

## Different levels of spatial planning (GREECE)

### **INTRODUCTION**

Greece has a rather complicated and plethoric system of spatial planning extending to all levels of government, that is national, regional and local levels, and comprising a large variety of instruments, usually with a low degree of coherence among them.

Greece takes part of the so-called "urbanism" planning tradition, which, according to EU Compendium of Spatial Planning Systems and Policies (EU, 1997), "has a strong architectural flavor and concern with urban design, townscape and building control". This tradition, which is rather significant of the most Mediterranean countries, can elucidate the main characteristics of the Greek spatial planning system: multiplicity of laws and regulations, predominance of a centralized, regulatory and hierarchical planning style. This tradition is being actually challenged by two kinds of complementary factors. First of all, the impact of the European Union policies and legislation on the Greek spatial planning system. Secondly, the undergoing changes (induced or intentional) in the more general administrative, economic and societal models and behaviors at the domestic level (e.g. decentralization, deregulation, privatization of the public sector, enforcement of civil rights, etc).

Under this double set of constraints, Greek spatial planning policy and institutions seem being actually in a stage of transition. The outcome is mitigated as the direction of changes is the product of complex interactions between the preexisting regulatory patterns and behaviors on one hand and the new conditions and challenges implied by both EU membership and domestic modernization on the other.

### **STATE ORGANIZATION IN GREECE**

#### National level

The Constitution defines the relationships between the different powers at national level.

The *legislature* is expressed by the Parliament. Its role in spatial planning is very important since it enacts primary legislation which establishes the structure and the procedures of spatial and town planning and of related activities. Parliament acts in the field of spatial planning usually take the form of framework-acts (laws). Through these acts the Parliament empowers the ministries and other organs of the executive (as the Secretaries of the Regions, the Prefects and the Mayors) to make secondary or subordinate legislation for planning.

The *executive power* in the country is expressed by the President of the Republic and the Government. However, the whole power emanates from the Government, while the role of the President of the Republic is limited in the signature of Presidential Decrees concerned with the approval of various spatial planning regulations and measures.

The *judiciary* is the third pillar of the powers at the national level. Greek judicial system comprises administrative, civil and criminal courts. Most important for the

spatial planning process are the administrative courts and especially the Supreme Administrative Court, known in Greece as *Council of State* and established upon the model of the French *Conseil d'Etat*. In front of these courts are made most petitions for annulment of administrative acts concerned with spatial planning either by individuals, or NGOs or finally by the local authorities and other public institutions. The involvement of the administrative courts -especially of the State Council- in the spatial planning process is already very important with an increasing interest in creating judicial standards for the interpretation of the domestic, community and international legislation concerned with the sustainable development perspective. In this sense, the administrative judge is not merely the guardian of the legality but furthermore a quasi producer of new norms and principles in the field of spatial planning.

### Regional level

The country will be divided (from 1<sup>st</sup> January 2011 according to “Kallikratis plan” law 3852/2010) into 7 decentralized administrations and 13 regions that constitute only administrative units with no legal personality. Each Region will be fully self-governed, while the decentralized administrations will be headed by a General Secretary appointed by the Greek Government.

### Local level

Local authorities in Greece were distinguished, according to the Greek Constitution, into first -tier (Municipalities and Communes) and second-tier local authorities (Prefectures). Actually, the country has been divided in 54 Prefectures, 900 Municipalities and 133 Communes. Though, according to Kallikratis plan the administrative system of Greece has been drastically overhauled and finally the country is divided into 7 decentralized administrations, 13 regions and 325 municipalities.

The role of the local authorities in the spatial planning system is being defined institutionally according to the local affairs concept. However, neither the Constitution, nor the common law defines this concept, with the exception of some responsibilities explicitly stated in the Municipal Code (e.g. the parking management, street cleaning, refuse collection, construction and maintenance of municipal roads etc). Therefore, the concept is often disputed in front of the courts, which often adopt interpretations in favor of the central state.

## **POLICY INSTITUTIONS**

Spatial planning policy, that is both urban and supra-urban (national or regional) territorial planning policy is predominantly seen in Greece as a public sector activity at all levels of state hierarchy.

At the central level, the main institution empowered with the formulation and the implementation of the spatial planning policy is the Ministry for the Environment,

Spatial Planning and Public Works (YPEHODE). Created in 1985 out of an amalgamation in a single Ministry of the former Ministry for Public Works and the Ministry for Planning, Housing and the Environment, this young Ministry is responsible for the elaboration, the approval and the implementation of urban plans, as well as for the elaboration, the care for approval and the implementation of regional and special territorial spatial plans, known in Greek as "*chorotaxika schedia*". The responsibility for national spatial plans is being shared with the Ministry of National Economy, which controls regional development policy and the system of regional development incentives. Other ministries, responsible for sectors as industry, tourism, agriculture, transport and energy, intervene also in the formulation and implementation of spatial planning policy especially in the field of sectoral spatial plans.

Regional and local authorities are entrusted with planning responsibilities concerned mainly with the elaboration, the approval, the amendment, the revision and the monitoring and control of different types of town plans and zones. These responsibilities are mainly shared among the regional authorities and the pre-fectural local authorities, while the first-tier local authorities, that are Municipalities and Communes, have rather limited competencies in the field of spatial planning. Their responsibilities are concerned mainly with the delivery of building permits and other licenses and the implementation of the town plans.

Besides regional and local authorities, a great number of government agencies and public sector organizations intervene in the spatial planning process, especially at the implementation stage. Among them, we should mention the "Athens Organization" and the "Thessaloniki Organization", respectively responsible for the implementation and the monitoring of the Master Plans of Athens and Thessaloniki.

## **POLICY INSTRUMENTS**

Regarding the dominant regulatory style, that is the patterns of interaction between administrative and societal actors, Greek spatial planning policy approaches the interventionist ideal type. More specifically, Greek spatial planning policy is characterized by the emphasis given in the regulatory town planning and zoning. The use of strategic instruments is being limited officially at the national and regional levels.

The instruments recorded in Table 1 are the statutory instruments set out in the legislation. Laws at the regulatory level are numerous, substantive and detailed. However, -and this is one of the overriding characteristics of the Greek spatial planning system- an important gap exists between established plans and the reality. Unauthorized development, known in Greece as illegal construction, is one of the major pathologies of the Greek spatial planning system.

TABLE 1: Categorization of main spatial planning instruments in Greece

| Type of Instruments | Area covered | Responsible planning authority |
|---------------------|--------------|--------------------------------|
|---------------------|--------------|--------------------------------|

|   |  | <b>(for the approval)</b>  |
|---|--|--|
| <u>National Spatial Plan</u><br><br>General Framework for Spatial Planning and Sustainable Development  | The whole country  | National Parliament  |
| <u>Special Spatial Plans</u><br><br>Special Frameworks for Spatial Planning and Sustainable Development | A functional planning zone or area (e.g. coastal areas and islands, mountainous and lagging zones), sectors of activities (e.g. industry) of national importance or networks and technical social and administrative services of national interest | Co-ordinating Committee of Governmental Policy for Spatial Planning and Sustainable Development (inter-governmental organ) |
| <u>Regional Spatial Plans</u>   | The area of a Region   | Minister for the Environment, Spatial Planning and Public Works  |