[Other] Methodological approach for comparative analysis of spatial planning systems: Conformative / Performative Systems

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Methodological approach for comparative analysis of spatial planning systems: Conformative / Performative Systems

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1. Basic assumptions and summary

The present position paper is based on few assumptions regarding the aim of a "Comparative Spatial Planning Research" (CSPR), which it seems worth making explicit in advance.

1. In order to add value to planning research and practice, the ARL CSPR purpose should be addressed *to assess how (European) planning systems in force are respectively positioned according to common and explicit criteria* (*possibly also in a trend perspective)*, and not be limited to represent general classifications.

The aim of comparing planning systems or cultures is not new (for a compendium, see: Nadin & Stead, 2008) and lies on the will to contribute to planning progress indeed. However, comparisons developed so far are generally addressed to classify "ideal types" of planning systems[1], while the opportunity of ranking or scoring such systems or types according to shared criteria or indicators is usually not considered. This may happen for various understandable reasons (e.g. intrinsic complexity of planning, consequent 'weakness' of planning knowledge, difficulties of transnational comparisons, academic *bon ton* etc.). Be that as it may, consequences (unintended) of renouncing to adopt explicit evaluation criteria for planning systems and practices are the persisting underestimation of planning as a scientific or epistemic field (see: http://scientific.thomson.com/isi/) and, more important, a minor effectiveness in the information of concerned decision-makers and operators. Therefore, while international institutions (OECD, World Bank, UN etc.) are increasingly active in comparing national trends and evolutions in a globalising context, they are generally aphasic towards not so indifferent activities such as urban and regional planning and territorial governance. Even the EU, which has found necessity to implement spatial and urban policies in order to apply the cohesion objective and to foster integration, seems to have renounced to deepen a specific reflection on planning systems' capacities after the Compendium publication (CEC, 1997).

2. Despite difficulties, the evidence of both existing similarities and differences among planning systems as well as their evolutionary capacity suggest that *a comparative analysis addressed to represent how planning systems are positioned with respect to common criteria is possible in principle*.

In this view, comparisons developed so far and existing ideal types of planning systems and cultures are certainly a useful basis for analysis. However, this paper suggests that a broad conceptualisation of what planning systems are 'in nature' and how they use to absolve their social function is also necessary, in order to share criteria and methods for more effective comparison. Particularly, this paper propose to consider that planning systems are 'technologies' and, as such, dealing with "a species' usage and knowledge of tools and crafts" and affecting "a species' ability to control and adapt to its environment"[2]. However, since planning systems operate according to established institutional frameworks and processes to absolve their function, they are different from other and more usual technologies. The concept of 'institutional technology' will be therefore adopted in order to illustrate the specificity of planning systems in their overall functioning

[1] "Two main approaches are evident in classifying spatial planning systems. The first starts from other classifications (or families) of the legal and administrative systems within which planning operates, while the second seeks to apply a wider set of criteria but nevertheless produces a similar set of ideal types" (Nadin & Stead, 2008, p. 38).

[2] Definitions by Wikipedia (http://en.wikipedia.org/wiki/Technology). More precisely, "'technology' can refer to material objects of use to humanity, such as machines, hardware or utensils, but can also encompass broader themes, including systems, methods of organization, and techniques" (*ibid.*).

(diachronic perspective), as well as in their capacity to evolve and to produce innovation (synchronic perspective). This may explain also how planning cultures relate to planning systems in respective institutional contexts, according to reciprocal but indirect and non-linear influence games.

3. If the aim of assessing how planning systems are positioned with respect to common criteria is accepted, one topical aspect to be addressed is the *planning systems' capacity to evolve from a 'conformative model' (i.e. the aspiration to 'conform' spatial developments to general strategies) to a 'performative model' (i.e. the ability to admit those developments which 'perform' strategies)*.

Despite the variety of planning systems typologies, this paper argues that, because of historical and cultural reasons, a 'conformative model' features the most of planning systems currently existing in the world and in Europe. However, a 'performative model' is not idealistic but, remaining an exception among planning systems, is increasingly experienced in Europe thanks to the EU non-statutory territorial governance processes fostered since the 1990s. As a more general explanation, coherent with what mentioned about planning systems' capacity to evolve and to produce innovation, it seems that a worldwide 'governance' context may have posed the conditions for planning systems to pursue performative aims (being conformative expectations the more and more useless in current times). This, of course, may happen more or less quickly, more or less consciously and in a variety of ways in each institutional context, also depending on the existing arrangements and cultural backgrounds of respective planning systems. Since these differences and, overall, the performative capacity of planning systems are not neutral aspects in a competitive scenario of globalisation, this should be, after all, the focus of a high profile and more incisive "Comparative Spatial Planning Research".

Based on these assumptions, the present paper prosecutes with a proposal of conceptualisation of planning systems as 'institutional technologies', both in a diachronic and in a synchronic perspective (section 2). Conformative and performative models of planning systems will be then illustrated and compared (section 3). Finally, some working hypotheses which may guide the ARL-CSPR will be formulated (section 4).

2. Planning systems as 'institutional technologies': a proposal of conceptualisation

Land use regulation (here and below intended in the wide meaning of 'government of territorial transformations') is the government function which, accordingly with established constitutional rights, urban and regional planning is historically asked to accomplish: "For the final output of such a process is the act of physical development (or, in some cases, the decision not to develop, but to leave the land as it is)" (Hall, 2002, p. 3).

Land use regulation is therefore exerted locally according to national planning legislations in modern states. Since land use regulation relates to complex (and often vital) decisions requiring vertical and horizontal coordination of policies, planning systems are used to assign statutory and not statutory powers to public authorities at various levels (local, sub-regional, regional, national). So, land use regulation is certainly a 'special' government function, with clear consequences on the technical nature of planning too. This indeed does not concern a sector knowledge (planning is integrative towards various sector policies) and, coping with varieties of policies, it is constantly challenged by necessary relations with social behaviours and with mutual learning practices.

However, land use regulation and territorial governance processes are wherever allowed and conditioned by the functioning of planning systems. The following sub-sections are an attempt of conceptualising how planning systems operate in principle, avoiding any

reference to one or another specific planning system. In other words, the following conceptualisation is supposed to be adaptable to any existing planning system. Particularly, the functioning of planning systems will be first conceptualised in a *diachronic perspective* (i.e. as a stable routine, without considering possible changes occurring overtime in systems), and then according to a *synchronic perspective* (i.e. considering the time variable and how systems can change and evolve).

2.1. A diachronic perspective

According to Sager (2007, p. 18), among others, "planning can be seen as a technology for collective action aimed at improving the physical environment". Since everywhere it is exerted according to established constitutional rights, however, planning is different from other technologies in that it is strictly related to 'institutions'[3]. In this view, planning systems are nothing but 'institutional technologies', allowing public authorities to exert regulation powers, legitimately assigned by respective social communities, on territorial transformation processes.

More precisely, a planning system might be somehow imagined as a 'hinge' between the 'government system' (in a general sense) and the 'spatial production and consumption system'[4]. In this framework, the government capacities towards the spatial production and consumption system largely depend on the planning system ability both to define land use rules and to make them effective in the spatial development process. Since implementation is a typical productive function (therefore depending on the spatial production and consumption system)[5], however, the effectiveness of land use regulation passes through a complex prism of decision-making procedures, technical tools and interactive learning processes.

This aspect, of course, rewards especially those theorists who have focused attention over the past 20 years both on the acknowledgement of urban and territorial governance scenarios (Stone, 1993; Bagnasco & Le Galès, 2000; Albrechts *et al.*, 2001, 2003) and on the communicative perspective of planning (Forester, 1989, 1999; Alexander, 1992; Sager, 1994, 2006; Healey, 1997). The image of 'planning system as a hinge', however, is helpful in considering that, even though government aims and governance outcomes often differ in practice, government and governance are necessarily coexisting dimensions of the planning process and cannot be assumed as mutually exclusive perspectives[6].

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[3] Institutions are here intended in their anthropologic meaning of social constructs by which communities of individuals spontaneously organise their life in common, through structures and mechanisms of social order and cooperation governing their behaviour.

[4] According to the original definition's author (Mazza, 2003, 2004), 'spatial production and consumption system' means the complex of practices contributing to the physic environment transformation: private and public housing, buildings, infrastructures, heritage preservation and renewal, mining activities, rural and forest exploitation, management of the environment, and so forth.

[5] Implementation could be a function of the planning system only in a (idealistic) totalitarian regime, in which the spatial production and consumption system would be part of the government system (Dahrendorf, 1968; Pressman & Wildavsky, 1973). In this light, of course, the recurring term 'plan implementation' may be somehow misleading.

[6] Incidentally, the concept of 'dual planning theory' (Sager, 2007) seems to fit a theoretical perspective aware of both the top-down and bottom-up dimensions of any planning system at work. "'Dual planning theory' serves both authorities and affected citizens, and the concept would not deserve much attention if the interests of government and governed were always in harmony. Then there would be no real duality. It is more thought-provoking that one and the same planning theory can be used to serve both authorities and ordinary citizens in 'agonistic' characterized by conflicting interests" (*ibid.*, p. 2).

Particularly, if the building of planning decisions is or can or should be a multi-level, multi-sector and multi-actor governance process, the ultimate outcome of planning activities is however a government action, because the legitimate power to modify the existing use rights in land belongs to public authorities. The above conceptualisation enables us to overcome the recurring dichotomy between 'regulative' and 'strategic' plans (Alexander & Faludi, 1989; Faludi, 1989, 2000b, 2006a; Mastop, 1997; Mastop & Faludi, 1997; Healey *et al.*, 1997; Salet & Faludi, 2000; Albrechts, 2004, 2006), because it draws attention to the social role of planning as a whole. Therefore, despite the validity and usefulness of analytical distinctions between types of plans, the coexistence of multiple technical functions within a planning system is rather the aspect to be addressed in order to assess the capacity of planning as a whole in attaining its social role.

Four functions at least are present in every planning system (Mazza, 2003, 2004):

1. a *strategic* function, concerning both the definition of goals and of policies to achieve them, and the construction of (spatial) frameworks for action;
2. a *design* function, regarding the definition of policies and projects for spatial development;
3. a *regulative* function, dealing with land use regulation in a strict sense; and
4. an *informative* function, dealing with the production and circulation of information.

Among them, only the latter (4) is a general function, in the sense that it crosses the former ones with the aims of improving interaction, guaranteeing transparency in planning processes and favouring consensus-building. The others are specific functions, in the sense that they respond to respective and autonomous objectives in the planning process. Particularly, the regulative function (3) has by definition a regulating nature, to acknowledge and to guarantee use rights in land. It is therefore based on established and agreed rights and values. In contrast, the strategic (1) and design (2) functions have a transformative nature, to define new goals and subsequent proposals of transformation. They are, therefore, referred to as new values and possible rights in land.

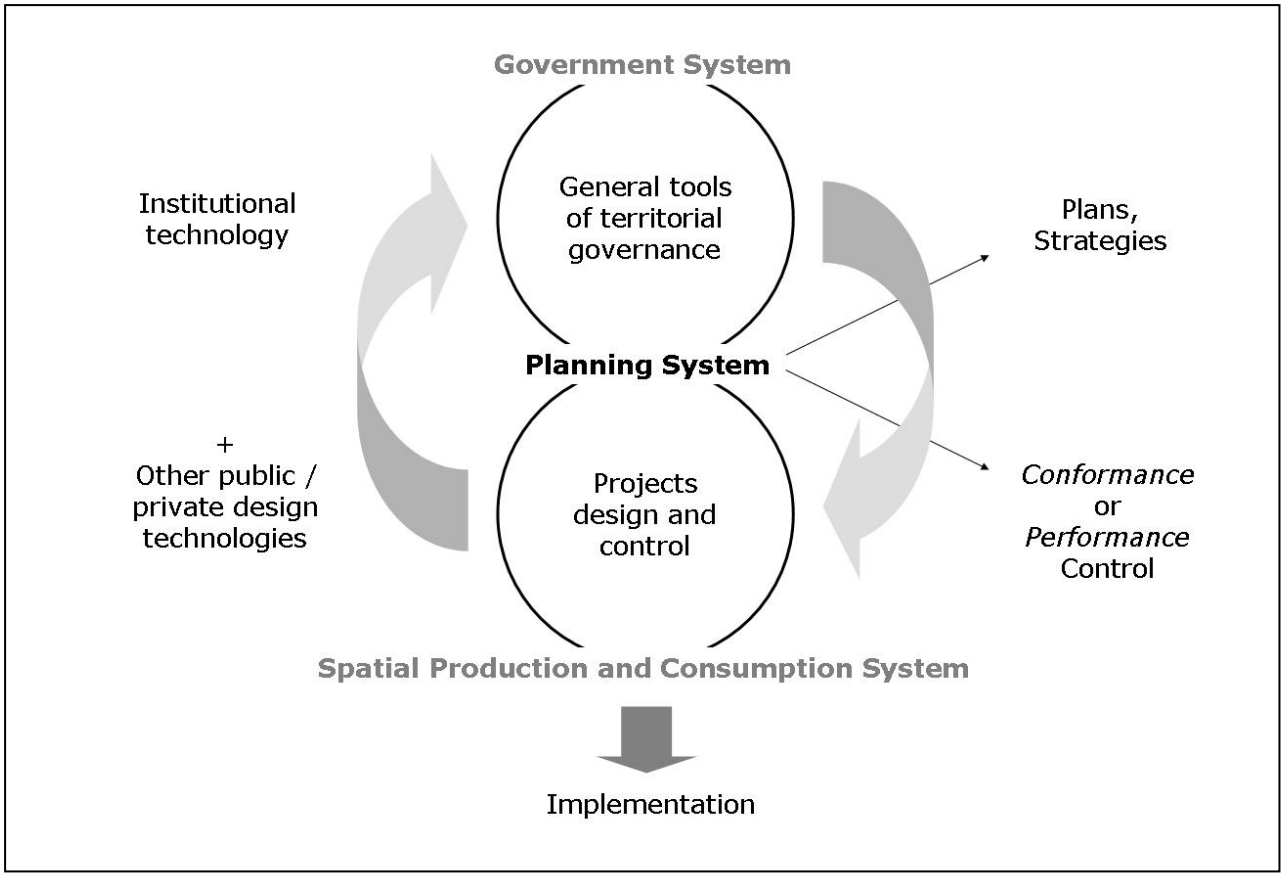
According to the above tripartite relationship between 'government system', 'planning system' and 'spatial production and consumption system', these functions appear to be variously active in two (interlinked) spheres of interaction (Figure 1).

The first sphere regards the interaction between the government system and the planning system. The institutional dimension of planning is therefore prevailing in this sphere. This means the planning system works here all in all as an 'institutional technology', allowing public authorities to connect the existing production and consumption processes to their intentions of regulation. Here formal and informal interactive processes, producing strategies, plans, policies and projects, are developed. The planning system combines its technical functions in order to produce general tools for territorial governance (usually plans) in this sphere.

The second sphere regards the interaction between the planning system and the spatial production and consumption system. The role of planning as institutional technology is therefore open to further public and private design technologies. Here the general tools for territorial governance, produced in the first sphere, become subject and source of further formal and informal interactive processes, even more complex (the number and variety of stakeholders increase) and finalised to implementation. This latter, however, as above mentioned, is an exclusively productive function and is therefore excluded from the sphere's domain. Rather, the design and control of implementation projects, with reference to plans, is the product of interaction. In this sphere, therefore, the planning system exerts

its technical functions *according to conformative or performative objectives* (the difference of which will be addressed in section 3).

Figure 1 – Planning system as a 'hinge' and two spheres of interaction in territorial governance



The above illustration may appear somehow abstract, because it is finalised to stress how the planning system functions are employed in quite distinct interactive processes when addressed to *plans elaboration* or to *spatial development control*. The sense of abstraction is especially due to the fact that processes of plans elaboration and of spatial development control take place almost contemporarily in practice and are continuously influenced by mutual interaction and mutual learning activities (a crucial aspect in determining what will be discussed in the following sub-section). Both in theory and in practice, however, the linkage between the two spheres is not hierarchical nor necessarily consequential. As argued later in section 3, *the assumption of conformative or performative objectives by the planning system determines the quality of such linkage and, consequently, the capacity of planning to respond to its social role*.

2.2. A synchronic perspective

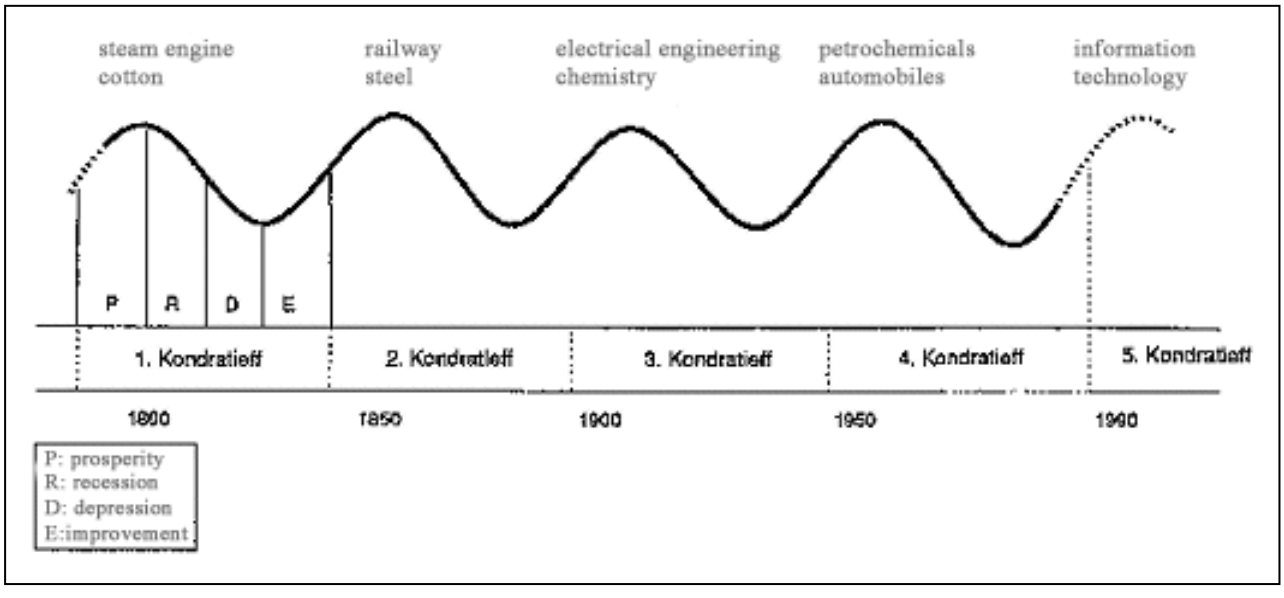
One feature of technologies is to be subject to innovation. This means, for planning systems too, both that innovation is possible and that, in certain circumstances, it is necessary to avoid the techniques obsolescence in face of change (Friedmann, 1987). Innovation, however, is a wild animal not easily tameable (Fagerberg, 2004): it has been studied for ages in a variety of further contexts, such as commerce, social systems, economic development and policy construction, through a wide range of approaches and conceptualisations.

Generally, innovation is understood as the successful introduction of something new and useful. While technological innovation is especially focused on the production of new tools and techniques, improving the human capacity to control and adapt to the environment, social innovation refers rather to new strategies, concepts, ideas and organisations that meet social needs of all kinds and that extend and strengthen civil society. Therefore, it also overlaps with innovation in public policy and governments activities. As for both technological and social progress, however, innovation encompasses the entire process, from idea to implementation, for the development of new products, services, methods, management practices and policies (Gardner *et al.*, 2007).

Whether innovation is mainly supply-pushed (based on new technological opportunities) or demand-led (based on social needs and market requirements) has been a hotly debated topic. Although what exactly drives innovation in organisations and economies remains an open question, more recent theoretical works pose rather the accent on that innovation happens through complex processes that links many different players together (Sarkar, 2007). Particularly, much of the most successful innovation proves to occur at the boundaries of organisations where the problems and needs of users and the potential of technologies can be linked together in a creative process that challenges both.

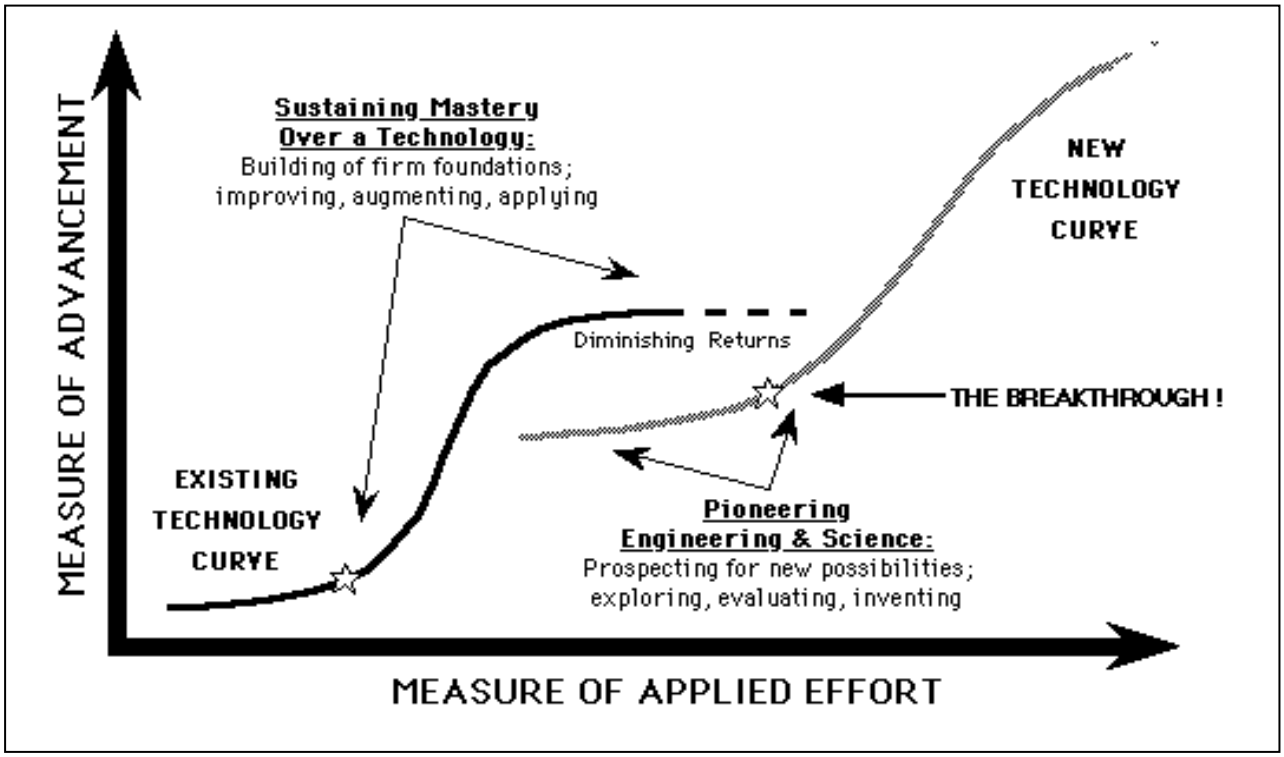
In this light, the innovation process can and should take account of social behaviours as well, including constraints and opportunities given by public policy and government systems. According to Rogers (2003, p. 5), "[d]iffusion is the process by which an innovation is communicated through certain channels over time among the members of a social system". Basing on Kondratieff's theories on long wave market cycles (Figure 2), innovation would spread through society in a 'S-curve', as the early adopters select the technology first, followed by the majority, until a technology or innovation is common (see also: Solomou, 1986). Innovation diffusion would therefore occur over time through five stages: knowledge, persuasion, decision, implementation and confirmation. Accordingly, the innovation-decision process is the cycle through which any decision-making unit passes (1) from first knowledge of an innovation, (2) to forming an attitude toward the innovation, (3) to a decision to adopt or reject, (4) to implementation of the new idea, and (5) to confirmation of this decision (Rogers, 2003, p. 161).

Figure 2 – Simplified Kondratieff wave pattern (source: www open source, 2008)



Basically, such a S-curve originates as responding broadly to Kondratieff's phases of 'improvement' and 'prosperity'. 'Recession' and 'depression' phases may determine or be determined by the emergence of successive S-curves, insofar as new technologies can come along to replace older ones and continue to drive growth upwards (Figure 3). Of course, the length of life of each S-curve may depend on several factors. According to Rogers (2003), the speed of technology adoption is determined however by two characteristics: the speed at which adoption takes off, and the speed at which later growth occurs, specially due to network effects. Lastly, while disruptive technologies may radically change the diffusion patterns for some established technology by starting a different competing S-curve, path dependence may also lock certain technologies in place.

Figure 3 – Innovation life cycle (source: www open source, 2008)

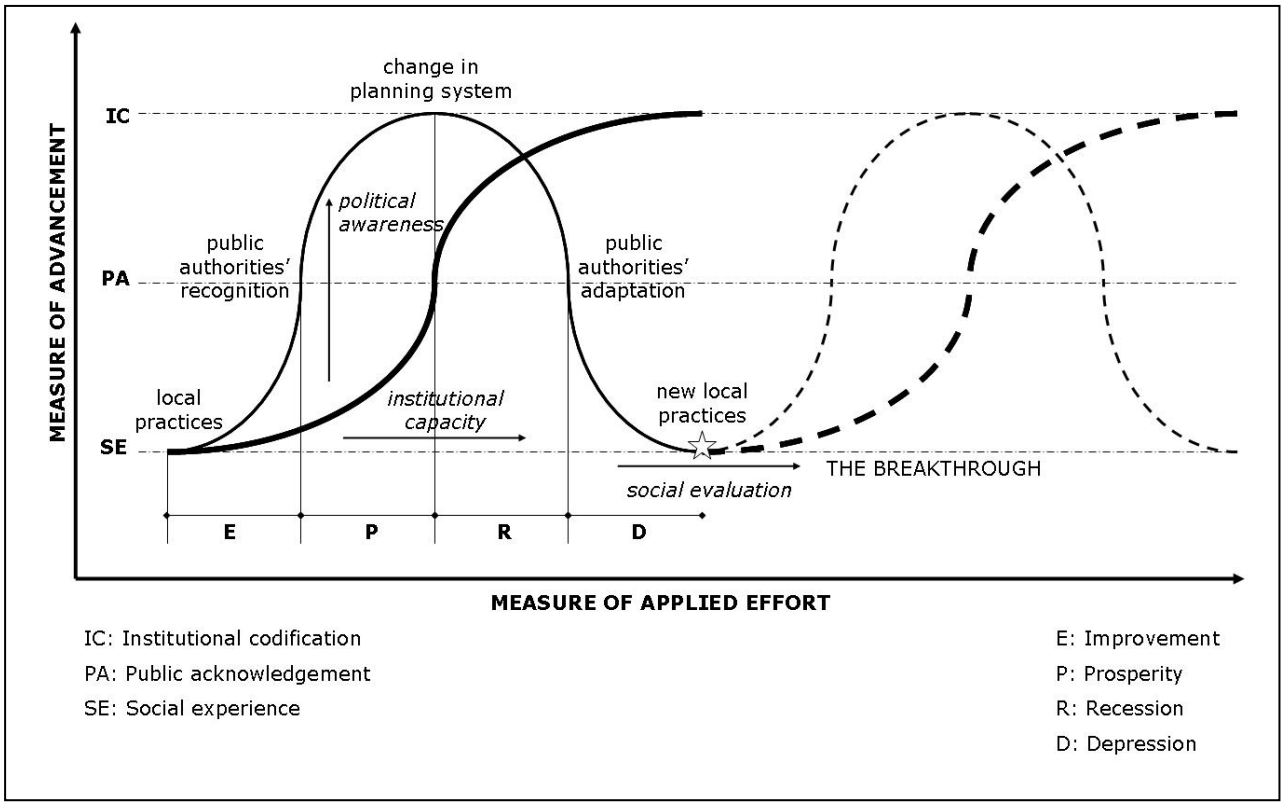


In this light, to consider planning systems as 'institutional technologies' seems to fit the opportunity to look at innovation in planning as a process "based on a multi-dimensional view of innovation, economic dynamics and community governance" (Moulaert & Sekia, 2002, p. 299). In accordance with the conceptualisation previously observed in a diachronic perspective, changes in planning systems can occur indeed as a result of mutual interaction and mutual learning processes between the two aforementioned 'spheres', through which 'government system' and 'spatial production and consumption system' are connected by planning system. Therefore, a conceptualisation of (possible) innovation processes in planning systems should both recognise "the key role of institutional dynamics in innovation and territorial development" and reject, at the same time, "the narrowly defined instrumentality of institutional dynamics for the improvement of market competitiveness of a territory" (*ibid.*; see also: Gualini, 2001).

Accordingly, the above illustrated innovation life cycle may be supposed to pass, in the case of planning systems, through a more complex process of *social experience* (SE), *public acknowledgement* (PA) and *institutional codification* (IC). These are, in other words, necessary momentums allowing innovation to spread over time through the five stages of knowledge, persuasion, decision, implementation and confirmation (Rogers, 2003). With

some acceptable simplification, such process might be represented as a sort of insider cycle, variously pivoted on these three momentums during its course, altogether triggering and enhancing the innovation S-curve (Figure 4).

Figure 4 – Innovation life cycle applied to planning systems as institutional technologies



In general terms, an ascending phase (E + P) is triggered by practical experiences of problems and solutions for land use regulation, emerging in particularly affected local circumstances. This may convince the concerned public authorities to acknowledge problems and to apply solutions. Especially whereas successful, experienced solutions may lead, on their turn, to legitimise new aims and tools for land use regulation in planning systems. A change of technology may occur at this point, and the diffusion of innovation can start along with its later growth, through widespread application and network effects. This corresponds to a descending phase of the insider cycle (R + D), in which new legislation is applied more systematically by public authorities at various levels, often requiring reinterpretations, simplifications and re-adaptations at various extents, according to local specificities. New local practices, problems and possible solutions may emerge therefore in new operational contexts, thus leading to the possible start of a new cycle (the breakthrough).

Beyond conceptual simplification, this process should be imagined in fact as a continuous and selective interaction of multiple cycles, parallel or intersected in each institutional context, because 'trigger places' and cyclic dynamics of innovation are potentially endless and not predictable (as it happens, after all, to any technology). However, as markets' competitiveness and openness tend generally to favour innovation in products, the organisational quality of institutions tends to frame the innovation opportunities of planning.

Basically, *political awareness* and *institutional capacity* are the driving forces influencing respectively the measures of 'advancement' and of 'applied effort' in the innovation process. As shown in figure, they both exert a fundamental role in the cycle 'top' phase (P

+ R), which is pivoted on the 'institutional codification' of expected changes in planning system. If this crucial provision is missing, occurring for instance when path dependence prevails, it seems clear that the innovation curve will not be able to turn to its phase of major spread through society, and that the (potential) innovation process may even abort sooner or later.

Besides, *social evaluation* of local outcomes of planning is fundamental for triggering and addressing possible new innovation cycles. This means that planners responsibility is not limited to apply their own expertise in making plans according to current theoretical trends, but regards especially their contribution in guiding, as the technology depositaries, the social evaluation of planning outcomes. In other words, based on Schumpeter's (1949) concepts, planning cannot simply exert an 'adaptive response' to change, but is continuously required to find a 'creative response'. To deserve its social usefulness, it has indeed to innovate the government system's command options on a fatally ever-changing spatial production and consumption system, especially when such command options appear to be blunt.

In conclusion, innovation opportunities in planning systems have to be considered in the light of relationships between the government system and the spatial production and consumption system factually established (between which the planning system operates as a 'hinge'). In this framework, social evaluation, political awareness and institutional capacity are all equally indispensable ingredients for the achievement of innovation in planning systems, which is also the way to change the nature of those relationships. The cyclic shape of the process requires an adequate and continue presence of these ingredients in order to make innovation widely applicable and, therefore, socially useful.

3. Two models of planning system

Against this backdrop, we may assume that, despite the existing variety of planning traditions and approaches (Newman & Thornley, 1996; CEC, 1997; Balchin *et al.*, 1999; ESPON, 2007a; Nadin & Stead, 2008), two planning system models are basically present in the world and in Europe: a more traditional and widespread one, aspiring to 'conform' spatial developments to general strategies; and a different and less institutionalised one, promoting those developments expected to 'perform' strategies.

As a matter of terminological clarification, whereas *conformance* evocates primarily a "correspondence in form, manner, or character" or an "action in accordance with some specified standard or authority", *performance* poses rather the accent on "the execution of an action" or "the fulfilment of a claim, promise, or request" (definitions by the Encyclopaedia Britannica Online, http://info.britannica.co.uk/).

Particularly, a 'conformative model' responds to the traditional approach adopted by planning systems, still in force in almost all European countries as well as in the USA and in the most of modern states. Here, planning systems are generally expected to operate according to a conformance principle: spatial development projects must ultimately conform themselves to collective strategies converging in a local plan, usually through a binding land use zoning design. As a true exception, which may be explained by contextual reasons, a 'performative model' has been adopted only in the post-war UK planning system (and, as far as the author is informed, in some other Commonwealth countries). Here, local authorities are generally not conditioned by binding zoning designs and are endowed of a discretionary power to admit those development projects expected to perform collective strategies proposed by plans. It is worth observing in addition that, although in the absence of a formal planning system, such performative model operates

also in current EU territorial governance processes: of course, no statutory planning decisions can be assumed in this case but the rationale adopted is, basically, that projects allowed to obtain co-financing for implementation are those expected to perform a Community programme.

These two planning models relate to respective cultural assumptions and technical procedures finally producing, in virtue of juridical effects, different operational consequences on spatial development and on territorial governance. The following sub-sections focus on features and effects, respectively, of conformative and of performative planning systems.

3.1. Conformative planning systems

Although in multiple forms, a conformative model of planning system is largely widespread in almost all European countries, in the USA and elsewhere for historical and cultural reasons. Modern planning institutionalisation put down roots indeed in the phase of industrial and bourgeois revolution and of the formation of modern states (Chapin, 1965; McLoughlin, 1969; Faludi, 1973; Taylor, 1998; Hall, 2002). In the 20th century, particularly, the pressing needs of post-war reconstruction and of Fordist urbanisation have supported a planning model based on the ideals of hierarchy (top-down relations between planning tiers) and of dirigisme (state-led implementation of plans) almost everywhere in the world. Even the most progressive planners, conditioned (and guaranteed) by an institutional and cultural context inspired to the welfare state paternalism, have generally nourished the assumption that the State, as the keeper of collective interest, is expected to 'conform' projects of property development to its own strategy.

Therefore, despite possible changes occurred overtime in respective legislations, planning systems are still today based on the ideal assumption that plan implementation responds to the capacity of making spatial development projects conform to the collective strategy proposed by the plan. Such assumption is applied in practice by assigning (new) use rights in land in accordance with the designed collective strategy, usually transferred in a zoning map. Consequently, those projects that conform to the plan are automatically legitimated for development.

In brief, the technical cornerstone of conformative planning model is that the plan is intended to be a binding public strategy, to be achieved by assigning rules (use rights in land) that are expected to be followed in public and private projects implementation. The cultural ideals of hierarchy and of dirigisme, justified by the assumption that the State is the keeper of the collective interest, lie at the root of such formulation.

These technical and ideal principles imply a precise 'systemic' consequence, with reference to the above conceptualisation of planning systems (section 2.1). According to the conformative model, the two spheres of interaction (government system / planning system and planning system / spatial production and consumption system) indeed melt in a unique pot of decision-making processes and of technical functions. In such a melting pot, particularly, the transformative functions (strategic and design functions) and the regulative function of planning are factually interlaced in the general tool for territorial governance produced in the first sphere (the zoning design). In other words, spatial development control is somehow anticipated (perhaps pretentiously) in the strategy design, which is provided with a binding power indeed.

Therefore, as a juridical consequence, incoherencies between the plan and projects have to be resolved by conformance criteria: only (and all) those development projects that conform to the plan shall be legitimate for implementation. Of course, this regards

especially the horizontal relations of plan management at a local level, where use rights in land are usually delivered. The effects of conforming planning are less visible in the upper-level plans (in which strategic planning practices have indeed flourished more easily). But, for the very same juridical effect, incoherencies between plans at different scales (vertical relations) are often resolved in favour of local plans (or of the assigned use rights, however), to the detriment of wider spatial strategies and projects.

3.2. Performative planning systems

As mentioned, a distinct performative model of planning system has been institutionalised only in the United Kingdom and in some other Commonwealth countries since the post-war. As an exception among other European countries, the UK has not pursued the exercise of conformance powers in planning for a long time[7]. In this case, the fundamental task of project evaluation and negotiation is legitimately carried out by local authorities, which are not conditioned by binding zoning designs[8]. This finds a partial explanation in civic, legal and administrative traditions, which are of course one main element distinguishing planning ideal types[9]. A complete explanation, however, cannot be regardless of the nationalisation of development rights in land occurred in the UK in the post-war period[10]. It seems reasonable, in other words, that a major control power assigned to the State through the development rights nationalisation may have allowed the removal of the need for adoption of binding zoning plans. If acceptable, this rewards what above discussed about the wide possibilities and complexities of planning systems evolution (section 2.2).

Be that as it may, the ideal assumption featuring this model is that the plan is a policy reference, the implementation of which passes through the approval of projects that prove themselves capable to perform the agreed collective strategy. Such assumption is applied in practice by assigning new development rights only if and when projects have been positively evaluated, both under the political and technical profiles.

Therefore, the technical cornerstone of the performative planning model is that plan is developed as a not-binding public strategy, the power of which is political and not legal nor judicial. Rules (use rights in land) are assigned for implementing those public and private projects that are capable of contributing to the public strategy. In accordance with the pragmatism of British common law tradition (Booth, 2003, 2007), the ideals of hierarchy

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[7] Notably, after the UK 1947 Town and country planning Act, "the development plan did not of itself imply that permission would be granted for particular developments simply because they appeared to be in conformity with the plan" (Cullingworth & Nadin, 2002, p. 93). The UK planning system was improved by the 1968 Act, assigning to structure plans the provision of strategic tiers of development and to local plans the provision of (not binding) detailed guidance on land use. Despite the effects of the 1980s 'deregulation' (Healey *et al.*, 1988; Tewdwr-Jones, 1996), "[t]he essential features of the 1968 system are still in place today" (Cullingworth & Nadin, 2002, p. 93; see also: CEC, 2000a).

[8] The 1947 Act established that, "in granting permission to develop, local authorities could impose 'such conditions as they think fit'" (Cullingworth & Nadin, 2002, p. 93). Therefore "it is fundamentally a discretionary system in which decisions on particular development proposals are made as they arise, against the policy background of a generalised plan" (*ibid.*, p. 92). See also: Davies (1980), Tewdwr-Jones (1999) and Booth (2003, 2007).

[9] "…planning system based on the civil code traditions of Napoleonic Europe have been constructed in a very different way from those whose base is English common law" (Booth, 2007, p. 127).

[10] "All the owners where thus placed in the position of owning only the existing (1947) use rights and values in their land" (Cullingworth & Nadin, 2002, p. 21). See also Booth (2002).

and of dirigisme inspiring the conformative model are therefore overcome by principles of vertical and horizontal subsidiarity in the performative model.

The systemic consequence with reference to the aforementioned planning systems' conceptualisation (section 2.1) is that the two spheres of interaction (government system / planning system and planning system / spatial production and consumption system) remain quite distinct ambits, as for both decision-making processes and technical functions. Therefore, the transformative functions (strategic and design functions) and the regulative function are not confused previously in a unique tool (the binding zoning plan) and can be equally determinant for implementation decisions. The crucial importance of this separation, which remains clearly visible in the UK planning system at work[11], is somehow confirmed by the 1980s attempt of 'deregulation', which was primarily addressed to make local authorities "unable to control development effectively in their areas" (Tewdwr-Jones, 1996, p. 5).

A legal consequence is that incoherencies between plan and projects are not prejudicially decided but can be resolved by performance criteria, since the use rights in land are the existing ones until a public decision says otherwise. Again, this regards especially the horizontal relations in the plan management at the local level, where use rights in land are delivered. As for the vertical relations between different tiers of planning, however, this implies that spatial strategies and projects at wider scales may be expected to shape the implementation process more effectively, once they have been agreed at local level. Which said, on the one hand, is nothing but a confirmation of the basic conceptual findings of strategic planning theories: convincing spatial visions and incentives to local action are in the end more effective than any pretentious attempt of top-down imposition (Healey *et al.*, 1997; Salet & Faludi, 2000; Albrechts *et al.*, 2003; Albrechts, 2004, 2006). On the other hand, it adds that the modalities of land use regulation at the local level are not indifferent as for the success of wider strategic spatial policies as well.

4. Working hypotheses

Based on the analytical framework proposed in sections 2 and 3, this final section is aimed at addressing, in the form of working hypotheses, some argumentations which may be helpful in guiding the proposed "Comparative Spatial Planning Research" according to assumptions and aims recalled in section 1.

Particularly, the following four working hypotheses will be addressed:

1. In principle, a performative model of planning system operates better than a conformative model in allowing urban and regional planning to accomplish its social role (addressed to the government function of land use regulation or the public government of territorial transformations);

2. As historical and cultural trends have oriented a widespread institutionalisation of conformative planning systems in modern states, current evolutions in a 'governance' context are enhancing the necessity of performative planning systems;

[11] "Even today, the main substance of the planning system is administered by governmental profession planning officers, either within forward planning teams (responsible for preparing planning policies) or development control teams (responsible for determining applications for planning permission by individuals and organisations)" (Tewdwr-Jones, 1996, p. 1). See also Davies (1980).

3. Accordingly, also thanks to the EU territorial governance effects, more recent innovations in European (conformative) planning systems appear to be increasingly oriented to aims of performance;

4. The performance of planning systems is something different from what commonly assumed in literature as the performance of plans: this should be taken into account for possible comparative evaluation of planning systems.

4.1. Performative planning systems operate better 'in principle'

Trying to sum up what argued in section 3 (Table 1), the difference between conformative and performative models of planning system does not deal with matters of planning style (regulative versus strategic), nor of planning scale (local planning versus spatial planning), nor of type of plan (land use plans versus strategic plans). These are aspects which are usually all present and equally indispensable within each planning system indeed.

Table 1 – Two models of planning system

	Conformative planning system	**Performative planning system**
Principles	Hierarchy, dirigisme	Vertical and horizontal subsidiarity
Technical assumptions	(Local) plan as a binding collective strategy	(Local) plan as a not-binding collective strategy
'Systemic' consequences	Fusion of 'spheres of interaction': planning functions are melted	Distinct 'spheres of interaction': planning + control
Juridical effects	Plan/projects incoherencies resolved according to assigned use rights in land	Plan/projects coherencies as basis to assign use rights in land
Advantages	Certainty	Flexibility
Disadvantages	Rigidity	Discretion
Political and technical responsibilities	Centred on plan elaboration	Distributed between plan elaboration and projects evaluation
In force	almost all European countries, USA and the most of modern states	UK and some Commonwealth countries, EU territorial governance

The topical distinction regards, rather, the modalities of delivering development rights in land in the face of agreed collective strategies. In the conformative model (the more traditional and widespread in the world and in Europe), development rights are assigned in advance along with the design of the collective strategy, which is therefore translated into a binding zoning design. In the performative model (exceptionally adopted only in the UK and some Commonwealth countries' planning systems but now familiar also to the EU territorial governance practices), development rights may be assigned after the evaluation of projects, once they have been assessed to be in line with the collective strategy, which remains a not-binding policy reference.

In principle, the main operational consequences of conformative planning systems (overall explaining the typical difficulties of territorial governance in the most of countries) may be pointed out as follows:

a. creation of binding property rights (once the plan is approved, new use rights in land cannot be or can hardly be revoked);

b. creation of additional property income (new use rights in land imply higher property values), counteracting possible changes in public strategies;

c. rigidity and difficulty of public strategies (any change in public strategies implies new assignations of use rights in land, with the aforementioned consequences);

d. incentive to spatial development but public control reduced to an 'administrative burden' (conformance control, with scarce or no possibility of improving projects apart from their formal coherence with the plan);

e. decrease of political and of technical accountability in planning (because of the difficulty of public strategies and of development control reduced to an administrative burden);

f. possible creation of decision-making contexts open to corruptive practices (because of the decrease of political and of technical accountability in planning); and

g. trigger of a vicious circle in territorial governance processes (spatial strategies at whatever scale, when agreed for local implementation, are transfigured by what is illustrated above in points 'a' to 'f').

On the contrary, the advantages of a performative model may be summed up as follows:

a. better control of spatial transformation and of property income (no development rights in land nor higher values are previously guaranteed);

b. more flexibility and political autonomy in the design of public strategies (changes in public strategies do not imply the assignation of new use rights in land);

c. pivotal function of spatial development control through technical evaluations (performance control, aimed at improving projects with regard to the collective strategy objectives);

d. better accountability of political and of technical responsibilities (not simply in the strategy design, but especially in projects approval);

e. overall incentive to social responsibility and to democracy (better accountability of political and of technical responsibilities means more transparency); and

f. trigger of a virtuous circle in territorial governance processes (local implementation ensures, for spatial strategies at whatever scale, which is illustrated above in points 'a' to 'e').

Against this backdrop, of course, one has to acknowledge that British technical literature is full of critical considerations about domestic planning practices (Healey *et al.*, 1988; Tewdwr-Jones, 1996; Allmendinger & Tewdwr-Jones, 2002). Particularly, the main disadvantages and risks of 'flexible zoning' (Faludi, 1987; Tewdwr-Jones, 1999) have been pointed out as follows:

1) *uncertainty*, affecting all developers and applicants and, particularly, the weaker players in the planning game (who may be better served by well-defined planning rights to which they can appeal);

2) the *discretionary nature of planning decisions* that confer valuable development rights, implying a vulnerability to corruption comparable with the 'conformative model' case; and

3) *major administrative costs* and capacity limitations, due to the necessity to evaluate and negotiate each development project in the absence of formalised standards.

It seems, however, that these critiques do not affect the performative model as such (so implying arguments in favour of the conformative model), but are basically addressed to problems or 'imperfections' of (performative) planning systems in practice with respect to their possible or ideal functioning. If so, these critiques are especially useful in addressing possible innovations in (performative) planning systems.

As for the first critique, unless one questions that power to modify use rights in land belongs to public authorities (which is possible only in an anarchist perspective), certainty in principle can be guaranteed only by the existing use rights. It is true, however, that uncertainty for future developments tends to depress local markets in practice, with detriment to public strategies as well. The crucial problem seems, therefore, *to avoid the mismatch between collective strategies, announced by the (not-binding) plan, and consequent market expectations*.

If this is the case, some useful hints for innovation in planning may come from the successful experience learnt by the EU structural funds and Community initiatives programmes and practices over the past 15-20 years. In other words, tools such as recurring calls for tender or application, including explicit axes and measures of intervention, selection criteria and performance indicators, standardised evaluation and monitoring processes, and so forth, could perhaps be adopted in ordinary planning as well, so reducing uncertainty and risk. An attentive and probably not easiest adaptation in planning systems would be required of course. This should be based, however, on the topical idea of managing the assignation of new use rights in land in this case as EU co-funding is managed in the other.

Additionally, a clearer indication of obligatory standards for ordinary and minor developments would be helpful especially for weaker subjects. Finally, the uncertainty of those who may be affected by negative externalities produced by new developments should be reduced as well. This could be attained, for instance, by the provision of compensation forms in favour of collective and individual interests adversely affected by new spatial developments, to be established in calls for tender/application and to consequent project evaluation. Even if apparently complicated and difficult, all this is feasible in principle and, at the end, the stake is that, if the cost of an absolute certainty is the rigidity of conformative planning systems, it would be perhaps worth trying.

As regards the second critique, a blunt answer would be that "discretion is everywhere in the Anglo-American common-law tradition and cannot be avoided" (Booth, 2007, p. 132). More reasonably, one may argue that planning decisions are anyway exposed to such events, since discretion is exerted also in conformative planning systems (simply, it is anticipated in the phase of zoning design). It is true indeed that "the phenomenon of corruption (i.e. the use of one's official position to favour someone else for personal benefit) has been found in both types of planning systems"[12]. What seems relevant here is that *whereas project evaluation is or may be made a rather accountable activity, this can hardly be the case for plan design*. Therefore, discretion and the corruptibility risk are in principle favoured by conformative planning systems, in which even most valuable use

[12] Moroni, 2007, p. 155. According to the author, this happens because "even if the planning systems of Continental Europe and of Great Britain are clearly in accordance with the formal and legalistic ideal of the *constitutional state*, they do not completely adhere to the more substantive ideal of the *rule of law*" (*ibid.*, pp. 154-155).

rights in land are conferred along with binding zoning maps, the responsibility of which is never subjective.

Finally, regarding the third critique, there is no objection to the fact that an accurate development control process is more expensive, also in terms of institutional capacity. The extent to which such major costs are justifiable is of course subject to political scrutiny. For their part, planners should especially consider their own responsibilities in this, since *a better knowledge of spatial qualities and of relations with social behaviours would certainly contribute to reduce evaluation costs and to improve institutional capacities*. The lack of a satisfying background of updated knowledge in this field is indeed said to be one major delay of contemporary planning theory (Taylor, 1998).

In conclusion, planning outcomes depend on a variety of practical and routine conditions, in which subjective responsibilities and human imperfectabilities often play a crucial role. In this light, the influence of institutional and operational frameworks is of course one variable of the process. However, what the above discussion suggests is that performative planning systems are *in principle* more suitable than conformative ones to let planning exert its social role responsibly.

4.2. Performative planning systems are more suitable to a 'governance' context

Since innovation in planning is a particularly complicated process, dealing with the complexity of historical and cultural backgrounds, social experience and institutional behaviours (section 2.2), theoretical evidence is permanently held in check by practical circumstances. Moreover, planning is a relatively 'young' technology, if compared with others developed for ages in order to satisfy needs as old as the human race. Despite the performative model's best performance, one has therefore to acknowledge the worldwide institutionalisation of (conformative) planning systems between the 19th and the 20th centuries as nothing but a true historical innovation at that time (Chapin, 1965; McLoughlin, 1969; Faludi, 1973; Friedmann, 1989; Taylor, 1998; Hall, 2002).

However, the evidence of decision-making difficulties in growing societal complexity (Dahrendorf, 1968; Pressman & Wildavsky, 1973), on the one hand, and the Fordism crisis, the explosion of globalisation and the consequent processes of spatial reorganisation (Harvey, 1989; Amin & Thrift, 1994), on the other, have allowed soon to emerge the limits of existing planning systems. These limits were perceived basically in terms of effectiveness of plan implementation in the context of reconciling multi-level collective strategies to a growing plurality of local and individual projects of spatial development. Moreover, planning systems and policies are earlier coming, like any other regulation system, under increasing influence from the need to respond to global economic competition (Hutton & Giddens, 2000). In this evolution context, transnational planning is emerging as one distinctive feature of territorial governance in the European Union, although this is not based on legislation, because the European Treaties (EU, 2006) do not include planning competences.

Overall, the emergence of the 'governance' concept, suggesting a suitable alternative to the idea of 'government' as the dominance of state power hierarchies (Painter & Goodwin, 1995), proved particularly helpful to planning. The idea of governance as "horizontal self-organisation among mutually interdependent actors" (Jessop, 2000, p. 15), of whom government is only one and with only "imperfect control" (Rhodes, 1997, p. 8), seemed indeed to open new promising horizons for planning theories and practices. Especially in Europe, where Community integration developments have boosted the reframing of urban

and regional policies, EU territorial governance is currently considered a driver of innovation in planning practices and institutions (ESPON, 2007a).

Although the concept of governance originates from the corporate organisations functioning, in the early 1990s the World Bank defined it in a wider sense, as “the manner in which power is exercised in the management of a country's economic and social resources for development” (World Bank, 1991, p. i). Particularly, three aspects of governance were pointed out (*ibid.*, p. 23):

(i) the form of political regime (parliamentary / presidential, military / civilian, authoritarian / democratic);

(ii) the processes by which authority is exercised in the management of a country's economic and social resources; and

(iii) the capacity of governments to design, formulate, and implement policies, and, in general, to discharge government functions.

Among these aspects, the former relates clearly to the government nature. The latter two acknowledge new elements in the observation and evaluation of government activities: namely, the process dimension in relationships between authority and socioeconomic subjects; and the meaning of policies as activities addressed to ‘discharge government functions’ (rather than to reinforce and to empower them).

Such new perspective has rapidly found a central place in social and political sciences debate, leading to suppose even a shift or transformation “from government to governance” (Heere, 2004). Be that more or less convincing, it is however true that a governance perspective has allowed to observe and to understand the emergence of new overlapping and complex relationships involving ‘new actors’ external to the political arena, as this was understood previously (Kooiman, 1993; Painter and Goodwin, 1995).

In brief, the governance concept has been understood in the light of the wider process of socioeconomic change towards a ‘post-Fordist’ flexible regime, featured by the fiscal crisis of western democracies, the need for public-private coordination, economic globalisation, the deep restructuring of state and the growing importance of transnational political institutions (Jessop, 1995, 1997). Therefore, the growing interest for governance reflects the widespread idea that governing contemporary societies is becoming more and more difficult and demanding (Sassen, 1996; Pierre, 1999, 2000).

So, in a normative sense, governance leads to the need of co-ordinating economic and social behaviours through the involvement and participation of multiple actors, thus modifying both policy and intervention objectives (from growth control to development promotion), and action procedures (from authoritative imposition of choices to negotiated consensus building) (Stoker, 1998). This pertains both to the vertical organisation of government powers and to the horizontal relationships between governing and governed subjects. Governance shows indeed to have a ‘multi-level’ dimension, consisting in the emergence of “continuous negotiation among governments at several territorial tiers – supra-national, national, regional and local – as the result of broad process of institutional creation and decisional reallocation that has pulled some previously centralized functions of the state up to the supra-national level and some down to the local/regional level” (Marks, 1993, p. 392; see also: Swyngedouw, 2000). And governance has also a multi-actor and cross-sectoral dimension, because in any specific policy area all the actors need the others, since “no one has all the relevant knowledge or resources to make the policy work” (Rhodes, 1997, p. 50; see also: Madanipour *et al.*, 2001).

A governance perspective is therefore crucial to land use regulation (and conversely), *being local choices of spatial development positioned at the crossing point* between the vertical axis of power and public administration and the horizontal axis of partnership between government, private and civil sector. Particularly in the context of new governance processes triggered by EU integration (CEC, 2001; Hooghe & Marks, 2001), a specific attention to urban and territorial governance has so taken place in the international planning debate (Healey *et al.*, 1995, 2002; Le Galès, 1998, 2002; Brenner, 1999; Bagnasco & Le Galès, 2000; Sellers, 2002; Janin Rivolin, 2005; ESPON, 2007a).

As a matter of fact, after the decision of strengthening integration in order to reduce the costs of globalisation (CEC, 1985), the EU has found it necessary to deal with spatial development and planning practices, now commonly known under the flag of 'European spatial planning' (Williams, 1996; Faludi, 2002; Janin Rivolin, 2004; Waterhout, 2008). However, being deprived of a formal competence of land use regulation, the EU has fostered territorial governance processes based on a principle of performance. This applies, not so differently from what argued about performative planning systems (section 3.2), by the promotion of not-binding spatial policy programmes and the progressive promotion of projects that prove themselves capable to perform the agreed collective strategy. Therefore, on the one hand, the European Spatial Development Perspective (ESDP) (CEC, 1999a; Faludi & Waterhout, 2002) is expected to find 'application' (rather than implementation) in EU member states (Faludi, 2003; ESPON, 2007b). On the other hand, according to EU regional policy regulations, only those projects expected to achieve effectively the collective strategy agreed by Community programmes (under Structural Funds' mainstream, Interreg, Urban, Leader initiatives, etc., in their turn related to the ESDP) can be funded for implementation. Here, the selection of projects according to agreed and explicit evaluation criteria, conditioning their possible approval to substantive changes, takes a pivotal role in the implementation process.

In conclusion: institutionalised in the historical phase of the formation of modern states in order to allows governments to organise the great urbanisation trends, the most of planning systems are still based on the assumption that public development strategies can and must be promoted through previous attribution of rules or, in other words, use rights in land. If one main advantage of traditional planning systems is to ensure certainty to markets and citizens (at least in principle), their worst consequence is to impede an effective control of development projects, especially as for their capacity to perform those public strategies justifying them. Once plan has assigned new use rights in land, general indicators and standards for control are often nothing but blunt arms in the hands of public authorities indeed. This, of course, may explain some major difficulties of planning and of land use regulation in the course of the 20th century.

However, even if the balance between strengths and weaknesses of modern planning systems could be accepted in a 'government perspective' addressed to guide the great urbanisation trends, it appears to become more and more unsustainable in a 'governance perspective' addressed to face problems and opportunities posed by contemporary development trends. On the one hand, development features are indeed no more determined by needs of unconditioned growth, but more and more related to regeneration opportunities and sustainability conditions. An effective public control of development projects performance with respect to shared collective strategies is therefore indispensable. On the other hand, one lesson learnt after more than a century of urban and regional transformations is that, also in the absence of guaranteed development rights, clear policy strategies supported by adequate consensus are the best antidote against markets' uncertainty risks. This is precisely what, lacking of any formal power on land use regulation, EU territorial governance is made of.

4.3. Planning systems (in Europe) are innovating towards 'performance' objectives

Various aspects and effects of EU territorial and urban governance are identified as factors concurring to determinate innovation in planning practices and institutions[13]. After all, it was soon possible to acknowledge that "the current configuration of a spatial planning policy at a European level manifests a recourse to new policy processes, instruments and techniques" (Giannakourou, 1996, p. 608). EU territorial and urban governance was therefore supposed to foster a "creeping material innovation" in domestic planning too (Janin Rivolin, 2003, p. 55). Nobody would be in general adverse today to consider EU territorial and urban governance "as a basic driver of planning innovation" (Janin Rivolin & Faludi, 2005, p. 212). Since resources, rules and ideas are the main drivers for transforming governance frameworks (Healey, 2006), it seems acceptable that "the introduction of such drivers at the EU level may start new processes of domestic policy transformation and innovation" (Waterhout, 2007, p. 312).

So, EU territorial governance would tend to innovate planning systems on the long term, involving uneasy but progressive transformations of administrative and social traditions, as it shows "to be leading to a measure of convergence or harmonization of systems, although this creates tensions as changes in administrative systems run ahead of changes in the social model" (Nadin & Stead, 2008, p. 45).

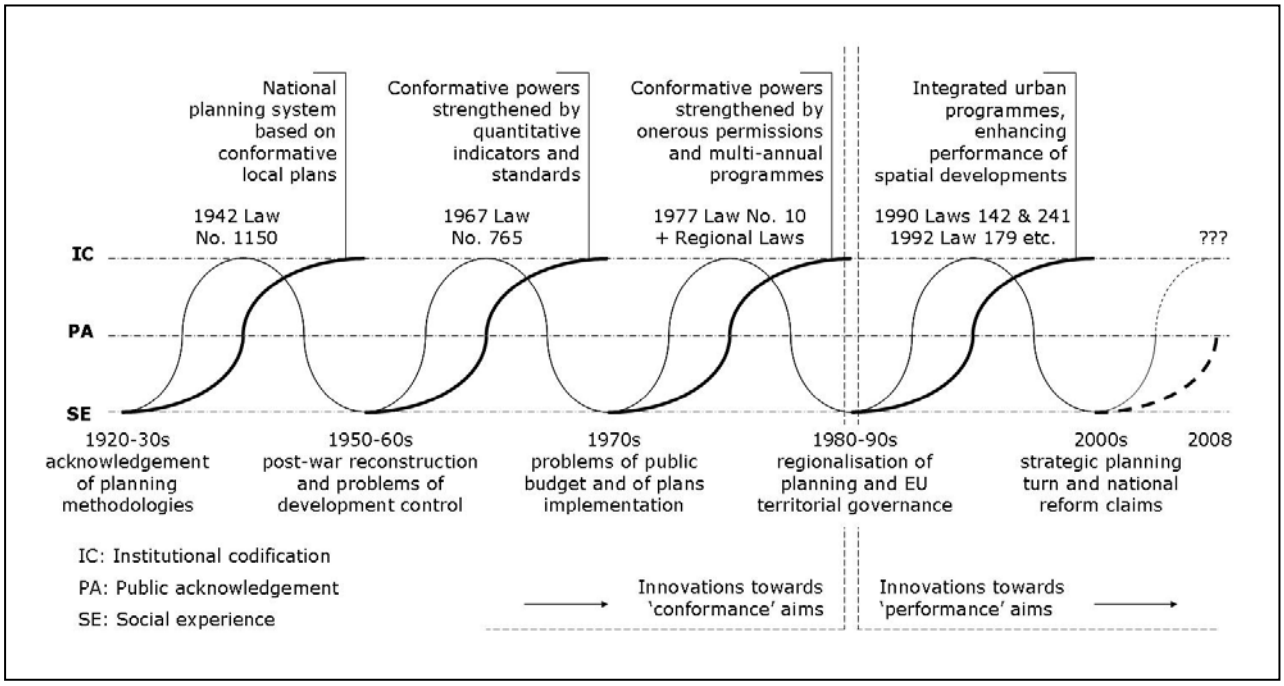
Coherently with these assumptions, a provisional essay of application of the proposed conceptualisation (section 2) may suggest that, under the effect of EU territorial governance, more recent innovation trends in (European) planning systems are perhaps turning towards aims of performance, even whereas systems are of conformative nature.

Taking the Italian planning system (being more familiar to the author) as one possible application example, a brief historical review of its evolution may lead to argue that about four cycles of innovation have been accomplished since the establishment of a national planning culture during the 1920-30s, while a fifth one might be in course (Figure 5).

Apart from previous experiences of partial and specific legislation, the first even institutional codification of the Italian planning system was indeed the 1942 national framework Law No. 1150, still currently in force (CEC, 2000b). This established, by the others, that land use regulation is pivoted on a conformative local plan (*Piano regolatore generale*), based on prescriptive zoning design of future developments. Various problems of public land use regulation aroused during the post-war period, in which building activity recorded an unprecedented boom trend in Italy. This led to a partial and provisional reform of national planning system by 1967 Law No. 765 (so called *legge ponte* or 'bridge law') which, coherently with the adopted conformative approach, introduced precise zoning typologies, quantitative indicators and minimum standards for public services and infrastructures provision. Similarly, problems regarding public budget shortage and plans implementation in the 1970s led to 1977 Law No. 10, establishing that development permissions should be onerous and providing local plans with a 'multi-annual implementation programme' (*Piano pluriennale di attuazione*). In the same years, however, a major change regarding the Italian planning system was also the extension of legislation powers in planning to regions, as late application of 1948 Italian Constitution.

[13] According to Colomb (2007, p. 363), innovation can particularly "come from two processes: 1. from working in cooperation with other actors who are perceived to possess specific knowledge, innovative or 'good practices' in a given policy field; or 2. from the very fact of problematizing and addressing certain policy issues at a new transnational scale (i.e. the rescaling of the frame of reference used to address specific policy issues towards a transnationalization of the problem setting and agenda)".

Figure 5 – Main innovation cycles in the Italian planning system



So, a progressive regionalisation of territorial and urban policies in the 1980s (Putnam, 1993) was the scenario welcoming the first hints of EU territorial governance. As for Italy, these had a major impact through urban development and local practices, as experienced since the pioneer initiatives of Integrated Mediterranean Programmes and of Urban Pilot Projects (Janin Rivolin, 2003). The introduction of urban 'integrated intervention programmes' (*Programmi integrati d'intervento*) as of 1992 Law No. 179 was therefore the institutional provision allowing national authorities to coordinate urban development in cooperation with regions through various ministerial programmes based on the Urban Community Initiative model during the 1990s. In the emerging multi-level governance context, also multi-actor and cross-sector activities were enhanced in order to improve the performance of proposed spatial developments. This was codified by new tools of inter-institutional partnership, such as the 'programme agreement' (*Accordo di programma*) as of Law no. 142/1990, and the 'conference of services' (*Conferenza dei servizi*) as of Law no. 241/1990, promoting negotiations to co-ordinate actions taken by administrations or public agencies; and such as the 'framework programme agreement' (*Accordo di programma quadro*) as of Law no. 662/1996, addressed to provide an advanced contractual model for public/private partnership.

More recent proliferation of 'strategic plans', spontaneously elaborated and adopted by various Italian cities and local communities (despite the absence of any specific legislation), and recurring claims and law proposals for some substantial reform of the planning system may bear witness of a further innovation cycle being in course. Whether and how it will succeed are, of course, matters for possible discussion. Current trends of urban and regional planning seem however to confirm an increasing acknowledgement of the need of performance in planning practices, with a possible removal from the traditional conformative approach of the Italian planning system. Of course, path dependence and attachment to traditional approaches are also playing a major role in the evolving scenario, insofar as the achievement of a shared technical awareness is as usually uneasy.

Although deserving further scrutiny and verification, the above account on the Italian planning system's evolution supports basically the supposed conceptualisation of planning

systems behaving as institutional technologies (section 2). A major reliability of those concepts would require of course a wider and more attentive application with reference to several planning systems. This might regard, for instance, the evolution occurred through 1947, 1968 and 1990 Town and Country Planning Acts and 2004 Planning and Compulsory Purchase Act in the UK (CEC, 2000a; Cullingworth & Nadin, 2002; Nadin & Stead, 2008); or through the 1965 Spatial Planning Act, its major amendments in 1985 and 1994, till the new 2006 Spatial Planning Act in the Netherlands (CEC, 1999b; Needham, 2005; Spaans, 2006); and so forth.

Moreover, the above account on Italy suggests that EU territorial governance, if understood as a new experiential context, may have posed the conditions for a 'change of sign' of planning innovations from the aim of 'conformance' (an "action in accordance with some specified standard or authority", as defined by the Encyclopaedia Britannica Online) to the one of 'performance' ("the fulfilment of a claim, promise, or request", according to the same source). In this light, a wider application of the same concepts to other planning systems might provide with a common and more systematic frame for analysis current theoretical discussions and policy debates on future directions for planning (Allmendinger & Tewdwr-Jones, 2002; Healey, 2006b) as well as on EU territorial governance (ESPON, 2007a; MUDTCEU, 2007; Faludi, 2007; Waterhout, 2008).

It is worth considering, in conclusion, that this would not be a banal comparison producing obvious results. Although some problems in agenda and even solutions are indeed expectable to recur in various planning systems, depending on global socio-economic and cultural trends, it is also probable that each process is triggered by different experiences and follows different trajectories because, basically, institutional frameworks in which planning operates and evolves are different. A firm point should be however that, possible differences notwithstanding, planning systems can be never seen as static objects; everywhere they operate instead as evolving technologies, addressed to improve land use regulation opportunities through progressive innovation.

4.4. Performance of planning systems is different from the performance of plans

As above recalled, Encyclopaedia Britannica Online defines 'performance' as the "execution of an action, something accomplished" or the "fulfilment of a claim, promise, or request". Wikipedia strengthens the meaning of "carrying into execution or action; execution; achievement; accomplishment" (see: http://en.wiktionary.org/wiki/performance). This term is often used in opposition to 'conformance' (or conformity), which the same sources define rather as the "correspondence in form, manner, or character"; an "action in accordance with some specified standard or authority"; a "state of things being similar, or identical". Of course, performance and conformance are not new concepts for planning.

Particularly, the discussions on strategic planning (Healey *et al.*, 1997; Salet & Faludi, 2000; Albrechts *et al.*, 2003; Albrechts, 2004, 2006; Healey, 2006b) and, later, on European spatial planning have posed a clear distinction between performance-based and conformance-based approaches to planning and to plans evaluation (Alexander & Faludi, 1989; Faludi, 1989, 2000, 2006; Mastop, 1997; Mastop & Faludi, 1997). Marking the difference between regulative plans as 'technical exercises' and strategic plans as 'learning processes', planning theorists convene usually that whereas the former are considered for their capacity in 'shaping spatial development' (conformance criterion), the latter should be rather evaluated for their capacity in 'shaping the minds of actors in spatial

development' (performance criterion)[14]. In this light, 'application' is said to be a concept more suitable to indicate the performance of strategic plans[15], usually occurring at regional or even wider scales[16], whilst 'implementation' is intended to remain a task concerned by regulative local plans[17].

To accept the above recalled argument does not prevent the observation that, since its trueness is based on the assumption of at least two types of plans (strategic supra-local plans and regulative local plans) coexisting in every planning system, the adopted meaning of 'performance' cannot apply to planning systems themselves (and to planning as a whole). To define performance as the capacity in shaping the minds of actors in spatial development indeed fits well to plans that, for their institutional nature, are not addressed directly to be implemented and to shape spatial development. But any attempt to employ the same definition for planning systems (or to planning as a whole), which respond to institutional mandates of land use regulation, including the shaping of spatial development and its implementation, would simply lead to the conclusion that they can only have a conformative nature.

Therefore, since the case is different, as this paper argued (section 3), performance of planning systems needs to be defined otherwise. There is no need to invent anything, however. Definitions recalled at the beginning of this section seem to fit perfectly the case. In conformative planning systems, the capacity of land use regulation is indeed pursued by the attempt to impose "a correspondence in form, manner, or character" to development projects, and implementation is intended as "an action in accordance with the standards" established by the authority. In performative planning systems, the capacity of land use regulation passes rather through the opportunity of obtaining from projects "the fulfilment of what claimed, promised or requested" by the plan, and implementation looks primarily at the "achievement" or "accomplishment" and at "carrying into execution" the aims of the plan.

So defined, of course, the performance of planning systems (and of planning as a whole) is not in contradiction with the performance of strategic plans: it understates the dimension of plans as learning processes as well as the importance of shaping the minds of actors in spatial development indeed. The performance of planning systems, however, is not limited to these aspects because it cannot be regardless of the regulative function of planning (section 2.1). In other words, the proposed definition suggests that if territorial governance is at stake, the crucial question is not whether (performative) strategic plans are preferable to (conformative) regulative plans, but how the strategic and regulative functions of planning are or should be differently correlated in a planning system addressed to performative (rather than conformative) aims.

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[14] "What is meant by conformance is surely evident. Performance refers to whether decision-makers use a planning document, whether it helps clarifying choices, whether the planning document forms part of the definition of subsequent decision situations. […] So our judgement must rest on whether, in the light of the messages from the plan, the actor's choices have been well considered, and not on whether the outcome conforms to the plan" (Faludi, 2006, pp. 123-125).

[15] "…application is something other than the shaping of spatial development. Application is the shaping of minds of actors in spatial development. […] In terms of this discussion we might say, performance is a question of whether, and how, those concerned apply a planning document" (Faludi, 2006, pp. 120-123).

[16] "Strategic planning occurs where there is uncertainty, with the involvement of many actors adding to the complexity of the situation. Whilst it can occurs at the local level, these conditions are more common at regional and national and even more so at the level of the European Union" (Faludi, 2006, p. 122).

[17] "Talking about implementation complements the view of planning as a technical exercise. Talking […] about application complements that of planning as a learning process" (Faludi, 2006, p. 119).

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