

***The democratic legitimacy of urban planning procedures:
Public private partnerships in Turin and Zurich***

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Table of Contents

Abstract	3
1 Introduction	4
2 Theoretical background	6
2.1 Governance.....	6
2.2 Democratic Legitimacy.	7
2.3 Criteria for the examination of democratic legitimacy.....	9
2.4 The consequences of institutional differences	11
3 Research design and case selection	13
4 A short overview over the planning and construction procedures	14
4.1 Zurich: Neu-Oerlikon	15
4.2 Turin: Spina 3	17
5 Analysis and comparison	18
5.1 Input legitimacy.....	18
5.2 Output legitimacy.....	20
5.3 PPP in the reconversion of former industrial sites – a democratic procedure?.....	21
5.4 The advantage of direct democracy	26
6 Conclusions: PPPs and citizen participation as aspects of long range changes in local development	27
7 Literature	31
8 Appendix	34
8.1 The structure of urban planning procedures	34
8.2 Interviews	35
8.3 Sources.....	36
8.4 Websites.....	36
8.5 Overview of the planning processes	37
9 About the author	41

Abstract

Many European cities are faced with the task of transforming former industrial zones into new residential and commercial neighbourhoods. Such urban planning processes frequently include both public and private sector actors in decision making. Furthermore, they often give way to controversial public debates about the design and uses of the urban environment as well as the planning procedures.

My paper examines democratic legitimacy of decision making in urban planning processes since the 1990s. Its aim is to contribute to the research on governance and democracy at the municipal level. The study consists of a qualitative comparison of two recent conversions of former industrial sites into new urban neighbourhoods in Zurich (Switzerland) and Turin (Italy). The theoretical approaches used in the study derive from fields of urban governance (e.g. Rhodes 1996, Stoker 1998) and democratic legitimisation of decision processes (Scharpf 1999, Sørensen and Torfing 2005, Skelcher 1998).

The two cases of so-called public private partnerships show similarities in the decision making processes, notwithstanding different institutional contexts. The phases of planning and construction included citizen participation and deliberative instruments. However, neither the democratic legitimacy of the decision making processes nor of the actors involved was always assured. Consequently, non-classical means of civic political participation (petitions, lobbying) were applied to influence planning decisions, especially where no institutional means for citizen involvement in urban planning such as local referendums were possible.

The paper shows that the increase in civic participation and the problems with democratic legitimacy in governance processes are not only typical of this rather common problem in urban policy making; the two phenomena are connected to a more general change in many fields of local policy making which involves the participation of private companies as well as citizens.

1 Introduction

Over the last twenty years, public and private stakeholders [have](#) increasingly collaborated in policy making. There are several reasons which contributed to this collaboration: For the public side, the inclusion of private sector participants such as companies or foundations in larger planning and infrastructure projects is a [means](#) of attracting more funds. Another benefit of public private partnerships is a possible increase in planning efficiency due to the resources and expertise offered by private (specialised) actors. In political science, these new administrative methods are subsumed under the term *governance*.

Urban planning and construction is one of the sectors in which public private collaboration is commonly applied. *Public private partnerships (PPPs)* have a long tradition, partly due to the fact that real estate ownership is often private. If public actors such as municipalities or cities want to achieve larger planning goals in a certain area, it is often necessary to cooperate with land owners.

The comparative case study presented in this paper [centers](#) on two urban planning and neighbourhood building processes on former industrial sites in Turin (Italy) and Zurich (Switzerland). The aim of the study is to first [better](#) understand the mechanisms of local governance networks and second, to analyse how these networks are embedded in local democratic systems. Moreover, the study concentrates on the analysis of the democratic legitimacy of the actors involved in the planning and building.

The research questions answered in the paper are:

- How do different institutional contexts affect urban planning processes?
- What about the democratic legitimacy of actors and decisions in these planning processes?

The research interest for democratic legitimacy in local policy making is related to the fact that the private actors in public private partnerships often have a very powerful position. Hence, their extensive decision making power may possibly intersect with the competence of public institutions. Citizen involvement in urban planning projects at later stages seems to suggest that there [may](#) be problems with the decision making processes in larger projects of industrial zone reversion.

The aim of this paper is to make a contribution to [the public private partnerships' literature](#) in different countries (see Heinz 1993; Belina et al. 2001; Budäus 2006; Kurunmäki 2005) by highlighting a [formerly](#) neglected

aspect: democratic legitimacy. It also relates to the literature on the reconversion of former industrial sites in Italy and Switzerland. The Italian research is concerned with overarching approaches between urban planning theory, geography and political decision theory, following similar approaches in other countries (Dansero 1993; Celaschi 1996; Dansero, Gaimo, Spaziante 1998; Ambrosini 1999; Barbolini 2000; Franz 2001). In the Swiss research, a predominant level of attention is paid to projects in the Zurich area. The reconversion processes are analysed in a slightly different perspective than in Italy, concentrating on aspects of land-use planning in larger areas. The main foci are organisational aspects on the one hand, and problems of remediation of contaminated sites on the other (Roth 1994 and 2002; Scholz 1996; Gülden-zoph 2001; Koll-Schretzenmayr 2000; Lootsma 2006).

In contrast to the cited works, this study takes a political science perspective. It does not only look at the different structural aspects of PPPs in urban planning projects. It also concentrates on the democratic legitimacy of decision making networks and on the decision making process itself. Moreover, it makes a binational comparison of PPPs in two cities - Zurich and Turin, the former in a Western while the latter in a Southern European country. The problems faced by the planning teams were similar in both cases, though the institutional environment was different.¹

The paper first takes up theoretical approaches on the democratic legitimacy of governance. Based on Scharpf's concept of input and output legitimacy as well as the approaches by Sørensen and Torfing and Skelcher respectively, this paper introduces an instrument, developed by the author, for the analysis of democratic legitimacy of political actors and decisions at the local level (Scharpf 1999, Sørensen and Torfing 2005, Skelcher 1998). Following the theoretical section, the empirical part begins with a short description of the methods used for analysis. Then, the planning and construction phases for both cases – Neu-Oerlikon in Zurich and Spina 3 in Turin – are described, analysed and compared. The analytic part concentrates on the differences between the governance networks as well as on the discrepancies between the democratic legitimacy of decision makers on the one hand, and decisions on the other. The analysis shows that the openness for citizen participation has been a main source of democratic legitimacy of the decisions and decision making bodies. In this regard, differences in institutional structure between Italy and Switzerland play a significant role. Different approaches in new (civic) forms of participation have not been included in the paper. The paper concentrates more on the importance of civic participation in new types of decision making processes with an important contribu-

¹ For a comparative analysis of urban planning policies see Cattacin 1994: Stadtentwicklungspolitik zwischen Demokratie und Komplexität. It focuses more on urban planning strategies of entire cities.

tion of private (corporate) actors. However, the results of the study suggest that problems of democratic legitimacy in PPPs as well as the phenomenon of increasing citizen participation during the planning and construction processes are both to be seen in the light of an overall change in political decision making processes.

2 Theoretical background

2.1 Governance

The participation of various groups of actors in political processes is studied in the light of the *urban governance* approach. The paper is therefore integral to the discussion on democratic legitimacy of new methods of governing and public administration. These methods are subsumed under the term *governance* (Rhodes 1996). They are concerned with the national, supranational as well as with the local levels of governance. The works of Scharpf (1999), Skelcher (1998), Rhodes (1996) and Dahl (1994) are central to the formation of the governance approach. The urban governance approach explains the mechanisms of new forms of local public administration emerging during the last twenty years. These new forms of organisation are connected to the increasing weight of private (corporate) interests even in public administration (Rhodes 1996, Stoker 1998).

A central aspect of governance is the declining hierarchy. Local administration has developed a structure of pluricentric governance networks which stand between the unipolar system of national administration on the one hand and the multipolar system of the market economy on the other (Sørensen and Torfing 2005: 197). The increasing cooperation with private companies also changes the role of the state: Governing from ‚above‘ makes way for a (publicly) controlled organisational process that respects public interests „a changed condition of ordered rule“ (Rhodes 1996: 652-653). The increasing interaction with private sector actors in policy making and administration is also linked to a fragmentation of the institutional framework (Benz and Papadopoulos 2006: 129). One example of this new form of governance includes the various regimes of private public partnerships in urban planning which are subject to continuous negotiation (see Heinz 1993). The question of democratic legitimacy is not a primary concern of the negotiations on the regime and rules of public private partnerships.

2.2 Democratic Legitimacy.

Based on the works by Scharpf (1990), Sørensen and Torfing (1999) as well as Skelcher (1998), the following sections are dedicated to the theoretical framework of democratic legitimacy of local governance. Scharpf's distinction between input and output legitimacy provides a basis for the analysis of democratic legitimacy of decision making bodies which are not legitimised through direct elections. Following the criteria set out by Skelcher (1998) and based on the notion of input and output legitimacy, I created an instrument of analysis for the study of democratic legitimacy of both decisions and participants of local planning networks.

The analysis of governance networks can only partly be based on general and free elections. This follows directly from the fact that a part of the actors involved are not subject to elections (individuals, companies, experts): „From a governance perspective, however, legitimacy emerges as a problem because the state is underperforming“ (Peters and Pierre 2006: 39). Therefore, it is necessary to develop new criteria for the analysis of democratic legitimacy of governance networks. A theoretical approach that aims at decision making processes is Scharpf's concept of input and output legitimacy (1999). Notwithstanding its origins in the study of supranational cooperation in the European Union, Scharpf's approach is also suitable for the analysis of decision making processes at the local level.²

Looking at local governance, it is evident that the introduction of new decision making and administrative processes that include private actors has changed the basis for legitimacy. That is, a part of the actors involved is not anymore democratically legitimised in a traditional sense. Therefore, this could be a source of a possible democratic deficit. In the case of urban planning procedures with significant private contribution (*gemischte Planungsverfahren*), a clear tendency towards output legitimacy can be observed, centred more on the results of the decision making process. Hence, besides the increasing participation of non-governmental actors, another reason for a lack of democratic legitimacy could also be seen in an overemphasis placed on the output. The end – an efficient planning process – could justify the means – the ample decision making competence of actors without direct democratic legitimacy – slightly too much. Consequently, the reasons for a democratic deficit of local governance could be found in problems with input legitimacy as well as in an overly accentuated output legitimacy. As a consequence, for the analysis of the demo-

² Public agencies and offices are supposed to have input-legitimacy: „Historically, bureaucracies have been considered part of a legitimate democratic order because they are subject to control by a legislature that is itself accountable to the electorate.“ (Bevir 2006: 426).

cratic legitimacy of urban planning processes, all three groups of actors involved have to be studied separately. The individual and corporate actors as well as the planners are very likely only functionally legitimised, while the government side also has democratic legitimacy through elections.³

As mentioned before, some actors' lack of democratic legitimacy through elections poses an important problem for the study of democratic legitimacy of governance networks. Another, connected, problem is the lack of transparency. Sørensen and Torfing share the critique on governance by underlining the intransparency of decision making processes. By developing four criteria of *democratic anchorage* of governance processes, they propose a solution to this problem: (1) First, a governance network should be controlled by elected politicians. (2) Secondly, the members of the participating groups and organisations have to be sufficiently represented. (3) Thirdly, a governance network has to respond to a territorially defined groups of citizens. (4) Fourthly, it has to respect democratic rules and practices (Sørensen and Torfing 2006: 201). A governance network could be controlled directly by elected politicians who are active within the network through a veto position, for example. Another possibility would be indirect control, or meta-governance. In this way, a governance network stays under control of elected politicians. The form as well as the aim of such a network would be defined by elected politicians (Sørensen and Torfing 2006: 202-203).

However, the democratic anchorage by means of indirect control mechanisms also poses some problems: If the control by elected institutions becomes too strong, the self-regulation of a governance network could potentially decrease. The basic idea of a network of different actors, i.e. to cooperate in decision making, could therefore be undermined by too much control. Another problem could arise which is connected to the participating groups' stakeholders. The main actors in urban planning processes – the local administration, private/corporate actors as well as planners – do not represent all stakeholders of planning processes. Moreover, the actors involved do not always follow democratic, but often mainly entrepreneurial rules and strategies. Therefore, one of the central questions regarding the democratic legitimacy of governance processes persists: Are the representatives of the various participants really representing their stakeholders? This question is especially valid with regard to governmental representatives. A further important factor in the examination of the representative functions of the participants in a governance network is transparency.

³ For the structure of urban planning processes and the role of actors involved see the explanations in the appendix.

2.3 Criteria for the examination of democratic legitimacy

In this section, the attention will be drawn towards tools for the analysis of governance networks. Starting from Scharpf's question for input and output legitimacy, the crucial point in studying the legitimacy of governance networks is input legitimacy. This follows from the idea that generally, the output side is overemphasized in legitimising this kind of decision making structure, and the input side tends to be neglected. The analytical tool needed for the study of PPPs must help to assess the input legitimacy of actors in governance networks since the direct legitimacy through elections as proposed by Scharpf or Benz and Papadopoulos is not available for the cases of urban planning PPPs as studied in this paper.

The criteria set out by Skelcher (1998) propose a method of analysis that suits Scharpf's distinction between input and output legitimacy, and which is also compatible with Sørensen and Torfing's democratic anchorage approach. Besides the main criterion of input legitimacy, general and free elections, Skelcher proposes seven categories of local democracy (Skelcher 1998: 21 seqq) significantly influenced by the work of Hall and Weir (1996).⁴ These categories were developed for the analysis of possible democratic deficit in local government and public private partnerships in the United Kingdom (Skelcher 1998: 25).⁵ While the criteria by Hall and Weir were designed specifically for the context of British administrative procedures, Skelcher's criteria are more suitable for the study of local administrative bodies in other countries in a comparative context. The following seven questions were used by Skelcher in the analysis:

- Are the actors in an administrative or governance body directly elected?
- Is the organisation part of the competence field of an ombudsman for the public administration?
- Is public access to decision making meetings guaranteed?
- Is there public access to information?
- Can the members of the administrative or governance body be made accountable in case of problems?
- Do members of governance bodies have to declare memberships in other organisations that could cause conflicts of interest?
- Is there a person or office that controls integrity and financial regularity?

⁴ With a list of ten criteria, Hall and Weir tried to capture and quantify the democratic deficit in newly created institutions in the UK (Hall and Weir 1996).

⁵ Examples for new forms of local governance include *local appointed bodies* in London as well as *quangos* (*quasi-autonomous non-governmental organisations*) or *quangos* (*quasi-autonomous local governmental organisation*). These bodies are created to manage one or several local policy programmes and they consist of public as well as private participants (Skelcher 1998).

In the light of the input and output legitimacy approach, these questions can be attributed to the two aspects of democratic legitimacy as seen in the following table. This provides a base for the analysis of government networks such as public private partnerships in urban planning. The table shows that there are more possibilities for input legitimacy than just elections. Moreover, output legitimacy can also be examined with these criteria.

Criteria for the assessment of input and output legitimacy	
<i>Input-related questions</i>	<i>Output-related questions</i>
<ul style="list-style-type: none"> - Direct election of the participants in the network - Ombudsman - Access to and independent information about meetings and decisions - public access to information and declarations of the interests of the actors involved 	<ul style="list-style-type: none"> - Error checking - Accountability of actors for failures - Independent revision of integrity and finances

Table 1: Criteria for input and output legitimacy of private public cooperation based on Skelcher (1998).

The criteria presented in the table can also be connected to the democratic anchorage approach by Sørensen and Torfing (2005) according to which a central source for legitimacy lies in the (meta-) control of decision making networks by elected political representatives. This is addressed with the criterion for the direct election of members in a governance body. However, following from Sørensen and Torfing, the representatives in a governance network do not need to be directly elected as long as the results of a decision making process are controlled by democratic governments. The Skelcher criteria allow for an indirect legitimacy through institutions such as an ombudsman or through access to information and meetings. This is also sustained by Sørensen and Torfing who stress that transparency is an important criterion for the democratic legitimacy of governance networks. However, for the involved actors, transparency is not necessarily an advantage. Negotiations behind closed doors are preferred because they are perceived as being less bureaucratic, and because the interest positions of the participants are less clear towards the outside.⁶

In contrast to the approach by Sørensen and Torfing, Skelcher does not directly ask whether the representatives in a governance network *really* represent all stakeholders, and whether the stakeholder could have interests that diverge from those of the representatives. Skelcher also stresses the importance of *public audit*, i.e. direct communication between

⁶ Openness and transparency are not necessarily considered important by private companies participating in urban planning, since it is often useful not to inform the market too early in order to avoid the „awakening“ of other competitors: „They (entrepreneurs) will only publish informations that are useful in advertising and marketing“ (Schriever in Belina et al. 2001: 21).

governance networks and the population, which is related to openness and transparency as well as to ombudspersons.

Sørensen and Torfing mentioned that citizen participation in governance networks also depends on the level of education of the local population. This argument is also sustained by Terribilini (1995) who studied local transportation planning in Swiss cities, as well as the work of the group „avventura urbana“ (Sclavi 2002). This group of architects, city planners and social scientists has identified a connection between the level of education and civic participation in urban planning projects in Italy, and tries to sustain participation by disadvantaged groups.⁷ This aspect could be important in the choice of topics that are addressed in citizen participation in urban planning projects.

2.4 *The consequences of institutional differences*

This section is dedicated to the theoretical approaches related to the second part of this paper. The projects of reconversion of former industrial zones (?) in Turin and Zurich studied in this research are shaped by their institutional backgrounds. This has consequences for the form of citizen participation. This study examined the following hypothesis:

In a federalist country with direct democracy, the interests of stakeholders who do not participate in the planning network are taken into consideration more than in a unitarian country which places an emphasis on representative democracy.

The focus of this part of the paper is on institutional differences. I distinguish between the *form of government* on the one hand, and the *different territorial structure* on the other.⁸ In the context of this research, it seems that a direct democratic system does offer more possibilities for not directly involved persons to participate in urban planning. The central aim here is to examine whether the possibilities for external actors such as individuals, as-

⁷ Terribilini found that socio-economically disadvantaged neighbourhoods are more affected by traffic jams and pollution and other negative side effects of transportation than richer neighbourhoods. Moreover, there were less projects for improving the situation. One explanation is that less educated and wealthy people(???) have less resources that allow them to organise and promote better transportation planning in their neighbourhood: „Les populations au statut socio-économique élevé ont une capacité supérieure de formuler des revendications et d’être entendues que les catégories sociales défavorisées. Elles peuvent ainsi exiger avec succès des mesures de modération du trafic alors que la nécessité ne s’en fait pas forcément sentir“ (Terribilini 1995: 16).

⁸ The distinction of different types of democracies in western European countries is based on the categories by Lijphart (1999), Denters and Rose (2005) as well as Bobbio (2002, 2005). The latter two are referring to the preceding conceptualisations, mainly by Goldsmith (1987) and Hesse and Sharpe (1990/91).

sociations or other types of citizen organisations really are different in different systems. Thereby, two main institutional differences are analysed: *firstly*, the distinction between direct and representative democracy, and *secondly*, differences between federal and unitarian constitutional designs. The cases examined in this study cover two of the four possible combinations of the just mentioned institutional settings: *one* in Switzerland which is federalist and direct democratic and the other in Italy which is more unitarian and representative.⁹

Differences in the form of democracy

The differences in the form of democracy are affecting the possibilities for external actors to influence political decision making processes. In the case of urban planning projects, in a direct democratic country, there is the option of facultative (or even mandatory) referendums if some groups have objections to the urban planning project. In representative democracies, influencing political decision making processes is done differently, e.g. by influencing politicians through local interest groups. The lobbying in local or national parliaments is the most prominent way of influencing decision making processes in representative democracies that is accessible for external stakeholders.¹⁰ Lobbying is also very common in direct democracies, where it is often connected with referendum and initiative campaigns. However, in difference to representative democracies, in direct democracies, lobbying is only one of the many different means of *wielding* influence, while in representative democracies, it is nearly the only one. Lobbying requires large financial resources and good organisational skills. Local civil movements that want to participate in urban planning projects are usually lacking financial resources and often also have problems with internal organisation. Further means of influence on decision making bodies which are possible in both systems are demonstrations or petitions.

Differences in territorial organisation

The second part of the institutional differences analysed is concerned with territorial organisation. The differences in territorial organisation between federalist and unitarian *polit-*

⁹ However, it has to be mentioned that the Italian constitution also contains direct democratic elements. However, on a local level, they are less important than in other countries (see Köppl 2007).

¹⁰ For the direct influence by mayors on the national level see e.g. Bobbio (2002: 181 seqq.).

cal systems become interesting when applied to the study of local autonomy, which is much higher in federalist countries. This also includes local fiscal authority. This aspect is important because urban planning projects usually involve large public expenses. In the case of a public private partnership in which most of the buildings' ownership is financed by the private, corporate participants, the local or national administration usually has to pay for and provide streets, sewage and other infrastructure. In a federalist country, the decision making competence in urban planning project is mostly devolved to the local or regional level. In a unitarian system, the local administration has to request financial resources from national institutions. Therefore, projects have to be designed in a way that the probability of acquiring the funds is high (for Italy see Köppl 2007, Bobbio 2005). The central decision making power on large public expenses has twofold consequences: First, it could be difficult to convince national decision makers of the importance of some local problems and projects, and second, lobbying at the national level requires more resources. However, the closer relationship between local governments and the national centre in napoleonic systems could also be an advantage (Bobbio 2002, Köppl 2007). If decisions about large urban restructuration projects are made at the national level, this will also have consequences on the (possible) participation of external actors where ideas, projects and protests of citizen movements also have to move to the national level; this poses problems for organisation and resources.

3 Research design and case selection

The comparative case study follows the idea of *maximum variation cases* (Flyvbjerg 2004: 426) by choosing two cases with different national contexts. As mentioned before, I did not try to compare and analyse all four possible combinations of representative and direct democracies on the one hand and a federalist or unitarian system on the other. The underlying idea was to choose two similar cases in very different contexts: one urban planning project on a former industrial site in a unitarian and representative democracy (Italy) and one in a federalist direct democracy (Switzerland). However, there is a limit to the declaration of Italy as a unitarian representative democracy: since the 1970s, the introduction of regions has led to its system's partial federalisation. Nevertheless, the regionalisation was not as pronounced as in the UK or Spain. Moreover, Italy is one of the countries in Europe with some direct democratic elements in the constitution, mostly at the national level. Regional

and local referendums usually do not have the same legislative power as in Switzerland and could be considered a more consultative instrument.¹¹

Beginning with the case of Neu-Oerlikon in Zurich, Spina 3 in Turin offers interesting possibilities for comparative analysis. The Italian (napoleonic) system is very different from the Swiss system, but at the same time, the two study cases show large similarities in their size, the road and public transport connections to the city, the structure of real estate ownership, the constructions planned on the site as well as in the planning procedures. Therefore, a series of possible intervening problems in the comparative analysis could be avoided. Moreover, the beginning of the urban planning, construction and the first move-in of apartments, offices and shops occurred more or less contemporaneously.¹²

The research methods are qualitative which allows **for considering** as many different aspects as possible. The data used in the comparative analysis are taken from three different sources: (1) original documents from the period of planning, (2) expert interviews with questionnaire, (3) newspaper articles from the periods of planning, construction and first use of the neighbourhood. The interview partners have been selected according to the rules of theoretical sampling (see Cardano 2004). The newspaper articles were taken from the daily newspapers *Neue Zürcher Zeitung* (in the case of Neu-Oerlikon) and *La Stampa* (in the case of Spina 3). The study of three different sources helped to draw a precise picture of the planning procedures as well as of the roles of the different groups of actors outside and inside the planning teams. Moreover, it helped to balance the weaknesses of each type of source (Yin 2002: 86).

4 A short overview over the planning and construction procedures

The following descriptions of the planning and construction periods of the Neu-Oerlikon and Spina 3 neighbourhoods of Zurich and Turin are based on documents, interviews and newspaper articles. First, the initial situation is presented, then the periods of planning and construction and finally the problems and events that eventually led to citizen interest and participations.

¹¹ On direct democracy in Italy see Köppl 2007: 112-119, 113: „The right of petition, initiative and referendum finally seem to be rather insignificant, the same can be said about regional and municipal forms of direct democracy“.

¹² For the structure of planning procedures and the sizes of the two planning areas see the appendix.

4.1 Zurich: Neu-Oerlikon

The new neighbourhood of Neu-Oerlikon is the result of one of the first large *cooperative planning procedures* („Gemischtes Planungsverfahren“) for the reconversion of a former industrial site in Switzerland. Towards the end of the 1980s, the evidence grew for the emptying of the large industrial area north of the Oerlikon railway station in Zurich. Oerlikon is the most important secondary centre of Zurich. The area is close to the Oerlikon station, the motorway, the airport as well as to large residential neighbourhoods. The largest real estate owning companies – Oerlikon-Bührle (later OC Oerlikon and Oerlikon-Contraves AG) and BBC (later ABB) – were trying to achieve a change in zoning laws in order to build new office buildings on the well connected former production site. Politically, a change of zoning laws was difficult to achieve. The local executive body (“Stadtrat”), especially the municipal councillor responsible for urban planning and construction, Ursula Koch (social democrats), wanted to prevent monotonous office district. Therefore, she attempted to cooperate with the real estate owners. The Zurich city government preferred a mixed land use plans for the area which was also a condition for the cooperation with the real estate owners. Moreover, there was a public interest concerned with the large and centrally situated former production sites: public roads and public transportation lines through the formerly closed area were planned.

The land owning companies had commissioned an urban planner to elaborate a land use concept which was to be presented to the municipal executive council.¹³ Later, a concept for the future structure of the area was elaborated, and an architectural and urban design competition was announced. The new neighbourhood was expected to include working and housing areas as well as retail shops and some public services. The City of Zurich prescribed a minimal amount of housing surface in the competition programme. The competition was won by a group of young architects Ruoss, Siress and Schrader. Before construction could begin, the city council, the land owning companies as well as the planners and architects created a development concept for the new neighbourhood. It was planned under the name of “Zentrum Zürich Nord” which would later become known as “Neu-Oerlikon”. The new buildings were planned to contain around 12 000 workplaces, housing for around 6 000 people, a central square, three parks and a shopping centre. Moreover, the new neighbourhood would be well connected to the Zurich public transport system.

¹³ „Chance Oerlikon 2011“. Büro Ueli Roth 1998

The concept was subject to a mandatory public information and participation procedure („öffentliches Mitwirkungsverfahren“).¹⁴ The urban planning concept contained local exceptions in zoning law („Sonderbauvorschriften“)¹⁵ which allowed for an easier legal procedure of zoning law change from industrial zone to zone of mixed housing and employment use. The land owning companies had to cede a part of their property to the city for the building of streets and parks. The mandatory public information and participation procedure was the first event that led to criticism on the project. The main concern by various citizens included the lack of public use of the ground floor of buildings (shops or restaurants instead of closed offices). In spite of public criticism, however, the original version of the local zoning law exceptions („Sonderbauvorschriften“) was implemented in 1998, and once the plans for the buildings were approved, construction started. Three years later, the shopping centre and offices were opened and the first inhabitants moved into their new flats. Because the number of children in the neighbourhood was expected to increase, the municipal government decided to build a new school.

Shortly after the first inhabitants moved in, criticism continued to increase concerning the lack of public use of ground floors. This eventually led to a change of the special zoning laws (“Abänderung der Sonderbauvorschriften”), and additional projects for a new square with shops and a hotel. In 2006, the construction of the square was completed, the hotel and the shops were opened. During the first years, it was difficult to find tenants for the shops. Some of the salesrooms remained empty for a long time. Today, the construction of the neighbourhood of Neu Oerlikon is completed. Notwithstanding citizen critique during planning and construction, there is no evidence of large problems. A possible exception could be the parks, planned and constructed before the new guidelines for ground floor use were implemented. Around the parks, there are no restaurants or other public services, which has been criticised by inhabitants. A citizen group is organising concerts in the park, and there are some restaurants at the square next to the new old people’s home.

¹⁴ The *public participation procedure* („öffentliches Mitwirkungsverfahren“) is constitutionally required in larger urban planning projects in Switzerland. It prescribes the public display of plans and concepts as well as the possibility for citizens to submit criticism and proposals before a publicly announced deadline. The planning team has to comment and read the criticism and proposals in a public document („Bericht über die berücksichtigten und nicht berücksichtigten Einwendungen“). (see urban planning laws: Planungs- und Baugesetz der Stadt Zürich vom 7. September 1975, online at <http://www.zhlex.ch>, 20 Aug. 2008).

¹⁵ „Sonderbauvorschriften“ are a common planning instrument in the reconversion of former industrial areas to new urban neighbourhoods because they are easier to achieve and enforce than changes in the urban zoning law. The local changes in zoning prescription allow for a local change within the existing zoning law instead of changing the entire zoning law (Planungs- und Baugesetz der Stadt Zürich vom 7. September 1975).

4.2 Turin: Spina 3

Since the 1970s, the heavy industry in Turin, dominated by the FIAT group, was in a long-term crisis that eventually led to its closure and downsizing of its factories. The industrial crisis gave way to large changes in the city of Turin. The economic dependency on one large company had to be reduced, and at the same time, Turin wanted to remain an important location for technology-related industries. Together with a new economic boom in the 1990s, the Turin traffic and transportation infrastructure had to be changed.¹⁶ A new tunnel was planned for the Turin-Milan-Genoa railway line which still separated two parts of the city. The tunnel would allow to reconnect the separated neighbourhoods. The three largest industrial sites were also close to the railway lines, one of which later became the Spina 3 neighbourhood. Spina 3 is part of a large project of urban renewal which also includes other new neighbourhoods as well as the construction of a new underground railway line.

Similar to the later Neu-Oerlikon, during the 1980s, a large production site was closing down. The area is situated some kilometres northeast of the city centre, on the banks of the formerly very polluted river Dora Riparia, between the large neighbourhoods of Madonna di Campagna and Campidoglio next to the Turin-Milan railway line. Already at the end of the 1980s, first projects for the reconversion of the neighbourhood were created. In these projects, the traditional methods of urban planning were presented as inadequate for the task (Derossi 1988: 18). During the preparatory phase of the urban renewal project in the early 1990s, the real estate owning companies, namely FIAT, had an important position (Vico in Dansero 1993: 72).

When the future Spina 3 was in the process of being planned, the Turin city council planned a new urban planning regulation („piano regolatore generale“) which led to intense debates on urban planning.¹⁷ The projects destined for the industrial site at the Dora river were later integrated into the „piano regolatore generale“, analogous to other projects on former industrial sites in Turin. The general land use concept prescribed cooperative planning procedures, i.e. they should include real estate owners as well as the city government. Private companies should build new housing and office buildings, while the city was responsible for the infrastructure. Moreover, the city of Turin had planned to build a large public park along the banks of the Dora river. When Turin was elected as the host city for

¹⁶ The first large real estate development linked to the Turin city revival was the reconversion of the former FIAT factory *Lingotto* by Renzo Piano at the end of the 1990s. A new congress centre, a shopping centre and a hotel were built.

¹⁷ The „piano regolatore generale“ contains regulations for urban planning and is more or less equivalent to the Swiss „Richtplan“. The Turin „piano regolatore generale“ contained the idea of the railway tunnel for the Turin-Milan line.

the 2006 Winter Olympic Games, a part of the journalists' and athletes' accommodation was integrated into the Spina 3 project. In contrast to the Zurich project, the land owning companies in Turin expected more revenue from housing rather than office use.

5 Analysis and comparison

The first three parts of the following chapter are dedicated to the analysis of input and output legitimacy in the Turin and Zurich cases. Thereafter, the focus moves towards a more overarching view of democratic legitimacy of public private partnerships. The structure of the sections on democratic legitimacy follows the criteria developed in the theoretical section of the paper. Special attention is dedicated to the consequences of different institutional contexts on the participation of citizens and other actors not directly involved in the urban planning process. The analysis of the cases is based on information from the three types of sources which I will not cite separately in the next sections.

5.1 Input legitimacy

Four of the seven criteria by Skelcher (1998) were used for the analysis of input legitimacy: One of the criteria is concerned with democratic legitimacy through elections, and three with openness and transparency. Not surprisingly, the representatives of the city government who are participating in the planning teams are legitimised through elections. The “Stadträte” (Switzerland) are either directly elected or, in the case of the Italian “assessori” appointed by the directly elected mayor.¹⁸ To the contrary, the private sector actors in the urban planning projects do not have any input legitimacy through elections. They are only legitimised based on to their function(s) in the planning process, either as private property owners or as construction and real estate companies. Similarly, the planners and architects are only functionally legitimised.

The cities of Turin and Zurich both have an ombudsperson.¹⁹ However, only a part of the largest participating companies have ombudspersons. Mostly, they do not inform very accurately about their goals and strategies. This also has economical reasons: company

¹⁸ *Stadträte* and *assessori* are the members of the local executive in Zurich and Turin.

¹⁹ see: <http://www.stadt-zuerich.ch/internet/ombudsstelle/home.html> (10.07.2008), <http://www.comune.torino.it/consiglio/servizi/difensorecivico.shtml> (20.08.2008).

decisions are not always transparent because informing the market would be a competitive disadvantage (Schriever in Belina et al. 2001, Heinz 1993: 9-10). On the one hand, the Zurich mandatory public participation procedure („öffentliches Mitwirkungsverfahren“) provides public information about urban planning projects. It is institutionalised and constitutionally protected. In Turin, on the other hand, there is no constitutional duty of information and administrative appeal, though there was some voluntary citizen information, e.g. [the distribution of information pamphlets](#) about Spina 3 to households. [Some participating institutions'](#) meetings in the planning [process](#) are publicly accessible (*i.e.* meetings of the city councils). [On the contrary](#), the meetings of municipal representatives with private companies and real estate owners as well as the meetings of the city executive bodies happened behind closed doors. However, the minutes of the city parliaments and executive bodies are publicly accessible, frequently [through](#) municipal websites.

With regard to the public access to information and important meetings, once the master plans were elaborated (1996/1998), the situation was rather fine in both planning processes, *i.e.* official planning documents were easily accessible. However, the planning before the completion of the master plans was more an internal concern of the participating experts and politicians. In the early stages of the projects, citizens were only informed about details, e.g. the fact that there was some planning for the areas, and the intent of planning a mixed use neighbourhood. Besides the information [provided](#) by public authorities, media also informed about ongoing planning and construction in the large industrial sites (mainly the local section of newspapers, but also radio and [TV](#)). [Through](#) these [channels of communications](#), information about the costs of the projects [was also conveyed to the public](#). However, the lion's share of the information was published after the end of the first planning phase and during construction. In Turin, the large real estate owning companies and the real estate management and financing company *Fintecna* have published an “code [of ethics](#)” which highlighted the importance of transparency and complete information about the planning and construction processes. It has to be remarked though that it was rather difficult to find direct information about the activities of the *Fintecna* company.²⁰

With regard to input legitimacy, the analysis of the two planning procedures has shown that the criterion of transparency was in both cases more or less respected. This is important because transparency is a central criterion for the input legitimacy of non elected

²⁰ www.fintecna.it (04.10.2006), *codice etico*: „Fintecna does its best to inform all stakeholders in a clear and transparent way about its own situation and the course of the projects, without favouring any interest group or individual, and with exception of confidential news. The financial, accounting and management data and every other Fintecna communication have to respect the criteria of truth, completeness and accuracy.“ (translation by the author). The ethic codex also contains rules against corruption.

actors. If there is enough information on the urban planning procedures, every step of the decision making process can be reconstructed and criticised if necessary. However, the first phase of planning was in both cases closed to the public. An exception is the 1988 publication of a project exhibition in Milan for the area that will later become Spina 3 which was aimed more at a professional audience (Derossi 1988). It has to be mentioned though that very few citizens are interested in an urban planning project before the construction starts and the new neighbourhood becomes visible. Nevertheless, in both cases, there was some criticism and influence by external actors such as citizen groups (diminishing the surface allocated to shops in Turin, mandatory participation process in Zurich). Moreover, the companies and real estate owners involved in the planning were mainly interested in finding different uses for their unprofitable properties. This expectation of profit could lead to conflicts with the broader interest of the public administration which might also be interested in other uses of the areas.

5.2 Output legitimacy

The second part of the criteria for the study of democratic legitimacy of governance is concerned with the results of decision making processes. The urban planning procedures in Zurich and Turin were analysed with regard to error checking, responsibility of involved actors and independent assessment of integrity and financial issues. The fact that the citizen interest for the new neighbourhoods has dramatically increased after the construction of the first buildings indicates that the output dimension is central to the democratic legitimacy of public private partnerships.

In both cases, the checking of errors and responsibilities was enabled by the contracts on construction regulations. Consequences such as additional payments would be applied if contractual agreements were not fulfilled in time. In Turin, some of the companies involved in planning and construction took advantage of a ten year time limit: they only constructed their mandatory part of public infrastructure (streets, sewage, water and electricity pipes) at the very end of the ten years period. As a consequence, apartment blocks were quickly finished, but in some cases, the streets that lead to the houses were constructed some years later. Of course, this has led to conflicts with the new tenants and apartment owners.

The check of financial solvency, accounting and the lawfulness of participating actors in the planning process was guaranteed. There was a control over planning and build-

ing expenses: state expenditures had to be documented and companies were also subject to compulsory publication of accounting. However, in the case of Spina 3 in Turin, it has to be added that the real estate companies participating in planning and construction were less open about their finances. Some of the information could be found on corporate websites, but apart from independent external audit, there was no other form of control that could have detected irregularities in planning. Moreover, it was not always clear how financial resources were used.

As theorised before, public private partnerships in urban planning are more easily legitimised through their output. Criteria for error checks, responsibility of actors and financial transparency were fulfilled in the most cases. Nevertheless, there were some difficulties, mainly in Turin, to find some information on the private companies' involved cost of construction. The largest problem with regard to output legitimacy is related to the increase in criticism after the onset of construction as well as later after the first people moved in. This criticism could be a measure for the acceptance of political decisions by the population. According to Scharpf, this is an important element in the legitimacy through output (Scharpf 1999: 22). In this study, the acceptance of political decisions was not directly tested, because it would involve costly surveys, thus additional resources. However, the growing criticism in both Zurich and Turin after the first buildings were completed indicates that some of the elements of the masterplan did not find resonance in the population. Interestingly enough, the Zurich case with its compulsory participation procedure shows that criticism by citizens or associations is basically accepted by the members of the planning team.

5.3 PPP in the reconversion of former industrial sites – a democratic procedure?

As we could see before, the late onset of criticism on the design and layout of the new neighbourhoods could be perceived as criticism towards the output of a political decision making process. Therefore, one weak point in the democratic legitimacy of this type of decision making processes could be attributed to the planning team's lack of understanding of the future inhabitants' needs. This view is sustained with the argument that citizens' interest in the new neighbourhoods only emerged once the first buildings were completed and then, changes were difficult to achieve. A contrary argument is that planning can never

estimate all future developments, and that there will always be a certain insecurity with regard to the planning consequences.²¹

However, following from the case studies, the legitimacy of the planning procedure is mainly connected with the design of the new neighbourhoods, i.e. with the output of the planning team's decision making. Before the buildings were erected, the planning processes were not perceived by the public. The question of input – i.e. about the organisation of the planning procedure as well as about the decision making power of the three participating groups of actors – has never been mentioned by citizen groups during the planning period. It seems that public private partnerships in urban planning are finding widespread acceptance. It also seems that the public is not always aware of the extensive decision making power of corporate actors which is solely based on their real estate ownership. However, it also has to be stated that the areas concerned are large enough for public (government)'s interest in the projects for the restructuring of the area. Similar arguments were also stated by Heinz (1993) in his study on PPPs in urban planning: one of the major risks seems to be that long term interests (such as a well functioning neighbourhood without large social problems) are not achieved, if only the interests of private, corporate actors are respected (Heinz 1993: 9-10, 13).²²

In both urban planning procedures studied in this paper, the criticism stated by citizens, associations and media in a later phase of planning and construction was originally also a concern of the government actors in the planning team. Hence, the local administration was to some extent acting as a solicitor for the citizens (see Heinz 1993: 9).²³ If it were only private companies that would have planned the neighbourhoods on former industrial sites, the result would perhaps have been more heavily criticised and publicly discussed, since criticism and objections from the governmental side would not have been officially integrated in the planning procedure. This view is partially sustained by observations in the Neo-Oerlikon case where the media often criticised that the preferences of real estate owners had too much weight in the planning procedures (articles in *Nene Zürcher Zeitung*, 2005, Kuhnert and Ngo 2005).

The role of the city government concerning the onset reason for planning was slightly different in the analysed cases: in Zurich, the urban planning process was initiated by the private side and the city government was included only later. Therefore, since the

²¹ see appendix: „The structure of an urban planning procedure“.

²² Many analyses of PPPs in urban planning do not discuss the aspect of democratic legitimacy, or only mention it in a footnote (see e.g. Bolz 2005, 2007 or Eggers 2004).

²³ see also the concept of *advocacy planning* that was coined in the 1960s urban planning discussions about urban renewal projects in New York (Davidoff 1965).

onset of planning, the Zurich city administration was representing public interest concerning the part of the urban territory that would eventually become a new neighbourhood. Main concerns were a diversification of uses (no pure business district) and a minimum percentage of housing uses. Later, the city of Zurich was sustaining public infrastructure projects such as public transportation lines, schools or parks. In Turin, the local government side dominated the urban planning procedures. The city government already tried to reconvert the emptied factory areas when the property owning companies did not believe there would be a new economic revival. Important criticisms that the government side stated at a later stage of the planning process were: (1) a lack of architectural and construction quality of the new buildings, (2) the inadequate school and kindergarten facilities, and (3) the fact that public housing blocks were built side by side with luxury apartments. The latter combination was thought to be a disadvantage in selling upmarket apartments. These criticisms were derived from the ideas and objections of citizen groups and movements.

A comparison of the planning procedures with an institutional focus

The previous chapter has clearly shown that problems with democratic legitimacy of urban planning projects were in both cases caused by similar reasons. Particularly, a central factor for legitimacy is the possibility for external individuals or groups to influence the planning. The following chapter is dedicated to citizen participation, focusing on the hypothesis that a federalist direct democratic institutional environment encourages the consideration of the interest of external actors in urban planning. As we could see before, the planning procedures for Neu-Oerlikon and Spina 3 took place in the same period (1990s - mid 2000s), and the size and participants in the planning procedures were similar.²⁴ However, there were some differences in the design of the planning procedures attributable to the institutional structure of Italy and Switzerland respectively. This has a consequence on citizen participation as well as organisation and resources on the government side. In both cases, after the completion and first use of apartments, shops, offices and other workplaces, the first wave of citizen activism started. Its main focus was to influence the planning team: some of the characteristics of the new neighbourhood that were perceived as planning failures were requested to be changed.

²⁴ In the appendix, there are two chronological tables on the planning and construction procedures.

In both Zurich and Turin, citizen associations were founded in order to influence mainly the government side.²⁵ The central aim of the associations was to make the new neighbourhoods more lively and to represent the inhabitants' interests. In Zurich, the inhabitants' association was founded already 1994, when it could still have an influence on the planning procedure by using the mandatory participation procedure ("öffentliches Mitwirkungsverfahren"). In Turin, the citizens' association was founded only in 2004. At that time, the shopping centre was already open for ten years, but the apartments only filled much later. The central aim of the Turinese association was to make sure that public services in Spina 3, such as schools, childcare services and a neighbourhood polyclinic were built contemporaneously with the private services (shopping centre, cinema). The original masterplan did not foresee public services, since they should be covered by the already existing facilities of the adjacent quarters. Both citizen and inhabitant associations were founded by groups belonging to the left side of the political spectrum.²⁶

Besides the associations, there were three other cases of citizen participation. In Turin, there was successful lobbying in the city council during the planning phase long before the citizen association was founded. The association of marketstands and small shop owners in the surrounding neighbourhoods was afraid of the new competitor, the large shopping centre. The association successfully lobbied the reduction of the shopping centre's maximum sales area.²⁷ In Zurich, the mandatory participation procedure ("obligatorisches Mitwirkungsverfahren") at the onset of planning was held to collect citizen's proposals and criticism. Most of the proposals were not respected in the planning. Nevertheless, it is interesting to see that some of the criticism and proposals eventually became the crucial conflict issues between the planning team and the later inhabitants.²⁸ The mandatory procedure report includes proposals for mandatory public or semi-public ground floor use. This was not included in the first version of the special zoning law ("Sonderbauvorschriften") since investors and real estate owning companies feared a decline in property attractiveness. This was justified stating that small shops or businesses could not pay as much as large companies. Notwithstanding, the City of Zurich could enforce a specification that ground floor spaces along important streets should be constructed in a

²⁵ The associations „Zürifüfz!“ and „Comitato Dora Spina Tre“.

²⁶ „Comitato Dora Spina Tre“ was founded by members of local environmental groups and is therefore supposed to have more left-wing sustainers. Similarly, „Zürifüfz!“ was founded by social democrat Martin Wasser, later a member of the city executive body. The association is supposed to be politically independent, but stands closer to left-wing parties.

²⁷ In Turin, neighbourhood (food) markets have a long tradition and popularity and are held daily on many urban squares.

²⁸ See: „Bericht zu den nicht berücksichtigten Einwendungen, Stadt Zürich 2004“, available at the archives of the City of Zurich.

way that a conversion into small shops will not be expensive. This compromise illustrates the different planning goals of public and private actors in a PPP. While the public side aimed to realise a more all-encompassing development path, the private side was more oriented towards short-term results. This is even more sustained by the expectation of profits and risk analyses (Heinz 1993: 13). The second point of conflict in Zurich was the number of parking lots. In this case, another intervention possibility offered by Swiss law was used: the association's right to appeal ("Verbandsbeschwerderecht").²⁹ This law sometimes also has indirect consequences, as in the case of Neu-Oerlikon: during the planning phase of the parking garage, the planning team was afraid of recourse by the left-wing environmentalist "Verkehrsclub der Schweiz". This would have extended the planning phase, and therefore, the number of planned parking lots was reduced.

Contrary to the expectations of the theoretical approach, the differences in territorial constitution between Italy and Switzerland did not have noteworthy consequences on the planning procedures. The most important differences are related to the amount of municipal autonomy. On the one hand, Swiss municipalities have extensive decision making competence in many policy fields, while Italian municipalities have more limited competences.³⁰ In Switzerland, the competence for urban planning decisions is situated mainly at the municipal level. The local fiscal autonomy allows more expensive projects to be realised without having to collaborate with the next higher territorial institution (cantons, federal government). In practice, collaboration occurs rather frequently, but the competence of higher institutional levels is mostly limited to specific parts of projects, such as railways, main roads and motorways (Linder et al. 2006). The Neu-Oerlikon project was mainly led by the City of Zurich. The Swiss system is very flexible with regard to the structure of planning procedures.

On the other hand, in Italy, the distribution of financial resources for local urban planning projects is still very centralised and at the same time, competences are spread across various national institutions. Since 1946, the creation of regions increasingly relocated some of the competences to the regional level where decision making on urban and regional planning as well as regional development moved to the regional level (Köppl 2007: 180). However, the regions are limited in their decision power since they are almost totally dependent on contributions from Rome (Köppl 2007: 181). In the case of Turin, the re-

²⁹ The association's right to appeal for environmental organisations is based on the following law: „Bundesgesetz vom 1. Juli 1996 über Natur- und Heimatschutz“, online at: <http://www.admin.ch/ch/d/sr/c451.html> (20.08.2008). In 2008, a popular initiative wanted to limit the association's right to appeal, but it was not accepted in popular vote (<http://www.admin.ch/ch/d/pore/vi/vis333.html> (23.08.2008)).

³⁰ For Swiss municipal autonomy see Linder et al. 2006: 427 seqq, for Italy see Köppl 2007. A comparative overview on local autonomy in Europe is provided by Vetter 2002: 120.

quests of the region and the city were almost completely approved. Therefore, the centralised Italian system was not a limiting and slowing factor for the planning of Spina 3.

5.4 *The advantage of direct democracy*

Comparing two cases of planning procedures in direct democratic and federalist Switzerland to representative democratic and centralist Italy, we could see that the institutional differences were not very influential with regard to the participation of external actors. In both cases, the fact that citizen associations were formed after completion of the first buildings shows that certain preferences of the inhabitants were not respected during the planning. In the planning phase, criticism and proposals mainly came from established groups such as the “Verkehrsclub der Schweiz” (Zurich) or local trade and crafts associations (Turin). Moreover, in Switzerland the mandatory participation procedure (“öffentliches Mitwirkungsverfahren”) provides an additional call for citizens who are not organised in associations or pressure groups to participate in the planning. All means of participation by external actors have led to similar outcomes in both cases: Associations and citizens proposed ideas for a more lively neighbourhood, and criticised some of the planned infrastructure as insufficient.

The hypothesis that in Switzerland, the participation of external actors in public private partnerships in urban planning is easier to achieve, and that it is hindered in Italy cannot be sustained by the results of the case studies. In both cases, external actors successfully influenced the government side in order to change the planning. None of the external groups tried to directly influence either the private companies or the professional planners and other experts. The national differences in institutional structure led to differences in the way of influencing the planning procedure. As explained in the theoretical chapter, trying to influence the elected representatives is the most important influential method in representative democracies. In Switzerland, there is the additional possibility of the mandatory participation procedure (“obligatorisches Mitwirkungsverfahren”). In opposition to Turin, the mandatory participation procedure in Zurich enabled interested citizens to give their opinion in an early phase of the planning procedure. The decisions were not yet poured in concrete and therefore could easily be modified.

Even though the mandatory participation procedure in Switzerland is certainly a powerful instrument for involving external actors in urban planning procedures, while such an instrument is missing in Italy, it is still not absolutely possible to sustain the hypothesis

on institutional differences. The indirect influence on elected politicians is well-established. However, an objection to this argument is that the Italian system assumes that there needs to be some degree of organisation for effective lobbying. It is difficult and costly to organise large heterogeneous groups such as inhabitants of a heterogeneous neighbourhood. Pressure groups are more likely to be formed around strong common interests and with enough financial resources. Contrarily, the mandatory participation procedure as it is used in Switzerland, enables individuals or relatively unorganised groups to give an opinion because the organisational structures are provided by the planning team.

Another important argument in support of the direct democratic advantage hypothesis is that means for informing the citizens as well as for their participation are legally prescribed in Switzerland. However, whether the masterplan of a new neighbourhood is changed along the proposals and interest of external actors does seem to depend on a series of other factors. This became clear through the case studies in Turin and Zurich. Important factors are: (i) the real estate owners' and investors' willingness to cooperate and compromise, (ii) the political orientation of the city government, and (iii) the position of the area subject to the planning procedure. Especially the political orientation of the municipal government seems to have a large influence on urban planning projects (see Dente, Bobbio, Spada 2005). Moreover, the educational level of the local population seems to have an influence on political participation (Sørensen and Torfing 2005, Terribilini 1995). Besides social and environmental objectives, the interest of local trade and crafts associations seem to have an important role in the influence of external actors in urban planning procedures.

6 Conclusions: PPPs and citizen participation as aspects of long range changes in local development

In this paper, I adopted a political science perspective in the analysis of public private partnerships in urban planning. Contrary to the more economic, juridical or planning studies literature, the attention was focused on democratic legitimacy and civil participation possibilities in urban planning procedures. The case studies compared two recently built neighbourhoods on former industrial sites with a similar planning and construction history, in two different countries. Analysing the planning procedures, it became clear that the demand for democratic legitimacy of governance is not always easy to fulfil.

Urban planning is a field of policy making in which cooperation between public and private actors has a long tradition. Not least, this is caused by the fact that real estate property is often private, as it was the case in the industrial areas studied here. However, the cooperation between government and private companies can also lead to problems which were highlighted earlier in this paper. These problems are related to the democratic legitimacy of urban planning procedures when private actors are involved. In a long run perspective the veto position of the private companies in urban planning can be problematic, especially, if the areas are large enough that construction and building on these sites leads to a significant influence on the surrounding urban tissue. Frequently, the time horizon of private companies in urban planning is shorter than that of the local government; moreover, short run financial benefits are central. However, realistically it has to be admitted that neighbourhood development projects on large former industrial sites are faced with more difficulties without involving real estate owning companies. In addition, the construction and restoration is very costly, and therefore, the participation of local governments is also often desired. During the case studies, it sometimes became evident that the private actors were more open to compromises in their industrial site projects than on new development sites that have never been used before. This is particularly the case because the local government provides public infrastructure such as streets or water and electricity, as well as help in the removal of contaminated material from former manufacturing sites.

The case studies have confirmed that on the side of the local government and administration, input legitimacy is largely guaranteed. The legitimacy of private actors is more problematic, mainly because the transparency of goals and decisions is not always given. Furthermore, the fact that private actors are not legitimised through general and free elections seems to deny a possibility for democratic legitimacy at a first glance. Public private partnerships are promising fast and effective planning procedures, but they are also subject to the inherent danger of devaluating long-run strategic goals in favour of short-term advantages. Examples for long-term strategic goals would be a balanced mix of uses in the new neighbourhood, or larger flexibility in uses of new buildings in order to be able to react to later changes in user structure.

In the cases studied, the main source of democratic legitimacy was found on the output side: in an early stage of planning, the decision making institutions were not questioned. Only after the results began showing when the first buildings were finished, criticism grew. This eventually led to participation by external actors such as the foundation of neighbourhood committees. The finding that the amount of external participation in the

planning procedures was rather small can also be attributed to a lack of interest. Many citizens perceive urban planning procedures as being rather abstract.³¹

As we could see in the chapter(??) on the comparison of cases, the hypothesis about the type of democracy could not be completely supported after the analysis of the Zurich and Turin planning processes. It does not seem that planning procedures in federalist direct democracies respect more citizens' interests than planning procedures in unitarian representative democracies. It could be stated that urban planning is more perceived to be a task for central government in Italy than in Switzerland; this is explained by the smaller local administrative autonomy on the one hand, and the fact that central and regional government have more decision power in local urban planning on the other. However, such a (more centralistic) conception of urban planning does not exclude intense cooperation with private companies or the privatisation of governmental competences.

Another result of the case studies is the difference in citizen organisations' strategies to influence the planning team which follows from different institutional contexts. In Turin, civic participation is primarily limited to lobbying at the local political institutions while the Zurich example represents the institutionalised participation procedure in urban planning ("öffentliches Mitwirkungsverfahren"). This instrument allows less organised individuals or groups to participate or criticise urban planning processes at a very early stage. Nevertheless, the decisive power whether to accept criticism and suggestions remains with the planning team. Consequently, fundamental objections to the project or planning procedures are rather efficiently avoided. However, another important consequence of the Swiss system is that planners try to anticipate possible criticism in the mandatory participation procedure, and therefore adapt their plans at an early stage. In this perspective, the mandatory participation procedure can be seen as an instrument that eventually leads to more respect of common welfare in urban planning. Hence, in the light of the theoretical approaches presented in this paper, the Swiss mandatory participation procedure and partially also the association's right to appeal are important elements to enhance input legitimacy. These two instruments are therefore important additions that lead to better democratic anchorage in political decision making processes such as the urban planning procedures studied in this paper, which are mainly based on output legitimacy. To resort to these means would lead to a limitation of democratic legitimacy.

³¹ One of the main reasons for the lack of interest seems to be that large parts of society are rather indifferent when it comes to the former industrial areas, a finding sustained by the interviews. Until the cessation of production, industrial areas were only accessible to the workers and other employees of the factories at limited times and within limited sectors. During the planning phase, large unused industrial areas seemed not to be interesting because they did not exist in the perception most people have of the place where they were living.

Finally, the results of the study have led to a series of more general questions about the structure and organisation of local democracy. The case studies indicate that the study of public private partnerships is not only concerned with the more classical democratic legitimacy of decisions and actions “from above”. It also leads to questions about how new participation and methods to wield influence “from below” could be integrated in the democratic system. There are several indicators showing that (local) governance systems are subject to profound changes. On the one hand, there are new political decision making and planning procedures which involve a large amount of collaboration with private companies. On the other hand, organised forms of protest and influencing of political decision making processes such as citizen movements, demonstrations and lobbying, but also more established means such as appeals and recourses are increasingly gaining importance. _As we could see in the study of urban planning procedures in Zurich and Turin, new forms of political and social activism were used only when there were problems in planning. The original masterplans were changed after the protests, criticism and suggestions, whereby the role of the (local) governmental and administrative actors was crucial. The (often late) changes of the original masterplans could also be perceived as indications for the fact that it would be oversimplifying to say that new forms of decision making subsumed under the term *governance* always bring with them a cutback of democracy. _However, the criteria for democratic legitimacy have to be subject to thorough attention, and the role of the state as mediator between civil participation and private companies has to be assured.

7 Literature

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8 Appendix

8.1 *The structure of urban planning procedures*

Urban planning procedures are not among the decision making procedures most commonly studied political science. Therefore, this short section aims to explain the basic structure of urban planning procedures on large former industrial sites. Then, the three main groups of participants are presented. Both of the urban planning procedures studied in this paper are *public private partnerships*.

A planning procedure is a decision making procedure with long-range consequences. In an urban planning procedure, the future use of an area is discussed and then fixed in a masterplan. It is separated in the three phases of (1) initiating, (2) elaboration and evaluation, and (3) implementation (Koll-Schretzenmayr 2000: 125, 127, Belina, Fischer et al. 2001). During the initiating phase, the problems are discussed and the future (land) uses are discussed. In the elaboration phase, the masterplan, i.e. long-term planning and construction guidelines and maps, are created and refined. In the case of urban planning, implementation means construction, not only buildings, but also public spaces and infrastructures such as streets, squares or water, electricity and sewage conducts. Changes and adjustments are still possible during the implementation phase, but rather difficult to accomplish. The initiating and elaboration phases are therefore the most flexible.

Urban planning procedures are often characterised by the close cooperation between public and private actors. I distinguish three groups of participants:

- real estate owners: real estate companies, former factory companies, individuals, etc.
- state / government: municipal governments and agencies, canton/province/region/central government, and finally
- planners: architects, professional urban planners, transportation planners, infrastructure experts, engineers.

Additionally, external groups are often trying to influence urban planning processes. Such groups could be citizen associations, social movements, environmental groups or trade and crafts organisations.

8.2 Interviews

Selection of interviewees			
	<i>State</i>	<i>Planners</i>	<i>Private actors</i>
<i>Zurich</i>	City executive, department of construction and urban planning (1 person)	Coordinating planner (1 person)	Two representatives of real estate owning companies
<i>Turin</i>	Coordinating agency “Parco Dora” (2 persons) Municipal government, department of urban planning (2 persons)		<u>Largest</u> real estate company (2 planned, 1 interview conducted)

Detailed information about the interviewed persons is available on request.

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8.5 Overview of the planning processes

Comparison

Neu-Oerlikon (ZH)	Spina 3 (TO)
740 000 m ² 5000 inhabitants 12 000 jobs Small shopping mall (total sales surface 14 276 m ² , super market, DIY store, three small shops and cafeteria) <u>No</u> large cultural events facility Large buildings, no high-rise buildings 4 small parks School	1 000 000 m ² 10 000 inhabitants 6000 jobs Large shopping mall (total sales surface 18 000 m ² , large super market, many chain stores and other small stores) <u>Multiplex</u> cinema Large buildings, high-rise buildings 1 large park <u>Church</u>

Sources: Priu, Zut 4.13 Spina 3, programma definitivo 1998, Rahmenvertrag Entwicklungs-Richtplanung ZZN 1996, wincasa Immobilien 2006.

Objectives of planning

Objectives Neu-Oerlikon	
<i>City of Zurich</i>	<i>Private actors</i>
<ul style="list-style-type: none"> - mixed uses: housing / working - public squares and parks - private clean-up of former waste deposits 	<ul style="list-style-type: none"> - office use (higher profit/m²) - clean up of former waste deposits only with government funding
<i>Planners: coordination</i>	

Sources: Interviews, NZZ, Roth 1994, 2002, Scholz et al. 1997, Gülden-zoph 2001

Objectives Spina 3	
<i>City of Turin</i>	<i>Private actors</i>
<ul style="list-style-type: none"> - mixed uses: housing / working - large public park - social housing programmes - subsidies and promotion of start-up companies and research projects - clean-up of former waste deposits 	<ul style="list-style-type: none"> - housing use (higher profit/m²) - clean-up of former waste deposits only with government funding
<i>Planners: coordination</i>	

Sources: Interviews, Dansero 1993, La Stampa

Neu-Oerlikon

Division of uses and constructible surface, Neu-Oerlikon (ZZN)		
	total constructible ground surface	floor area approved for construction
housing and services/offices	285 000 m ²	housing 204 000 m ² services, offices 257 000 m ²
Industry	200 000 m ²	235 000 m ²
Public services	30 000 m ²	39 000 m ²
Unconstructed surface	50 000 m ²	
streets, roads	50 000 m ²	
Total constructible area	ca. 450 000 m ²	
Total (without major streets)	550 000 m ²	734 000 m ²

Source: Sonderbauvorschriften Zentrum Zürich Nord Stand 1997.

Chronology of planning and construction: Neu-Oerlikon

Chronology Neu-Oerlikon (ZH)	
1980-1987	<ul style="list-style-type: none"> - emptying of factory area in Oerlikon foreseeable, The Oerlikon-Bührlle and BBC (later ABB) companies try to achieve a change in local zoning laws.
1988-1994	<ul style="list-style-type: none"> - The real estate owners become aware of the difficulty to change zoning laws. Urban planner Ueli Roth is commissioned to create a concept for the future use of the area („Chance Oerlikon 2011“). The concept is presented to the city executive body. - 1990: real estate owners and city government advertise a competition for the reconversion of the area. - 1991: structural concept by land owners and city. Maximum floor space 850 000 m² - 1992: the architects Ruoss, Schrader and Siress win the competition. The plans foresee areas for industry, services, housing, shopping, green areas
1994	<ul style="list-style-type: none"> - City and private actors publish development guidelines on use, construction, unconstructed surface and transportation. The area is now called „Zentrum Zürich Nord“. The concept foresees 5 000 inhabitants as well as 12 000 workplaces. - Presentation of the project „Glattalbahn“, a new local tramway which will connect all development areas in the north of Zurich
1995	<ul style="list-style-type: none"> - mandatory public participation procedure („öffentliches Mitwirkungsverfahren“). 50 objections are registered. Criticism is concentrated on the failure to connect the train station to the new neighbourhood, a lack of ground floor use and intransparent planning procedures. - Start of construction of the large office/factory buildings Toro I and II (ABB company)
1996	<ul style="list-style-type: none"> - City executive approves special construction guidelines („Sonderbauvorschriften“) as well as the contract on redistribution of real estate property („Rahmenvertrag zur Neuordnung des Grundeigentums“) - Public credit for the first park (Oerliker Park) approved by city parliament
1997	<ul style="list-style-type: none"> - ABB inaugurates office and factory buildings Toro I and II.
1998	<ul style="list-style-type: none"> - private real estate owners and SBB (Swiss federal railways) sign the real estate property redistribution contract. - Zurich city parliament („Gemeinderat“) approves „Sonderbauvorschriften“ and „Rahmenvertrag“ (see above).
1999	<ul style="list-style-type: none"> - start of construction shopping centre, apartment blocks, services and office buildings
2000	<ul style="list-style-type: none"> - move-in of first apartments around „Oerliker Park“
2001	<ul style="list-style-type: none"> - Decision to construct new school in Neu-Oerlikon on the „accu-area“ - first calls for planning of the railway station pedestrian tunnel (connection of Neu-Oerlikon

	<ul style="list-style-type: none"> with old Oerlikon centre and railways – inauguration of the shopping centre in a large building with apartments and 450 parking lots
2002	<ul style="list-style-type: none"> – Summer: end of the office construction boom – criticism because of a lack of life in the new neighbourhood (lack of public use of ground floors)
2003	<ul style="list-style-type: none"> – public opinion about Neu-Oerlikon increasingly negative
2004	<ul style="list-style-type: none"> – Summer: inauguration of new school „Im Birch“ – construction of other large shopping centres in the outskirts of Zurich: Sihlcity (Southwest) construction boom in Zurich West, the other large former industrial area
2005	<ul style="list-style-type: none"> – Ongoing criticism about the „empty Neu-Oerlikon“ – Inauguration of cultural event series „Nordpol“, open air summer concerts in the Oerliker Park. Opening of a restaurant with bar („Gleis 3“) – The fourth and last park is inaugurated (Wahlen-Park)
2006	<ul style="list-style-type: none"> – Opening of shops, hotel and restaurants around Max-Bill square next to the new old people's home – Start of construction of „Glattalbahn“ (new tramway)

Sources: NZZ 1993-2006, Interviews

Spina 3

Division of uses and constructible surface Spina 3		
Housing	352 971 m ²	60 %
ASPI (Small service sector companies)	27 272 m ²	5 %
Service industry, offices without „Eurotorino“	13 580 m ²	2 %
Retail shops	18 000 m ²	3 %
Eurotorino 1: exhibitions, congresses, university	80 998 m ²	14 %
Eurotorino 2: services, research, industry	93 233 m ²	16 %
Total housing and service sector	586 054 m ²	(gerundet) 100 %
park	456 000 m ²	

Source: programma di riqualificazione urbana, spina 3, 1998, officina città torino: www.oct.it, spina centrale, spina 3.

Chronology of planning and construction: Spina 3

Chronology Spina 3	
Ab ca. 1980	<ul style="list-style-type: none"> – The area is increasingly empty, first ideas for reconversion. – Draft version of the new general land use regulation by the City of Turin („piano regolatore generale“)
1988	<ul style="list-style-type: none"> – Competition for the reconstruction and re-use of the area – on a part of the area the factories are still producing (Teksid, Savigliano factories)
1993	<ul style="list-style-type: none"> – The new „piano regolatore generale“ is completed
1994	<ul style="list-style-type: none"> – Promotion of the idea to construct a new technology and biology research centre on the former industrial area. Planning of „environment park“, a think tank of environmental technology
1995	<ul style="list-style-type: none"> – The „piano regolatore generale“ is approved by the Region of Piedmont (regional government and parliament) – Public seminar about the future of the „environment park“ with municipal representatives, local inhabitants, donors. Call for transparent planning and citizen participation in planning procedures.

1996	<ul style="list-style-type: none"> - March: International call for tenders: projects for a scientific and technological centre („parco tecnologico e scientifico“) - May: foundation of a public limited company for the „environment park“. - July: Petition organised by small shop owners against the new shopping centre. They fear the closing of small shops in the neighbourhoods: The City of Turin wants to limit the amount of large supermarkets. This could also have an influence on the „coop“-supermarket on Spina 3 - July: Conflict in the city executive board about the new „piano regolatore generale“. Local coalition crisis in august. - August: the italian national government approves 133 Mia. Lire for urban development projects in Piedmont. 37 869 Mia Lire for Spina 3 - EU approves funds for „Environment Park“ - Ende 1996: start of construction of the new railway tunnel across the city of Turin („passante ferroviario“) Planning of techological centre in Spina 3
1997	<ul style="list-style-type: none"> - July: Start of construction infrastructure on Spina 3 and „environment park“ research centre. - July: report by the environmental organisation WWF Italia on 13 italian cities. Turin has 7th position. The city government heavily criticises the results of the report.
1998	<ul style="list-style-type: none"> - January: Rome: Signing of „protocolli d'intesa“, i.e. the definitive version of the masterplan for Spina 3, nevertheless, the controversies about the shopping centre continue. - Inauguration of „Environment Park“
1999	<ul style="list-style-type: none"> - The projects on Spina 3 are subsumed under the term „Eurotorino“. - Turin wins the competition to be host city of the Olympic Winter Games 2006 - July: The government pays for the clean-up of polluted sites on the Michelin lot. A part of the Michelin area is subsequently given to the City of Turin..
2000	<ul style="list-style-type: none"> - The information centre about the planning of the olympic games and new urban neighbourhoods is initially planned to be situated in Spina 3. Later it is relocated to the city centre. - July: blasting of the former Michelin factory, clean-up of former waste deposits Michelin area. - Presentation of the olympic construction projects. The urban renewal projects are enclosed in the olympic plans. - The archbishopry of Turin plans a large cathedral with parochial centre in Spina 3. (The old renaissance cathedral in the city centre is very small)
2001	<ul style="list-style-type: none"> - Autumn: real estate boom in Turin, increase in prices - Public controversies on the architectural quality of new buildings in Spina 3.
2002	<ul style="list-style-type: none"> - More attention is paid to the olympic construction projects. Nevertheless, construction in Spina 3 is continued.
2003	<ul style="list-style-type: none"> - March: start of construction of olympic media village in Via Livorno in Spina 3. After the games, the media buildings should become apartments. - The city government and parliament approve the variation of the „piano regolatore generale“ in order to allow for the construction of the new cathedral with parochial centre. - June: inauguration of the new shopping centre, official start of apartment sellings. - September: Teksid area: onset of construction of parochial centre which should be completed in 2008.
2004	<ul style="list-style-type: none"> - Start of construction Savigliano-area, restoration of large industrial building for small shops and businesses - <u>Real</u> estate boom continues - Ongoing criticism about the quality of the reconversion project, mainly by architects and planners
2005	<ul style="list-style-type: none"> - Foundation of the citizen association „Comitato Dora Spina 3“. It aims to improve the quality of life in the new neighbourhood - Criticism by new inhabitants: The infrastructures (streets etc) on private ground are not yet built while houses are inhabited - Foundation of the local, semi-governmental coordination committee „Comitato Parco Dora“ by the City of Turin.
2006	<ul style="list-style-type: none"> - Olympic Winter Games in February, media village is used.) - The church (but not the parochial centre) is completed (autumn).

Sources: Dansero 1993, La Stampa 1994-2006, Planungsunterlagen Spina 3, Interviews

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