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“NEXT JAPAN” IN PLANNING

„DRUGA JAPONIA” W PLANOWANIU

Abstract

A key difficulty was to compare thriving, but small economy of Poland with the second world economy of Japan, as they may bear little (or no) relation to each other. It is important to notice, that the decades before 1990 were the most distinguishing in their assumption to economies of Japan and Poland. After Second World War Japan has experienced the decades of the strong continuous, economic growth, while Poland was experiencing years of economic decline due to the communist time. In 90ties both Japan, as post industrialized state and Poland, as post communist one required the urgent decentralization and deconcentration, although the decision background was extremely different in each state. The dominance of central government in both urban planning systems before 90ties, the undergone changes of decentralization with empowering civil society caused, that Japan and Poland could have been sharing common experience for the last twenty years in planning. This was a start to examine the relationship between local development policies and public participation in these two different cultural backgrounds. The comparative evaluation is build on the chosen aspects of European planning, as it is impossible to adequately distinguish between Polish and Japanese planning systems without European context, on which both system were based.

Keywords: decentralization in planning, Japanese planning system, polish planning system, comparative research of planning systems, public participation

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Japonię z Polską, mimo oczywistych różnic między tymi krajami, łączy fakt, że w latach dziewięćdziesiątych ubiegłego wieku został wprowadzony zdecentralizowany system planowania w oparciu o liberalny charakter planowania oraz podobne, europejskie wzorce. W opracowaniu, dla zrozumienia porównywanych systemów, wskazane są najlepsze praktyki planowania w państwach europejskich, takie jak duńska decentralizacja szczytująca się stosowaniem tzw. *user democracy*, efektywna trójstopniowa struktura niemieckiego planowania, czy również niemieckie zarządzanie użytkowaniem terenu (*Land Use Management*). Na przykładzie brytyjskiej partycypacji społecznej pokazana jest ewolucja rozumienia partycypacji od konsultacji – przywileju dla nielicznych, aby zgodzić się (lub nie) na konkretne przedsięwzięcia, aż do opracowywanych przewodników po partycypacji, gdzie społeczności lokalne, *stakeholders* są pełnoprawnymi uczestnikami procesu, chociaż wciąż uczestnicy nie ponoszą finansowej odpowiedzialności za swoje decyzje. W temacie programów odnowy wskazany jest przykład brytyjski, gdzie kładziony jest nacisk na współpracę profesjonalistów ze społecznością lokalną i partnerstwo publiczno prywatne przy realizacji programów.

Należy pamiętać, że wzorce te trafiły w Polsce i Japonii na zupełnie różny grunt i inny etap rozwoju gospodarczego. Po drugiej wojnie światowej Japonia doświadczyła dziesięcioleci silnego wzrostu gospodarczego, podczas kiedy w Polsce były to lata komunizmu i upadku gospodarczego. Wzrost ekonomiczny, będąc nadrzędnym celem gospodarki Japonii od wielu lat, dopiero od niedawna jest za taki uznany w Polsce. Wzrost gospodarczy występujący w obu krajach jest wprawdzie różnej skali, ale zarówno w Japonii, jak i w Polsce jest realizowany w oparciu o rozwój policentrycznej struktury powiązanych ze sobą metropolii, wspierających główny ośrodek. Ponadto liberalny charakter planowania jest dopiero wprowadzany w Polsce, która z racji swojej historii jest na wcześniejszym od Japonii etapie rozwoju gospodarczego.

W dobie globalizacji, kiedy inwestycje mogą być zlokalizowane niemal wszędzie na świecie w podobnych warunkach, czynnikami decydującymi o wyborze konkretnej metropolii, a więc pośrednio o wzmocnieniu jej znaczenia, są coraz częściej czynniki „miękkie” [36] odnoszące się do percepcji odbiorcy, jak *genius loci*, zaś niezbędne minimum stanowią czynniki „twarde”, jak sprawna infrastruktura, czy łatwość pozyskania wykwalifikowanych pracowników i terenu. O ile dziesięciolecia planowania centralnego w Japonii przyczyniły się do zbudowania liberalnej gospodarki w oparciu o czynniki „twarde” (infrastrukturę, teren), o tyle w Polsce lata planowania centralnego w czasach komunizmu i związanej z tym byłe jakości doprowadziły do upadku gospodarczego i faktycznego braku czynników „twardych”. W Japonii sektor prywatny miał ułatwione inwestowanie zarówno przed, jak i po 1990, a dzięki liberalnemu charakterowi planowania znacznie przyczynił się do rozwoju ekonomicznego. Zapisy centralnie opracowywanych planów krajowych w Japonii zawsze mające realne, konkretne odniesienie do przestrzeni, rozwiązują na bieżąco problemy przestrzenne. W Polsce implementacja zapisów regionalnej, czy krajowej polityki wymaga negocjacji na szczeblu gminnym, zaś samo prawo lokalne wymaga wielu uzgodnień np. form ochrony przyrody i dziedzictwa kulturowego, przez co sama procedura planistyczna jest utrudniona i znacznie wydłużona w czasie. Z drugiej strony należy zauważyć, że japońskie skrajnie liberalne podejście do zagospodarowania przestrzeni odbywa się kosztem braku poszanowania krajobrazu. Gwałtowny rozwój w oparciu o budowę jedynie czynników „twardych” spowodował przekroczenie „punktu równowagi” [51] i w konsekwencji przyczynił się do spadku jakości życia w japońskich miastach.

Już w 1969 r. w Japonii weszło prawo (*Urban Renewal*), na mocy którego wyznaczano tereny do przekształceń. Po określeniu takiego obszaru, właściciele w jego granicach musieli wziąć udział w przedsięwzięciu. Prawo określało dwie metody pozyskania od nich potrzebnego terenu. Pierwszą z nich był wykup (*land purchase formula*) i w takiej sytuacji nie przewidywano ochrony praw

obywateli, czyli zakładano brak kontroli państwa w procesie wykupu. Prawo to było adekwatne do sytuacji rynkowej w japońskich miastach przed rokiem 1970, kiedy ziemia była niezwykle tania. Z czasem, kiedy cena ziemi zaczęła rosnąć, drobni właściciele zaczęli tracić. Ta praktyka nie miała nic wspólnego z wywłaszczeniem z nieruchomości i związanym z tym wypłacaniem odszkodowania. Druga metoda oznaczała przekazanie praw do terenu, zanim rozpoczęto inwestycję (*right conversion formula*). W takim przypadku projekt był realizowany w procedurze *land readjustment*, czyli jak gdyby polskiej procedury scalenia i podziału. Różnica polega na tym, że koszt projektu, przygotowania inwestycji i samej infrastruktury, stanowiący około 30% ziemi, ponoszony jest przez samych uczestników procesu. Oczywiście beneficjentami przemian w danym terenie są później właściciele z obszaru, objętego programem.

Trzeba zauważyć, że japońska *land readjustment* jest bez wątpienia odpowiedzialną partycypacją społeczną, która w rozumieniu europejskim nie ma tak daleko, jak w Japonii idących konsekwencji. Europejscy właściciele nie ryzykują swoimi gruntami i nawet, jeśli projekty są realizowane w partnerstwie publiczno prywatnym, to wiodącym partnerem jest władza lokalna, gwarantująca jakość przemian. Można uznać, że ten szczególnie rodzaj odpowiedzialnej partycypacji w Japonii nie do końca odpowiada europejskiemu rozumieniu partycypacji. Druga istotna różnica dotyczy czasu trwania procedury partycypacyjnej w Japonii, gdyż często bywa tak, że programy odnowy trwają dziesiątki lat. Powodem jest mocno rozdrobniona struktura własnościowa oraz konieczność uzyskania akceptacji dla chęci przeprowadzenia zmian od co najmniej 2/3 właścicieli (*Association Project*). W artykule omówiony jest przykład *Roppongi Hills* dla zobrazowania procesu, zaś dla pełniejszego zrozumienia japońskiego kontekstu opisane są aspekty związane z pozyskiwaniem terenu w celu uzyskania ulg podatkowych, ochroną lokatorów, wywłaszczeniem z nieruchomości, przyzwoleniem społecznym na częste zmiany.

Kolejną istotną kwestią poruszoną w artykule jest tworzenie prawa lokalnego. Przywilej zarezerwowany dla władzy lokalnej w Polsce, w Japonii jest udziałem większej grupy społecznej. W projektach *District Plan* biorą udział zarówno sama władza lokalna lub grupy właścicieli, deweloperzy, jak i NGO tworząc samodzielnie prawo lokalne. W każdym przypadku *District Plan* jest przedkładany władzy prefekturalnej. Takie zrównanie w uprawnieniach może być przyczyną, dla której w Japonii nie odczuwa się niechęci i zdystansowania do władzy lokalnej.

Z drugiej strony w Polsce zarządzana centralnie gospodarka charakteryzowała się brakiem poszanowania własności i interesów społeczności lokalnych przez całe dziesięciolecie, a sama partycypacja społeczna była w czasach komunizmu ograniczona do wymuszonej akceptacji dla wprowadzanych zmian. Przejście od planowania centralnego do decentralizacji zostało powiązane z upowszechnieniem partycypacji społecznej, rozumianej jako udział społeczności lokalnych w podejmowaniu decyzji przestrzennych. Dopiero kolejne zmiany ustawodawcze (w Japonii w 1999, w Polsce w 2003) doprowadziły do tradycyjnie rozumianej europejskiej partycypacji i od tego czasu zauważalne są zmiany w świadomości społecznej, polegające na aktywniejszej partycypacji społecznej i samorządności i w efekcie prowadzące do coraz dojrzalszej demokracji zarówno w Japonii, jak i w Polsce.

Słowa kluczowe: decentralizacja, japoński system planowania, polski system planowania, analizy porównawcze systemów planowania, partycypacja społeczna

1. Introduction

Although Japan and Poland are almost absolutely diverse in the majority of aspects (geographical, cultural, historical) [50], it is presumed, that since 1990 Japan and Poland can have been sharing common experience in at least planning, due to the dominance of central government in both urban planning systems before 90, the undergone changes of decentralization with empowering civil society and due to the fact, that they were based on the European urban planning culture. This comparative evaluation by focussing on chosen aspects of the Japanese and Polish planning systems in European context aims to describe the main differences and to demonstrate the noticed parallels.

a. Globalization (competitiveness, demand from/for economy)

A key difficulty was to compare thriving, but small economy of Poland with the second world economy of Japan, as they may bear little (or no) relation to each other, but taking into account the fact, that due to the achieved level of economic development, Poland has been the member state of European Union since 2004, it is possible to explain the main differences in demand for/from economic growth in European context.

In time of the globalised world, when the most important factor is the demand from/for economy, competitiveness in business plays a crucial role. The success of economic growth depends not only on the effectiveness of poly centric network, but also on the extent to which nodes are vibrant and as such attract professionals and business generating economic growth. As far as the decision making criteria for business are concerned, there are "hard" location factors such as: cheap space, access land price and availability of land for development etc. and "soft" ones, which relate to perception – landscape, creativity, identity, symbolic value [36]. It is worth mentioning, that recently the "soft" factors are becoming increasingly important, because the "hard" ones are available almost everywhere in the comparable quality. The Japanese and European economies achievements, which regard to the location factor issue are presented below.

b. Japanese demand from/for economy development (Comprehensive National Development Plan)

Characteristic for the period before 1989 was, that Japanese economic development stressed the importance of the "hard" location factors and was strictly connected with planning. The strong industrial growth was coupled with heavy investments in infrastructure. All these investments have been made under the regional plans (in line with comprehensive national development plans), which contained important strategic policies and projects, particularly the development of industrial sites in suburban locations, a large scale new town plans and motor way networks. The fifth comprehensive national development plan (2000-current) promotes cooperation between the three largest metropolitan areas (Tokyo, Kansai, Nagoya) and hub cities, establishing a stratified network of these areas promoting urban improvement and converting the hierarchic structure between cities into a horizontal network. The fourth comprehensive national development plan (1989-current) differs from earlier ones, as its emphasis on the National Capital Region (NCR- Tokyo Metropolitan Area and the outer Area as supportive multi core framework).

For the first time the pressure was put on the realization of *Seikatsu Taikoku* (making Japan a great place to live), on a set of "soft" location factors, not only "hard" ones. The intention of government promoting leisure and tourist oriented development was to advance leisure industry in rural areas (golf/ski resort, luxury hotels, theme park) and to concentrate public investments in public works under infrastructure development. Based on the Resort Act from 1987 the Japanese budget in the 90s was spent on the construction. Although this time it was the construction of concert halls and cultural centres, but these public works constituted 40% up to even 70% of total construction investment. In this way the share of construction industry in Japan GDP has been impressive – 10,4% in 1990 and 9.8% of working population in 2002 was still working in construction [74].

"In Japan the state provided infrastructure for industrial development, including some large scale housing projects, and largely left other residential development activity to market forces, constrained only by a weak zoning system and the building standard act" [64]. That was the reason, that the method of Land Readjustment has been used widely for not only urban expansion into primarily agricultural areas, but for redevelopment projects, new town building, transport development and others as well. Japan planning regulations have obliged the only minimal restrictions on the building designs to be harmonized with surrounding environment, so it resulted that: "Japanese cities ultimately lack the quality of life compared to western liberal democracies cities (landscape aesthetics, open space, affordable housing, protection of heritage) despite the fact, that Japan is the richest nations" [41].

c. European demand for/from economy – "3D rule" and Sustainability

European demand for strong economic growth is a little drifted away by the vision of more sustainable future in the ecological, social and physical terms. Union "shall promote economic, social and territorial cohesion, and solidarity among member states" [1] and "people should not be disadvantaged by where they happen to live and work in the Union [19]. On the other hand there is a need of the service economy, innovative and sectoral one with flourishing demand for offices and industrial buildings in attractive surrounding.

Responding to such contrary demands is a vision of European "eco – metropolis": high-tech, culturally in the swim, ecologically correct and receptive to participatory democracy ("soft" location factors), connected by an efficient transportation system ("hard" ones), which allows different localities to develop their qualities as nodes in the poly centric network, inside or outside European core (London – Paris – Milan – Munich – Hamburg or as it used to be called "20-40-50" because of the facts, that this area covered 20% of the territory of the EU as constituted at the end of 1990s, and 40% of the UE population were producing 50% of its GDP [17].

The "3D rule" clarifies a little the achievement methods of the economic growth dynamics at these nodes and factors, which are essential to their success: "The first "D" is distance. Everything that brings people closer and facilitates trade is a source of economic progress... Secondly comes "density". Concentration produces wealth. Dense, populous cities are the best place to welcome innovation, generate contacts and encourage growth. Third "D" is division. Everything that cuts off and compartmentalises – from customs barriers

to obstacles – hamper development. The economic integration of a major regional cities determines the territorial growth” [3].

European demand for economic growth is expressed by the willingness to prepare the best “soft” and “hard” location factors in “eco-metropolis”. This demand is also seen in the major policies guidelines referring to the spatial planning in the following three strands:

1. The development of a poly centric and balanced urban system and strengthening partnership between rural and urban areas.
2. The promotion of integrated transport.
3. Development and conservation of the natural and cultural heritage (with the growing importance of new approaches to regional planning, such as developing brownfield, safety in the street, social inclusion and participation).

It is important to notice, that the European policies guidelines are not obligatory for planning systems in the member states, but on the other hand the Structural Funds being a great concern of member states depend on compatibility with these policies. European policies cannot be obligatory for two reasons: first is “the principle of subsidiarity” – binding decisions should be done at the lowest possible level capable of contributing to the EU policy objectives, and the second is “the national sovereignty” – power and responsibility over the territory of each member state belongs to the member state) [17].

Japanese and European policy targets are similar: “the strong nodes (“eco-metropolis”) in the poly centric network, inside or outside the European core” in Europe, and “Tokyo Metropolitan Area and the outer Area as supportive multi core framework” in Japan. The targets alone look very parallel from a comparative standpoint but instead of the top – below way of achieving targets in Japan, Europe represents the bottom – up way, as the member states shape individually their planning systems due to their economic demand. The individual European approaches in the chosen aspects of planning systems are presented below.

2. Best practice

a. Decentralization – Denmark

The approach to decentralization in planning represented by Danish system is almost ideal. “The role of the state should be limited to facilitate, support and enable citizens to lead self – determined, fulfilled lives” [44]. Denmark is seen as the most decentralized country, where instead of top – below, there is the bottom – up democracy. The importance of public participation¹ in planning can be seen from the beginning of a planning process, as it is a main concept of publicness in Denmark. Citizen participation² can be seen in governance, in public – private partnership and in policy network.

¹ Public participation seeks and facilitates the involvement of those potentially affected by or interested in a decision. The principle of public participation holds, that those who are affected by a decision have a right to be involved in the decision-making process [55].

² Citizen participation is defined by Sherry Arnstein as the redistribution of power that enables the havenot citizens, presently excluded from the political and economic processes, to be deliberately included in the future [55].

“Strategies would no longer be imposed from above but would emerge from a process of decentralized planning in which local authorities play the major role, through the process of negotiation with the national government” [18]. It took twenty years to achieve such direct participation in decision making process by the user of the public service, which is called “user democracy”. Considering step by step main points of decentralization in Denmark (table 1) and referring this to the situation in Japan and Poland, one may notice, that both countries are at the second step – the decentralization of the public sectors. The question is, if Japan and Poland will follow next steps of decentralization either.

Table 1

Denmark – four stages of decentralization [44]

Era	Main point of decentralization	Context of decentralization
1970s	Municipal consolidation	Counties – local cities – trifurcated into three tiers, national, county and local level. The decentralization of governance and financial system
1980s	Decentralization to public sectors	Delegation to public sectors like school, hospitals. Promoting privatization. Modernization of public administration. New Public Management
Early 1990s	Regulate user participation	Regulate that public service user can participate directly. Delegation to authorities in local level
Late 1990s	Additional decentralization	Delegation to private authorities. Expand public service by private authorities

b. Public participation – UK, Ireland

First the participation was understood as a kind of limited consultation – the privilege for individuals to comment/disagree with development proposal at different planning stage, then as a long term agenda for action, drafted in consultation with key stakeholders and communities. This is a common approach in European member states. However, public participation approach in UK and Ireland is slightly different by their instructive and regulated by government character (guidelines) and this is the reason, why these countries’ approach was chosen as best practice. The guidelines on participation established the representative groups of community, that are interested in dealing with comprehensive strategies of development as full partners.

In United Kingdom “representative groups and community groups need to engage constructively, to get the best out of the process. All sides need to work in ways which seek to achieve consensus and “win-win” outcomes, listening to and respecting the views of others; and which, while making use of the opportunities available, recognises also that there are corresponding responsibilities to make the process work effectively for the benefit of the whole community, not just a favoured ones” [9], while in Ireland “County Development Boards (CDB) were established as a part of the integration process between local government and local development at county level to promote co-operation on a continuing basis with various agencies, voluntary sector, representatives of the commu-

nity dealing with comprehensive strategy for development at a county level. Since CDB establishment the community and voluntary sector are full partners participating in strategic planning" [28].

It should be noticed, that in Europe "being a full partner" was reserved only for authorities and professionals before (a shift from representative to participative democracy) and it does not imply, that public participants (representative and community groups, voluntary sector or individuals) take the financial responsibility for their decisions.

c. Decentralised Planning System – Germany

Germany with decentralised settlement structure and effective promotion of urban networks as cooperation between cities was chosen as the best practice. Decentralizations in Japan and Poland, which aim to improve the efficiency of the supportive multi core framework for capitals were based on German decentralized planning system.

Table 2

The three tier German planning system [66]

Co – ordination in spatial planning SPATIAL PLANNING AT FEDERAL LEVEL (principles of spatial planning, models)		
Bodies responsible for public interest	Federal and State ministers responsible for Spatial Planning STATE PLANNING (LANDESPLANUNG) (spatial plans and programmes of the Federal States (<i>Lander</i>))	SECTOR PLANNING
	REGIONAL PLANNING (regional plans)	
	LOCAL PLANNING (development plans) <i>Flächennutzungsplan, Bebauungsplan, Vorhabenplan and Erschließungsplan</i>	

German planning represents highly decentralised system. There are two levels of urban plans (similar to Japan and Poland) supported by the participatory procedures, first is *Flächennutzungsplan* – municipality wide preparatory land use plan – a kind of development plan for wider area and *Bebauungsplan* – legally binding land-use plan – a kind of local area plan or *Vorhaben* – and *Erschließungsplan* – project and infrastructure plan for smaller area. In preparatory land use plan covering entire municipality types of land use are shown in general. It needs approval of higher administration level, as it should comply with upper level documents, such as regional plan, but the plan itself is not legally binding. Land-use plan, project and infrastructure plan should be in compliance with preparatory land use plan. *Bebauungsplan* or *Vorhaben* – and *Erschließungsplan* control development by specifying the designated function of area, allocating necessary public investments and detailing development restrictions.

There are some additional instruments (similar to Japan and Poland) to support and ease the developments in inner central urban areas, such as special project and infrastructure plan (*V+E-Plan*). The reallocation of development in urban central areas is possible without a land-use plan and accelerated procedure of land-use plan is possible in defined cases of inner development by following the procedure § 13a *BauGB*, 2007. There are also demonstration projects of spatial planning (similar to Japan and Poland), which are of voluntary and informal character. They achieve their effects by being best practice in implementation and project – oriented supplementation of formal laws and plans [12].

The understanding of the ownership rights' is different in Japan, Poland and Germany. The ownership "right to land" does not mean the "right to develop" in Germany (and most European countries), because there is no development without planning, exactly converse to Japan and Poland, where planning system is almost based on the land owner's will.

d. Land Use Management – Germany

"German "Circular Land Use Management" understood as modified land use philosophy, can be expressed with the slogan – "avoid – recycle – compensate". Management approach accepts the use of greenfield sites under specific conditions, but primarily and systematically seeks to utilise the potential of all existing sites including gaps and brown-field. The intention is to provide an integrated political and governance approach, which include the whole spectrum of policy areas and fields of activity. Circular Land Use Management implements at both local and regional level and combines these main two in an integrated urban and regional land development policy. The cycle relies on the interplay between strategies and instruments in different fields of activity and on a suitably comprehensive deployment of tools (instrument mix) in these areas, which includes planning, land information, cooperation, organisation and management, investment and support programmes, marketing and legislation" [12]. German idea of achieving the energy efficiency by the efficient land use is an innovative one, which appears to be very attractive through its responsiveness to the ecological values and sustainability.

e. Area Based Policies and Urban Renewal Programme – UK, Ireland

As commonly known are the examples of Docklands and Temple Bar in Dublin, Docklands in London, the area based policies and urban renewal programmes from UK and Ireland were chosen as best practice in Europe.

"The area based focus is best for the identification of problems and potentials of particular area (and for establishing the cooperation between all professionals and other stakeholders as well). Residents and business owners are given the opportunity to participate actively in the projects through the instruments supporting participatory procedures" [11]. In Ireland it can be done using Section 212 of the Planning and Development Act 2000 or by Integrated Area Plan and urban renewal project. Renewal opportunities can concentrate on local improvements: public spaces, paths for cyclist, pedestrians, better access of public transport etc. Generally speaking, the renewal programmes apply to the areas of physical decay and "urban policies are aimed at improving neighbourhood (area based policies). The spatial approach is able to produce visible effects within a relatively short time. The negative effect, that individual projects can be used to promote the careers of politicians or policy

makers, and second the problems are found not only in the specified targeted area, but it may lead to displacement of urban problems, and the targeted area may be used as a kind of prestige projects for decision makers" [2]. The regulatory frame of the area based policies and urban renewal programmes in Europe facilitates to implement these issues in the public private partnership with the public partner as the leader.

3. Comparative evaluation

Poland (post communist state), Japan (post industrialized state)

The title "Next Japan" refers to Lech Wałęsa promise from 1980 of building next Japan in Poland. By using this metaphor he showed the philosophy of aspiring to freedom and necessary system changes – wisely and without blood. Since that moment Poland has over-gone the post socialistic transformation – the transition from a command to market economy (*let the market go*). Mainly orientated towards industrialization with no regard to environmental concerns during communist time, Poland lost a major share of their employment in heavy industry due to the transformation. The system changed by applying the privatisation and restitution of property to the owners, re-establishing property market. Successfully, in appreciation of the achieved level of economic development, Poland is the member state of European Union since 2004. Referring to planning – after forty years of post-war socialist style of urban planning (displaying a high level of state intervention), planning was radically decentralized. Urban Planning Act was amended in 1994 empowering the autonomous role of municipality in planning. This Act constructed the planning system as a whole, from the injection to implementation through the regulations on spatial policy, development planning and development control. Although since 1994 the municipalities has still been financially dependent on regional or central tier, the regional/national plans objectives could be implemented only by regulations in the local areas plans. The regional objectives can be executed only through the negotiation process with municipalities, as the local law has been the municipality domain. Since 1994, Planning Act was the subject of change in 2003 due to the rising idea that a role of a state has to be minimized to enhance free market forces and the rising importance of the public participation in planning.

Having possessed a strong bi polar system, with a weak local level and a strong central tier before, Japan government decided to restructure and expand responsibilities of local municipalities (Decentralization Promotion Law 1999), which was supposed to rehabilitate municipal economy. The competitive economic growth (supported by the ongoing intercity competition) was essential to cope with globalization and international competition. Since 2000 local authorities were empowered to plan and implement urban planning and had sole discretion on public participation implementation. In 2002 Evaluation of Government Policy Act has introduced New Public Management. "In Japan decentralization became one of the most important issue, followed by consolidation of villages, towns and cities, and City Planning Act was amended in 2000 as a part of decentralization drive... National government gave generous loans to consolidated municipalities...". Shift from "conformity and concentration" emphasized national uniformity and equity to "variety and decentralization" that emphasizes residents and local views" [18]. On the other hand "each municipality was mandated to develop a master Plan as a guide of future de-

velopment, which was to be drawn up with the help of public consultation. For the first time cities would be allowed to chart their own future without central guidance. However, municipalities are far away from being financially independent of the central government. Major projects in infrastructure are not required to conform to the municipal plan, and are the responsibility of government" [18].

Decentralization, deconcentration, and privatization should delegate power and responsibility from up to bottom, but the financial autonomy within local authorities is still relative both in Poland and Japan.

It is important to notice, that the decades before 1990 were the most distinguishing in their assumption to economies of Japan and Poland. After Second World War Japan has experienced the decades of the strong continuous, economic growth, while Poland was experiencing years of economic decline due to the communist time. In 90ties both Japan as post industrialized state and Poland as post communist one required the urgent decentralization and deconcentration, although the decision background was extremely different in each state.

4. Planning systems

In Poland the same regulations refer to the urban and rural areas. Spatial Planning and Spatial Management Act from 2003, which replaced Urban Planning Act of 1994 regulates all aspects of urban planning at every level: municipality, region and state. The planning system is based on Constitution, Parliamentary Acts (Spatial Planning and Spatial Management Act, the Environment Protection and Management Act, the Building Code , the Law on Real Property Management), ratified international agreements, Ordinances and Local Laws. Three tier system consists of: local, regional and national levels. The regional/national plans objectives can be implemented only by regulations in the local areas plans. They can be executed only through the negotiation process with municipalities, as the local law has been enacted as the municipality domain. Local Area Plan should be in compliance with Development Plan, which should be in compliance with Regional Development Plan and Regional Development Plan with National Development Strategy. Development Plan is the longer term strategic plan of every municipality. It is a kind of policy direction of every municipality, and it is not affecting legal rights and land use directly, but somehow does indirectly, because every Local Area Plan should be in compliance with Development Plan. Development Brief, which is obligatory in case of absence of Local Area Plan on the site, can be in compliance with Development Plan. Plans in Poland are not reviewed systematically, but they could be the subject of change at any time.

In Japan there are the separated regulations for urban and rural areas. City Planning Act (1968) divides urban city area into two areas: urban promotion area (UPA to promote urbanization, which covers existing area and the area to be developed within next ten years) and urban control area (UCA to control urbanization by restrictions). Demarcation of urbanized and urban controlled areas is occasionally reviewed. The zoning system (Land Use Zoning Ordinance) has twelve different types of zones for commercial, industrial, and residential uses and is designated on the basis of existing land use pattern and its future orientation. Basically, it regulates the type of facility, the floor area ratio (FAR) and building coverage ratio. If land use zoning is not referring to the area, in such case it requires permission from the government [67].

a. The three – tier planning system

Table 3

Three tier vertical planning system in Poland and Japan

Poland	Japan
<p>NATIONAL (Concept of National Spatial Development) Principles of spatial planning, models, sector planning, initiatives</p>	<p>CENTRAL (Comprehensive National Development Plans, NCR, urban regeneration project) Principles of spatial planning, models, sector planning, initiatives</p>
<p>REGIONAL (16) (Regional spatial development plans, regional programmes)</p>	<p>PREFECTURE Execution of plans (retaining role of regional planning)</p>
<p>LOCAL counties (373) Execution role</p>	<p>LOCAL COUNCIL (568) (District Plan) (Comprehensive Plans), through cooperation local councils and Administrative Union and Regional Association, (District Improvements Plan)</p>
<p>COMMUNES (2489) Municipal study on the preconditions and directions for the communes physical development (with listing Local Revitalization Programmes) (Development Plan) Local Physical Development Plan (Local Area Plan)</p>	

In general the three tier planning system based on German idea (table 3) represents the resemblance of the decentralization policies in Poland and Japan, but it holds no longer true considering the attributed roles to the national (central), regional (prefecture) and local, communes (council) levels. The planning in Japan has been always regarded as a function of the central state, and although there was decentralization of planning, Comprehensive National Development Plan articulating regional strategies, is still prepared by central government delegating to lower level (prefectures) only duty "to hold hearings for statutory regional planning" [41].

The importance of national planning for Japanese economy growth must be strongly emphasised to demonstrate the contrary situation of Polish governmental planning. While in Japan the national plans objectives can be implemented with no regards to the regulations at the local level, in Poland the national plans objectives can be implemented only by regulations in the local areas plans. They can be executed only through the negation process with municipalities, as the local law has been the municipality domain. This is the reason, why in Poland "the governmental planning system level is still complicated and does not have sufficient enforcement possibilities for implementing strategic decisions. Nor are there effective procedures for coupling the system with bottom-up feedback" [42].

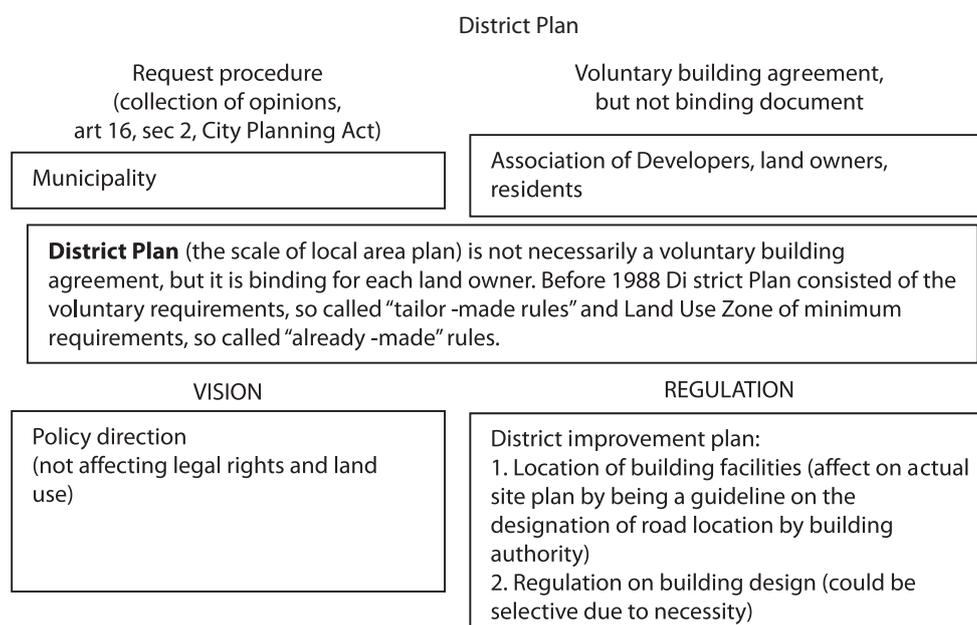
Decentralization policies in Poland and Japan regulates the relation between regional (prefecture) and local (city council) levels as vertical, because subsidies are granted from

the national level (central government) to regional (prefecture), which then distribute them to local level (communes, councils).

The three tier planning system in Japan and Poland still needs improvements due to difficulties in the delegation of power, the ineffective procedures and the insufficiency in enforcement.

b. District plan, Local Area Plan

Scheme 1



In Japan the detailed physical planning like the German B plan of 1960 and British Town and Country Planning System of 1968 had not existed up till 1980. District plan covers about 10ha, but it can be up to 100 ha and it may be introduced to the City Planning Areas. Premier regulations overlaid in primary zoning such as the Land use Zone or the Urbanization Control Area are obligatory. Because of the town scale of district plan, it may happen, that approach of plan could have some effect on ownership rights, such as land use zones or the arterial road network planning. If there is no consensus, District Plan can be without regulatory framework – "comprehensive, but flexible", because regulatory aspects are expected to be approved by consensus [74].

The scheme 1 explains methodology of drafting the district plan, as the plan can be drafted not only by municipality but by association of Developers, land owners and residents as well. In contrary to Poland, where the only municipality can deal with the Local Area Plan. The next difference is that Polish Local Area Plan in contrary to Japanese District Plan is always obligatory and binding and affects legal rights and land use. Plan specifies the designated function of area, allocates necessary public investments and only the details of development restrictions can be selective due to necessity in Poland, similarly to

Japan. Every time, Polish municipality approves a new local area plan, the cost of implementation of the plan has to be calculated and presented to the councillors, before they decide about the plan. The local area plan's costs are i.e. necessary land redeem for providing infrastructure due to eminent domain and allocating of public investments.

c. From government to governance

Table 4

Government and governance in Japanese cities

Aspect	Responsibility	Issues of the public and local authority involvement (voluntary building agreement, association of developers, land owners, residents, guidelines, <i>machizukuri</i>)
Functional city plan (under Land Use Zoning Ordinance)	Prefecture (or government, in case of lack of functional city plan)	1. District plan 2. District improvement plan (under city planning Act 1980) 3. Redevelopment promotion district (under District plan for redevelopment 1988)
Urban Promotion Areas (under City Planning Act)	Prefecture	4. Urban redevelopment areas (under Urban Redevelopment Law 1969) 5. Urban renaissance immediate improvement area, (under urban renaissance law 2000) 6. Urban renaissance special district (under urban renaissance Special Measure Law 2002)
Urban Control Areas (under City Planning Act)	Prefecture	7. Land readjustment

Delegation of power to local governments is done through several Acts in Japan: City Planning Act (regulations on planning), Building Standard Act (activities according to the zoning plan), Land Consolidation Act (legal procedures for land consolidation project on specified sites). Prefecture governor deals with plans (functional city planning areas) involving more than one municipality to provide sufficient level of infrastructure for development. The role of national government in urban management is being weakened, while regional and local are being strengthened.

In Urban Promotion Areas (UPA), developments smaller than 1000 m² need not obtain any permission. There is a strict development control outside UPA by using the development boundary line, within which municipal water and sewage system will be extended (*senbiki*³). There are also Agricultural Promotion Areas (a kind of green belt) protected

³ Flexible *senbiki* consisted of two policies: an incentive to land owners by promising that land readjustment projects in UCA would be granted an automatic upzoning to UPA and restrictive to

from development. Development Permission is required to obtain for any development such as change of building, or land form, or use. There is a kind of voluntary development agreement (*Kaihatsu shido yoko*), which aims to control or mitigate development impact on local environment, but it is of weak legal status, acceptable only “voluntary cooperation” is.

In Poland the situation is slightly different, because government and governing are separated into reserved (locally elected representatives) and executive (County Services) functions and public involvement is limited to consultation (or objections). Similarly to Japan the power delegation to local governments was done through several Acts.

Table 5
Government and Governance in Poland [28]

Aspect	Responsibility	Issues of the public involvement
(Development Plan) (Local Area Plan)	Commune Councillors (reserved function)	Consultation – public must be consulted before the plan is adopted
Development Brief in case of no local area plan	County district services (executive function)	No consultation, only objections – individuals are entitled to comment/disagree with development brief
Development control (building permission process)	County district services (executive function)	Objections – individuals are entitled to comment/disagree with development proposal
Development enforcement	County Construction oversight services (executive function)	Objections – individuals can notify the local authority about, or take action through the courts against, unauthorised development

In contrary to Japan there is no development boundary line, within which municipal water and sewage system will be extended and no kind of green belt surrounding cities to be protected from development. Efficient land use control is weak in Poland, because there is no correlation between county and commune, and the building permissions are up to responsibility of county, while communes are responsible of spatial order. Even if the commune and county are two- in-one (in cities) development control is limited, because of the suburbanization in the surrounding communes. There is still a common acceptance for development without proper infrastructure or economic analysis. And last, but not least the urban governance is fragmented, because the development control is applied only to the areas undergoing changes.

land owners by designating of “problem areas” in existing UPA, which can be downzoned to UCA unless steps were taken to organise land readjustment projects [63].

In Japan both the public (communities, developers, land owners) and local authorities have the right to deal with planning (district plan, voluntary building agreement, association of developers, land owners, residents, guidelines, *machizukuri*), in contrary to Poland where planning is the privilege of local authority alone. What is more, the public participation was limited to comment/disagree with the authority's plans for a long time. These facts could be the reasons, why in Poland citizens have felt increasingly alienated from local government and can even start to identify the authority no longer as their representative. In contrary to Japan, where local communities perceive local authority as their representative, which responds to their needs and demands. In Japan people got used to deal with collaborative projects based on consensus of participants.

d. Urban renewal policies as area based policies

The reliance on the area based policies can be seen through the whole spectrum of urban renewal policies (plans and programmes), such as District Improvement Plans (Japan), Local Revitalization Programmes (Poland) etc. aimed at improving neighbourhood. Local Area Plan in Poland, District Plan or Comprehensive Plan in Japan as the area based plans should deal with integrative and comprehensive planning. Development is specified by the designated function of area, allocating necessary public investments and detailing development restrictions. All these plans should be in compliance with the regional level and the national law (ordinance and restrictions).

In Japan the Urban Redevelopment Law was established in 1969 and since then many deteriorating areas have undergone the partial or total redesign, which upgraded these areas to better standard. These urban renewal policies identify the main differences in Japan and Poland, because in Japan the projects can be implemented on base of the right conversion formula or land purchase formula. Right conversion formula preserves citizen rights and their participation in the urban redevelopment process. This policy is oriented on the people, who do not need to move to another area after redevelopment, as their rights titles remain intact, contrary to the land purchase formula, which allows to purchase land rights from original landowners without government redevelopment action.

The redevelopment areas are classified into three categories:

- Urban area category 1, where systematic redevelopment is necessary,
- Redevelopment Promotion Areas, including areas mentioned above and areas, where redevelopment should be promoted under unified and comprehensive planning,
- Redevelopment Inducement Areas, where renewal is not so urgent as in the redevelopment promotion areas but where the redevelopment promotion is desirable and redevelopment is expected to produce good result [70].

In Poland under Spatial Planning and Spatial Management Act from 2003 most of the urban renewal policies are limited to the revitalization of heritage structures in cities and the programmes of humanization of the residential areas built up during communist time of high population density, although the use of ground has been not very high and the buildings itself have had 5 to 10 floors. The implementation of renewal policies is the local authority domain. Although it can be implemented by the public private partnership, however the public partner is said to be the leader. The Development Plan (municipal study on the preconditions and directions for the communes physical development) obli-

gatorily lists all Local Revitalization Programmes, specifying the revitalized or humanized areas within the municipality. The common practice is, that the implementation of these projects is limited to the improvements of existing infrastructure, building stock, public domains, greenery and the actions, such as supporting programmes for kids and youngsters promoting active living. The local authorities had a chance to apply many renewal programmes to the areas of physical decay by using Structural Funds. However, the spatial approach of these programmes produced visible effects within a relatively short time, it has been a common practice, that citizens were not fully empowered as partners in these renewal projects. There are only few attempts of empowering citizens as partners in individual projects, as this is the authority, who is responsible for the Local programmes implementation.

e. Public participation

Japanese have had a long tradition of participating through the land readjustment projects. They have got used to a very responsible participating in planning through the renewal programmes, which by both the right conversion and the land purchase formula have had a strong impact on their property since the enactment of Urban Redevelopment Law in 1969. Since 70ties citizens in Japan have participated in the community/ neighbourhood planning – *machizukuri*, that focus on quality of life, widening narrow streets, parks, building community centres, exercising development control [18, 48]. “The concept of *machi-zukuri* has become widely used in recent years, both within the field of urban planning and in more general usage. It is seen as a radical departure from the conventional centralized, top-down, ‘civil engineering’ approach of Japanese urban planning, or even as playing an important role in the regeneration of Japanese civil society over this period” [75].

As far as the regulatory framework is concerned, no sooner than in 1999 a public participation system was introduced to the planning process in Japan. After a request procedure a draft plan is prepared and explained to the public, which results in a Proposed City Plan. After a public notice is issued, written opinions are invited for two weeks. Minister of Construction in coordination with concerned ministries has to approve the final City Plan and then it is implemented. City Planning Area (CPA) plans are reviewed every 5 years and they are related to longer term strategic plans.

In Poland, first a public notice is issued to welcome suggestions and comments on vision of a plan. Afterwards the draft plan is prepared and after the necessary approvals a public notice is issued again and written opinions on the plan are invited. There is also discussion over the plan solutions at that time. Local Area Plan must be in line with the Development Plan. Finally, the plan is implemented by the local government approval (communes Councillors).

Both, in Japan and in Poland, the draft plan is presented to the publicity. However, in Poland the public participation is implemented at the initial stage of plan, so that people can make submissions or observation before the draft plan is erected and in this way plan can represent people’s wishes about the city. The communication between the municipality and citizen has been much improved in Poland, as it engages a wide range of stakeholders now and the public responsiveness in public participation procedures is no longer limited to protest, as it used to be before.

What is the nearest future in Poland? Relevant internet services for spatial planning (Web Feature Service – WMS, Web map Service – WFS) and data exchange formats (CityGML, XplanGML) are the most effective method for communicating. “Urban plans are inserted into database via the XPlanGML exchange format. IfcExplorer is presented ...by visualization of virtual 3d-City Models (City GML format), Detailed Urban Plans (XPlanGML format) and georeferenced raster image. The standard XPlanGML represents...juridical... regulations. For presentation of spatial data a WMS webgis map client is integrated into the platform” [4]. WMS based internet platform refers to accessible, transparent plans (at the initial stage, draft plans etc.) and needs the engagement of authorities in partnership with local stakeholders, citizens, voluntary organisations as full partners.

5. Background

“Live in English residential areas, enjoy Chinese food, wear French clothes, and earn American wages. This is lifestyle heaven” [43], professor Fumio Hayaka used to say during Japan’s high economic growth period. The sentence describes in short Japanese aspirations and fascination of western lifestyle. Referring it to the planning one can say: “Plan and manage as the German, use democracy as the Danish and organize participation as the British. This is planning heaven”. Both Japan and Poland benefited of globalization, constructing their planning systems on similar base, although introducing the systems on the completely different mentality background have led to varied results. The following issues may help to understand and examine the applied improvements in planning in Japan and Poland.

a. Acquisition of land

In Japan Property Law were reformed around 1950, what enabled people to purchase land cheaply, if only they proved, that they had lived on this land for a certain period of time. The well known expression at that time was “as if it were free”, which indicated, how inexpensive the land was. Although before 1970 it was not profitable to purchase the land, as the renting cost was very low. Sometimes people were even persuaded by the landlords to buy the land, if only they happened to have some extra money. The situation had changed after 1983, due to the governmental policies of privatisation and relaxation of governmental control over land usage, when public property started to be sold at high prices at competitive auctions. The large enterprises and business has started to assemble in central part of cities. The process of change was very intense especially in central Tokyo, in districts, in which originally there were the concentration of old wooden houses. In 1983 Central Tokyo was ordered to implement fire prevention controls, so since then the construction of new wooden structures has been banned. The districts have been undergoing the significant urban transformation (improved amenities in the area) and many small landowners received ample compensation of leaving due to public investments. The developers have started to persuade the rest of small landowners to sell their land. If the developer succeed in acquiring he waited with new construction until he had purchased as much land as possible. By doing so he applied the additional pressure on the rest of landowners. Concluding, it is estimated, that in six years time (1983-1989) due to

the real and assumed demand of office and commercial space in central Tokyo the land values were on average ten times higher than in 1983 [73]. This transition in urban structure must have reflected in the Japanese mentality, because "during the period of rapid economic growth it was believed that hard work would lead to prosperity. However, the urban working masses, unable to buy their own houses in suburban areas as a result of rising land prices, gradually lost faith in this view. These social change tended to deprive the working classes of the will to labour. One reason why people accepted intensified competition during the period of economic growth, was that they believed that successful competitive effort would lead one to better life and to assured rise in status. This, however, no longer held true" [73].

In Poland the transition to a market economy was accompanied by the privatization process not only of state enterprises, but of the housing stock as well. The change was led by indirect (capital) privatisation, which was preceded by commercialisation or by direct privatisation (sale on base of negotiations undertaken on the basis of public request and liquidation in case of poor economic condition). 22% of municipal housing and 67% of co-operative dwellings were privatized at discount prices by 2001. Co-operatives still represent a large share of the housing market (approximately 21% of the total housing stock) Rental co-operatives were turned into owner co-operatives, and there is a process of transforming co-operative tenancy rights into ownership rights [8].

b. Tenancy rights protection (under Land Lease Law)

Before the implementation of the revised Land and Housing Lease Act and law on the Promotion of Supply of Good Quality Housing in 2000 the owner must have had a "just cause" to terminate the contract. "In Japan the court compared the degrees of "necessity" of the house (or land) for the land owner and the tenant. Even if the owner needs the house for his residence, this was not sufficient for a just cause: his needed had to be compared with the need of the tenant." The other thing was that the rent increases are freely determined only at the beginning of tenancy and later tenant could refuse a rent increase. All these caused that supply of rental housing was concentrated on small units (around 45m², not suitable for families) and the short time letting [31]. The common practice was therefore that the land owners use land for temporary purpose such as parking lot or just keep vacant plots. They have waited, observing the rising demand for rental space until it was worth to construct a high rise. In the meantime it was no use to build anything smaller instead high rise, because of the cost of demolition.

"Many landlords were forced to "buy out" their tenants if they wish to demolish buildings to make way for new development: one well known contemporary instance was the Roppongi Hills complex, which offered several previous tenants special deals on apartments" [34].

In Poland, besides the rental co-operatives, which were turned into owner co-operatives there are other housing providers operating on a non-market basis. They are local municipal authorities as well as low cost housing societies (LCHS or TBS), on behalf of municipalities and of housing associations [8].

c. Land investments as tax avoidance

Japanese regard land as an asset. "Inheritance tax" is levied on an assessed value of land which is much more lower than the market price. With a gap between market and assessed values, a person can reduce the inheritance tax to zero by having a loan for land investments. As the inheritance tax is progressive with a very high maximum tax rate (70%), the common practice is to reduce the incentive by buying land for the purpose of inheritance tax avoidance. Land investments can also be used to reduce personal income tax, which is very progressive (up to 65%). In case of the agricultural land there are two tax advantages- effective property tax is much lower than in case of other uses and after 30 years of the "long term" agricultural use the land is an exempt from inheritance tax. The residential land up to 200 m² is permitted automatic deduction (60% in 1992). Needless to say, that rental housing land is not granted such deduction.

There are three types of transaction taxes in case of buying a house: the real estate acquisition tax, the national registration tax and stamp duty. These taxes depend on the value of the house (around 2%). Capital gain is income from a house that is the main residence. It is allowed to high deduction from the capital gains then. However, household which sells must pay the capital gain tax, which effectively discourages them from frequent moving [31].

All these aspects have strong impact on Japanese landscape, as "major tax advantages that cause under-utilization of land are underassessment of land values for inheritance taxation, special treatment of "long term" agricultural land and lock-in effects due to capital gains taxation" [31].

In Poland "gifts and inheritances of a Polish property are not taxable if both the deceased and the heir are not Polish nationals or Polish residents. Otherwise, inheriting Polish property is subject to taxation. The debts and burdens can be deducted from the gross value to arrive at the taxable inheritance. The tax rates (up to 20%) depend on the value of the goods inherited and the relationship between the deceased and the heirs" [78].

"capital gains from the sale of real estate are tax-exempt if the real estate was sold more than five years after the end of the year in which the acquisition was made. Capital gains incurred for properties sold within five years of acquisition are taxed at a 10% flat rate. The acquisition price and transaction costs are deductible from the selling price to arrive at the taxable gain. But this capital gain can also be exempted from tax if a statement is filed with the tax office within 14 days from the date of sale and if the income from the sale will be invested on other housing properties located in Poland within two years of the date of sale" [78].

Property owners are liable to pay real estate tax, which is relatively not high. The annual real estate tax liability depends on the location and type of the property.

d. Eminent domain

In Poland expropriation is only allowed for the public good and just compensation must be made then. In Japan the redevelopment projects can be the subject of the eminent domain. "The government exercises a formidable eminent domain power and can expropriate land for any public purpose as long as reasonable compensation is afforded... Disproportionate amounts of financial inducement are given to residents on sites slated for redevelopment in return of their agreement to leave, one well known recent case being that of Roppongi Hills" [34].

e. "Land with conditions"

There are two models of development sites in Japan. In first case, when "land is acquired and houses are constructed prior to buyers being identified. Second model is known as selling "land with conditions", where developers sell plots of land before construction takes place to buyers under obligation to employ their services to build a house on the land, which is customized to the specific requirements and preferences of the landowner, as customers tend to be willing to pay more for the option of customizing their house during the design phase [30]. "Land with conditions" refers to Japanese culture and has no counterpart in Poland, as customers in Poland tend to customize their houses during the "move-in" phase.

f. "Scrap and rebuilt"

Japan has a tradition of accepting change, demolition and construction. "The Japanese model presumes that the physical house will be replaced every generation, with the mortgage mechanism concentrated on site value. This being realistic about longevity and flexibility of offsite construction, but of course it is also culturally appropriate" [30].

As far as the consumption model is concerned it can be resumed that when the Japanese prefer to construct and the British constantly repair and remodel, the Polish want to do it once, and then forget.

g. Neoliberalism

"A feature of the Japanese planning system is the basic underlying principle of development in "freedom of development", whereas many other OECD member countries have long histories of improving the attractiveness – and hence the competitiveness – of cities by guiding development appropriately with stricter urban planning regulations. Planning for, and regulating, development in Japan is difficult, as landowners' and building-owners' rights are seen as paramount. The traditional role of urban planning – of expressing and safeguarding "the public interest" – is harder to achieve in this context" [25].

Liberal point of view in Poland and Japan is similar, because the role of the state, planning policy or state interventions should be kept to a minimum to facilitate economic development through the market forces. Entrepreneurial planning shall easy them, not restrain as the traditional planning does. "Urban land use system did not work well to protect traditional landscapes, but it had sufficient flexibility to accept continuous changes which were necessary to attain economic growth and social modernization. Attention should be given more to the fact that having flexibility for changes is important as well as strict adherence in maintain traditional order, especially in the process of economic development" [...].

⁴ "Shinto shrines, according to religious rituals, were rebuilt periodically, in the same form and location as before. This unique custom *shikinen sengu* continues at the largest and most revered Ice Shrine, which is rebuilt every 20 years" [72].

h. Owner's privilege protection

The system in Poland has changed by applying the privatisation, restitution of property to the owners and re-establishing property market after forty years of socialism, so the owner's privilege protection must be the fundamental principle in Poland. Planning is almost based on the land owner's will. Japanese "utilization of land should be left to the owner's will as long as there is no obvious necessity for it" [74] is true also in Poland.

However, liberal planning can also affect people's property rights in the neighbourhood area of planned development. In Poland these people "have not only be given a legal entitlement to challenge planning decision when they are likely to lose economic benefit or face evident danger such as landslides from the development" [59], as it happens in Japan, but even in case of i.e. losing potential advantages in future or losing a sea view.

i. Citizen participation

In Japan a kind of voluntary development agreement (*Kaihatsu shido yoko*) aims to control or mitigate development impact on local environment, but it is of weak legal status, acceptable only "voluntary cooperation" is.

People's consciousness in Poland and Japan has evolved, and when governmental policies were still focused on "hardware" – cheap space, accessibility and availability of land for development etc., people started to be interested in "software" – landscape, identity, symbolic value.

Citizens in Japan participated in neighbourhood development – *machizukuri* ordinances, that lobby authorities and use moral suasion with property developers focus on quality of life, widening narrow streets, parks, building community centres, exercising development control [18, 48]. While in Poland citizens started to actively participate in planning. The public interest in Poland is understood as a shared interest of the community or society as a whole, while Japanese understand public interest as nation state. That implicates that in Japan the governmental organisations are the only representatives of nation state interest – public interest. Thus the interest shared by the general public (nongovernmental) is not perceived and protected as legal interest [60].

In Poland citizen rights are secured by law, especially the social rights due to the post socialist history. Japanese imperial history reflects in citizen entitlements restriction - "Reflex interest", which is understood as a privilege which certain individuals happen to benefit from the governments action and as the result of benevolence of the authority can be taken by the government from individuals at any time without any compensation" [60].

The cultural background of Japanese and Polish public participation

Aspects	Poland	Japan
Citizen participation evolution	From passive citizens to empowerment	From passive citizens to usage of moral suasion (<i>machizukuri</i>)
Public interest understanding	Public considered as a shared interest of the community or society as a whole	Public interest considered as nation state i.e. "public space were built to display the power of the nation – state to the world, not for social reasons" (...)
Citizen rights	Citizen rights secured by law regulation	„Reflex interest“ (<i>hanshateki rieki</i>)
Legality of interest shared by the general public	Interest shared by the general public is perceived and protected as legal interest	Interest shared by the general public is not perceived and protected as legal interest

j. No regulation unless no obvious necessity for it appears

“Fundamental principle in the Japanese system: “There should be no regulation where there is no obvious necessity for it”. This principle prevents excessive regulation which tends to restrict the creativity of the private sector, and may contribute to economic progress. The necessary countermeasures are always one step behind because regulations can be introduced only after the harm is clear to everyone” [74]. Analysing the locations of the Large Scale Retail Stores in greenfield, close to motorway junction and orbital peripheral roads in urban fringes it is clear, that such developments were encouraged by the entrepreneurial planning in both countries. Out of town shopping and entertainment malls are present in Japan and Poland, because of the barriers in inner city development due to restitution law, weakness of local authorities and permissive character of planning. Japan have restricted the new constructions in greenfield developments by amending The Landscape Law in 2004 and Large Scale Retail Stores in 2006, when the presence of Large Scale Retail Stores have already caused several inconveniences. Poland has controlled more effectively Retail Stores since 2004 by implementing restrictions, which were further detailed by new restrictions in 2007.

6. Improvements

a. Land Readjustment

In Japan Land Readjustment (LR), as a consensus based co operative land development technique, have played a crucial role during the time of strong economic growth in creating a living environment in cities, because the country could not afford city planning and the social investment then [63]. "To initiate LR projects, whether public or private, requires a major investment of local government staff time and resources, with literally thousands of hours and meetings, individually and in small groups to persuade land owners to consent... preparing the ground for group agreement through extensive prior consultation and persuasion... a normal time to start a project is 5 to 10 years" [63].

Japanese land readjustment has been used for more than one hundred years. It is a land development technique that is used in many countries around the world, mainly for agricultural land consolidation. In Japanese cities, urban fringe has agricultural land fragmented into small, irregularly shaped plots. By using this method irregular pattern of land is re-arranged into regular building plots and equipped with infrastructure, such as roads and sewers. Land readjustment (*kukaku seiri*) pools ownership of all land within a project area, builds the urban facilities such as roads, parks and then divides the land into the plots. All landowners involved must contribute a portion of their land (usually 30% known as the *genbu* contribution) for public use and some of this land has to be sold to pay for projects costs [18]. It is perfect for small-scale development projects, is not necessarily a proper planning method on a metropolitan scale. However, "a zoning bonus of land readjustment encourages the large-scale projects in Urban Control Areas. If such projects provide their own roads, sewers and other public facilities such as parks, a re-zoning to an Urban Promotion Area is possible. On the other hand, if agreement cannot be reached, designated Promotion Areas can be downgraded to Control Areas" [4, 7].

What is important is to differentiate privately and publicly initiated projects. The Association Projects are responsible for 54% of all Land Readjustment Projects, and 35% of the total area since 1954 [64]. "A majority of the landowners in the project area must agree to participate before a project can be begun, and that in the individual projects all must agree, can be expected to result in a range of effects" [64]. Projects take very long time from initiation to implementation – 10–20 years is normal.

"The process (of initiation the Land Readjustment project) is a classic example of the Japanese practice of *nemawashi* or preparing the ground for group agreement through extensive prior consultation and persuasion. ..Local government staff work full time holding public information meetings -*setsumeikai*, talking to every landowner within the designated area, explaining the project, promoting the benefits of LR, and finally convincing each individual landowner to sign a legal document declaring their consent. Association projects can only legally be started after more than two third of the owners owning two thirds of the land have signed" [64] In case of the local government initiated projects instead of gaining landowner consent there is a need of public display and the requirement of the approval of the prefecture governor. "Even individual landowner can seriously disrupt construction schedules, delaying the project and adding to overall costs" [64].

In Poland land readjustment counterpart is established as the consolidation and division of land procedure in Local Area Plan. However, it is very hard for the councillors to decide about such Local Area Plan, because of the missing Private Finance Initiative scheme instrument (only private – public partnership formula instead) and because of being obligated to take into consideration the implementation cost of the plan – the commune is obliged to pay for necessary land redeem, for providing infrastructure and for allocating of public investments.

b. Cooperating neighbourhood council (Regional Association)

This type of regional planning was developed through cooperation between the local councils, the Administrative Unions and the Regional Association. The Regional Association system was introduced in 1995 and was empowered to draw up regional strategies with local council members. As in Japan “decentralization favours large, highly populated cities, it is better to establish Regional Association – cooperation between neighbourhood councils to deal with the comprehensive plans. The plan areas are based on boundaries of local councils. The number of councillors is based on the population in cooperated cities, so that the interest of largest city is best represented in RA, although the decisions made are not binding” [41]. The situation is similar to Polish conditions, where the cooperating communes deal with regional plan at the agglomeration areas.

c. Urban renaissance programmes

Table 7

The framework of Urban Renaissance Law [29]

Urban Renaissance Immediate Improvement Area			
Planning Control		Financial Support	
Proposal of Planning	UR Special District	Infrastructure	Financial Support for set-up
Private developers are allowed to make their flexible proposal on planning scheme	Existing planning control will not be adopted in this special district	Premium loan for private developers developing infrastructure	Invest in SPC
			Guarantee of debts for private firms
Streamlining Planning Procedures		Urban Renaissance Fund	
Within 6 months after the proposal, final decisions are made		Fund for facilitation the private urban development has been established	
Relevant decisions are made at the same time			
Tax scheme			
Tax exemption for those, who are involved in or have given supports to urban developments			

Neoliberal revitalization project came from the demand for economy growth, because of the long term recession after the collapse of the Bubble economy in 1990 in Japan. The regulations in 1997 were supposed to ease land use and to promote high rise building. The governmental policies promoted second home and weekend villas in suburban areas and proposed incentives for housing construction. Koizumi Cabinet's Structural Reform key ideas were to transfer manpower and money to higher efficiency fields and to leave, what private can deal with to private sectors.

Urban Renaissance concentrated on the highest efficiency economy node – on the investment in cities where population, industries and activities are accumulated. Urban Renaissance designated the private sector covering 80% of urban investments costs as the leading force of the programme, and limiting the role of the Public sector to be supportive [29].

“The regulatory framework has been drastically modified with the introduction of special zones for urban renaissance, which can be designated within priority “urban redevelopment areas”. Within these special zones all the existing regulations are lifted and a new set of rules is imposed... now private businesses are allowed to build roads and parks, with local governments paying for them after they are completed” [72].

Table 8

The “Roppongi Hills” [69]

date	Result	Public involvement
1969	Roppongi as redevelopment district	Negotiations
1979	Land Readjustment preparatory Association	First landowners association (Mori owner of 90%)
1986	Roppongi 6-chome area granted “redevelopment inducement area” status	The status guaranteed citizen rights as their titles remain intact
1988	Community improvement town meetings	Negotiations
1990	Community improvement council	Negotiations
1990	Urban redevelopment preparatory association	City planning ideas were debated
1995	Confirmation of the “city plan” announced	Negotiations
1998	Establishment of Roppongi 6-chome Area Redevelopment Association approved	Rights conversion plan was worked out
1999	The Ownership Transfer Plan approved	
2000	Construction started	
2003	Construction completed	

The developer could shorten the time needed for the standard planning process from 30 months to 6 by omitting standard planning procedures such as public hearings as Koizumi said "all that can be done by the private sector should be left in its hands, and all what can be done in the regional communities should be left in their hands" The Urban renaissance programmes – the governmental long term action consisted of establishment of the Urban Renaissance Headquarters in 2001. "In 2002, the urban Renaissance Special Measure Law was enacted for which Urban Renaissance Headquarters was decision making body on multi staged Urban Regeneration project and the revitalization of urban areas" [15].

Since these enactments there were four calls for designation Urban Renaissance Immediate Improvement Areas, which resulted designation of 17 area during first designation, 28 areas during the second, 9 areas third and 10 areas on the last, fourth one. Cities take active part by pointing out urban renaissance immediate improvement areas. There were 640 proposals of Local Model projects, from which 171 were accepted (108 local governments, 63 NGOs and others) [29].

The history of the most famous redevelopment site – Roppongi Hills is very long. *Akasaka Roppongi District* has been designated as redevelopment district since 1969 – table 8. The developer's idea of converting Roppongi known internationally as the western – oriented district famous of night life into the high rise area faced a strong opposition from environmental movements and residents at the beginning. Until 1979 Mori has owned 90% of district. The same year Land Readjustment Preparatory Association was formed with Mori – developer as the executive Director. The negotiation was completed, when only 40 owners remained and Roppongi granted redevelopment inducement area status in 1986 [15, 50].

"The Roppongi 6-chome district was a district centered on TV Asahi with an approximately 17m gradient on the south side, a road just under four meters wide running through it, and a high concentration of wooden houses, small apartments and condominiums.

In November 1986, the Tokyo Metropolitan Government designated this district a "redevelopment inducement area" and Mori Building Co., Ltd. and TV Asahi (Asahi National Broadcasting Co., Ltd.) began to call for a redevelopment. Subsequently, approximately 500 rights holders in the district established a preparatory organization for implementation of the project, the Redevelopment Preparatory Association. In April 1995, the "city plan" for a category 1 urban redevelopment project was decided and in 1998 the Redevelopment Association was established. After approval was granted for the ownership transfer plan, we were able to begin construction in 2000, a full 15 years after the redevelopment inducement area designation was made.

Finally, approximately 400 of the rights holders in the district, 80% of the original number, participated in the project. There are no other examples of such a large number of rights holders participating in a project" [79].

d. Private Finance Initiative

The urban regeneration project in Japan promoted securing of real estate and transaction on the property market by establishing the Private Finance Initiative in the redevelopment of vacant plots, which were previously used for public housing. "The Private Finance Initiative scheme was first developed in the UK and Japan has actively used this scheme since the enactment of the Private Finance Initiative Act in 1999, in order to promote construction, maintenance and management of public facilities. While The HM Treasury in the UK declares that Private Finance Initiative scheme is only used where it can meet the requirements of "efficiency, equity and accountability", the Cabinet Office in Japan defines that Private Finance Initiative scheme will be used when the public service projects can benefit the higher efficiency and effectiveness of private capitals and skills than the public sector" [29]. In Poland the initiatives of private finance scheme are organised by the private – public partnership formula and there is no Private Finance Initiative scheme alone.

e. Theory of equitable change of regulation

Another change to undercut the general regulation is the theory of equitable change of regulation. Such theory has no counterpart in Poland: "District Plan was only recommendatory unless its regulation were legislated as building ordinance in District Plan for Redevelopment in 1988. In redevelopment Promotion District, two different values of floor area limits are designated simultaneously, one of current floor Area Ratio of the Land Use Zone and the second "after improvement" with conditions of infrastructure such as major access roads, as the floor Area Ratio. Then, the assurance system depends on the permission granted by the Building Authority instead of Building confirmation" [49]. The floor Area Ratio may be loosened up by limiting the uses, which has less impact then on infrastructure. The relevant governmental Acts are Urban Housing Development Promotion type from 1991 and Building Shapes Coordination type from 1993, which introduced the setback line and height limits.

f. Association Projects

If at least two third of the landowners in the designated project area agree, they are dealing with Association Project. This prevent projects from being blocked by a single uncooperative landowner or by free riders who want to benefit from the project without contributing to project costs [65]. It should be noticed, that "in the case of local authority initiated projects there is no legal requirement to gain landowner consent. Instead there is requirement for public display of plans, a procedure to allow public feedback and objections and the requirement to gain the approval of the prefectural governor... in many cases local projects were delayed for many years because of active opposition by landowners" [63]. There is no counterpart of Association Project in Poland.

g. Large Scale Retail Stores Act

In the Polish cities' urban fringe the commercial investment preceded residential development, as "suburbanization phase" had been forecast. This can only be achieved if the residential and commercial investments as well were incorporated in the development

plan system. The commercial developments were well progressed to be located within the catchment area of future residents and both by public transport and by the private car in future. The commercial investments can be guided by development plans, even if there were no residential development yet in the time of their location.

The other factors of suburban location of commercial centres are the entrepreneurial character of planning, the barriers in inner city development due to restitution law, weakness of local authorities and permissive character of planning in Japan and Poland. In both countries the greenfield location of development was encouraged in case of closeness to motorway junction and orbital peripheral roads in urban fringes. Japan and Poland have restricted the new constructions as greenfield developments only when the Large Scale Retail Stores have already caused several inconveniences. There was a need to place an embargo on the grant of planning permission for any supermarket in excess of 2,000 square meters by amending Large Scale Retail Stores Act in 2004 (case of Poland, in 2007 limited even to 400 square meters). Although in Japan there was obligatory Acts concerning Retail Stores amended first in 1956, 1974 and later „land-use planning, as a part of urban planning system, has not controlled the location of large-scale retail stores so far... large-scale retail stores the total floor area more than 10,000 square meters were located mostly in commercial districts which are designated for commercial and business activities, in quasi-industrial districts or other districts where specific purposes of the land-use are not defined” [46].

In Japan there is also a trend to “revitalize city centres by “choice and concentration”. “Choice” is to choose districts with the highest potential and “concentration” is to concentrate public and private investment and human resources. Since large-scale retail stores have power to attract many people, it is crucial to bring such investment to the centre. However, high price of land and tight use of land make it difficult to find a suitable location and local retailers tend to resist the location of large-scale retail stores. Eventually, the agreement among the retailers is not easy for promoting investment by large-scale retail stores” [46].

h. Smart High Rising Guideline

City Residential Development Guidelines (*takuchi kaihatsu shido yoko*) are written in Japan as the list of necessary voluntary contribution in case of development.

In Poland Smart High rising Guideline [69] representing city governance on development control, has been written to control or mitigate the high rise development impacts on local environment with the list of necessary contribution in case of development, as high rise buildings are very incident in Poland and hence they are very controversial. The importance of this guideline reflects in aiming at: High-rise Building Definition, in defining the areas of excluded, inappropriate, appropriate, recommended and designated places for locating High-rise development in city, in detailing the procedure in case of high-rise development proposals (such as development impacts on local environment, the list of necessary contribution in case of development) and in ensuring some extra public participation procedures to deal with high-rise development proposals.

Procedures described in the Smart High Rising Guideline are mostly concentrated on ensuring the wideness of the public participation by adding many elements reaching fur-

ther than statutory requirements. The draft plan is to be presented in an easy-to-interpret form on the website. General public is to comment and to indicate the local importance control points, which are to be submitted. The prepared visualisations of high rise development proposal from pointed Landscape Control Point with assessment of the impact of a high-rise development proposal on sustainable environment, the City's Commission for Architecture and the Built Environment approval of the impact, the visualisations and impact on sustainable environment are to be presented during the statutory public viewing together with the local area plan draft and statutory forecast.

7. Conclusions – Sharing our common experience?

There was a pressure to restructure the institutional setting for planning after forty years of the post-war socialist style of urban planning in Poland (displaying a high level of state intervention), which then was radically decentralized (Planning Act, 1994). Almost in the same time Japan government decided to restructure and expand responsibilities of local municipalities (Decentralization Promotion Law 1999), because of having experienced a strong bi polar system, with a weak local level and a strong central tier before. Instances of decentralization change in planning system in Poland resemble those in Japan, with both reflecting the evolution of chosen German "concentrated deconcentration", with movement from regional planning to urban governance at local level. That evolution resulted in Poland and Japan with redistribution of authority, but authority did not disappear. Decentralization policies in Poland and Japan regulated the relation between regional (prefecture) and local (city council) levels as vertical, because subsidies (Structural Fund) are granted from the national level (central government) to regional (prefecture), which then distribute them to local level (communes, councils).

The strong demand for the economy growth in Poland and Japan is based on believe, that the role of the state, planning policy or state interventions should be kept to a minimum to facilitate economic development through the market forces. The chosen aspects of Japanese planning show, how the entrepreneurial planning has been successful in facilitating market forces in Japan, not restraining them as the traditional planning does:

1. Land readjustment owners group within a project area, building the urban facilities such as roads, parks and then divides the land into the plots. All landowners involved must contribute a portion of their land for public use and some of this land have to be sold due to the project costs [18].
2. The district plan without regulatory framework – "comprehensive, but flexible" and possibility, that the plan can be drafted by association of Developers, land owners and residents as well as municipality.
3. "Theory of equitable change of regulation" – two different values of floor area limits which are designated simultaneously, one of current floor Area Ratio of the Land Use Zone and the second "after improvement" with conditions of infrastructure such as major access roads, as the floor Area Ratio. Then, the restrictions may be loosened up by limiting the uses, which has less impact on infrastructure.
4. If at least two third of the landowners in the designated project area agree, they are dealing with Association Project [65].
5. Urban Renaissance Programmes concentrated on the highest efficiency economy node – on the investment in cities where population, industries and activities are accu-

mulated and on private sector. Urban Renaissance policy designated the private sector covering 80% of urban investments costs as the leading force of the programme, and limiting the role of the Public sector to be supportive [29].

6. Private Finance Initiative scheme used when the public service projects can benefit the higher efficiency and effectiveness of private capitals and skills than the public sector" [29].
7. "Choice and concentration". "Choice" is to choose districts with the highest potential and "concentration" is to concentrate public and private investment and human resources. Since large-scale retail stores have power to attract many people, it is crucial to bring such investment to the centre [46].

The creation of the next Japan in Poland was a metaphor, but Japanese neoliberal planning style is a fact nowadays in Poland – strongly growth-oriented, tolerant of private sector interests and liberal. Major differences exist in the ways that planning is conceived, institutionalized, and carried out, but the owner's privilege protection has become one of the fundamental principle "utilization of land should be left to the owner's will as long as there is no obvious necessity for it" together with the ownership "right to land" meaning the "right to develop", although there should not be development without planning. Japanese and Polish planning systems are almost based on the land owner's will. Idealistic vision of "eco – metropolis": high-tech, culturally in the swim, ecologically correct and receptive to participatory democracy, connected by an efficient transportation system, which allows different localities to develop their qualities as nodes in the poly centric network [4] cannot be reached by such neoliberal planning. The trend in both countries' planning is not to have new law, but just to revise existing (by strictly revisions-urban standards, guidelines, "know how" instruments – best practices, experiences exchange, programs, training, seminars, urban research, monitoring and control of development-information database, organizational changes), may be due to famous Japanese *kaizen*, which means continuous improvements day-by-day in the never – ending process.

The urban renewal policies identify the main differences in the understanding of public participation in Japan and Poland, as the redevelopment projects can be implemented in Japan on the base of the right conversion or land purchase formula. It is presumed, that the landowners on the designated area for redevelopment are taking the financial risk. In the upgrading programmes to the area, they are expected to trust the private sector, who is designated to be the leading force in the governmental renaissance programmes. They never know, if their property's price will be going up as the result of redevelopment or down in case of the developer's bankruptcy. As the citizens, they must be convinced during the long term public participation to take this risk of the redevelopment process. This responsible citizen participation has been taking place under the rules of Urban Redevelopment Law since 1969 and since 2000 under urban Renaissance Law. On the other hand, the participants cannot change a lot during the process, if the strategic decision has already been made on the governmental level. In case of their disagreement, there is no other option for them beyond selling the property and moving away. It is presumed, that in Japan the understanding of public participation is based on the redevelopment projects' cases.

In Poland the participation was understood as a kind of limited consultation – the privilege for individuals to disagree with the already prepared development proposal at chosen planning stage, then as a privilege to comment the proposals and now it is evalu-

ating to the long term agenda for action, what is a common approach in other European member states

Citizens' consciousness in Poland and Japan has been evolving [48], and when governmental policies were still focused on "hardware" – cheap space, accessibility and availability of land for development etc. People started to be interested in "software" – landscape, identity, symbolic value. In Japan citizens have participated in neighbourhood development – *machizukuri* ordinances, that lobby authorities and use moral suasion with property developers focus on quality of life, widening narrow streets, parks, building community centres, exercising development control [18], while in Poland citizens started to actively participate in planning. The public interest in Poland is understood as a shared interest of the community or society as a whole, while the Japanese understand public interest as nation state interest, what implicates that in Japan only the governmental organisations has the right to represent public interest. Thus the interest shared by the general public (nongovernmental) is not perceived and protected as legal interest [60]. In Poland citizens' rights are secured by law (especially their social rights due to the post socialist history) while Japanese imperial history reflects in the citizen entitlements restriction, such as "Reflex interest", which is understood as a privilege which certain individuals happen to benefit from the governments action and as the result of benevolence of the authority can be taken by the government from individuals at any time without any compensation" [60]. There is an urgent need, both in Japan and Poland for the educational guidelines on public participation, which shall organize civil society as an active participant of public life at local level. The guideline aiming at the accessible and transparent planning system with shift from representative to participative democracy, shall establish a platform for professionals and the representative groups of community interested in dealing with integrative development plans as full partners.

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