones. From the local perspective the two elements that define local government are easier to identify, namely territory and institutions.

So how can the EU guide or influence in developing the relationships between local and regional scales in the case of Spain? To what extent can this objective be considered to be caused by EU related actions (Europeanisation) or to be an autochthonous process (that is already taking place in Europe, in Spain in this case)?

As regards European Spatial Planning, as in other fields, the EU works like a common benchmarking service, showing the best experiences that are being carried out and, after examining them, returning them with a European view so that they can be adopted (applied, adapted) by all the European actors involved. There is no imposition here, but

the different ways of interpreting and applying some of the guidelines for sustainable territorial development are maintained. The tradition and conditions of each territory are respected, and an attempt is made both to prevent friction with the EU level from arising and to conserve the additional advantage involved in diversity in Europe.

Thus, for example, as regards the objectives of territorial cohesion and polycentrism, the most appropriate thing seems to be to tackle them from the local scale. But this scale may have undergone different degrees of development according to the place. In some cases, it may have been limited by constraints arising from inframunicipalism, or because there is not a strong enough city system because the medium (the physical and economic conditions) or the institutional framework (polity) has not favoured it. One possible way to sidestep the problem of diversity of situations for which a single objective is sought is subsidiarity. According to the principle of subsidiarity, the responsibility for actions is transferred to the most efficient level nearest to the citizen, taking it into account that all the levels must later be coordinated (bottom-up approach)⁹.

From the analysis of the Spanish situation in the pages above, we can see that the role of the EU is not so much to impulse relationships between the local and regional scales as to improve their quality, striving to optimise them in order to achieve certain territorial objectives in a more efficient manner.

The doctrine dictated by the Supreme Court and the Constitutional Court in numerous sentences (e.g. Rulings 32/1983, 77/1984, 227/1987, 36/1994, 40/1998 of the Constitutional Court) simply insists over and over again on the need to coordinate proceedings between the different State levels (Central, Autonomous and Local) and between the different policies (spatial, urban and sectorial planning). In view of the old centralist State's classical principle of administrative hierarchy, the complex reality of a Compound State like Spain, federal from a functional viewpoint (Peces Barba, 2003), requires new cooperation, collaboration and coordination techniques or principles as a manifestation of the superior value of constitutional loyalty that any public procedure should inspire (Sosa Wagner, 2004).

The work performed by both Courts, especially the Constitutional Court, could be said not only to have decisively contributed to the development of the Autonomous State in Spain (Romero, 2003) but to the progressive consolidation of spatial planning. The development of this public function needs new territorial government, new forms of governance, with a renewed bottom-up approach and a greater recurrence to the

⁹ An evocative proposal about how to develop territorial cohesion policies in Europe by means of the *Open Method of Co-ordination*, can be seen in Andreas Faludi's text (2004b) "Territorial Cohesion: A Polycentric Process for a Polycentric Europe". Earlier versions of this paper have been delivered under the title "A Polycentric Process" at the International Conference *A New Geography for Europe – Polycentric Territorial Cohesion and Development*, held at Calouste Gulbenkian Foundation, January 23th, 2004, Lisbon, and under the title "The Future of the ESDP Process" at the International Conference *Present and future of the European Spatial Development Perspective*, which will be held in Turin on March 5, 2004, organised by the Ministero dello Infrastruttura e dai Trasporti.

coordination and negotiation of proceedings. New, more efficient ways of developing policies, of making politics, in a new context of multiple, shared sovereignties. A philosophy to be found in very early sentences, over a decade ahead of future, more elaborate theoretical developments about network-territory, network-government and the new forms of governance.

And to finish, one last comment on the importance and need that the regional scale, in principle the prevailing scale, has of a good understanding with the local scale. For the design and application of European policies, the EU has always sought the involvement of substate institutions¹⁰. European Regional Policy may have been the greatest test bench in this sense. The changes in this policy mentioned in the Third Report on Economic and Social Cohesion (CEC, 2004), and the review of the ESDP that the Commission want to direct (Farinós & Parejo, 2004), may have important repercussions on the regions' aspirations to become leading actors in the construction of Europe. In the first place, because of the stronger role the States would play in taking decisions about future objectives 2 and 3 in their own territory. In the second place, because the attempt to legitimate territorial proceedings politically is arousing growing interest at European level due to citizens' involvement in the construction of space, and it is on a local scale that this is most easily produced.

Thus, in the European context, in the future regions may find themselves in a new situation where they will have to face up to innovative ways to elaborate political decisions in spatial planning and other policies, losing their weight not only in the application of policies phase but also in that of design. Both regarding legitimation and the objective of territorial cohesion (as a new form of territorial politics at European level), regions may have moved back in favour of local institutions. This circumstance would oblige them to establish cooperation relationships with the local scale as a strategic element. And not only as regards spatial planning, which would contribute to higher quality and greater efficacy in the proceedings, but also in its relationship with the EU. Unexpectedly, it may be regions that most require this cooperation. The future drawing up of the European Constitution (Treaty?) will make it possible to interpret this hypothesis more accurately.

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¹⁰ The most recent example of this desire for understanding with territorial (regional and local) communities has been the Communication from the Commission COM(2003) 811 final.

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