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"Promoting Spatial Development by Creating COMon MINdscapes"

FINLAND

Background

Finland is a northern European country, neighbouring Sweden in the west, Norway in the north, Russia in the east and Estonia in the south. The area is around 337 000 square kilometres. The north-south distance is some 1 165 km and the east-west distance some 550 km as its furthest. Some 65% of the territory is covered with forest, and around 10% is swamps. Arable land covers some 8% of the total land area. There are a total of 187,888 lakes in Finland. Finland has the largest archipelago in Europe, which includes also the semi-autonomous province of Åland.

The population of Finland is some 5 236 000 (end 2004). The population density is 17 persons per square kilometre. The share of the population living in urban areas ("densely populated areas") is some 81%. These urban areas are on an average quite spaciously built; the population density is some 750 inhabitants per land square kilometre.

Because of late urbanisation, the building stock is new: 85% of all existing buildings have been constructed since 1950. Despite spaciously-built settlements, Finns live quite confined in their dwellings: the average living space per person is 35 square metres. The average size of a household is 2.3 people. Most common residential buildings are detached houses and blocks of flats, which are almost equally represented (40% and 44%, respectively, of all dwellings in 2003). About two-thirds of the housing stock consists of owner-occupied homes. The summer cottage is an integral part of the Finnish way of life: there are some 466 000 summer cottages (2003), and 46% of the Finns over the age of 15 have a summer cottage in their use for free (e.g. owned by their parents).

The economic system in Finland is based on a market economy. The GDP is some 28 640 € per capita (2004).

I. Constitution, government, and administration of Finland

1. Constitutional System

General description and key data of the constitutional system

The Constitution of Finland affirms Finland's status as a sovereign Republic. The provision on state sovereignty must under the present conditions be seen in relation to the international obligations binding on Finland, and especially to the membership in the European Union.
The political system of Finland is republican parliamentary democracy based on the competition among political parties. According to the main principle of the Constitution of Finland, the sovereign power lies with the people represented by the Parliament. The power of decision has been divided between the Parliament, the Government and the President of the Republic. The Parliament has the position as the highest organ of government and the Government has to enjoy its confidence. The delegation of power takes place in accordance with the Western European model of parliamentarism. The regular functional separation of legislative, executive and judicial powers prevails in Finland. The legislative powers are exercised by the Parliament, which also decides on State Finances. The governmental powers are exercised by the President of the Republic and the Government and the judicial powers by independent Courts of law. The rule of law is included in the Constitution: the exercise of public power has always to be based on law.

History of the constitutional system

The historical roots of Finnish Constitution stretch back to the period of being the easternmost part of the Kingdom of Sweden (until 1809) and the subsequent period as an autonomous grand duchy under the Russian Czar (1809-1917). On December 6th, 1917 Parliament proclaimed Finland an independent republic. Basically, the key elements of parliamentary organisations have remained unchanged for the past 100 years.

Finland's dependence on the autocratically ruled Russia delayed the necessary reforms of participatory rights and citizens' freedoms. On the other hand, the construction of the state and the nation proceeded substantially during the autonomy. Thus, at the independence of the country in 1917 most of the structures needed for the self-dependent political system already existed. These comprised, for instance, local communities with self-government, state regional government, a national legislature, a state government, the agencies and organs of central administration, courts of law and political parties. Also the development of the society of citizens and sense of national and cultural identity were needed for the change.

Between 1917 and 1922 the newly independent state adopted the Constitution Act and the other necessary constitutional legislation. The established power structure had been based on the domination of the ruler and it had become an important part of political culture of Finland. However, also the competing, democratic thought spread out from Europe and reached Finland. These ideas concretised institutionally in a republican constitution and parliamentary system of government. As regards to the models of democracy, the conservatives emphasized ensuring a sovereign and strong government, with consensual democracy supporting it, but supreme executive power being wielded by a monarch or a president. For the liberals and the socialists, in contrast, the leading principle was self-government by the people, which was believed to be the only way that democracy and solid government could be truly ensured.

The search for a balance between the presidential and the parliamentary focus of authority became the central issue of constitutional practice. The Constitution of 1919 did not dissolve these contradictions, but the different views were both built into it. With certain logical

inconsistence the political system came to comprise many dualities: rigidity and flexibility, authoritarianism and pluralism, centralisation and decentralisation. The resulted new system can be described as a mixed constitution. It was mainly because of its flexibility and capability to satisfy very variable expectations of authority, that the Constitution could withstand eight decades without ever being seriously threatened. The written Constitution of Finland allowed the cycles of political life to direct and redirect the actual practices of government. During the decades they were fluctuating between parliamentarism and the powerful position of the president – between the primarily parliamentary and the primarily presidential interpretation of the system of government. Accordingly, in the constitutional practice there was need for the continuous reconciliation of competing legitimacies and the active avoidance of conflicts.

At the first years of independence parliamentary interpretation of the constitution dominated the constitutional practice. During the decades after World War II Finnish democracy could be characterised as semi-presidential. In this form of distribution of power, both The President and the Government, dependent as it is on the confidence of parliament, were truly wielding power. Especially the long term in office of Urho Kekkonen (1956-81) saw the increase of the influence of the head of the state in foreign affairs and in domestic policy alike. Personifying the foreign policy of the country to a single leader made it easier to manage Finland's sensitive relationship to the Soviet Union. The relaxation of geopolitical tensions lowered the profile of the presidency, and in other respects too the competence of the parliamentary government strengthened again during the term of the following president, Mauno Koivisto (1982-94). Gradually the idea of parliamentary government solidified. The prime minister has assumed the role of an active leader, and the parliament has modernised its internal functions and intensified its supervision of the administration.

During the first fifty years of Finnish independence there was little pressure or need for any amendments to the Constitution act. In 1970s the process of broader comprehensive reform of the constitutional legislation as a whole was launched but it became clear that comprehensive reform was not a realistic proposition at that time. The piecemeal reform measures were given an attention instead, and there have been numerous amendments to Finland's constitutional legislation since the 1980s. The provisions on the holding of consultative referenda were added and the changes in the status of president were executed. The indirect form of electing the President via an Electoral College was first replaced by a system which combined the Electoral College with direct election, and finally by a system of straightforward direct popular election.

The stability of the Finnish constitution has been based on the arrangement, where the parliamentary and the presidential focal points of authority remained essentially on different levels. Finnish system of government can be described as a diarchy, with a "grey area" between the competencies of the two main operators – the president and the prime minister. When certain division of tasks, and a difference in the level of operations existed, the whole arrangement could however be subjected to a lot of fluctuation but still remain relatively solid and conflict of the legitimacies and collisions could be avoided. The presidency as an institution enjoyed strong traditional and constitutional legitimacy, while the parliamentary structure got its legitimacy from the popular mandate.

During the 1990s the situation changed, especially the institution of Presidency underwent a transition. In 1994 the direct election of the president was carried out for the first time. This reinforced the legitimacy of the presidency based on the immediate support of the people and reduced, on the other hand, the traditional and constitutional legitimacy. The change can be assumed to have at least indirectly strengthened the President's position in relation to other organs of government, but at the same time, he entered the same competition for power as the party leaders and also he had to secure his mandate by continuous activity. In foreign policy the problem of competing legitimacies arose latest at the accession of Finland to the EU, when the arrangements were being laid down for decision making in European

affairs. Changes in constitutional legislation were in part motivated by a request to secure the position of parliament within the on-going process of European integration.

The reforms that were made especially since 1980s had adjusted the powers of Parliament, The President and the Government in order to strengthen Parliament's position as the highest organ of government and improve its scope of action. An underlying reason was the wish to prevent the reoccurrence of the semi-presidential model of government. The accumulated effect of the various partial reforms corresponds rather well to the goal of providing a balance between the powers of the legislature and the executive. However, at the same time the pressure to the more fundamental redistribution of power grew.

The reform of the constitution

The question emerged, whether the Finnish constitution could any longer be reasonable developed through piecemeal reform of the separate constitutional laws. The need for clarity and internal consistency, in particular, suggested abandoning the system of several constitutional laws and gathering all constitutional provisions into a single, integrated Constitution act. Alongside with the goal to integrate and update the constitutional legislation was also the need of strengthening the role of Parliament in the Finnish system of Government. The bases and objectives of the constitutional reform were numerous but the emphasis was given to the limited reform without intervening to the foundations of the political system of Finland.

The constitution 2000 Working Group of experts concluded that the most important questions of constitutional law to be addressed in the reform were the reduction of the scope of constitutional regulation, the development of relations between the highest organs of government, the clarification of questions of power and responsibility in international affairs and the constitutional recognition of EU-membership, retroactive supervision of the constitutionality of legislation, the use of exceptive laws and the system ensuring the legal responsibility of Government ministers.

The Constitution had divided into two main instruments, the Constitution act and the Parliament act. There was regulatory framework for governmental authority and, separately from it, there was the provisions covering legislature. Viewed internationally, the Finnish system of four constitutional laws was exceptional. The new constitutional instrument was unified in compliance with the continental model. Finland's first genuinely comprehensive constitutional reform was ready to come into effect after the Parliament approval on June 4, 1999 and the ratification by the President of the Republic on june 11. The new Constitution of Finland entered into force on 1 March 2000.

Main specifics of the constitutional system

The foundations of the Finnish Constitution remained essentially unchanged by the new law, but it increased the parliamentary features of Finnish government and especially the real authority of the Parliament. The Constitution defines the fundamental principles and constitutional rights, the most important organs of government – Parliament, The President of the Republic and the Government – , their organisational structure and the way they take their decisions. Also the basic functions of the state are specified: legislation, state finances, international relations, administration of justice, supervision of legality, administration and defence. Bringing together the relevant relating constitutional provisions under their own chapter, the structure of the new Constitution also reflects the fundamental increase in the international affairs as a result of the on-going process of European integration and of internationalization in general.

The civil rights and liberties

Finnish constitution guarantees the civil rights and liberties. The emphasis is given to the guarantees of freedom and rights of the individual and to the right of the individual to participate and influence public affairs. The fundamental values integrated in the constitution are the inviolability of human dignity, individual freedom, democratic participation and personal security. The basic rights and liberties are applied to all persons within the scope of the Finnish legal system, regardless of citizenship. They include e.g. legal equality, freedom of expression and right of access to information, freedom of religion and conscience, freedom of assembly and freedom of association and the right to privacy. Electoral and participatory rights cover every Finnish citizen and every foreigner permanently resident in Finland, who has reached eighteen years of age. Everyone have the right to basic education free of charge.

Two official languages are spoken in Finland: Finnish and Swedish. The both national languages may be used in contacts with the authorities, and cultural and societal needs of the Finnish-speaking and the Swedish-speaking populations of the country should be provided for on an equal basis. About 6 500 Sami live in the northern parts of the Finland. The Sami as well as the Roma and the other groups have the right to maintain and develop their own language and culture.

The most important organs of the government, their organisational structure and main functions

According to the three-way division of the power, the Parliament holds the power of legislation and decides on State budget, while executive power is shared between the President of the Republic and the Government. They also have some tasks involving legislative power. Independent courts hold the power of jurisdiction. In accordance with the general principle of parliamentarism, the Government must enjoy the trust of Parliament. Normally no conflicts arise between Parliament and the Government, or the President and Parliament. A Conflict between Parliament and the Government may lead to the Government's fall. A Representative may address an oral or written question to a minister and interpellation tests the degree of confidence that the Government enjoys among the members of Parliament. Usually they do not threaten the Government and after a Parliament's discussion about the reply of the Government and the subsequent vote of confidence the Government may continue in office.

The reform of the Constitution gave emphasis to the parliamentary aspect of the Finnish political system. It strengthened the Parliament's position in relation to the Government and, on the other hand, the role of the Government has become stronger in both national administration and EU matters in relation to the role of the President.

The Parliament

The Finnish Parliament is a unicameral legislative body and a multi-party forum for fundamental national decisions consisting of 200 members, representatives of people. At its birth in 1906, the Finnish Diet (Eduskunta) was not a very typical one. It was unicameral and elected by universal suffrage, including women too. Nowadays representatives are elected by direct, proportional and secret ballot amongst the candidates nominated by parties and groups of voters. Everyone entitled to vote (excluding the President, high-ranking legal officials and members of the armed forces) may strive for the candidacy. Parliamentary elections are held in every fourth years. In recent years about 70 % of the Finns entitled to vote have used their right.

In the Finnish constitution the parliament has the status as the highest organ of the state. Its three main functions are to enact laws; to decide on the state budget; and to supervise the government and oversee the realisation of the decisions made. The Government submits annual reports to Parliament on its activities and on actions taken on the grounds of the

Parliament's decisions. Parliament approves also the treaties and other international obligations that contain provisions of a legislative nature or otherwise significant.

Compared to other countries, Finnish Members of Parliament enjoy an exceptionally wide and unrestricted freedom to speak. The Parliament takes decisions in plenary sessions, which are open to public as well as the records of the parliamentary sessions. Decisions are made by voting – in principle with free mandate, but in practice it is unusual to vote against the party line. The members of parliament have wide discretion to propose amendments and new initiatives and working in committees, preparing the matters to be decided by Parliament, is an important part of the work of Members of the Parliament. The committees, where the legislative work takes place, comprise the Grand Committee (responsible for EU matters) and 14 other committees representing various fields. The composition of the committees reflects the strength of each party in Parliament.

The Government has a major role in preparing the proposals for legislation. The complicated process of passing a law usually begins with the government placing a bill before Parliament. Parliament has an independent right to submit legislative proposals, but in practice most decisions taken in Parliament are based on Government proposals. Parliament has no official machinery for making or preparing proposals and the proposals of Government tend to be better prepared than the proposals of individual members of parliament. An act adopted by parliament is submitted to the President of the republic for confirmation. The Government prepares also the national budget and the changes made to the budget in Parliament tend to be marginal.

The Government

The Government refers to the Cabinet of Finland consisting of the Prime Minister and the ministers. It also refers to a decision making body, which consists of the Government plenary session and the ministries. Government produces material to Parliament for basis for its decisions carrying out its preparatory function. As an executive body Government is also liable for enforcement of parliamentary decisions. It shares the executive power and the responsibility for the direction of foreign policy with the President.

One of the most important changes introduced by the new Constitution took place in the formation of the Government. The focus shifted towards stronger position of Parliament and powers of the president were limited. After parliamentary elections the parliamentary groups negotiate and agree on the formation of a new government. The Parliament elects the Prime Minister and the President appoints her/him. The other ministers the President appoints on the basis of a nomination by the Prime Minister. When Government has been formed, it presents its political programme to Parliament. The political parties involved play the main role in the formation, functions and dissolution of the Government. The Government has to report continually to Parliament on what it is doing and where it is going but on the other hand, the Parliament is highly dependent on the bills government submits to it. It can be said that the Government controls the day-to-day political agenda.

The Government (the Council of Ministers) comprises the Prime Minister and at most 17 Ministers. The ministers head their ministries and the spheres of competence of the ministries. There are 13 ministries, including the prime minister's office, the most important of which having two ministers. Junior ministers or political state secretaries, common to many countries, do not feature in the Finnish system. Most ministers have a double role as a member of parliament and as a minister. It is usual, that the leaders of the parties forming the Government also act as ministers. In recent years from three to five parties have been represented in Government. In spite of their political heterogeneity, Governments have been very stable. After parliamentary elections the Government resigns.

The members of the Government work both in the ministry which they have been appointed and in the Government. Each ministry is responsible for the preparation of matters within its field of competence and for the proper functioning of administration tough administrative issues in principle belong to the Government as a whole. The Government convenes for Government plenary sessions; Presidental sessions, over which the president presides; and Government evening sessions, which are informal occasions to prepare matters for discussion. There are also more limited preparatory ministerial committees. The statutory Cabinet Committees are the Cabinet Committee on foreign and security policy, the Cabinet committee on European Union Affairs, The Cabinet Finance Committee and the Cabinet Committee on Economic Policy each of which consists of the key ministers from the various party groups. The president may attend meetings of the Cabinet Committee on Foreign and Security Policy. Additionally there are ad hoc ministerial committees. The ministerial committees are very significant as specific preparation and conciliation forums for the settlement of politically loaded question – especially for the coalition governments with four or five parties.

The Prime Minister heads the work of the Government and oversees the preparation and consideration of matters that come within the mandate of the Government. Chairing the plenary sessions of the Government and statutory Cabinet Committees is a duty of the Prime Minister. He or she also monitors the implementation of the Government programme and coordinates the preparation and consideration of issues to be decided in the European Union. In the role of political leader of the Government the Prime Minister is responsible for reconciling the differing views on Government policy held by the various groups presented. The new Constitution has strengthened the position of the Prime Minister.

The President of the Republic

The President of the republic is elected directly by the people. Candidates nominated by parties and groups of voters participate in the first round of elections. A second round is arranged if no candidate receives a majority of the votes. The candidates in the run-off are the two who received most of the votes in the first round. After the election the President steps out from everyday party politics and takes the role of “neutral” head of the state. President is voted for six years and the same person can be elected for a maximum of two consecutive terms of office. Since 1982 all the presidents have come from the social democratic party. In 2000 Tarja Halonen became Finland’s first female president.

The President exercises supreme executive power in conjunction with the Government. The president has traditionally had considerable power in the area of foreign policy, which he or she directs together with the Government. The presidential acts are based on preparations by and cooperation with the Government. Under the constitutional reform of 2000, the President’s powers in other political areas were limited. The status of the President is now less based on constitutional authority and more on personal authority. President has an important role as a support of the Government, a moderator in conflicts and a mirror of the popular opinion. The power to appoint senior civil servants has still potential of political significance. The President enjoys extensive powers of appointment: he or she appoints the Prime Minister elected by Parliament and the ministers proposed by the Prime Minister. Interaction between the President and the Parliament is limited to certain state ceremonies. The President has the right, upon the reasoned proposal of the Prime Minister, having consulted the parliamentary groups, and while Parliament is in session, order the holding of premature parliamentary election. This has happened seven times since 1917.

The President may decide whether bills should be placed before Parliament and approves the acts passed by Parliament as well as the State budget. The president may go against the majority opinion of the Government or refuse to sign a law. Usually the visible conflict with Government does not occur. The President decides on the issuance of the draft bill in the Presidential sessions of the Government. If the President does not approve the draft bill,

he or she can return it for redrafting. On the second reading the President has to issue the bill on the basis of the cabinet's new draft. Parliament determines the final content of all acts, it can amend or reject Government bills. An Act adopted by Parliament is submitted to the President of the Republic for confirmation, who must decide on ratification within three months of receiving the act. If the President does not confirm the Act it is returned to Parliament. Parliament reconsiders the act and can readopt it without material alterations with a majority of votes cast. The act will then enter into force without ratification. Unfinished process is carried over to the next parliamentary session unless parliamentary elections intervene. On average once a year president has refused to sign a law.

Courts of law and supervision of legality

The judicial administration provides legal security, which is a fundamental right of the people. Judicial power lies with independent courts of law. They decide on compliance with law in individual cases. The independency of the courts of law means that they are bound only by the law, that is in force and no external body can intervene in their decision-making. Like in other Nordic countries the courts are divided into general courts and administrative courts considering administrative issues.

The district courts deal with criminal and civil cases. Their decisions can normally be appealed in a court of appeal. The decisions of the courts of appeal, then, can be appealed in the Supreme court, provided that the Supreme Court grants leave to appeal. The decisions of the administrative courts can be appealed in the Supreme Administrative court. In addition there are certain special courts.

The primary control of constitutionality of legislation is the advance evaluation done by the Constitutional Law Committee during the progress of the bill through the Parliament. This internationally quite exceptional control consists of the Committee issuing statements on the constitutionality of the bills and other matters submitted to it. Also their relation to the international human rights treaties is controlled.

The main instruments for the supervision of legality are high officers of the law; the Chancellor of Justice of the Government, appointed by President, and the Parliamentary Ombudsman. Their briefs are to a great degree congruent. Practically the Chancellor of Justice is specially charged with the supervision of the legality of the official actions of the Government and the President of the Republic.

Fundamental principles of the political and the administrative system

Tiihonen (2003, 5) names four key features framing the legal and administrative culture of Finland. As first he highlights the strong role of the state and the legitimacy and acceptance it enjoys among the citizens. The government owns substantial economic assets and the public expects high standards of social, environmental and consumer protection, and is ready to finance the broad social welfare system. State still remains the major provider of products and services and continues to regulate important economic sectors thought some important structural reforms have occurred. They were given an impetus by an economic crisis at the end of the 1980s and the accession to the European Union in 1995.

Secondly, governance and regulatory practices are characterised by consensus building, informality, collegiality, gradualism and often corporatist attitudes. Widespread participation in decision making, a search for consensus among coalition parties, informal procedures, institutionalised power sharing amongst government, employees and enterprises and a preference for making changes gradually are distinguishing features of Finnish political system. The roots of the consensual pathos can be tracked back to the many crises through which the nation has passed and that must have been met with joint forces. Corporatist attitudes still prevail in policy and rule-making but according to Tiihonen, the change is

underway. For more than 25 years government, employers associations and the labour unions have co-operated to shape economic policy but it is seen as necessary to adapt the system in order to cope with rapid changes in the external environment, e.g. European integration and wider globalisation. Thirdly Tiihonen points out the importance of the rule of law in Finland's history and culture explaining a strong legalism as an enduring feature of Finnish governing system to this day. Fourth, Finland favours a decentralised executive, where regulatory powers are devolved to ministers, official bodies and municipalities. Finnish ministries are highly autonomous, while the centre of government (i.e. the cabinet and cabinet secretariat) is relatively weak.

Division and interlinkage of the political and the administrative system

As in other parliamentary systems the three-way division of powers generally determines the divisions and interlinkages of the political and the administrative system of Finland. Still hardly anywhere in the world the exercise of power has been divided perfectly according to the ideal. In Finland, for instance, Parliament holds the legislative powers but also the Government, an executive body in principle, can be delegated legislative authority.

In principle it could be supposed, that state administration only carries out tasks it has been assigned by the political authorities. In practice the relationship between the administrative and the political system is more complicated than simple and formal relation of subordination assuming the neutrality of the administration. In addition to their basic functions, the representatives of administration take extensively part in the preparation of the political decisions. In political system of Finland the role of parliament has strengthened especially in consequence of the constitutional changes. On the other hand, the managerial reforms of public administration from the end of the 1980s onward and in some respect also Finland's membership in European Union have increased power of officials at the expense of political, also the Parliament's, exercise of power.

The municipalities have a dual function being basic regional administrative units of the country and, additionally, basic units of the self-government of the citizens. The municipal system provides an important arena for political participation and it is important part of Finnish democracy. On the other hand the municipalities play a central role in society through organising most of the welfare services. In general it can be stated that the responsibility for providing services has devolved from the centre to municipal governments while regulation making power has tended to move back to the centre. Municipalities, with limited regulatory power, can make only decisions that are consistent with laws passed by Parliament. Their powers relate largely to public service delivery and physical planning.

2. Political System

General description, history, and key data of the political system

The principle of democracy is in Finland basically realized indirectly through the elections and participation of elected representatives on different levels of government. Finland was the first country in Europe that allowed universal and equal suffrage (in 1906) and Finnish women were the first in the world to obtain full political rights. A total of 19 women were elected in the first parliamentary elections. Currently, 38% of members of the Finnish Parliament are women. Today the Parliament, the President of the Republic, the councils of the municipalities (448), and Members of the European Parliament (16) are elected through general elections. The President is elected every six years and Local councils, as well as the Parliament, every four years. European elections are held every five years. To complement the representative government there is a possibility to organise a consultative referendum.

Finland has a multiparty system currently with eight parties in Parliament. The Finnish political party system has been relatively stable during its history of approximately hundred years. The broad outlines, essential structure and basic party lineages have remained

essentially unchanged throughout the years since independence. The party divisions have during the decades been based on the ideal of nationality, the language, the socialist versus non-socialist divide, representation of the rural population, and the two way division of the political left. In Finland there have been few ethnic, cultural, religious or linguistic controversies whereas the class-divide, based on socio-economic status, have been sharp and split the society into factions. In 1918 the class-divide escalated into civil war, after which the classes remained separated in terms of work, economics and culture. Since the 1960s the Finnish social structures have nevertheless undergone changes and the class-based models of political behaviour have become less and less pronounced. The strong position of the agrarian party prevented the class tensions becoming a decisive factor in the political life of the country. The traditional divine between left and right has especially during the 1990s been supplemented by a new dimension of centre-versus-periphery. The Finnish politics is nowadays characterised by pragmatism and the political community of Finland can be seen highly consensual. The situation may nevertheless limit the degree of freedom of parties to articulate their ideologies and programmes and implement them.

The members of the parliament are elected from each electoral district in proportion to the population. On average one representative is elected for every 26 000 people. The maximum number of candidates that each party or constituency association can put up in each electoral district is the number of representatives that are chosen from the district in question.

The four parties (the Agrarian Party/the Finnish Centre Party, The social democratic party, the National Coalition Party and the Democratic Union of the Finnish People/the Left Alliance,) that became the dominant political grouping in the first elections after the Second World War in 1945, remain still the largest parties thought the order of them has varied. In Finland's multiparty system the three biggest parties each have approximately 20-25% of the popular support and half a dozen smaller parties compete for the remaining part. Party pluralism in Finnish Parliament is ensured by the electoral method, with proportional representation and large electoral districts. Proportional representation makes it possible also for minor factions to be heard on the political arena. The peculiar electoral method, not based on party lists, gives the representatives also an individual popular mandate. One feature of the multiparty situation is that no single party is likely to gain an absolute majority in parliamentary elections. Thus the country invariably has a coalition government enjoying confidence of the Parliament. The leader of the largest parliamentary party usually serves as Prime Minister.

Mattila and Raunio (2002) have compared the main features of Government formation and Party systems in Nordic Countries in 1945-2000. As regards to effective parties in parliament, the Finnish parliament is the most fragmented. The Finnish party-system has also been the most polarised. In Finland the President has frequently intervened in government formation. The presidents Urho Kekkonen (1956-1981) and Mauno Koivisto (1982-94) used frequently wide-ranging constitutional and political powers to influence government formation. The new Constitution (2000) practically excludes the president from the process. In other Nordic Countries (excluding Iceland) the government formation has been based on blocks. In Finland, instead, cross-block coalitions are the norm. Since the Finland's independency the Centre Party (formely the Agrarian party) has been in a median position bridging the gap between left and right and this ensured its representation in almost all of Finnish post-war governments. Since the late '80s the crucial question in the formation of governments has been the shifting relations between the three largest parties — the SDP, the Centre Party and the National Coalition Party. Since 1995 Finnish governments have been so-called "rainbow" coalitions uniting five parties across the political spectrum. Government coalitions in be large and their composition politically unconventional. The representatives of the parties who are Government ministers are traditionally loyal to the Government's line and the opposition parties do not normally form strong coalitions.

Municipal democracy

Finland is divided into 431 municipalities. The administration of municipalities shall, according to the Finnish Constitution, be based on the self-government of their residents. In addition to legislation, extensive local self-government is based on a long tradition; it was established already on the period of autonomy. The municipalities' joint co-operative organ is the Association of Finnish Local and Regional Authorities, which represents the common interests of municipalities and sees to the establishment of their objectives

The activities of Municipalities are guided by political decision making and their operations must comply with the principle of democracy. The highest municipal decision-making body, the Council, is elected by the residents of each municipality in every four years. It has the general decision making authority in local affairs and it appoints members of the municipal board that carries out the preparatory and executive tasks. The number of councillors depends on the population of the municipality. According to the Local Government Act for instance the municipalities with the population of 2001 - 4000 should have 21 councillors when the municipalities with more than 400 000 residents should have 85 councillors. Candidates for councillors must have the municipality in question as their municipality of residence and they have to be entitled to vote in municipal elections in some municipality. Parties entered in the party register and constituency associations established by people entitled to vote can nominate their candidates. In Åland municipal elections are also held every four year but at different time than in the rest of Finland. The voting turnout in municipal elections has declined markedly in Finland in the last few decades; municipal elections of the year 2000 saw the lowest in voting turnout ever (55.9%).

Further information on the political system (e.g. interlinkages between levels, organs, etc.)

kirjoittamatta – not yet written

Levels and specific aspects of the political system:

aspect / level	organ(s)	authority/ function	tasks
national level	• Parliament	• Legislative power, decision on state budget , supervision of the Government and oversight of the realisation of the decisions	• Decision making in Plenary sessions, preparatory legislative work in committees
	• Government	• Executive and preparatory function	• Realization of policies and parliamentary decisions; Implementation of the Government programme; Preparation of legislation and national budget; foreign policy
	• President of the Republic	• Executive power , powers of appointment	• Foreign policy and international relations; Legislative matters; ordering

			premature parliamentary election, Commander-in-chief of the Defence Forces; pardons (e.g.)
regional level	• The Association of Finnish Local and Regional Authorities	• joint co-operative organ of municipalities	• To represent the common interests of municipalities and to see to the establishment of their objectives
sub-regional/ local level	• Councils of municipalities • Municipal board	• Local municipal self-government	• Public service delivery, land use planning, decision making on local policies • Preparatory and executive tasks

3. Administrative System

General description, history, and key data of the administrative system

In Finland public administration essentially rests on the relations and cooperation between the state and the municipalities, which largely function autonomously. The administrative system functions in the executive and preparatory tasks and it can also be seen as cohesive power in the society and in the political organisation. The most important task of public administration is the provision of welfare services for citizens such as education, health care and social services. The State administration consists of three administrative levels that form the State organisation. The ministries and the government agencies operate at the level of *central government*. State's *regional administration* includes for example Provincial State offices, Regional environment centres and Occupational Health and Safety inspectorates. State's *local administration*, including State local districts, Employment offices, Tax offices, Customs offices and Legal aid offices constitute the third level of the State administration.

Local government is based on self-government of individual municipalities, guaranteed by the Constitution. Local self-government is part of public administration as well as independent courts and the State's business activities. The province of the Åland Islands is also guaranteed autonomy and it has its own political and administrative organs responsible for decision-making. The Parliament of Åland exercises legislative power within the framework permitted by its autonomous position. Otherwise the laws enacted by Finland's Parliament apply. In their native region the Sami have cultural and linguistic autonomy. In addition the churches, religious communities and the universities have self-government. These forms of self-government vary in relation to their status and execution.

When Finland became independent in 1917, after the period of autonomy, it already had over one hundred years of experience in having its own administration and long-standing contacts with Nordic administrative culture. Since the 1960s the public administration has expanded rapidly due to the increased tasks of the welfare state. Until the 1980s ministries and central agencies shared the responsibility of the public tasks. In regional administration, public tasks were the responsibility of Provincial State Offices, with the regional authorities representing various fields. In the early 1990s the system of central agencies was abolished, the number of Provincial State Offices reduced and several agencies were replaced by State companies and State enterprises. The reform was partly due to the difficult economic recession. The role

of several agencies declined and ministries gained a stronger position. The EU membership has also transformed the role of the ministries.

State administration

The central state administration employs around 125 000 persons in total. 5000 of them are employed in ministries, 24 000 in other central administration agencies and institutions and 55 000 in state's regional and local administration.

The executive work of the Government is in practice carried out in ministries, each of which prepares matters falling within its relevant administrative sector. They function as administrative and political experts and direct and supervise agencies and institutions operating within their sectors of administration. Ministers operating at ministries are in no way subordinated to the collegial decision-making of officials. Nevertheless the state officials have great importance in the functioning of the ministries. Ministries cooperate with the regional and local administration.
Each ministry has several district authorities within its sector of administration.

A Permanent Secretary is the most senior official in a ministry. The Permanent Secretary directs and monitors the operation of the ministry, serving as the closest adviser to the minister, directing preparatory work, monitoring the implementation of the Government programme and managing cooperation between ministries. In the Ministry for foreign affairs and Ministry of Finance, State Secretaries serve as the Permanent Secretaries of the ministry. Ministers also have political special advisers.

In addition to the Government and the Ministries, the central administration of the state consists of State's bureaus, agencies, institutions and other bodies and the State's business activities. State bureaus and agencies have still remarkable function in the capacity of Finnish central government. Their position bases nowadays to a great deal to their expertise. Part of them are still responsible for the administrative tasks, in addition they carry out tasks such as guidance, supervision, information or reporting. An important group of public bodies are also State research institutes. Agencies and public bodies function under the administrative sector of each ministry.

The State administration participates in regional and local administration in cooperation with regional and local officials. State's regional administration has traditionally been incoherent and weak level of decision making in the administrative system on Finland. Regional authorities function within the administrative sectors of ministries and enable ministries to carry out their responsibilities at a regional and local level. The regional authorities can be characterised as expert organisations. The most common include State Provincial Offices, which act as the joint regional authority for seven ministries , Employment and Economic development Centres, Regional Environment centres, Occupational Health and Safety Inspectorates, Road districts under the Finnish Road Administration and Traffic management centres. Provincial administration as a general authority of regional administration derives from the period of being part of the Kingdom of Sweden. In the early 1990s the most of the provinces were abolished and replaced by five greater provinces. The task of developing the regions was transferred to Regional councils.

For the purposes of states local administration Finland is divided into 90 State Local Districts that are responsible for general and special administrative tasks, including personnel and financial management and communications for the local district. The functions of the Police and Local register offices (among others) are managed and carried out in local districts. In addition to State local districts, the local administration is the responsibility of Employment offices, Local tax offices, the customs and Legal aid offices. In recent decades the tasks of the State have been transferred to Municipalities and the importance of local administration has narrowed.

Indirect State administration functions under the supervision of the Government and ministries and comprises organisations which are not authorities but which carry out public tasks or, in some cases, execute public powers. These organisations supplement and support the authorities in managing the tasks of welfare society and their importance increased in the 1990s when the functions of the state were corporatised and privatised. Strengthening the role of indirect state administration aims at increasing the independence and flexibility of the operations of organisations.

Local self-government in municipalities

The self-governing character of the Finnish local government system has been progressively strengthened and strong local autonomy has become one special characteristic of the government of Finland. Its role has still increased when the municipalities were given the function of carrying out the tasks of welfare state. Municipalities form the most extensive and significant form of self-government in Finland. Finnish local government differs in some respect from the model typical in continental Europe. Finnish municipalities are big in European standards and they do not have elected mayor.

Municipalities are responsible for organising the majority of public services provided to citizens. The specific committees direct the provision of public services in municipality. The committee of land-use planning is one of the most common. The committees are increasingly becoming purchasers rather than producers of their services. The most important services provided by municipalities are education, children's day care, social welfare, health care and maintenance of technical infrastructure. In many fields municipalities often cooperate to provide services.

A number of joint municipal authorities and 19 Regional Councils exercise local self-government at regional level. Two or more municipalities can establish a joint municipal authority for taking care of responsibilities or services of a municipality in conjunction with other municipalities. Regional Councils are responsible for regional development and land use planning. They cooperate with 15 Employment and Economic development Centres, which, for their part, on the regional level represent the ministries responsible for the development of the industry and commerce. Local authorities practice sub-regional cooperation in order to ensure a dynamic economic standing and the production of basic services. Regional portals provide information on events, business activities and tourist attractions in all of the region's municipalities.

Further information on the administrative system (e.g. interlinkages between levels, institutions, etc.)

The roles of municipalities and the state and the division of responsibilities vary in different sectors of administration. In some sectors of administration, the State is responsible for both supervising operations and putting them into practice while in others (e.g. education, health care). Municipalities have responsibility at the operational level. The Local Government Act forms the basis for local government in Finland. Also the financial interlinkages adjust the relationship between municipalities and the state. Municipalities have broad powers in matters pertaining to their own administrative structures, such as institutions and their duties. Finnish local authorities have right to levy taxes the power to make financial decisions. Local authorities finance their annual expenditure out of taxes, central government transfers, various charges and sales revenues. Central government grants local authorities financial assistance in exchange for a wide range of statutory services. This balances financial inequalities between local authorities and ensures equal access to services throughout the country. The reforms in 1990s increased operational and economic independence of municipalities and decreased the number of staff coming under the State budget from 215,000 in 1988 to the current figure of 125,000.

Levels and specific aspects of the administrative system:

aspect / level	institution(s)	authority/ function	tasks
national level	• Ministry officials • officials of the Parliament?	• administrative support to elected representatives	• preparatory work of the government, directing and supervising institutions agencies and institutions within relating sector of administration
	• Central administration bureaus, institutions, agencies and other public bodies		• administrative tasks, information management and registration, development, research…etc.
regional level	• Regional authorities/officials including (e.g.): State Provincial Offices, Employment and Economic Development Centres, Regional Environment Centres, Occupational Health and Safety Inspectorates….. and district authorities of ministries	• enable ministries to carry out their responsibilities at regional and local level; authority based on expertise	• tasks such as: research, guidance, supervivion, information, reporting
	• Regional councils	• exercise local self-government at regional level	• regional development and land-use planning
	• Joint municipal authorities	• taking care of responsibilities or services of a municipalities	
sub-regional/ local level	• State's *local administration*, including State local districts, Employment offices, Tax offices, Customs offices and Legal aid offices	• State's local administration	• general and special administrative tasks, including personnel and financial management and communications for the local district
	• Municipalities, local government	• Local self-government	• Provision of public services in municipalities

II. Planning System of Finland

1. Planning system in general

History of the planning system

Since the 17th century building of the cities has been regulated mainly with two instruments: drawing up local detailed plans (idea dating back to Renaissance times) approved by the King, and framing of local building regulations, which later became *building ordinances*. The need for regulation started from fire safety, but was extended due to growing needs of defence, health and commonly organised tasks. Up to the beginning of 20th century land in the cities was mainly donated by the State, and totally covered by a local detailed plan. When cities continued to grow, it became necessary to extend the local detailed plans to cover also private land. It became necessary to have a legal basis to organise the legal relationships between the society and private landowners. The use of land and environment in urban areas was legally regulated in Finland for the first time by the Local Detailed Plan Act in 1931. The building guidance in the rural areas was not possible before the Rural Municipalities´ Building Act in 1949. The main drawback in the Local Detailed Plan Act was that it did not offer efficient tools to prevent dense settlements being formed in unsuitable areas.

As a general law regulating the use of land and environment the Local Detailed Plan Act was followed by the Building Act in 1958, much based on the previous one, and prepared in societal situation of post-war industrialisation and early beginning of the rapid urbanisation of a then mainly agrarian country. The Building Act was still divided into urban and rural communities sections, as the rural communities were regulated in a lighter way. Strong new development on previously unbuilt land characterised the following decades. The planning organisations expanded rapidly both in size and the scope of professional backgrounds especially during the late 1960´s and 1970´s. Regional and local master planning regulations were reformed in 1968, and the shore plan provisions were introduced in the Act for the first time in 1969. National level land use planning was practiced to a certain extent, but despite some legislative proposals national level land use planning regulations were not included in the Act during the time of the Building Act. The statutory land use plan regulation during the Building Act concerned the dense settlements, but for controlling the dispersed settlements no efficient instruments existed.

The total reforming of the planning and building legislation started already in 1969, but it was only in the year 2000 the new Land Use and Building Act finally came into force. The main starting points in the latest legislation reform were as follows. Since the mid-1980´s new development had been planned mainly within existing urban structure. The protection of nature and built environment had become an integral part of spatial planning. Spatial planning had also become an important topic for public discussion and the media. The Building Act (and the previous ones) included an order that all the local land use plans that would have legal consequences should be submitted for ratification by upper tiers of state administration. This 250-year-old principle was left out from the new Act, and the rights of local authorities to decide on the control and guidance of their own spatial planning and development were further extended. By the same time, and in the spirit of Montesquieu, the treatment of appeals was changed from the administrative bodies (County Administrative Boards and the Ministry of Environment) to administrative courts. The new Act retained the traditional right of land owners to build isolated buildings without a land use plan in rural areas which do not seem to need planning.

Basic principles

The spatial planning system in Finland, described here, consists of the actual (physical) land use planning system as a core focus of this description, but also of other development planning mechanisms at national, regional and local levels of government that have direct spatial implications. These include e.g. sectoral policies for transport, environment and energy.

Public activity planning used to have an explicit statutory binding towards land use planning from the end of 1960´s until 1994 (until the new Local Government Act came to force in 17.3.1995). Afterwards this relationship is not legally formulated, and the former state subsidy-bound system of statutory municipal planning was substituted by a variety of local, more flexible applications and other kind of integrative tools, like cross-sectional strategies and programmes.

The Land Use and Building Act (came into force 1.1.2000) defines the statutory land use planning system in Finland. It covers also the general building regulation. It is a general act of planning the use of environment, but it does not cover all the uses of environment.

Within the state division of the spatial planning system the Parliament of Finland is the highest supreme authority. However, in practice Ministry of Environment is the highest supervising authority in spatial planning, and in charge of national level issues in environmental policy, environmental protection, land use, housing and building. The Ministry prepares spatial planning legislation.

Ministry of Interior is responsible for e.g. the issues of regional development, Ministry of Agriculture and Forestry for e.g. rural development, surveying and water resources, Ministry of Trade and Industry for e.g. energy issues and Ministry of Transport and Communications for transport and communication network issues.

Objectives and scope

Overall national and international socio-political goals in relation to land use planning have been more precisely formulated in the sections 1 and 5 of the Land Use and Building Act, expressing the general objectives of the Act (section 1) and of land use planning (section 5). The general objective of the Act stresses firstly two substantial issues – favourable living environment and sustainable development – and secondly, a participatory and well-informed planning process. The section is formulated as follows:

> *"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."*

This general objective has been written in a target-oriented form, not as a binding legal norm. It is meant that other provisions and their implementation should promote the realisation of this general objective. Therefore, in a legal argumentation, it is not very effective to invoke directly the general objective. But it can be used as a backing, second-level legal authority.

The provision concerning *objectives for land use planning* (section 5) complements and specifies the general objective of the Act. It brings out the main issues aimed to be promoted by statutory land use planning. These are mainly substantial issues (11 different themes are

mentioned), but coupled with two procedural aspects, namely participatory planning and sufficient impact assessment:

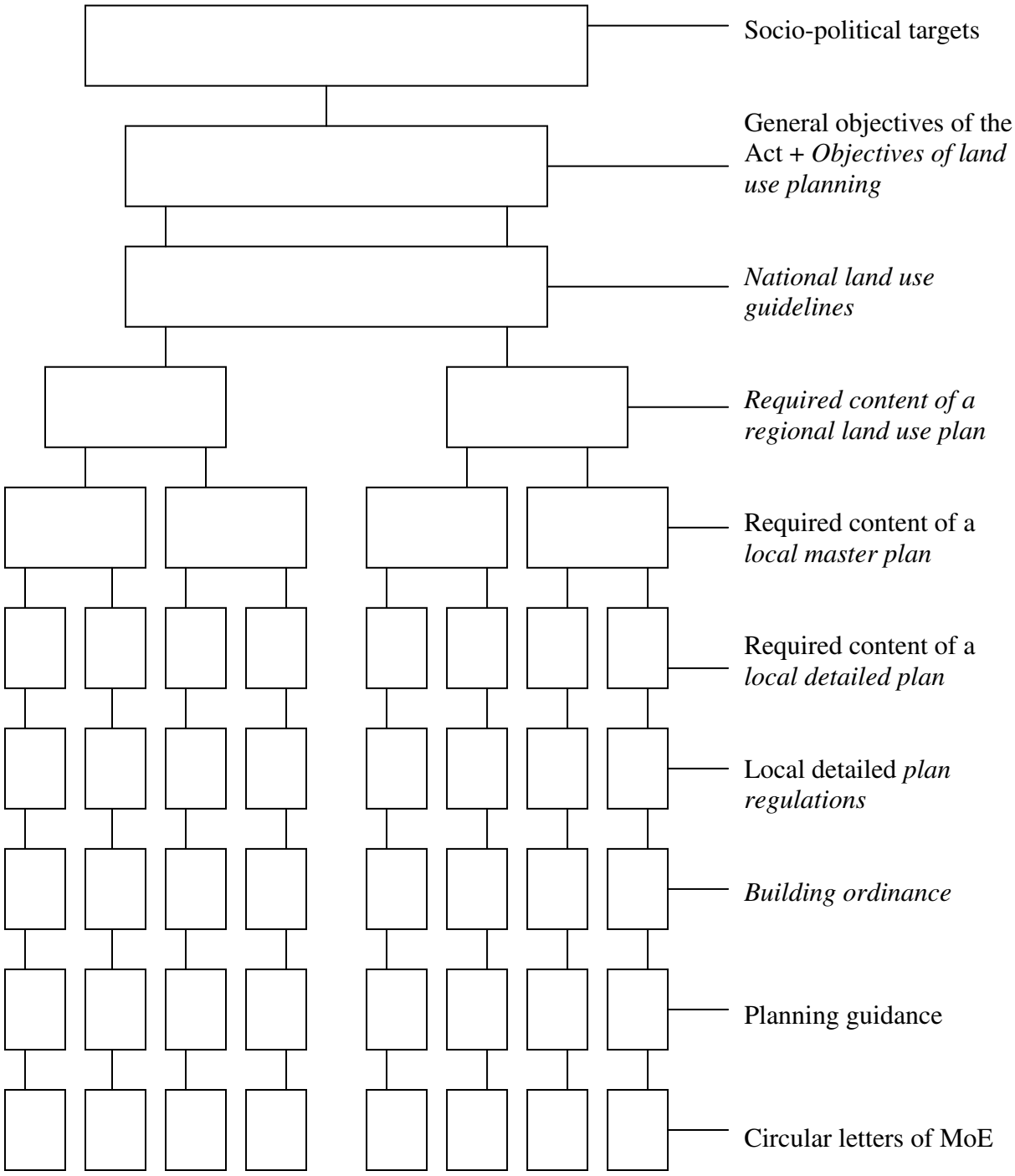
> *"The objective in land use planning is to promote the following through interactive planning and sufficient assessment of impact:*
> *1) a safe, healthy, pleasant, socially functional living and working environment which provides for the needs of various population groups, such as children, the elderly and the handicapped;*
> *2) economical urban structure and land use;*
> *3) protection of the beauty of the built environment and of cultural values;*
> *4) biological diversity and other natural values;*
> *5) environmental protection and prevention of environmental hazards;*
> *6) provident use of natural resources;*
> *7) functionality of communities and good building;*
> *8) economical urban development;*
> *9) favourable business conditions;*
> *10) availability of services;*
> *11) an appropriate traffic system and, especially, public transport and non-motorized traffic."*

These objectives for land use planning are common to all types of statutory land use plans. They have been written – like the general objective of the Act – in a target-oriented form, which means that contrariness to them cannot be used effectively as a ground for appealing.

The Act also regulates the *required content of a plan* separately for each type of statutory land use plan. The common objectives for land use planning are partly specified in these provisions for required content of each *type of plan*. But where the common objectives have been written in a target-oriented form, the required content provisions are mostly about the minimum level planning should exceed. Therefore the required content provisions are one of the major tools available for appealing. They are described more in detail later when discussing the statutory type of plans in overall.

Besides the actual Land Use and Building Act, the other important document concerning the general objectives of spatial planning is the *National Land Use Guidelines* (later NLG). In the Finnish statutory land use planning system, this is the one of the four main instruments of the system, and the only one containing guidance only in written form. In the hierarchical tree of objectives, the NLG is situated between the (general) objectives for land use planning and the type of plan –specified required contents of a plan (see figure 1.)

Figure 1. Hierarchical tree of objectives related to statutory land use planning. (Source: Ekroos & Majamaa 1999, 55)



The national land use guidelines are set by the Finnish Council of State. Their primary aim is to ensure that nationally significant issues are taken into account in regional and local land use planning and in the activities of government authorities. The guidelines outline land use in Finland far into the future. The guidelines express the view of the Council of State on nationally significant land use issues, but they do not commit themselves on the actual decisions on these matters. According to the spirit of the Act, the guidelines are to be concretised and single matters decided in regional planning, planning at the local level, and in the activities of government authorities, all of which should promote the implementation of these guidelines.

The guidelines concern only the issues that can be affected by the guiding system formulated by the Land Use and Building Act, i.e. issues concerning planning, building and use of land. The guidelines do not concern issues of regional development, energy or transport policies, neither the economic decisions related to them. However, the guidelines are aimed to make spatial reservations for some nationally significant projects, but not to commit on the realisation of the projects in any other sense. Related to these projects it is meant that the guidelines are updated at least once in five years.

The guidelines are also linked with international considerations. They particularly aim at implementing, in Finland, international conventions protecting cultural environments and biological diversity and combating the climate change. They also implement the European Spatial Development Perspective (ESDP).

The national land use guidelines is a new instrument introduced in the new Land Use and Building Act in the year 2000. The first national land use guidelines were set on 30th November, 2000. The new Act substantially increased the power of the local authorities in land use planning, because plans no longer had to be submitted to a higher authority for approval. As there was no subsequent scrutiny after the plans had been passed, the importance of prior guidelines and advisory services was enhanced.

The national land use guidelines have been grouped according to subject as follows: 1) a well-functioning regional structure, 2) a more coherent urban structure and a quality of the living environment, 3) the cultural and natural heritage, recreation uses and natural resources, 4) well-functioning communication networks and energy supply, 5) special issues of the Helsinki region and 6) areal entities of outstanding interest as natural and cultural sites.

The impacts of Land Use and Building Act on other planning and decision-making

not yet written

Functions

Statutory land use planning is a combination of two different kind of tasks. Firstly, there is the task (usually seen as the primary task) of organising future activities, “planning” par excellence. This is sometimes called the “soft side” of statutory land use planning. Secondly, there is the task of being the legal instrument for organising the rights of possession of the environment. This is sometimes called the “hard side” of statutory land use planning, respectively. Balancing between these “sides” has historically been, and still is, a difficulty both in the land use planning legislation and in practical statutory land use planning. This difficulty is also reflected in the way the Land Use and Building Act is formulated. Value-based flexible norms and future-oriented, gradually elaborating planning emphasise wide discretion in the decision-making concerning land use and building. On the other hand, the considerable economical significance of the permits and the legal effects on land owners emphasise the need for norm-bound, exact regulation.

Main elements

Main instruments

Significance of transnational and trans-border aspects

Current and upcoming changes

The present Land Use and Building Act is relatively new, however, the main principles in the legislation have not changed very much compared to the previous Act. The functioning of the new Act has been quite extensively studied during these five years it has been in force.

According to these studies, in general, the planning system is seen to be working quite well in different kind of planning situations both in the growing centres and elsewhere in the country. However, especially planning practitioners working in the local authorities have pointed out some problematic issues:

- planning resources: in the municipalities these have reduced since 1990 some 10%. Also other related actors, like regional environment centres and state sectoral authorities suffer from the lack of resources, which further retards planning processes.
- Informing about planning has become more open, and the interest of the citizens to participate has increased. However, it is felt difficult to dimension the information and participation resources to the needs of the particular planning cases. It is sometimes seen that participation takes too much time of the actual planning work.
- Assessment of the planning impacts and the need of sufficient investigations is emphasised in the new Act. It is sometimes seen that these take too much time of the actual planning work. According to the planners a common problem is that the needs for investigations are brought up too late, especially by the state sectoral authorities.
- It is generally seen that the ability to estimate the length and timetables of planning processes has decreased. This is partly due to the broadly written provisions of the new Act, and the so far non-established legal praxis of the new Act.
- Despite that the total amount of plans that have been appealed against has not increased, it is felt that the deliberation of appeals in the administrative courts takes too much time. There is now discussion about whether the right to appeal further to the Supreme Administrative Court should be restricted.

2. Planning legislation and jurisdiction

Legal framework of planning

Finland belongs to the Scandinavian “legal and administrative family” (Newman & Thornley 1996, 29), also in the sense that the land use planning system is a regulatory one, based on legally binding zoning regulations. During the development of its legal system in the 17th and 18th centuries Finland was part of Sweden, and even under the Russian control in the 19th century Swedish laws remained in force; this historical legacy is strong and has a continuing influence. As in the other Scandinavian countries, local self-governance is seen as one of the cornerstones in the constitution, and this is reflected clearly also in the land use planning system according to the new Land Use and Building Act (since 2000).

The legal core that defines the planning system in Finland is the Land Use and Building Act. It covers also the general building regulation. As the legislation on the environment is

scattered over several special, sector-oriented acts, Land Use and Building Act is a general act of planning the use of environment, but it does not cover all the uses of environment.

As statutory land use planning is, according to its nature, integrative planning, in which areas are indicated for different purposes, in includes indications to purposes which are either polluting the environment or very sensitive to environmental pollution, and are thus controlled by special legislation. When applying the Land Use and Building Act, these dividing lines between the different legislations have to be examined. The main special legislation Acts concerning the use of environment are as follows:

- nature and landscape protection: Nature Conservation Act (1996)
- protection of built environment: Act on the Protection of Buildings (1985), Antiquities Act (1963)
- natural resource economical regulation: Land Extraction Act (1981)
- prevention of environmental pollution: Environmental Protection Act (2000), Water Act (1961), Environmental Impact Assessment Act (1994), Waste Act (1993), Health Protection Act (1994), Adjoining Properties Act (1920)
- other legislation concerning land use: Highways Act (2005), Private Roads Act (1962), Electricity Market Act (1995), Communications Market Act (2003)

The variety of special Acts regulating the use of environment have made the integrative task of land use planning more difficult. The aims and content of the other Acts are varying considerably, and the integration in land use planning has become more heterogeneous and complex. The discretion of interests cannot be made on common grounds, when the grounds of discretionary power are different. Some acts do not contain discretion of interests at all. This aspect is reflected later in this text in the section concerning current and upcoming changes.

The general provision of the Land Use and Building Act states that land use objectives and plans in accordance with the Act must be taken into account, as separately prescribed, when planning and deciding on the use of the environment on the basis of other legislation. In other words, the binding character requires a special provision, either in the Land Use and Building Act or in the special legislation in question. These kind of provisions are e.g. in the Water Act (2:4) concerning building in the water system, in the Chemicals Act (31) concerning discretion of permits, in the Highways Act (3,13) concerning highway planning and construction, in the Electricity Market Act (20) concerning the grounds for consent of the local authority, and in the Communications Market Act (101) concerning installation of a telecommunications cable.

Legislation and jurisdiction on different levels

The central government level

The Land Use and Building Act applies to the whole country of Finland, except the Åland islands, which enjoys the status of an autonomous province. Åland has a self-governance also in the spatial planning issues, and has its own Building Code and the Act on Physical and Economic Planning.

Ministry of Environment is the highest supervising authority in spatial planning, and in charge of national level issues in environmental policy, environmental protection, land use, housing and building. Respectively, the jurisdiction territorial area is the whole country except the province of Åland.

The functions of the Ministry of Environment include the general development and guidance of land use planning and building activities. Part of the development work is to prepare spatial planning legislation. Besides the norm-focused guidance, the means include also,

among other things, general goal-setting of the administrative sector, monitoring the realisation of these goals, and information guidance. The guidance is directed to the actions of Regional Environment Centres, Regional Councils and local authorities, as bodies carrying out their tasks according to the Act.

The supervising task of the State focuses primarily on looking out that the nationally significant objectives are taken into account in the regional and local levels of planning. This supervising task belongs both to the Ministry of Environment and the Regional Environment Centres. The Ministry of Environment is also responsible for the preparation of the *national land use guidelines*. There is no national spatial plan in Finland.

The Land Use and Building Act specifically states that the Ministry of Environment promotes, steers and monitors regional land use planning. Part of this traditional task is that the Ministry of Environment ratifies the regional land use plans. In addition, the Ministry also ratifies the joint local master plans.

Other tasks of the Ministry of Environment related to the land use planning system include making decisions to establish a national urban park and to approve the maintenance and usage scheme of these parks, permits for expropriation, coercive means concerning planning, and tasks related to environmental impacts exceeding the national borders. A large and continuous task of the Ministry is, related to law-making, to reconcile and coordinate often mutually contradictory laws with other central government authorities. This means participating in a various types of committee work and making statements.

Regional level

State guidance and, to a certain extent, supervision of regional and local land use issues belong to the Regional Environment Centres, which belong to the State organisation. They are also responsible for environmental protection, nature protection, protection of cultural environments and water resources management. Their main task in land use issues is twofold: first, they promote and steer the organisation of land use planning and building activity within areas covered by a local authority. In other words, their role is to act as a state authority offering advice and expert help related to land use planning. In practice, this guidance is implemented by research and development work, consultations with the local authorities and guidance aimed at local authorities and inhabitants of the municipalities. A central form of this collaboration is the *development negotiation*. This is a statutory meeting organised at least one each year between the local authority and the Regional Environment Centre to discuss cooperation and the land use planning matters within the local authority´s territory.
Second, Regional Environment Centres are specifically in charge of supervising that the national land use guidelines, other goals pertaining to land use and building, and provisions concerning the management of planning matters and building activities are taken into account in planning, building and other land use, as provided in the Land Use and Building Act. Regional Environment Centre has some instruments available to exercise supervision power. It has a right to *appeal* decisions by which a statutory land use plan or a building ordinance is approved. It may also issue a written *rectification reminder* to a local authority after the authority has approved a local master plan or a local detailed plan, if the plan has been drawn up without taking national land use guidelines into account, or otherwise in contravention of the law, and it is in the interest of public good that the question is placed before the local authority for a new decision.

Regional Councils are region-based cooperation organisations between local authorities, and represent the local self-governance at the regional level. They are made up of representatives from the local authorities. There are no regional elections in Finland. The municipal councils of the local authorities in the region in question nominate their representatives to the joint council, which is the decision-making body of the Regional

Council. Regional Councils are headed by managing directors who are appointed professionals. Regional Councils are responsible for the general development and planning of their regions. They are responsible for the promotion of regional and other inter-municipal cooperation as well as regional dimension of international cooperation. The Local Government Act (1994), the Regional Development Act (2002) and the Land Use and Building Act (1999) form the basic tasks of the Regional Councils.

An important part of the tasks of Regional Councils is regional planning, including regional land use planning. Statutory regional planning consists of a *regional development strategy*, a *regional development programme* and a *regional land use plan* (see figure x.).

Regional development strategy is a new form of statutory planning, introduced in the new Land Use and Building Act. It is a statutory strategic plan which indicates the long-term regional development goals (20-30 years). Its content is not defined in detail in the Act, and it is meant to be applied according to the local regional needs. Regional development strategy is concretised in the *regional land use plan* as *land use development principles* and *land reservations*, and in the *regional development programme* as directing of development activities.

Generally, regional development strategy does not have legal effects towards citizens or planning. It does not have the nature of a statutory land use plan, and thus not the guiding impact of a regional land use plan, but it may have a significance in assessing whether a phased regional land use plan conforms to a comprehensive regional land use plan.

On the national level, the Ministry of Environment is in charge of regional land use planning and the Ministry of Interior in charge of regional development programmes, of which is enacted in the Regional Development Act. A regional development programme is prepared every four years. It outlines regional development targets, key projects and measures, and a financing plan for the programme for the years to come. These are based on the development needs and potential of the region. When drawing up a regional development programme, the region should take account of the national regional development targets set by the Government and the regional development strategies adopted by different administrative sectors. The regional development programme is designed to act as an umbrella programme coordinating regional development work. The programme coordinates the national targets, special national programmes implemented by the region, programmes co-financed by the European Union (EU) and the strategies and development work of different authorities.

A regional development programme implementation plan concretely specifies the key measures and projects and the desired level of financing for the next two years. The implementation plan is also the region's proposal for the draft State budget and its regional allocation. In addition to national and EU financing, the implementation plan assesses the financial contribution of local authorities and the amount of private financing to the implementation of the programme. Regional Councils draw up an annual implementation plan in cooperation with the authorities, sub-regions, municipalities and development organisations granting funding. The implementation plan is a joint document between State and local authorities, which provides regional authorities with political support from the region when they negotiate performance targets with the relevant ministries. The regional strategic implementation plan can be considered a guideline, and thus, it has no binding legal effect. A real commitment to the targets arises when the plan is being drafted.

Regional land use plan

The regional land use plan is one of the four statutory instruments of the land use planning system in Finland, and hierarchically the highest level statutory land use plan. Drafting and approving the plan is the charge of the Regional Council. The main task of the regional land

use plan is to set out the principles of land use and urban structure, and to designate areas as necessary for regional development.

Regional land use plans are fairly general type of plans, and it is specifically stated in the Act, that areas are designated as reserved only to the extent and accuracy required by national or regional land use goals or by harmonising the use of land in more than one municipality. Issues and developments that affect many municipalities include e.g. new main road, rail and energy infrastructure developments, land use changes that would affect the spatial structure of communities, such as major retail developments, developments serving wider areas, such as popular recreational facilities or major water supply schemes, the protection of nationally or regionally valuable natural or cultural landscapes, and development issues involving competition between municipalities.

The Regional Councils independently decide on planning solutions within the general framework for their content and scope set out in the Land Use and Building Act. As mentioned before (in the section discussing the general objectives and scope of spatial planning system, see also the hierarchical tree of objectives, figure x.), besides the general objectives of land use planning, the Act also defines type of plan –specific *required content of a plan*. The required content of a regional land use plan includes number of issues to be paid attention to when drawing up the plan. Firstly, national land use guidelines must be taken into account, as well as special needs deriving from regional conditions. The plan must be harmonised as far as possible with the regional land use plans of neighbouring areas. Nature conservation programmes and landscape conservation areas have to be used as guidelines in drawing up the plan. Secondly, in planning special attention shall be paid to the following: 1) appropriate regional and urban structure of the region, 2) ecological sustainability of the land use, 3) environmentally and economically sustainable arrangement of transport and technical services, 4) sustainable use of water and extractable land resources, 5) operating conditions for the businesses in the region, 6) protection of landscape, natural values, and cultural heritage, and 7) sufficient availability of areas suitable for recreation. Thirdly, in addition, attention must be paid to the economy of land use and to avoiding unreasonable harm to landowners or other titleholders. When the plan is drawn up, the partly responsible for implementing the plan and the measures it requires must be indicated.

How regional land use plans work? Regional land use plans define a general framework for the more detailed local plans (local master plan and local detailed plan) drawn up by the local authorities. Regional land use plans are legally binding with regard to municipal planning and the activities of other authorities. However, according to their fairly general nature, they leave plenty of scope for local authorities to resolve local land use and development issues. Legally binding means here that regional land use plan shall be used as a guideline in drawing up and amending local master plans and local detailed plans, and when other measures are taken to organise land use. Also, when planning measures concerning land use and deciding on their implementation, authorities shall take the regional land use plan into account, and even more, seek to promote implementation of the plan and ensure that taking measures does not hinder the implementation of the plan.
The regional plan is not valid in areas where a legally binding local master plan or local detailed plan is in force, except concerning the impact when these plans are amended.

Regional land use plans have a twofold legal impact: first, they are legally binding guiding instruments towards municipal planning and the activities of other authorities. For this purpose, besides the actual land reservations (zoning) and various plan symbols, *planning orders* may be used. This is a type of plan provision, which can be used to define orders concerning more detailed statutory land use planning or other implementing official planning. These can set restrictions or edge conditions and also broaden the applicable range of a plan symbol. They can also concern preserving the environmental values of the area and preventing or restricting harmful environmental impacts. They may even guide the mutual scheduling of measures implementing the regional land use plan or of areas to be

developed. Planning orders cannot oblige the local authority or other official body to begin the planning implementing the regional land use plan.

Second, they can also directly control construction and other land uses through specific regulative tools. One is a restriction directly in force on the basis of the Act (conditional building restriction), and two others are optional, discretionary (building order and protection order).

A conditional building restriction is in force in areas designated by the regional land use plan as recreation or protection areas or areas for transportation or technical service networks. This is so directly on the basis of the Act, and do not need any special mention in the plan. However, the area covered by the building restriction may be increased or decreased by a special order in the plan. Where a building restriction is in force, a building permit may not be granted if it hinders implementation of the regional land use plan. The permit shall be granted, however, and this is the reason why it is called "conditional", if its denial on the basis of the regional land use plan would cause *substantial harm* to the applicant, and the local authority, or, when the area should be considered reserved for its needs, other public entity, does not *expropriate* the area or does not provide reasonable compensation of the said harm.

If necessary, until the regional land use plan has been ratified, on the areas of conditional building restriction, the Regional Council may prohibit the use of land for construction in conflict with the proposal or approved plan, i.e. set a strict *building restriction*. This restriction is temporary, and not longer than two years.

The two other specific regulative tools for directly controlling construction and land uses in the regional land use plan are *building orders* and *protection orders*. They are both discretionary instruments, i.e. to be in force, they need a special symbol or written regulation in the plan. Building orders can be designated only in the areas where the conditional building restriction is in force. Building orders can be defined to set supplementary grounds to regional land use plan notations in assessing whether building hinders implementation of the plan. Examples of building orders could be mentioned like *"buildings, apart from those serving agricultural uses, may not be located on continuous fields"*, or *"building is allowed only if the use of ground water or surface water and the quality or the sufficiency of the water is not endangered"*.

Protection orders can be designated in regional land use plans to limit construction and other land use changes that would endanger special environmental values, like valuable natural or cultural features or landscapes. Protection orders can be defined to prevent land use changes such as forestation and drainage schemes. Protection orders are strict according to their legal nature, and thus special attention has to be paid that they do not cause unfair harm to the landowner. A protection order cannot – as holds true for the regional land use plan in general - oblige the landowner to active actions to contribute to the implementation of the regional land use plan.

Regional land use plans may be drafted in three forms:

- comprehensive regional land use plans, covering all major planning issues in the whole region
- *phased* regional *land use plans*, covering certain specific planning issues during each planning phase
- sub-regional land use plans, covering smaller sub-regions or coherent areas such as river systems

The option of producing phased or sub-regional land use plans gives the regional planning authorities flexibility where changing conditions make the drafting of such plans desirable, or where resources are limited. In such cases the authorities must nevertheless also strive to keep the comprehensive land use plan for the whole region up to date.

The planning process of regional land use plans follow the standard statutory land use planning procedure according to the Land Use and Building Act, emphasising the role of participation and impact assessment. This standard procedure is described separately later.

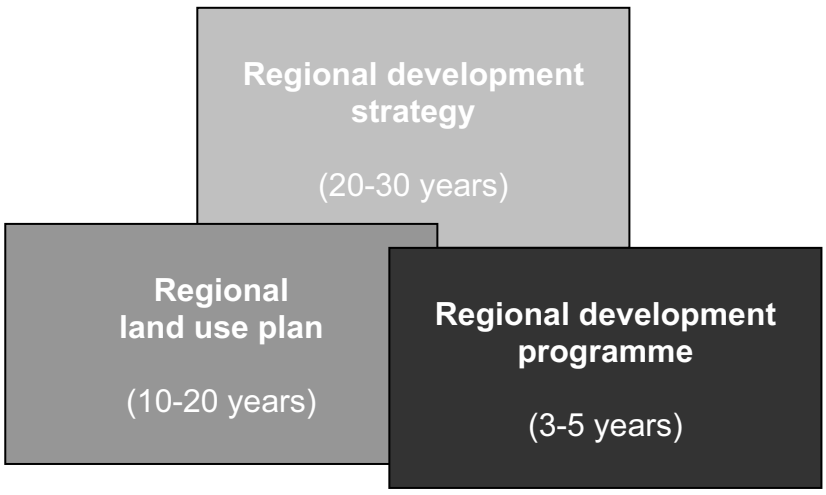
Legally binding regional land use plans are presented in the form of maps at scales of between 1:100 000 and 1:250 000, drawn up and labelled according to official guidelines, and accompanied by planning orders.

Regional land use plans are first approved by the Regional Council, and then submitted to the Ministry of Environment, where the legality of the plans is assessed before the final ratification. If the plan does not meet the required content of regional land use plan or if the decision is otherwise unlawful, the Ministry shall not ratify the plan or will ratify it only in part. Otherwise the plan shall be ratified. Appeals against planning decisions approved by the Regional Council may be submitted to the Ministry of Environment by any local authorities, registered organisations or residents affected by the decisions.

The Ministry of Environment also circulates regional land use plans among other ministries for their official comments. Where the comments of different ministries are in conflict, plans must be approved by the Council of State. Appeals concerning the legality of regional land use plans ratified by the Ministry of Environment or the Council of State may be submitted to the Supreme Administrative Court.

Regional land use plans should be regularly reassessed and updated according to changing conditions. If new planning solutions are needed urgently, regional land use plans may be updated by drafting phased or sub-regional land use plans.

Figure x. Statutory regional planning system.



Local level

The local authority is responsible for land use planning and building guidance and control within its territory. The local authorities have in Finland the so-called *municipal monopoly in statutory land use planning*, meaning that local authorities have, besides the responsibility for, also the right to be in charge of the statutory land use planning within its territory. It also means, that it is up to the local authority to decide, when an area needs to have a local detailed plan. A land owner do not have a right to have a local detailed plan on his/her piece of land. The only exception – to a certain extent – is the detailed shore plan, which is the only

statutory land use plan a land owner has a right to draw up. Also the detailed shore plan proposal is approved by the local authority.

All this means that the local authority has the primary responsibility of realising the general goals of the Land Use and Building Act, i.e. to create conditions for a favourable living environment and to promote sustainable development. In practice, if the minimum requirements of local statutory land use plans (i.e. required content of a local master plan and a local detailed plan) are fulfilled and the procedural aspects as well, no one is able to intervene. The local authority is the only actor able to rise the quality of land use planning and land use plans beyond the minimum level defined by the Act.

The main instruments available for the local authority in implementing the general as well as locally set land use goals are local master plan, local detailed plan, and the permitting system of the building legislation.

Statutory land use plans concerning the territory of a local authority are in general approved by the Municipal Council, which is the highest decision-making body in a local authority, elected in direct elections every four years. Local master plans are always approved by the Municipal Council, but local detailed plans which do not have significant impacts may be approved by the Municipal Board or Committee, if so delegated.

Local master plan

The purpose of the local master plan is to provide general guidance regarding the urban structure and land use of a municipality or a part of thereof, and to integrate functions. It is one of the three types of statutory land use plans in Finland. The role of a local master plan is strengthened in the Land Use and Building Act, as in order to gain legal effects, the local master plans no more need to be ratified by higher State authorities (as was the case during the previous Act, until the year 2000). However, it is not compulsory for a local authority to draw up a local master plan. The Act states that the local authority must see to the necessary drawing up of a local master plan and to keeping it up-to-date. The threshold for starting to draw up a local master plan may be passed when new development requiring general planning is expected inside the territory of a local authority, or the area has special environmental values, the protection of which requires local general planning. Even interests related to the national land use may lead to the need of drawing up a local master plan.

The required content a local master plan is specified in the Act. It is a kind of minimum requirements for the plan in order to be in accordance with the law. The required content of a local master plan includes number of issues to be paid attention to when drawing up the plan. Firstly, the regional land use plan shall be used as a guideline in drawing up and amending local master plans. As the regional land use plan is a fairly general type of plan, and its guidance is even meant to be specified by the local master plan, differences or deviations from the regional land use plan may occur. These can be divided into three groups: 1) specification of the regional land use plan, 2) acceptable deviation from the regional land use plan, and 3) a decision requiring amendment of the regional land use plan.

Secondly, the following must be taken into account: 1) the functionality, economy and ecological sustainability of the urban structure, 2) utilisation of the existing urban structure, 3) housing needs and availability of services, 4) opportunities to organise traffic, especially public transport and non-motorised traffic, energy, water supply and drainage, and energy and waste management in appropriate manner which is sustainable in terms of the environment, natural resources and economy, 5) opportunities for a safe and healthy living environment which takes different population groups into equal consideration, 6) business conditions within the municipality, 7) reduction of environmental hazards, 8) protection of the built environment, landscape and natural values, and 9) sufficient number of areas suitable

for recreation. Thirdly, the local master plan shall not cause unreasonable harm to landowners or other titleholders.
In practice, the content requirements of a local master plan may be – and they often are - mutually in contradiction. The important task of local master planning is thus the reconciliation of these different requirements.

The main task of local master plan is to define a general framework for the local detailed plans. According to the Act, the local master plan shall be used as a guideline in drawing up and amending local detailed plans, and when any other measures are taken to organise land use. Also, when planning measures concerning land use and deciding on their implementation, authorities shall ensure that taking the measures will not hinder the implementation of the local master plan. Local master plan is legally binding, if it is not explicitly stated in a particular plan, that it is – for the whole plan or a part of thereof - meant to be a *local master plan with no legal consequences*.
The local master plan is not valid in areas where a local detailed plan is in force, except concerning the impact when these plans are amended.

Depending on the target and the situation, the local master plan may serving a broad scope of different needs; the diversity of different types of local master plans has increased so much that it is difficult to find any clear “joint spots” between different types. Local master planning serves e.g.:
Strategic planning of a territory of a local authority or a smaller region, like

- urban structure guiding local master plans, which are part of the development strategy of a local authority
- broad local master plans, which deal with the structure and uses of the whole municipality

Planning of smaller parts, like

- local master plans for urban areas or other areas of the municipality, which often aim at developing and improving the built environment and related green areas
- local master plans for valuable built environments or cultural landscapes, which focus on preserving the existing values or the vitality of nature
- local shore master plans, which reconcile e.g. goals for holiday home development, recreational uses and nature protection

Thematic planning, like

- local master plans for green areas, which deal with recreation and maintaining the vitality of nature
- local master plans for esker areas, which reconcile planning related to natural resources and landscape.

In areas to be later covered by a local detailed plan, the task of the local master plan is mainly to guide the local detailed planning. These type of local master plans are usually quite general, strategic type of land use plans. It is focusing on guiding the development of the urban structure and principles of the intended development, and designating in a general manner the areas needed. It is aimed to be seen as a strategic tool declaring the will of the local authority and implementing this will. However, if the following local detailed plans are forced to be drawn up in small project-based pieces, it may also be important to draw up a detailed local master plan. This may be sometimes the case in especially in partial local master plans.

Local master plans that are aimed to guide directly building activities may be drawn up quite detailed. According to the Act, a legally binding local master plan may be considered as enough planning (i.e. no need for a local detailed plan) in a village area or other rural area where there is only a minor need to build, when building residential buildings containing no more than two dwellings supplementing existing habitation. Another typical type of a local master plan that may directly guide building is a local shore master plan. Land use planning in shore areas is discussed more in detail in a special chapter.

Despite the overall principle that on each area only one local master plan with legal consequences may be in force, in practice cases occur, where the same area is in focus for such a different land use goals (difference in scales or themes) that it is justified to plan their decisions using substantially, representationally or guiding-wise different type of local master plans. In these cases, it has to be taken special care of that the different statutory land use plans form a consistent whole, and their mutual relations and legal effects are clearly defined.

The decree on *plan notations* recognises four types of local master plan notations: notations related to development aims, notations indicating special characters of an area, symbols for zoning, lines and objects, and notations indicating changes of the environment. Notations related to development aims relate almost exclusively to guiding the implementation planning. Examples include symbols indicating the direction of broadening the urban structure, densification needs of an area, alternative road alignments or needs for a connection. Notations indicating special characters of an area relate to values of natural or cultural environment, landscape or natural resources. Special characters also include limiting characters like noisy or dangerous areas, protective zones or contaminated land. Two special type of areas with special regulation in the Act are also included in this category, namely *special development areas* and *areas requiring planning*. The notations indicating special characters of an area are often used overlapping the zoning symbols. They also often refer to interests the implementation of which is organised through special legislation. The zoning notations are used for indicating the main use of an area. Notations indicating changes of the environment may be used to improve the clarity of the plan and the participatory aspect of the planning process by making the planned changes in relation to the existing situation more easy to recognise. Three types of symbols are available: areas to be preserved as they are, areas to be developed with small measures, and new areas or areas to be essentially changed.

The local master plan provisions, like the regional land use plan provisions, can be divided in planning orders, building orders and protection orders. Planning orders are mainly for guiding the local detailed plan, but also other official implementation planning. The provisions are mainly targeted to the authorities. Building orders are directly guiding building. They relate to building restrictions included in the local master plan. Protection orders are used to protect environmental values. Using protection orders requires that the areas or objects have special environmental values.

Legally binding local master plans are also the main instrument to indicate *areas requiring planning*, a tool to guide future land use in urban fringe areas and other areas where, due to their location, urban development requiring planning may be expected, or where land use planning is warranted by particular environmental values or hazards. This tool is discussed more in detail later in the chapters dealing with the guidance of dispersed settlement –type of building.

The planning process of local master plans follow the standard statutory land use planning procedure according to the Land Use and Building Act, emphasising the role of participation and impact assessment. This standard procedure is described separately later.

Legally binding local master plans are presented in the form of maps at a variety of scales of between 1:2000 and 1:50 000, drawn up and labelled according to official guidelines, and accompanied by planning orders.

Joint municipal master plan

A possibility to draw up a local master plan in a joint cooperation between a group of local authorities was introduced as a new instrument in the new Land Use and Building Act. This was specially aimed at growing urban regions with difficult cross-municipal problems related to e.g. urban sprawl and location of large-scale retail units, but it is suitable also for joint planning of large lake areas or planning and building guidance along a long river valley.

The legal provisions related to joint municipal master plan in the Land Use and Building Act are generally the same as for a “normal” local master plan. But there are certain important exceptions. The content of a joint municipal master plan may – if there is a justifiable reason – deviate from the regional land use plan. Here the deviation might be larger than would be the case in a “normal” local master plan for one municipality, and this is a kind of bait (“carrot”) for local authorities to raise the desire to co-operate in land use planning. This option for a larger deviation is also justified by a better potential of the land use planning system to guide urban regional development in a quickly changing conditions.
In this kind of deviation case, however, care must be taken to ensure that the joint master plan conforms with the whole of the regional land use plan.

The local authorities can delegate the drawing up and approval of the joint municipal master plan to the Regional Council, some other suitable Joint Municipal Board or some other joint body of the local authorities. A joint municipal master plan that has legal consequences is submitted to the Ministry of Environment for ratification.

A joint municipal master plan may replace totally a local master plan of one local municipality. However, usually a joint municipal master plan is a more general type of plan than the local master plans drawn up for one local municipality. Thus, a need may come up to hold on the legal validity of some area reservations (zones) included in local master plans drawn up before the joint master plan. This can be done by indicating on the map of the joint master plan the areas where the previous local master plan still is in force.

Local detailed plan

Local detailed plan has the longest traditions in guiding the land use planning and building in the cities. It is drawn up for the purpose of detailed organisation of land use, building and development. Local detailed plan designates areas necessary for different purposes and steers building and other land use, as required by local conditions, townscape and landscape, good building practice, promoting the use of existing building stock and other steering goals of the plan. It is one of the three types of statutory land use plans in Finland.

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. In practice, there is a need to draw up a local detailed plan, when the impacts and changes in the environment due to building are so extensive that they, or the fit of the building into the environment, cannot be assessed enough in the context of a single building permit application. This question is especially related to the concept of *area requiring planning*, which is discussed in detail later in the chapters dealing with the guidance of dispersed settlement –type of building.

Local authority decides when a local detailed plan needs to drawn up for a certain area. Local detailed plan is approved by the Municipal Council. When the local detailed plans do not have significant impacts, they may be approved by the Municipal Board or Committee, if so delegated in the standing orders.

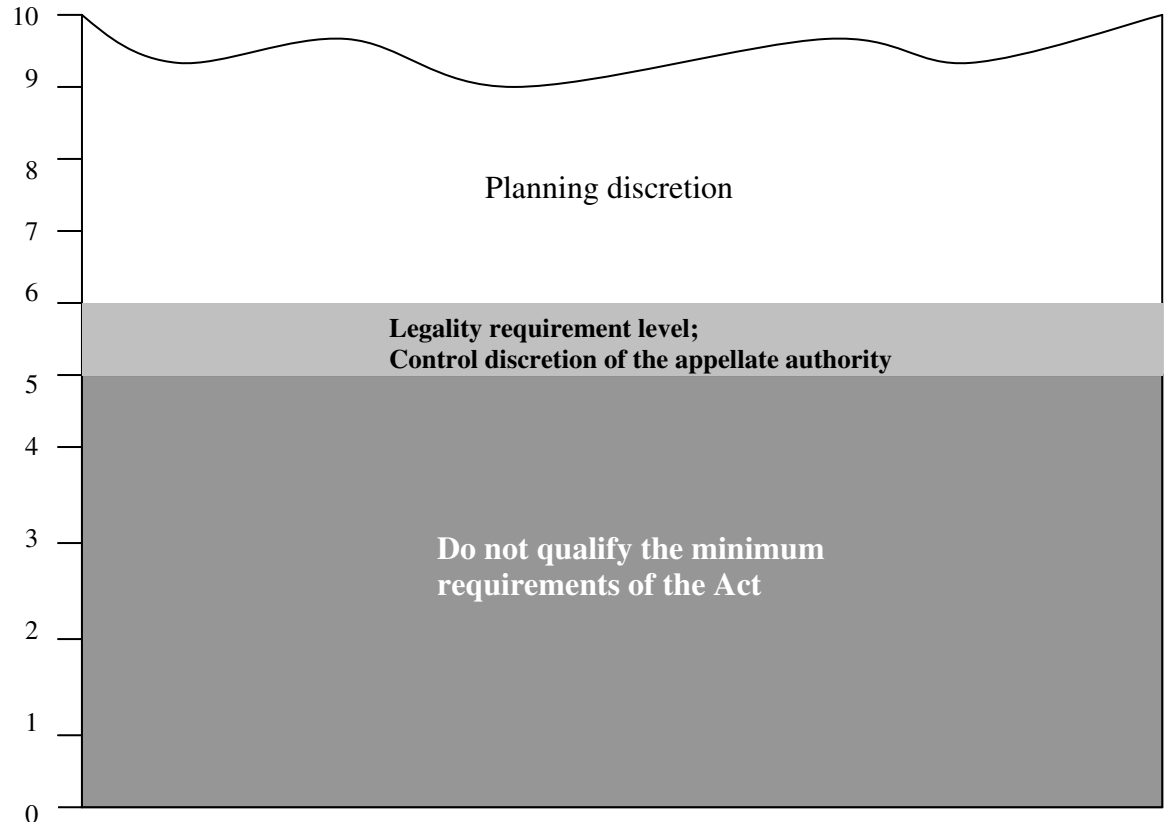
The required content a local detailed plan is specified in the Act. It is a kind of minimum requirements for the plan in order to be in accordance with the law. The required content of a local detailed plan includes can be divided in three groups: 1) guiding impacts set by the

more general level of planning, 2) requirements related to the living environment, and 3) requirements related to the fairness of a local detailed plan towards the land owner. These different requirements must be reconciled by the local detailed plan to be drawn up.

First, the regional land use plan and the legally binding local master plan must be taken into account. Second, the local detailed plan shall be drawn up so as to create preconditions for a healthy, safe and pleasant living environment, locally available services and the organisation of traffic. The built and natural environment must be preserved and their special values must not be destroyed. There must be sufficient parks or other areas suitable for local recreation in the area covered by the plan or in its vicinity. Third, the local detailed plan must not substantially weaken the quality of anyone´s living environment in a manner that is not justified by the purpose of the plan. Moreover, the local detailed plan may not impose restrictions on or cause harm to landowners or other titleholders that could be avoided without disregarding the objectives or requirements of the plan.

The content requirements in the Act have been formulated in quite a general and short-spoken style, which leaves plenty of space for interpretation and discretion, especially in the conceivable appealing process. However, these content requirements are the most important basis for discretion whether the plan qualifies the substantial legal provisions of the Act.

Figure x. Legality (control) discretion and planning discretion in a local detailed plan decision.
Source: Jääskeläinen & Syrjänen (2000, 184).



Regulations may be issued in the local detailed plan required for building or otherwise using the area covered by the plan. The regulations must be necessary because of the purpose of the local detailed plan and the requirements set for its content. In addition, the necessary *protection regulations* may be issued, when an area or building requires protection due to its

landscape, natural values, built environment, cultural or historical values or other special environmental values.

The most important legal effect of a local detailed plan is its impact on building: a building may not be built in violation of the local detailed plan. This is a strict *building restriction*. Besides, functions which hinder the use designated for other areas in the local detailed plan may not be located in the plan area, nor functions which are in conflict with regulations issued in the plan concerning the prevention or restriction of harmful or disturbing environmental impacts. The Act specially states that *a large retail unit* may not be located outside the area designated in the regional land use plan or the local master plan for central functions, unless the area is specifically designated for such a purpose in the local detailed plan.

For the time period a local detailed plan is being drafted, the local authority may impose a *building prohibition* in an area covered by the plan. In this building prohibition area, alteration of the landscape is subject to permit (*a restriction on action*). A building prohibition is in force for a maximum period of two years. While the plan remains incomplete, the local authority may extend the term by a maximum of two years at a time.
In an approved local detailed plan, when the timing of the implementation of the plan so requires, the construction of a new building may be prohibited in the plan for a maximum of three years. When special cause exists, the local authority may extend the prohibition for a maximum of three years at a time.

When the local detailed plan or an amendment to it is mainly required by private interests and drawn up on the initiative of the landowner or other titleholder, the local authority is entitled to charge the costs incurred in drawing up and processing the plan to the landowner or titleholder concerned.

The local authority must monitor local detailed plans to ensure that they are kept up-to-date and, when necessary, take action to revise outdated plans. If a local detailed plan has been in force for more than 13 years and remains to a significant extent unimplemented, a building permit may not be granted for the construction of a new building which has substantial impact on the land use or the surrounding landscape before the local authority has assessed whether the plan is still up-to-date.

The planning process of local detailed plans follow the standard statutory land use planning procedure according to the Land Use and Building Act, emphasising the role of participation and impact assessment. This standard procedure is described separately later.

Local detailed plans are presented in the form of maps at a scale of 1:2000 or larger if required, drawn up and labelled according to official guidelines, and accompanied by planning orders.

Building ordinance

A building ordinance is a statutory local municipal code giving guidelines for building. A local authority must have a building ordinance. The building ordinance may contain different regulations for different areas of the local authority. The building ordinance issues regulations that are based on local conditions and that are necessary for organized and appropriate building, taking cultural, ecological and scenic values into account, and for creating and maintaining a *favourable living environment.*

The building ordinance regulations may concern *building sites*, the size and location of buildings, a building's suitability for its surroundings, the method of construction, planting, fences and other constructions, management of the built environment, organization of water supply and drainage, definition of *areas requiring planning*, and other corresponding matters

of local importance pertaining to building. The building ordinance regulations are not applied in matters where a legally binding *local master plan, local detailed plan* or the Finnish *Building Code* provides otherwise.

(to be continued…)

General planning procedure and interaction

The pursuit for a more interactive and open statutory land use planning procedure on all the planning levels (types of plan) has been one of the central aims of the new Land Use and Building Act. This is also reflected in the formulations of the general objective of the Act (1§) and the general *objectives in land use planning* (5§). Moreover, the Constitution of Finland states in the basic rights and liberties (20§) that the public authorities shall endeavour to guarantee for everyone the possibility to influence the decisions that concern their own living environment.

The basic provision (62§) for interaction states the following: planning procedures must be organised and the principles, objectives and goals and possible alternatives of planning publicised so that the landowners in the area and those on whose living, working or other conditions the plan may have a substantial impact, and the authorities and corporations whose sphere of activity the planning involves (*interested party*) have the opportunity to participate in preparing the plan, estimate its impact and state their opinion on it, in writing or orally.

The concept of interested party here is formulated to be quite extensive, and much wider than the concept of party or interested party in the Local Government Act or Administrative Procedure Act.

The Act enables some tools and creates context for participation, but leaves much space for finding the most suitable ways for each unique planning situation according to its specific needs and requirements.

The general planning procedure is illustrated in the following figure z.

Figure z. General planning procedure: planning, participation and decision-making in stages.
Source: Ministry of Environment.

Planning	**Participation**	**Decision-making**
STARTING STAGE		
Assessment of the need for statutory land use planning Programming of the planning Preliminary goals Needs for surveys, delimiting the planning area Extent of the impact assessments *Participation and assessment scheme*	 Publicity of the *initiation of the planning process* and of the participation and assessment scheme *Negotiation between authorities* (when needed)	Decision to draw up a statutory land use plan, either in the planning programme or plan-wise
PREPARATION STAGE		
Specification of the goals Making and complementing the basic surveys Principles of the plan Alternatives Surveying and assessing the impacts *Plan draft* is ready Feedback processing Preparation of the *plan proposal*	Opportunities for participation and cooperation between authorities according to the significance of the plan Material used in preparation (plan draft) *presented in public* Opinions	 (Choosing of the plan alternative)
PROPOSAL STAGE		
    Summaries and rejoinders of the objections and requested opinions Adjustment of the plan proposal (when needed)	 Plan proposal presented in public Requested opinions *Objections* Replies to the objectors when requested Negotiation between authorities (when needed)	Approval of the plan proposal
APPROVAL STAGE		
	Publicity of the approval of the plan Potential authority´s *rectification reminder* (*Appeal*) Proclamation of the plan coming into force	Approval of the plan (Court decision)

Starting stage

Preceding the actual planning process is an assessment, by the local authority or the Regional Council, of the need and requirements for a statutory land use plan, be it a regional land use plan, a local master plan or a local detailed plan, and a following decision to draw up the plan. The initiative may come also from a landowner, an inhabitant of a municipality or a private company. Usually, on the local level, the significant new statutory land use plans are decided in the planning programme of the local authority (a middle-range plan of action), but also case-specifically.

According to the Act, at least once each year local authorities must draw up a *planning review* of all significant planning matters that are, or will in the near future become, pending in the local authority or the Regional Council. This is an important way to spread information about the planning tasks topical or soon to come. The planning review briefly explains planning matters and the stage of processing reached as well as any such decisions and other actions which have an immediate influence on the basic premises, objectives, content and implementation of plans. Planning reviews must be publicised in a manner appropriate for their purpose; often they are delivered to every household in the municipality.

The planning begins with the planning of the work and with the preparing of the *participation and assessment scheme*. This is a new instrument introduced by the new Act which includes a plan about the specific participation and interaction procedures and impact assessments applied in this specific planning process. The aim of this new instrument is to promote the inclusion of interaction and impact assessment as early in the planning process as possible. The actual content of the participation and assessment scheme depends on the area, its extent, the amount of interested parties and the significance of the plan in question.

The *initiation of the planning process* must be publicised so that interested parties have the opportunity to obtain information on the principles of the planning and of the participation and assessment procedure.

When a regional land use plan is being drafted, a *negotiation between authorities* shall be set up between the Ministry of Environment, the Regional Environment Centre and the Regional Council to clarify how national objectives and other key goals pertain to drawing up of the plan. The same procedure holds true for significant plans on the local level, which concern national or important regional land use objectives, or which are otherwise important in terms of land use, natural values, cultural environment or government authorities´ implementing obligations; i.e. a negotiation between authorities shall be set up between the Regional Environment Centre and the local authority. The other authorities whose sphere of activity the matter may concern shall also be invited to the negotiations.

Preparation stage

The preparation stage is the most important from the participation viewpoint. During this stage the most significant decisions concerning the contents of the plan are made. Participation opportunities are arranged according to the participation and assessment scheme. The practical arrangements vary according to the significance of the plan from simple to quite multiform. However, the interested parties must always be provided with an opportunity to acquaint themselves with the material used in the preparation, and to express an opinion about it. Often at this stage some kind of *plan draft* is prepared for these participation opportunities. Plan draft is not an official term any more, but it is still frequently used by the practical planners, as it was included in the previous act. The feedback from the interested parties is then used in the preparation of the plan proposal.

On the local level, the plan proposal is usually first considered in some of the bodies of local elected officials (a competent committee and / or the Municipal Board or a specific section of

it) before it is formally publicised. Interested parties and members of the municipality must be provided with an opportunity to express their opinion on the plan proposal; i.e. make an *objection*. Opinions needed are also requested from the other authorities and organisations. The planner prepares a summary of the objections and requested opinions and writes rejoinders for them. On this basis, the planner suggests whether the plan proposal should be revised. If it is a question about a significant plan, another *negotiation between authorities* shall be set up, when the objections and requested opinions have arrived. The objectors shall get the rejoinder on their objection, if they have requested so in writing and provided their address. The plan proposal is re-publicised, if the objections and requested opinions have lead to major changes.

Approval stage

Local master plans and local detailed plans are approved by the Municipal Council. Plans that do not have significant impacts may be approved by the Municipal Board or a committee, if so delegated in the standing orders. Joint local master plans are approved by a a joint municipal body, and regional land use plans by the Assembly of the Regional Council. Both these plans are then submitted to the Ministry of Environment, where the legality of the plans is assessed before the final ratification.

Local authority must present publicly the decision to approve the plan in the manner that municipal notices are published in the municipality. Local authority must also send immediately the decision to approve the plan to those members of the municipality and objectors who have so requested and provided their address.

Members of the municipality, certain organisations and state authorities have the right to *appeal* decisions by which a plan or a building ordinance is approved to an administrative court. Decisions of administrative courts shall be appealed to the Supreme Administrative Court.

The Regional Environment Centre may issue a written *rectification reminder* to a local authority after the authority has approved a local master plan or a local detailed plan if the plan has been drawn up without taking *national land use guidelines* into account or otherwise in contravention of the law, and it is in the interest of the public good that the question is placed before the local authority for a new decision. The rectification reminder must be made within the appeal period concerning the plan. When a rectification reminder has been issued, the Municipal Council shall decide upon the land use plan. If the council does not make the decision within six months of the reminder, the decision to approve the plan shall be deemed void.

The court requests the local authority to deliver all the documents concerning the plan, and for a written statement about the appeals. The court may also request a written statement from the Regional Environment Centre or the Ministry of Environment. The appellants are provided for an opportunity to give their rejoinders to the statements. In addition, courts may hold inspections, when seen needful to find judgement on the appeals.

The plan comes into force when the appeal period is over or after the court decision about the appeals, and when the decision, by which the plan was approved and becoming now valid, is publicised (proclamation) in the same manner as municipal notices are publicised in the municipality. This proclamation of the plan coming into force is needed so that the authorities and citizens get to know when the plan is started to be implemented.

Building permitting

(not yet written)

Planning of rural and urban fringe areas

In Finland, it is said that the landowners have the so-called *basic building right*. It is mostly interpreted as the right of the landowner to build detached houses in the type of *dispersed settlement* outside *densely populated areas*. Thus, it has been suggested that the better term would be “dispersed (settlement) building right”, but nevertheless the term basic building right is most commonly used in planning practice. Neither of the terms, or any other corresponding term, exists as such in the legislation.

Legally the notion of the basic building right in Finland is based on that – in contrast to many other European countries – the landowner basically has the right to build, if it is not limited in statutory land use plans or otherwise by regulations concerning construction. For example in Denmark (1969) and Sweden (1972) this right has been turned to a mirror image principle: only a valid statutory land use plan or a high-level exceptional permission would give the right to build or change the use of land in an irreversible way. The basic building right in Finland is reflected in the liability of the society to compensate for the loss of this right. This liability to compensate do not concern just the local detailed plans and zones in them indicated for common use (like streets, recreational areas or buildings for public use). It is also valid in the local master plans and regional land use plans, which are (normally) legally binding and thus already can create a basis for building permitting.

In the regional land use plans *a conditional building restriction* is in force in areas designated by the regional land use plan as recreation or protection areas or areas for transportation or technical service networks. This is so directly on the basis of the Act, and do not need any special mention in the plan. However, the area covered by the building restriction may be increased or decreased by a special order in the plan. Where a building restriction is in force, a *building permit* may not be granted if it hinders implementation of the regional land use plan. The permit shall be granted, however, and this is the reason why it is called “conditional”, if its denial on the basis of the regional land use plan would cause *substantial harm* to the applicant, and the local authority, or, when the area should be considered reserved for its needs, other public entity, does not *expropriate* the area or does not provide reasonable compensation of the said harm.

The regulations concerning the local master plan are quite similar: A building permit may not be granted if it hinders implementation of the local master plan. The permit shall be granted, however, if its denial on the basis of the local master plan would cause *substantial harm* to the applicant, and…etc. The potential liability to pay the compensation may create an attraction for the local authority to slip from the statutory plan and thus avoid the payment of the compensation. The kind of substantial harm mentioned in the Act is easily caused, if the property units are small, and thus the landowner cannot be indicated the building right (possibility) somewhere else on his property. If the local authority is not willing to pay the compensation, the landowner has the right to get the building permit even though it is against the statutory plan.

Besides the basic building right, another general legal principle affects specially the planning in rural and urban fringe areas. This is the common principle of equal treatment of landowners. Together these principles create the central specific context of land use planning in these areas, as well as in the shore areas, the planning of which is described separately.

The general requirements for a building permit outside areas covered by a local detailed plan are regulated in the Land Use and Building Act. In these areas, building sites must be appropriate for the purpose, fit for construction and sufficiently large, at least 2000 m². Also the building should be appropriate for the location concerned, an access road to the building can be arranged, water supply and wastewater treatment can be organised satisfactorily and the building would not cause unwarranted harm to neighbours. In addition, the local authority shall not incur any special expenses from road construction or organisation of water supply or drainage. These are the kind of basic limitations for building.

It is quite common that the regulated minimum size of a building site is set higher in the local *building ordinances* than the 2000 m² set in the Act. Sometimes the building ordinances include also a map of the municipality area indicating zones with differing minimum sizes of a building site, reflecting the differing growth pressures and planning needs in the municipality.

More common is the regulation of minimum sizes of building sites in the local master plans, especially in the *partial local master plans*, which is the typical instrument to guide development in the rural and urban fringe areas facing development pressure.

From the late 1980´s onwards it has been more and more common in legally binding plans guiding directly development, to use *sizing principles* in the planning of rural type of areas, and thus draw up *sizing local master plans*, a system that has been already previously used in the land use planning of shore areas. This basic principle of sizing is not included in the Land Use and Building Act, but it is commonly accepted in the legal praxis. The idea of sizing is to count the amount of basic building right and to appraise it to the different landowners. In this basic counting task, the *original property unit principle* is used. A detailed examination of the historical development of properties have to be made to be able to take into account the so-called already-used-building-right, i.e. the amount of building sites parcelled out of the so-called original property unit already before the start of the planning task. The basic building right is counted for the property units existing during a certain cross-section of time (original property units). One commonly used point in time is 1.7.1959, which is the day when the previous Building Act came into force. It is also a time before the so-called Great Move from the countryside to urban areas in Finland during mid-1960´s until mid-1970´s. Previously, and still sometimes, the term “residual property unit principle” or “residual property unit examination” has been used in land use planning practice.

By the sizing principles concept it is meant the principles by which the basic amount of building right is modified according to the varying spatial situations. For example, the rural type of area to be planned is divided into three categories according to the landscape and functional grounds. On the most valuable landscape area the building right is designated to be only one building site per 10 hectares, and on the most densely buildable area it is designated one building site per every 3 hectares of land. These kind of categorisations are site-specific, and different type of coefficients are often used for different type of categories. As the basic building right of a landowner is due to the size of the land he/she has, a term of *modified square area* is often used of the square area being the basis of the actual sizing, and that is the result after counting (modifying) the basic square area with the site-specific coefficients. These same type of principles (but often even more complicated) are used in statutory local shore master plans and detailed shore plans to count the amount of building sites on shores.

A specific instrument in the Land Use and Building Act to guide development in the urban fringe areas and rural areas close to urban areas facing growth pressure is the concept of *area requiring planning*. According to the Act, an area requiring planning is an area the use of which involves needs that require special measures, such as road, water main or sewer construction or arranging other areas. With the help of this instrument it is meant to prevent that an area, in consequence of single building projects, from the planning point of view, turns into an area with no alternatives. An area requiring planning exists directly by the law

itself, it does not require any notations on the plan map or in any other legal document, if the legal requirements are fulfilled. It “becomes visible” when an idea of a building project appears, or when a building permit is being applied for, at the latest. In the legal discretion whether a project is located on an area requiring planning, the attention is paid to the scale and content of the project, the amount and location of the building stock surrounding the project, and to the situation of statutory land use planning in the area. Land uses included in the area requiring planning –discretion include all such land use which as non-planned would cause economically, settlement structure -wise or environmentally harmful development. Provisions concerning areas requiring planning also apply to construction where the environmental impact is so substantial as to require more comprehensive consideration than the normal permit procedure. These kind of projects include for example a building project larger than normal in a rural area, like a row house, a riding hall, or a building project causing much traffic, like employment development. In addition what is valid already by the law itself, a local authority may also designate other areas as areas requiring planning. This is possible in a legally binding local master plan or in the local building ordinance. A local authority may designate areas where, due to their location, settlement structure development requiring planning may be expected, or where land use planning is warranted by particular environmental values or hazards, as areas requiring planning. This kind of order in a local master plan or in a building ordinance is in force for a maximum of ten years at a time.

In practice, if a building project is seen to be located in an area requiring planning, it needs to have an approving planning requirement decision, a kind of planning permission, before granting a building permit. The local authority is in charge of making the planning requirement decision. A planning requirement decision is approving provided that the building

1) does not hinder planning or other organisation of land use,
2) does not lead to harmful settlement structure development, and
3) is appropriate with regard to the landscape and does not hinder preservation of the values of the natural or cultural environment, nor provision to meet recreational needs.

The local authority makes the planning requirement decision either in connection of the building permit procedure, or in a separate procedure. The consideration of the requirements is legal discretion by nature. If all the requirements are not fulfilled, the permission may not be granted. On the other hand, if all the requirements are fulfilled, the permission has to be granted. A right to deviate (a *deviation decision*) from these requirements may not be granted.

Another instrument sometimes available to guide building in rural areas is granting the rights to deviate from certain provisions, if these are needed for a building project. When special cause exists, the local authority may grant a right to deviate from the provisions, regulations, prohibitions and other restrictions issued in the Act concerning building and other action. In rural areas or urban fringe areas this means often a need to deviate for example from the local building ordinance, building prohibition or a legally binding local master plan. Following the general rule for any kind of deviations, a deviation in rural type of areas may not

1) impede planning, the implementation of plans or other organisation of land use,
2) hinder attainment of the goals of nature conservation, or
3) hinder attainment of goals concerning the conservation of built environment.

A deviation also needs a special cause, that has to be related to land use, building site or to the building project, and not for example to the person of the applicant or to matters related to conditions of the applicant. Special causes related to land use may include obsolescence of the plan and changes in the conditions of the area, matters related to the building site, a minor impact of the deviation, and the characteristics or content of the project. It is not necessary to grant the right to deviate even though a special cause and other legal requirements would exist. In other words, the discretion includes not just legal but also appropriateness-based discretion. With certain exceptions (new buildings on the shore, building rights in the local detailed plan and protection of buildings), the local authority has the jurisdiction for granting the right to deviate.

Planning of shore areas

Statutory land use planning was began to be used in planning of shore areas in Finland in the late 1960´s. A specific type of plan was introduced in the, at that time, Building Act in 1969, namely a shore plan. A special characteristic of a shore plan was that it was the only land-owner-lead type of plan in the land use planning system in Finland. The initiative for and the actual drawing up of the shore plan were up to the private landowner(s). The qualified planner and the final shore plan had to be approved by the Municipal Council, however. In the new Land Use and Building Act (i.e. from 1.1.2000) a shore plan was merged together with other type of detailed plans, and only one type of detailed plan exists any more, namely local detailed plan. However, the Act names the local detailed plan which is drawn up for shore areas as detailed shore plan, and includes special regulations concerning it. These are described in the following.

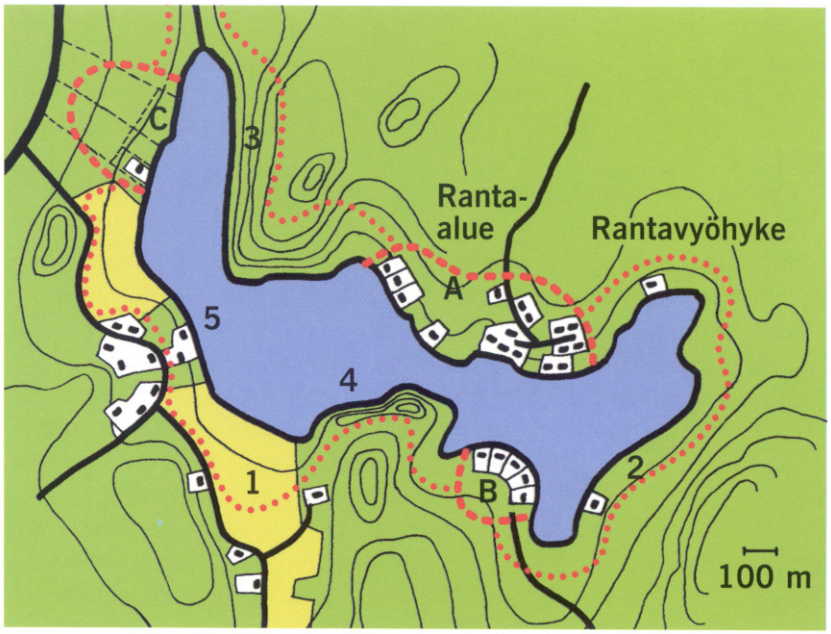
Compared to many other European countries, Finland has a lot of shoreline, totally some 314 000 km. Out of this shoreline, 15% is seashore, 68% lakeshore and 17% shores of the wider rivers. Summer cottages are traditionally an important part of the Finnish way of life. The total amount of summer cottages is some 470 000 (2004), and more than 5000 new holiday homes are built every year.

From the year 1997, there has been a general need (requirement) for planning concerning all the shore areas. According to the Act, buildings may not be constructed in *shore zones* in *shore area* of the sea or of a body of water without a local detailed plan (*detailed shore plan*) or a legally binding local master plan which contains special provisions concerning use of the local master plan or a part thereof as the basis for granting a building permit (*local shore master plan*). The need for planning concerns constructing a new residential or holiday home building, significant extension of an existing such kind of building and changing of a holiday home building into a permanent residential building. If no such kind of statutory plan exists, a deviation decision is needed for any such kind of construction or change. Some 20% of the shorelines are covered either by a local shore master plan or a detailed shore plan. Despite this, a significant part of building in the shore areas is realised not based on a statutory plan but on a deviation decision.

Local master plans and local detailed plans concerning arrangement of holiday homes in shore areas (i.e. local shore master plans and detailed shore plans) have, in addition to what is otherwise provided concerning the content of master and detailed plans, special required content of a plan. When drawing up such a plan, care must be taken to ensure that

1) the planned building and other land use conforms with shore landscape and the rest of the environment,
2) nature conservation, landscape values, recreational needs, water protection, the provision of water supply, and the characteristics of the body of water, the terrain and nature are also taken into account otherwise; and
3) a sufficient amount of unbuilt and unbroken shore-area remains.

The width of the shore zone or the shore area is not defined in the Act but it is to be assessed according to the requirements of the case in question. The following figure illustrates the idea and practical assessment of these two terms:



= shore zone (in Finnish: rantavyöhyke)

= shore area (in Finnish: ranta-alue)

A shore zone means a part of a shore where building has immediate impacts on the body of waters, nature and the landscape. The width of a shore zone depends on the vegetation, landscape, terrain and other nature conditions in the area. In practice the width of a shore zone is usually estimated as some 100 meters. As mentioned before, buildings may not be constructed in shore zones without a local detailed plan (*detailed shore plan*) or a legally binding local master plan which contains special provisions concerning use of the local master plan or a part thereof as the basis for granting a building permit (*local shore master plan*).
A shore area means a part of a shore broader than a shore zone, where the at the shore situated or shore-based holiday homes *needs to be arranged*. Besides the existing settlement, a need for planning in the shore area may arise because of the anticipated building development in the area. A shore area extends from the shoreline towards the inland as far as the building is based on the use or attractiveness of the body of waters. The width of the shore area is often estimated as 200 meters, but depending on the landscape and other conditions it may be even more wide.

According to the Act, a local master plan concerning shore areas (i.e. local shore master plan) may be drawn up so that it is possible use as the basis for granting a building permit. In this kind of a master plan it has to be indicated in which areas the plan directly guides building. If the environmental and other impacts are more significant than in the normal holiday home building, then the building of such areas needs a detailed shore plan or a normal local detailed plan. In local shore master plans directly enabling building the amount and location of building sites is indicated property-wise. Also the permitted building volume is usually indicated. In addition, the plan may contain provisions concerning the way of building and the treatment of waste water. When drawing up the plan, sufficient reports about nature and other aspects have to be made, and the impacts of the plan assessed. The Land Use and Building Act enables the local authority to charge the landowners no more than half of the costs of drawing up a local shore master plan for the principal purpose of arranging for

holiday homes. The charge must be in relation to the benefit the landowners gain from the plan.

Building of shore areas may be guided also with a local detailed plan, i.e. a detailed shore plan. Besides the local authority, also private landowners may take charge of drawing up a proposal for the detailed shore plan of the shore areas they own. Before the process begins, the local authority must be contacted and provided with *a participation and assessment scheme*. In pursuance, it is made sure that the area of the detailed shore plan drawn up by the landowner forms a functional whole. No separate acceptance of the planner or the area is needed. The landowner publicises the *initiation of the planning process* and takes charge of the reports related to the planning, organisation of participation during the process and impact assessment of the plan. *A negotiation between authorities* is organised between the local authority and the *Regional Environment Centre*. Both the landowner and the planner are invited in this official negotiation. The proposal for a detailed shore plan drawn up by the landowner must be submitted to the local authority for approval. The proposal must be processed by the local authority without undue delay.

A deviation decision is needed for building in the shore zones and shore areas if there is no detailed shore plan or legally binding local master plan which contains special provisions concerning use of the local master plan or a part thereof as the basis for granting a building permit (*local shore master plan*), or if the building project is against the provisions in such a plan. The competence concerning the deviation decisions in shore areas is divided between the local authority and the Regional Environment Centre. The main rule is that the Regional Environment Centres deal with deviation issues concerning new buildings (holiday homes or permanent residential buildings) in areas without a statutory plan, and the local authorities deal with the issues concerning minor deviations from a statutory plan and deviations due to change of the use (i.e. usually changing a holiday home into a permanent residential building). Following the general rule for any kind of deviations, a deviation in shore areas may not a

1) impede planning, the implementation of plans or other organisation of land use,
2) hinder attainment of the goals of nature conservation, or
3) hinder attainment of goals concerning the conservation of built environment.

A deviation also needs a special cause, that has to be related to land use, building site or to the building project, and not for example to the person of the applicant or to matters related to conditions of the applicant. Special causes related to land use may include obsolescence of the plan and changes in the conditions of the area, matters related to the building site, a minor impact of the deviation, and the characteristics or content of the project.

To secure the equal treatment of landowners in shore areas, the *original property unit principle* and *sizing principles* are used in practical statutory land use planning concerning shore areas. The basic principle of sizing is not included in the Land Use and Building Act, but it is commonly accepted in the legal praxis. In the shore areas the total amount of building sites has to be fitted in the local nature conditions, sufficient amount of free shores, other local goals for the use of shore areas and general legal provisions concerning planning of shore areas. To be able to appraise fairly this total amount – often determined gradually along the planning process - to the different landowners, the original property unit principle is used. A detailed examination of the historical development of properties have to be made to be able to take into account the so-called already-used-shorebuilding-right, i.e. the amount of building sites parcelled out of the so-called original property unit already before the start of the planning task. The basic building right is counted for the property units existing during a certain cross-section of time (original property units). Two commonly used points in time are 1.7.1959, which is the day when the previous Building Act came into force, and 15.10.1969, which is the day the shore plan regulations added into the Building Act first came into force. The basis for choosing between these dates is the point of time when the summer cottage building in the area has become livelier. In the southern Finland, and in the vicinity of urban centres, the basis should normally be the first point of time.

By the sizing principles concept it is meant the principles by which the “basic amount” of building sites is modified and located according to the varying spatial situations. A local shore master plan area varying in nature and other conditions may be divided into so-called *sizing zones* according to the conditions. For each of the sizing zones it is defined a theoretical maximum amount of building sites adequate for its conditions per one kilometre of *modified shoreline*. These sizing zones may be based on nature values and sensitivity (i.e. protection needs), landscape sensitivity (i.e. openness, cover, topography), characteristics of the body of water (depth, flow, water quality), location in relation to settlement structure (distance from villages, other settlement and roads), characteristics of the built environment (protection needs), and principles of organising the water supply and wastewater treatment.

The amount of holiday home building sites per one kilometre modified shoreline varies significantly according to the regional and local site-specific conditions. In a large national survey of statutory local shore master plans (2003) the national average was some 6 building sites per one kilometre of modified shoreline.

A modified and not the actual shoreline measured from the map is used as the basis for the counting of the amount of building sites on the shore. The goal for this method is to secure the equal fair allocation of building opportunities to all the landowners in the area. The modified shoreline is counted on the basis of a shoreline measured on the map, the form of the shoreline (its lamellar, embayed characteristic) and other characteristics. Sometimes a term of dimensioning shoreline is used as a synonym for modified shoreline. One of the most used modification methods is the so-called Region of Southern Savo –model, in which the main principle is that on the shore of a narrow body of water less building can be located than on the shore of a wider body of water, because the close to each other located holiday homes disturb each other (figure below).

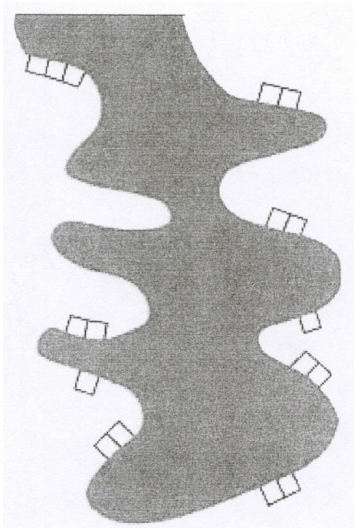
Figure x. Region of Southern Savo –model to count the modified shoreline.

The shoreline is measured from a map in scale 1:20 000

In capes, isthmuses or islands less than 50 m wide, building is not possible, i.e. their shoreline is not counted. The coefficient is 0. (The distance of the holiday home from both shores must be normally minimum 20 m, the size of the building about 10 m)

In capes, isthmuses or islands 50-100 m wide, building is possible only on one of the shores, i.e. only that part of the shoreline is counted. The coefficient is ½.

In capes, isthmuses or islands 100-150 m wide, the location of building is still not quite free on both shores due to the terrain, i.e. a coefficient of ¾ is in place in count.



In bays and channels less than 100 m wide, the disturbance of the opposite shore cannot be eliminated only by alternating, but more space is needed. A coefficient of ¼ should be used.

In bays and channels 100-200 m wide, the disturbance of the opposite shore still clearly exists, but it may be considered that using a maximum of half of the shoreline, the interests of the opposite shore are secured. The coefficient is ½.

In practice, and also in legal cases, it has been noticed that another holiday home even in the distance of 200-300 m away has to be taken into account as a limiting factor. A coefficient of ¾ is to be used.

A local authority may justifiably use other methods for modification. Besides the embayed characteristic of the shoreline, for example the suitability of the ground for construction may be taken into account. Shore area that is completely unsuitable for construction (like flood areas or larger wetlands) is normally not included in the count.

Public - private relationship

(not yet written: text to come about land use agreements, special development area, development compensation)

Binding character

(text to come; many of the issues have been discussed earlier in this text when discussing the different types of plan in detail)

Possibilities of complaining and filing of lawsuits

(text to come; many of the issues have been discussed earlier in this text when discussing the different types of plan in detail)

Planning necessity and voluntariness

(text to come; many of the issues have been discussed earlier in this text when discussing the different types of plan in detail)

3. Planning levels and specific aspects

(to be continued)

aspect / level	planning institution(s), scope binding character	planning process	participation	plans	sectoral planning A	sectoral planning B	sectoral planning C	sectoral planning D……
national level	Ministry of Environment Other ministries Council of State	text	text	(National land use guidelines)	text	text	text	text
regional level	Regional Council Regional Environment Centre	regional development & land use planning steering, control and advice for local municipalities in the organization of land use planning and building activity		Regional land use plan	text	text	text	text
local level	Local municipality		text	Local master plan Local detailed plan	text	text	text	text

4. Interdependencies

- Hierarchy of planning levels
- Harmonisation of different planning areas within the same level
- Harmonisation between multi-sectoral and sectoral planning
- Harmonisation between different sectoral planning
- Consideration of planning approaches in neighbouring countries and on the European level in the different planning levels

5. Planning practice[1]

- Practical examples, analysis of sample cases (different levels); e.g.:
    - Planning processes
    - Elaboration of plans
    - Application of instruments
    - Interdependencies
    - Political influence vs. administrative role/ tasks
    - Planning and implementation problems
    - Transnational/ trans-border planning and cooperation
    - Guideline(s) for investments and implementation
    - Main documents and links (for download)
    - etc.

6. Horizontal comparison of planning systems in the BSR (all countries)

- Main aspects[2] of the planning systems and approaches
    - Chart and illustrating text
- etc.

[1] Practical examples not required for Norway, since the Norwegian national funding rate for BSR IR IIIB projects has been cut down after project application
[2] Selection of useful aspects still to be discussed