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# Empowered by planning law: unintended outcomes in the Helsinki region

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## ABSTRACT

What are the unintended outcomes produced by Finland's planning system? This analysis of present-day planning in Finland addresses how positive aims and promised designs and plans are diluted by the planning process. It shows how changes in the legislation governing planning are empowering the role of institutional needs rather than fostering the desired outcomes. Three levels are analysed: the development and crucial boundary conditions of planning-related legislation; the structure of urban development within the region; and a case study of the 30-year development of an orbital light-rail project. In contrast to claims in the planning literature, the communicative turn has not led to clear positive changes in the process and implementation. This research shows how institutional stakeholders are empowered in current planning practice. The attempt to make planning more inclusive and participatory has paradoxically led into the empowerment of institutional players. The actual outcomes of the planning process are side-tracked, and the evaluation is outsourced in the process, which calls into question the legitimacy of planning actions. There is a need for planning-related studies to address the legislative boundaries and the concrete outputs of the planning process.

## PRACTICE RELEVANCE

The implementation of the participatory planning ideal in Finland's planning administration is examined for practical outcomes. By analysing the changes in the legislative framework of planning in its historical context, it is shown that the resulting planning apparatus is no less mechanistic or more open than its earlier forms. Instead, its new comprehensiveness renders it more complicated. Based on the analysis of the development of the legislation, combined with case studies, it is clear that the progress and direction of systemic change has not fulfilled its stated aims. This study shows that the major focus in the development of the planning system is at the level of input legitimacy. Apparent changes are the increased number of stakeholders and unintended complexity of the planning process. All this has been fostered by the changes in the planning law. Regardless of goodwill, the planning outcome is even less predictable and more dominated by power relations than before.

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Collective actions to achieve desired future goals are called planning. This includes setting objectives, targets and deciding on actions to accomplish them. Outcomes are by definition assumed to be intentional, collectively accepted and to some degree effective. Despite the clarity of definition, considerable numbers of scholarly contributions have shown that collective action in public governance does not automatically fulfil the above criteria and the outcomes may be questionable (e.g. Lindblom 1959; Hall 1980).

This paper considers the development of current planning theories, focusing on participation, communicative action and the empowerment of stakeholders (Innes 1995; Healey 1997), by concentrating on how changes in planning legislation have a key role in the implementation and success of planning. Based on this analysis, this paper shows how power relations and established institutions will replace shared objectives with their own reasoning (see also Flyvbjerg 1998). Legitimacy of public action requires that definitions of power and responsibility be clear (Beetham 1991). Furthermore, as expressed, for example, by Connelly (2011), the outcomes of the actual decision-making processes need to be addressed and concretely evaluated. The development of the land-use and planning-related laws is analysed and some unintended outcomes of the planning apparatus in Finland are described.

The paper is structured as follows. First, the definition and outline of the so-called ‘planning system’ is examined with reference to the study area. The perspectives described by Forester (1989) and Flyvbjerg (1998) are used to describe the development of the planning-related legislation in Finland. Second, a concrete planning case in Helsinki Metropolitan Area (HMA) is examined. The growth of the HMA is considered in relation to the declared aims of directing growth, which have not been realised. Rather, it seems that the institutional stakeholders have hijacked the intentions to legitimise their institutionally grounded needs and desired development—and how the detailed planning has been implemented accordingly. A case study of an orbital light-rail project (Jokeri) is presented. This has been under development for the past 30 years and is currently nearing completion. The declared aims for classical urbanism and the renaissance of the tram resulted in a bargaining game between individual stakeholder interests, where the dual initial aims of the planning law appear in a rather strange light.

## 2. PLANNING THEORY IN THEORY AND IN PRACTICE

Since the 1960s, social disruption and criticism of traditional top-down government have led to proposals for competing theories in planning (Fainstein 2000, 2005). Two major paradigm shifts can be identified in these discussions, which also entered the public debate in Finland. The first of these was the right-wing political criticism of the efficiency of public sector activity and its direct consequence in the form of New Public Management (NPM) (Allmendinger & Thomas 1998, Ylaska 2014). Second, more left-wing-influenced criticism of the limits and elitism of representational governance and its direct derivative resulted in the so-called collaborative planning approach. This has caused difficulties for public authorities and representative governments to adjust to their new roles, and also led to a dependence on the formal requirements of participation. In Finland, these alterations to the planning system are mostly still dominated by administrative structures (Jäntti *et al.* 2017).

Ideally, a public participation process can be a strategy for enhancing impartiality, non-discrimination and combatting corruption, practices that are key to judgments about procedural performance (Dahlberg & Holmberg 2014; Gilley 2006). But these are also superficial rhetoric and ‘pay neo-modern lip-service only’ (Allmendinger 2001: 190–191). Also, the danger of falling into reflective and incremental short-term actions is recognised.<sup>1</sup>

Over the past 30 years, these approaches to public governance have grown into an antithesis of the dominant institutionalised planning paradigm known as the rational comprehensive approach (Taylor 1998: 67–68). All this political turmoil has led to specific development paths that can be projected against recent developments in the field of planning theory. It has brought planning

from straightforward problem-solving to the realm of messy political debate—aspects connected to public decision-making from Lindblom's (1959) early remark on democratic governance as the 'science of muddling thru' to Flyvbjerg's (1998) claims of post-hoc rationalism of public power games.

A significant turning point in the discussion of the new role of planning can be recognised in John Forester's *Planning in the Face of Power* (1989: 119–133), which emphasised the profoundly communicative and argumentative nature of collective planning actions. His call for the legitimacy of planning is based on communicative rationality, wider public participation, and further connections to theories of social justice and deliberative democracy (e.g. Innes 1995; Healey 1997). These motivations of the so-called 'communicative turn of planning' can also be sensed in the revision of Finland's Constitution at the turn of the millennium (GP 1998).

Based on various theories of the participatory approach, Allmendinger has identified four challenging dichotomies—rationality and power, consensus and difference, inclusion and exclusion, and totality and fragmentation—to contest the rational comprehensive planning tradition. According to him, none of these is capable of consolidating the diverse needs of new legitimacy (Allmendinger 2001: 190). He roots the required theory development in a more precise look at planning practice (227ff.) and more specifically land-use intervention as a major part of it.

This less developed corner of planning theory and planning practice is the essentially bounded rationality of institutional setting, which is caused by cognitive limitations, social differentiation, plural stakeholder needs and structural distortions (Forester 1989: 48–62). In academic planning discussions, the most notable findings of structural and communicative distortions are exemplified in analyses of Aalborg, Denmark, by Bent Flyvbjerg. In a detailed analyses of political reasoning, Flyvbjerg has shown how the institutionalised communication is context dependent and the power relations have a tendency to dominate rationality. He showed this convoluted nature of rationality and power and concluded that post-hoc rationalisation is a principal strategy in the exercise of power, and proposed that the greater the power game, the less true rationality is involved (Flyvbjerg 1998: 225–236). This resembles an early remark on the conflicts of social institutions that may in the course of time replace their manifested objectives with short-term latent goals (Merton 1936; Etzioni 1964). Flyvberg has subsequently highlighted the same discrepancy due to planners' preference for the inside view over the outside view to justify action (Flyvbjerg 2005: 21).

Forester (1989: 17) has noted that planners effectively hold a monopoly on organisationally and politically relevant information, and hence play a significant role as gatekeepers of the planning process. Thus, they hold critical institutional power over the entire planning process. The communicative planning realm—now understood through Forester's reading—can be seen to be profoundly communicative and argumentative and could in theory be solved through critical theory (Forester 1989: 157–162). In this interpretation participation was seen as an empowerment mechanism. However, the mechanisms and structural distortions continued and were not eradicated by changing the institutional roles or by increasing the number of parties involved.

So far attempts in planning theory to describe participatory planning as different from the rational-comprehensive tradition have been unsuccessful. In this paper, a systems<sup>2</sup> approach to Finland's reading in the planning practice is used in order to trace the rationality and legitimacy of changes in planning law and to express the mismatch between the intended and actually constructed outcomes: built environments. Based on the outcomes of the present analysis, the paper will show how adding components to a planning system does not really remove the unintended features embedded but rather only adds to the complexity.

Planning laws play a key role in the definition of institutional boundaries by defining the rules and roles that are indispensable to the coordinated actions of planning. Thus, the present analysis focuses on changes in the law. It examines how the definitions and aims of institutions may be legitimate on the basis of the roles assigned to them (*input legitimacy*) but yet still may lead into unwanted outcomes (*output legitimacy*).

### 3. DATA AND ANALYSIS

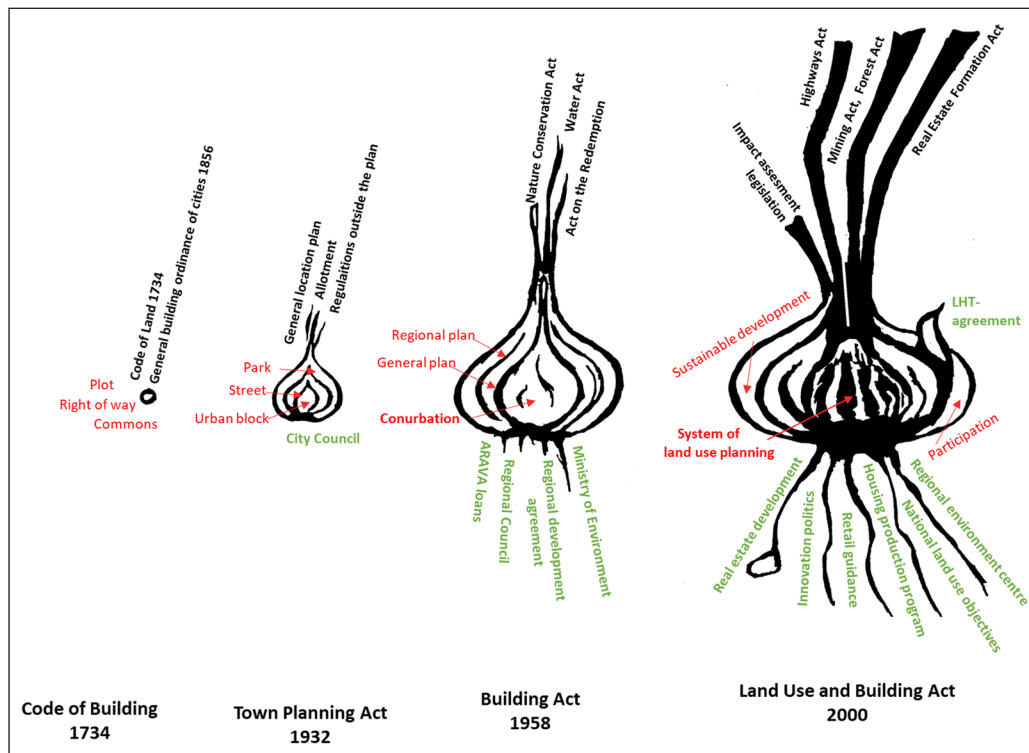
The empirical analysis consists of three sets of data. First, a detailed literature review is presented on the development, components and stakeholders of Finland's 'planning system'. The changes and development in the land-use and planning-related laws are traced from 1743 to the present day, with a more detailed focus on changes through 50 amendments to the Land Use and Building Act (LBA 132/1999) made between 2001 and 2020. The data for these amendments are publicly available in the Finlex database.

Second, the planning acts are examined to ascertain whether they fulfil the planning goals articulated and promises made in planning documents. Thus, the second set of data consists of the analysis of the spatial growth of the Helsinki city-region during the last 20 years. Overlay data analysis is used to extract the pattern of regional growth. Data for the present HMS structure were retrieved from the National Land Survey of Finland open data repository and overlaid with the Land Use, Housing and Transport (LHT) agreements follow-up data from the Helsinki Region Environmental Services open database.

Third, the relative influence of stakeholders is traced in realised planning actions. The third set of data consists of six planning documents (CoE 1994, 2002, 2013; CoH & CoE 2009; CoH 1990, 1992) covering some 30 years of planning for a major orbital rail connection in the HMA. Content analysis of these documents is used to extract the rationale/motivation of subsequent planning phases. In the concluding section, analyses of the promised or planned ideals of the planning system and its intended outcomes are compared.

### 4. THE DEVELOPMENT OF PLANNING LEGISLATION IN FINLAND

Analysis of the history and a later focus on recent changes and amendments to the LBA (132/1999) show how aiming at sustainability has resulted in a situation where the main law guiding land use and the building of cities has in fact empowered the needs and positions of institutionally established stakeholders. The present analysis shows how the development of Finland's legal planning framework has multiple ideological origins superimposed on each other. Four different laws exist, each with four different aims, the last of which has been only weakly implemented (*Figure 1*) in the older legal frame.



**Figure 1:** The development of Finland's planning law visualised as an onion.

Note: The initial phase defined in the Civic Code of Sweden laid down the principles of property rights. The Town Planning Act (TPA) laid down the principles for limiting these rights to safeguard the public interest. The Building Act (BA) formalised a nationwide comprehensive planning system, and the Land Use and Building Act (LBA) aimed at environmental and participatory goals.

Source: Vaattovaara et al. (2020).

The superiority of older layers of the legislation is that over time the principles have been confirmed through several other legal instruments and supporting legislation. The history of the land-use legislation is based on the equally powerful and constitutional right of ownership. It is the main empowering and justification mechanism for individuals and institutionalised bodies in the participatory planning approach. The centuries-old development of Finland's legislation on urban planning can be summed up in a few easily visualised key stages. In order to understand the present situation, it is appropriate to understand the historical developments.

The development of planning legislation is described as an onion bulb growing layer by layer. Each new layer's objectives obscures (but does not change) the underlying historical development stages into the ultimately unidentifiable core. This development, lasting several centuries, has undergone a significant shift from concrete and local urban space rights and responsibilities to the promotion of abstract, national and supranational goals.

The earliest regulation in Finland is based on the Civil Code of Sweden (1734) (CCS 1734/1896).<sup>3</sup> The Code of Building and the Code of Land were based on the federalist principle of accommodating the needs of the ruling class and peasant villages in rural areas. The rights of the emerging bourgeoisie in towns were catered for in the Code of Commerce. The key aspect of early law was ownership. The regulation of the construction of Finland's cities began with the status and organisation of villages and how the possession of land, and, more generally, legally protected ownership, is declared (CCS 1734/1896: 50–120). Rules for the construction in towns were laid down in the Code of Building in a single section (CCS 1734/1896: Ch. 29, Section 1). Responsibilities were encapsulated in a simple statement: 'Let the king's commander with the mayor and the council take care of it' (CCS 1734/1896: 120).

The Town Planning Act of 1932 (TPA; *Asemakaavalaki*—AkL, 145/1931) was the first compilation of the principles of urban planning created after Finland's independence. Its key aspects and main focus were on public and private rights and responsibilities. The main feature was the clarification and apportioning of the rights and obligations of private and public actors in the planned development of towns. Although rights and obligations were stipulated for both parties, the spirit of the TPA was to equip towns with tools to safeguard the public interest against the special interests of private actors. Central to these prescribed rights was the sovereign planning power of public administration in urban development (Uggla & Tammio 1933: 21). In order to support local governance, the TPA guaranteed towns the exclusive right to decide on their land-use development in the form of a town plan—a principle that has since been referred to as the town planning monopoly. The form of a plan as a regulative zoning document followed the same ideology of Euclidean planning as in several other Western countries. The law empowered local authorities through powers delegated by central government to local city councils. Rural municipalities were excluded and remained under regional control.

The Building Act of 1959 (BA; *Rakennuslaki*—RakL, 370/1958) can be seen above all as the first coordinated 'planning law' and as such following the international post-Second World War trends subscribing to the ideal of controlled development. The procedural aim was to systematise the local governance structure and real estate regulations and to empower all municipalities regardless of their administrative status. All present-day needs for collective planning were recognised, except extended participatory needs.

The BA laid the foundations for institutional planning hierarchies for the management of the whole nation. At the time of the TPA the only trace of hierarchy was in the form of a 'general location plan' (Finnish: *yleisasemakaava*) (Uggla & Tammio 1933: 96).<sup>4</sup> The main purpose of the law was to limit the formation of unwanted settlement, which had become uncontrollable in the early 20th century. According to the new law, the harmful externalities had to be organised by a detailed town plan (e.g. Larma 1975: 14). It must be remembered that even at that time the density of a town—not its sparsity—was the subject of special attention in law (e.g. Meurman 1947/1982: 328). The need for managing large-scale infrastructure projects and hierarchical zoning plans and the rise of respected institutional practices were (literally) cast in concrete.



The BA era consolidated national zoning instruments and gave rise to a number of implementation and financing practices. The town plan and the resulting plot production became an increasingly central part of municipal finances and part of the way municipalities financed their other activities with sales revenue. The master plan became the interface for organising various institutionalised needs and land acquisition. The regional plan (Finnish: *seutukaava*), later renamed the provincial plan (*maakuntakaava*), was again turned into a field of competition and cooperation between municipalities at the time of the BA. The nature of plans at all levels was to assign property rights and administrative duties to land parcels with minimal interference with each other.

The BA sought to harmonise the construction and property development legislation nationally, and it also became the spirit of the following LBA of 2000 (*Maankäyttö- ja rakennuslaki*—MRL, 132/1999)—to consolidate the ideology of holistic land-use planning to the level of global sustainability. Although the LBA in its original form is very much—even disturbingly—similar to its predecessor the BA, its logic in matters of urban planning is almost the opposite. According to the government’s proposal, the new law emphasised municipal decision-making and was intended to reduce state control (GP 1998). According to the proposal, the tasks of the state would focus on securing national goals and providing municipalities with expert support. A clear indicator of the first aim is that the LBA also revived the ghost of the National Planning Bureau<sup>5</sup> in the form of National Land Use Objectives (VAT) (LBA Sections 22–24), but there is growing uncertainty about the nature and support of municipal expert knowledge.

The LBA (2000) aims at a unified environmental and real estate law. The focus, however, is on the empowerment and role of actors. As a political process this puts all the emphasis on input legitimacy. Several development trends of present-day planning practice can be seen as a counterreaction to the legitimacy problem formulated to further the aims of the earlier planning law. The focus on the debate over the participatory approach, however, has been too embroiled in aspects related to input legitimacy. Unfortunately, this is unable to properly justify throughput legitimacy, which can only be understood with reference to legitimate output. Despite the spirit of the law, a closer look at the actual adjustments tells an entirely different story. From the output legitimacy point of view, the Act lacks a proper definition of ‘good’ beyond the detailed norms to regulate energy loss through the building envelope and empowered institutionalised actors to define the goal on the bases of their own reasoning.

Considering the emphasis on participatory needs in LBA, it is remarkable that not a single item to guarantee throughput legitimacy has been added to the Act in its 20 years of existence. In fact, the last major change to the current planning procedure—the requirement for two public hearings for each plan—was added to the BA as early as 1974. In fact, a closer look at the amendments to the LBA actually tells a story from which it is difficult to recognise the participatory intention of the original LBA.<sup>6</sup> During the past 20 years, several changes have in fact led in a completely different direction, aiming to safeguard the needs of every single actor rather than to merge their disparate needs.

The rationale for amendments to the LBA falls into three major categories: (1) ‘streamlining’ the law; (2) weakening participation; and (3) adding specific issues separate from the law as a whole. Of the amendments made during the last five years, the first group includes the abolition of the subordination of the provincial plan (§ 31, 8.1.2016/28) and the option to delegate approval of the town plan (§ 52, 21.4.2017/230), the abolition of ministerial supervision (§ 17, 8.1.2016/28, 2017/230). The second group includes the restriction of appeals (Section 188, 19.12.2017/976) and the third national security (4a, 29.3.2019/467), a meaningless addition regarding municipal land policy (§ 5a, 6.3.2015/204), a definition of a near-zero energy building (115a§ 16.12.2016/1151) and numerous items from the corresponding decree (Land Use and Building Decree (LBD)—*Maankäyttö- ja rakennusasetus*, 895/1999) raised to the level of an Act. The amendments in previous years have affected, among other things, clarification of retail control (§ 71a–e, 8.4.2011/319), wind power (10a, 11.2.2011/134), stormwater (13a, 22.8.2014/682) and the specificity of housing issues (29.12.2006/1441). However, a recent initiative to change the right of appeal from being the general right of a citizen to that of an interested party was not successful (Mäkinen 2019).

To conclude, it is easy to see that the general, constitutional aim of inclusiveness is mostly a collective illusion. Because the entire history of planning legislation is built around the idea of

securing rights on the basis of ownership and administrative roles—thereby excluding other players from the domain—the rights that are not explicitly assigned to participants are not automatically granted. In terms of outcomes, administrative practice is developing away from inclusiveness (Vaattovaara *et al.* 2021: 159–173). All developments are grounded on the development of a process to ensure the input legitimacy of a public action without a single reference to how the accountability of these actions could be addressed.

It is important to stress that the abovementioned dual objective of Finland’s LBA between input conditions (*i.e.* the roles of participation) and output conditions (*i.e.* a requirement for sustainable development) are explicitly connected to each other. Moreover, it seems that the main tendency of the development is to position important political issues and institutional players in the LBA. Unfortunately, it is done without any additional attention to the nature of the activity, and this leads to a situation where stakeholders are guaranteed a high level of autonomy without any requirement for integration, making the entire idea of participation prone to big-time bluff.

## 5. HELSINKI METROPOLITAN AREA (HMA): A CASE STUDY

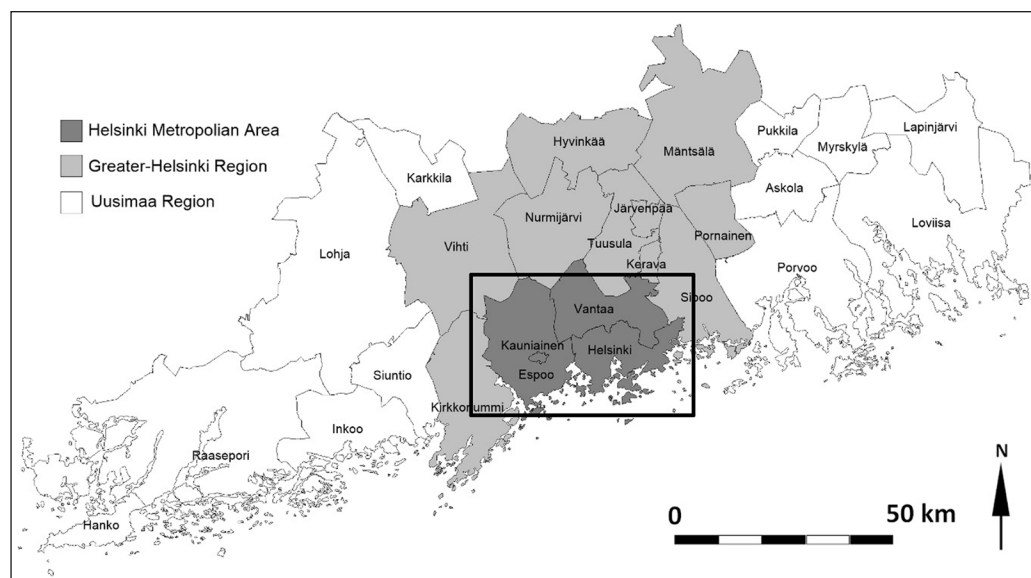
The functional urban region of Helsinki has around 1.5 million inhabitants and 700,000 workplaces. The municipalities of Helsinki, Vantaa, Espoo and Kauniainen form the core area of the functional urban region, including around 65% of its inhabitants and 78% of workplaces (*e.g.* Granqvist *et al.* 2019; Vasanen 2012).

Like most Western cities, the HMA has seen rapid growth since the 1960s. In the last 10 years, population growth has been fast, peaking at close to 20,000 new residents in 2016. Helsinki, the core city, has also experienced significant population growth in recent years, after the former migration loss to the outer Helsinki Region reverted to an average annual gain of 8000 people in the period 2012–17. In the rest of Finland outside the Helsinki Region, aggregate population growth has been negative since 2015.

Urban development has been dominated by outward expansion. The European Environment Agency (EEA) (2006) also noted the rapid expansion of the Helsinki area. An extensive empirical study by Batty *et al.* (2003: 9) comparing six cities concluded how:

Sprawl in all our cities with the exception of Helsinki, which exists in a very low-density hinterland, shows patterns of urban development which are polynucleated at the most basic level in that small towns and villages become incorporated in the sprawl as these cities have grown.

Thus, the current urban form of the HMA is best described as characteristically suburban (*Figure 2*).



**Figure 2:** The municipal division of Uusimaa Region.

*Note:* The black rectangle indicates the map area in *Figures 3–5*.

*Source:* National Land Survey of Finland.



The aim of planning for urban development has been to develop a compact, competitive and balanced urban structure. The new tool introduced by the government is an agreement on land use, housing and transport. The most recent agreement has just been assigned and covers the period 2020–31; it is also a continuation agreement to the LHT agreement for the period 2016–19. The agreement is based on the 2019 plan for Helsinki Region’s land use, housing and transport. The 2019 plan was prepared jointly by the Helsinki Region municipalities, Helsingin seudun liikenne (Helsinki Regional Transport Authority—HSL), and the Finnish government administrations for environmental affairs and transport.

In a wider international comparison, the general planning in municipalities in the HMA is not particularly innovative. It operates from year to year with development that is, by and large, connected to the realisation and completion of large-scale infrastructural change. Thus, the characteristics of planning are more a matter of allocating old, already accepted ideas than thinking up fresh ones. The general plans of three municipalities in the HMA are updated in each municipality in a somewhat synchronous manner, the Helsinki municipality being the only one with a clear ambition for major interventions to transform the development pattern of the entire region.

From the 1950s onwards, the overall development has been based on the principle that is now commonly known as TOD—transit-oriented development. The plans of the 1960s established a rough ‘finger plan’ layout of metropolitan development, where the main arterial roads and radial heavy rail transport corridors were confirmed. The last element in this development trend is the western rail connection—Länsimetro<sup>7</sup>—due for completion in the coming years. Plans in the 1990s introduced relocation and decentralisation of downtown industry and turned the focus towards brownfield development in central locations. The last fragments of this adaptive reuse in the downtown are the construction of former harbour sites. Espoo and Vantaa municipalities turned their focus onto their own engines of economy: sites of technological innovation and the airport. Helsinki also introduced a new light-rail infrastructure (Jokeri<sup>8</sup>), which is to be opened in 2021.

As noted above, all the planning guidance as well as the declared aim of planning practice have placed a special emphasis on attempts at densification and a ‘balanced’ city-region. The LHT agreements,<sup>9</sup> concluded by the State of Finland with the largest urban regions, have also expressed similar aims. The purpose of the new agreements is:

to facilitate and support the cooperation between municipalities in urban regions and between municipalities and the State in the guidance related to the urban structure and co-ordination of land use, housing and transport.

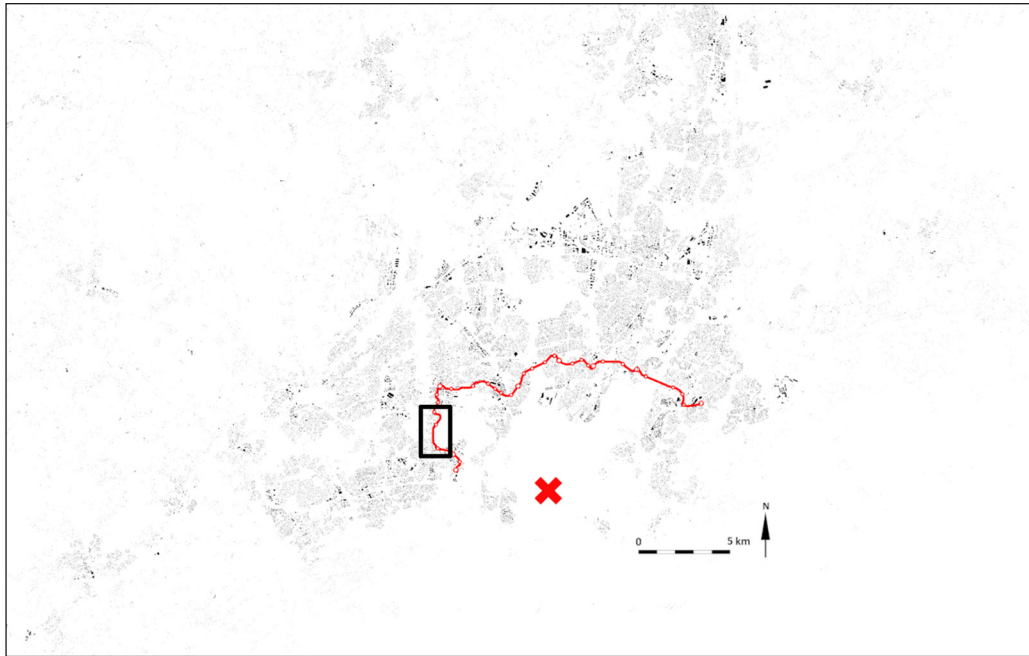
(Ministry of Environment 2021)

Technically, the LHT is a finance mechanism outside of the actual planning frame. It is problematic from the legitimacy point of view. The history of these agreements is short: in the HMA, two agreement periods occurred (2012–15 and 2016–18) before the arrangement was extended for nationwide coverage.

In a very short time, the LHT has become a competitor for the aims and practices on which the entire national land-use legislation is built. Thus, it seeks to position itself as an ‘institution of institutions’, a financing model built on top of the existing regulatory system. Due to the informal nature of the agreement network, the model serves more as a fast track for legitimate administration. Taking a more critical view, it seems that this new type of partnership model between the state and the municipalities implicitly hints at a serious failure of the statutory planning system. However, it has not been publicly discussed whether this indicates an unspoken distrust in the LBA and its capabilities to meet national goals, whether there is a need to further limit a poorly implemented participatory system or if there is a fear of problems escalating from local political-administrative decisions to the nation level. What is clear, though, is that the throughput legitimacy of the current planning frame is compromised.

An evaluation is presented below for how well the intended outcomes of planning are achieved by two excursions into the HMA’s suburban fringe. In order to focus on the effectiveness of the planning system as it appears today, the urban core of the region is excluded from the discussion

in order to evaluate the growth and patterns of change. As 85% of the existing population and an even larger share of the growth will be in the area selected, it intertwines with the daily practices of the vast majority of the region's inhabitants. The chosen approach is also neutral regarding municipal divisions and puts the focus on outcome rather than potentially different municipal planning cultures. **Figure 3** illustrates the elements of further analyses.



**Figure 3:** The suburban fringe of Helsinki Metropolitan Area (HMA).

Note: The Jokeri light-rail and the location of the metropolitan central business district (CBD) is shown in red; the location of the Case II study area in **Figure 7** is indicated by a black rectangle.

Source: National Land Survey of Finland.

## 5.1 CASE I: OVERALL URBAN DEVELOPMENT OF THE HMA

The recent national LHT agreement defines the goals and development approaches for a sustainable and low-carbon urban structure and transport system in the region, for housing, and for the quality of the living environment. The agreement describes the courses of action to be taken to achieve the goals and states the actions agreed upon. The key aim, as expressed in the national LHT agreement, is:

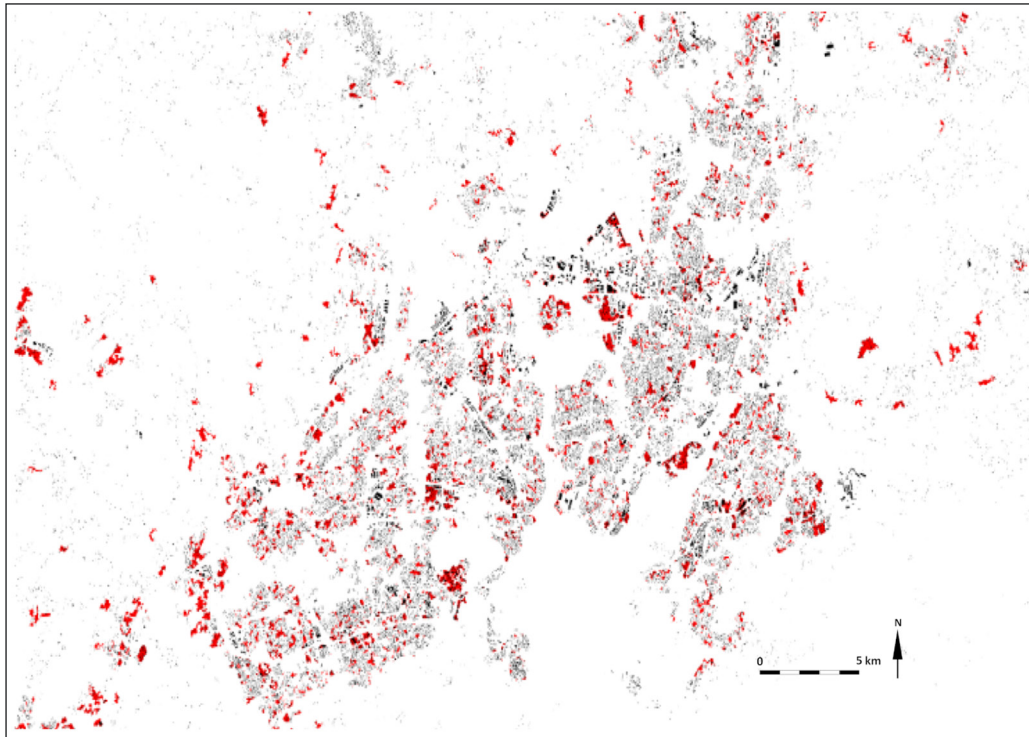
to improve the functioning and competitiveness of urban regions and ensure a balanced development of municipalities. The matters specified in the agreements include the objectives for land use development and housing production in the coming years and key development projects concerning the transport network.

(Ministry of Environment 2020)

In addition to these principal goals, the list of other improvements is exhaustive. The LHT agreement is expected to solve climate challenges of urban areas and identify the effects of digitalisation and exploit its opportunities. Expected permanent improvements include halting the disintegration of the urban structure, ensuring adequate housing production, increasing affordable housing production, preventing homelessness, and promoting the urban transport system by improving public transport, walking and cycling. The novelty value of the procedure is claimed to be based, for example, on how to influence the externalities of urbanisation, such as local polarisation (demographic structure, segregation) and better coordination of regional and national objectives with the principles and impact assessments (Vatilo 2020).

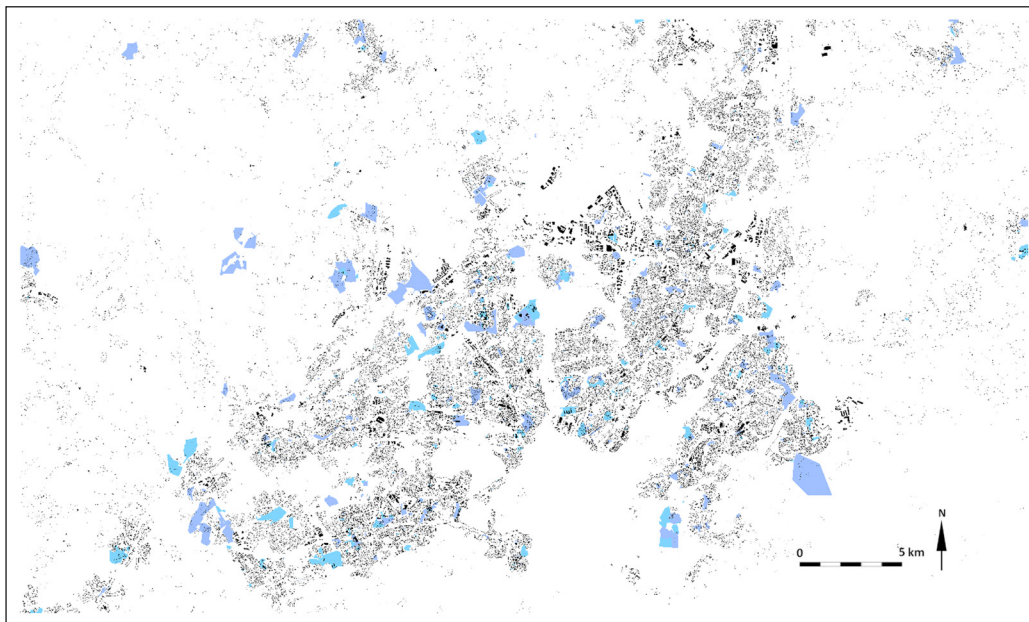
The level of ambition is clearly set high, but risks being unrealistic. This is easy to see from the regional description of the development occurring and the contribution of the LHT to it. The development pattern seems to follow the national tradition and does not lead to polynuclear development. The only difference is the increased volume of housing stock without major additions to local services or the daily routines of residents. The scattered pattern of urban development does not indicate

any particular ambition to concentrate urban activities. With the new LHT agreement sites the construction sites of the LHT housing agreement are mainly located outside the existing urban structure, and of all sites there is only a handful of real infill projects (*Figures 4 and 5*).



**Figure 4:** Growth of the Helsinki Metropolitan Area (HMA), 2000–15.

Source: National Land Survey of Finland.



**Figure 5:** The Land Use, Housing and Transport (LHT) agreement locations, 2012–18.

Note: It is easy to see that the location pattern of new housing estates is similar to the earlier development tradition shown in *Figure 4*.

Sources: National Land Survey of Finland and Helsingin seudun ympäristöpalvelut (Helsinki Region Environmental Services—HSY).

When browsing through the documents and visiting on-site, the logic of activity is clear. The nature of the LHT agreement sites can be identified by the following characteristics: (1) the plots are located in the buffer zone of a main road or railway project; (2) the sites are located on the periphery of the suburban structure, mainly on new plots; (3) the majority of the construction has been carried out as multi-storey apartment buildings, which account for 81% of the total volume of LHT projects; and (4) the floor area ratio of buildings is roughly 1.5–2 times that of the surrounding urban structure (see also Vaattovaara *et al.* 2021).

These features suggest that the development resembles super-size suburban neighbourhoods rather than the declared ideal of classical perimeter block urbanism. The ‘infill’ development, which acts as an ideological backbone, is mainly realised in parks and other green areas as well as plots vacated by industrial activities.<sup>10</sup> Therefore, this infill activity as a more effective or improved use of the existing plots is not feasible, which makes the assumed positive impacts of these new extensions on the existing community structure decidedly doubtful.

From the above discussion it is easy to see that outspoken objectives and planning solutions tell two different stories. This is done by hijacking the argument and re-defining the discussion in a politically and institutionally favourable context (Forester 1989; Flyvbjerg 2005). The chosen planning terminology mentions sustainable development and smart growth, but the content analyses show very few changes in actual planning practice. Thus, the discussion remains at a superficial rhetorical level without a contribution to the ecological, social or economic traits of the sustainability paradigm (United Nations 1987: 7) or to the specific LHT goals listed above.

## 5.2 CASE II: URBAN DEVELOPMENT IN DETAIL

One of the few examples of novel planning ideas in the development of the HMA is the Jokeri light-rail: an orbital public transportation connection following the Ring Road I land-use corridor at approximately 5 km from Helsinki’s central business district (CBD). The idea was introduced in 1990 and its acronym quite aptly indicates its role in the institutional planning frame. For several years it really remained a joker: an additional card in the deck that did not fit the overall stack layout.

The initial idea of the Jokeri study was clear:

The aim is to plan a cross-border trunk connection to the suburbs of Helsinki south of Ring Road I, based on land use and promoting the development of the urban structure, based on an express bus or tramway.

(CoH 1990: 1)

The first phase of the plan was the trunk bus connection that fulfilled passenger expectations, and the plan continued to its initial aim of a light-rail infrastructure within 30 years. During this period the project has evolved in an unexpected way.

The light-rail development in suburban Helsinki aimed to support the local development of housing districts and to provide easy access to public transport inside the residential neighbourhoods. The reason to avoid a Ring Road corridor was clear and obvious.

Concentrating public transport on this route is difficult and expensive and inappropriate for the development of the entire transport network. Ring Road I is also remote from land use priorities. In the so-called JOKERI corridor, the situation is different. There, the goal is to reduce mileage. At this (land use) level, there is already significantly more land use directly relying on it than on Ring Road I. The development opportunities for new land use are also clearly greater at this level than at the level of Ring Road I.

(CoH 1990: 2)

The subsequent phases of planning followed the rationale outlined in the earlier stages of the project (CoH 1992, CoE 1994, 2002; CoH & CoE 2009). The 2009 report was a joint planning effort by the City of Helsinki and the City of Espoo. The common vision document concluded:

JOKERI rail is mainly located in the built urban environment and in existing street and traffic areas, so the track does not significantly diminish the value of cultural–historical and nature conservation sites. [...] Due to the line, the town plans have to be changed mainly in park areas. In Espoo, one detached house plot has to be compulsorily purchased.<sup>11</sup> For residential plots in Helsinki, town plan changes will have to be made at the eastern end of the line.

(CoH & CoE 2009: 4)



A major shift in planning occurred in 2013 when nine route alternatives between Leppävaara and Otaniemi districts were divided into two main alternatives based on the terminus, and the nuances of the earlier planning phase were in favour of the terminal locations of arbitrary alternatives (CoE 2013). As a result of this rough allocation, the report concluded on the strength of the selected alternative ensuing benefits:

The complementary land use of Otaniemi and Keilaniemi, is clearly quantitatively more significant than Tapiola's land use change potential. From the land use point of view alignment through Otaniemi is more to be recommended.

(CoE 2013: 25)

The concluding statement on transport benefit summarises the following benefits: serves the development of Otaniemi and Keilaniemi; is the fast connection from Turku railway track to the metro; and has more users, making Jokeri more efficient to operate (CoE 2013: 37).

In the technical report to initiate the construction process, the goal of the Jokeri project was completely flipped:

The main goal of the design has been smooth and uninterrupted traffic, as a result, the track is designed to run as much as possible on its own right-of-way. The design has aimed at a fast, high-quality line, while avoiding unreasonably expensive solutions.

(CoH & CoE 2015: 1)

As if the above statement were not an indication that the transport planning has become both the means and the end of the planning process, the report highlights:

Among the options the selected alternative makes the best use of common LHT targets, the capacity of the railway network existing and to be realized and emphasizes land use in an area with a good level of public transport service.

(CoH & CoE 2015: 12)

None of the images in the 30-year planning process anticipated the forthcoming transportation dominance. The imagery of all reports highlighted the European 'renaissance of the tram' and the urban qualities mentally attached to this. Even in this very last planning phase, the project was sold to the public through urban imagery (*Figure 6*). The contradictory aim between the primary objective of building urban light-rail and the secondary aim of uninterrupted traffic is best exemplified in *Figure 7*, where the least favourable alternative of rail in integrated land use was replaced with an administratively convenient solution to situate the railway along the shoulder of a highway next to a protected nature area. Paradoxically in present-day Finland, it seems easier for municipal planners to negotiate between national road authorities and environmental authorities than with the residents actually using the rail.

## 6. DISCUSSION AND CONCLUSIONS

The so-called participatory turn in Finnish planning and the redefinition of the planning system with new stakeholder roles have not succeeded in achieving the initial objectives. Despite the appearance of a collective planning approach, the assumed rational comprehensive planning tradition persists to this day. True legitimacy, however, is not limited to issues of democratic governance, but requires a broad approach based on a representative set of actors (Mathur & Skelcher 2007: 232; Klijn & Edelenbos 2013: 635).

Based on the presented HMA case study, the participatory approach has not changed the need for either rationality or comprehensiveness in the planning system. The existing forms of public administration exposed have not met their stated aims of challenging the legitimacy or historical supremacy of institutionalised activity.



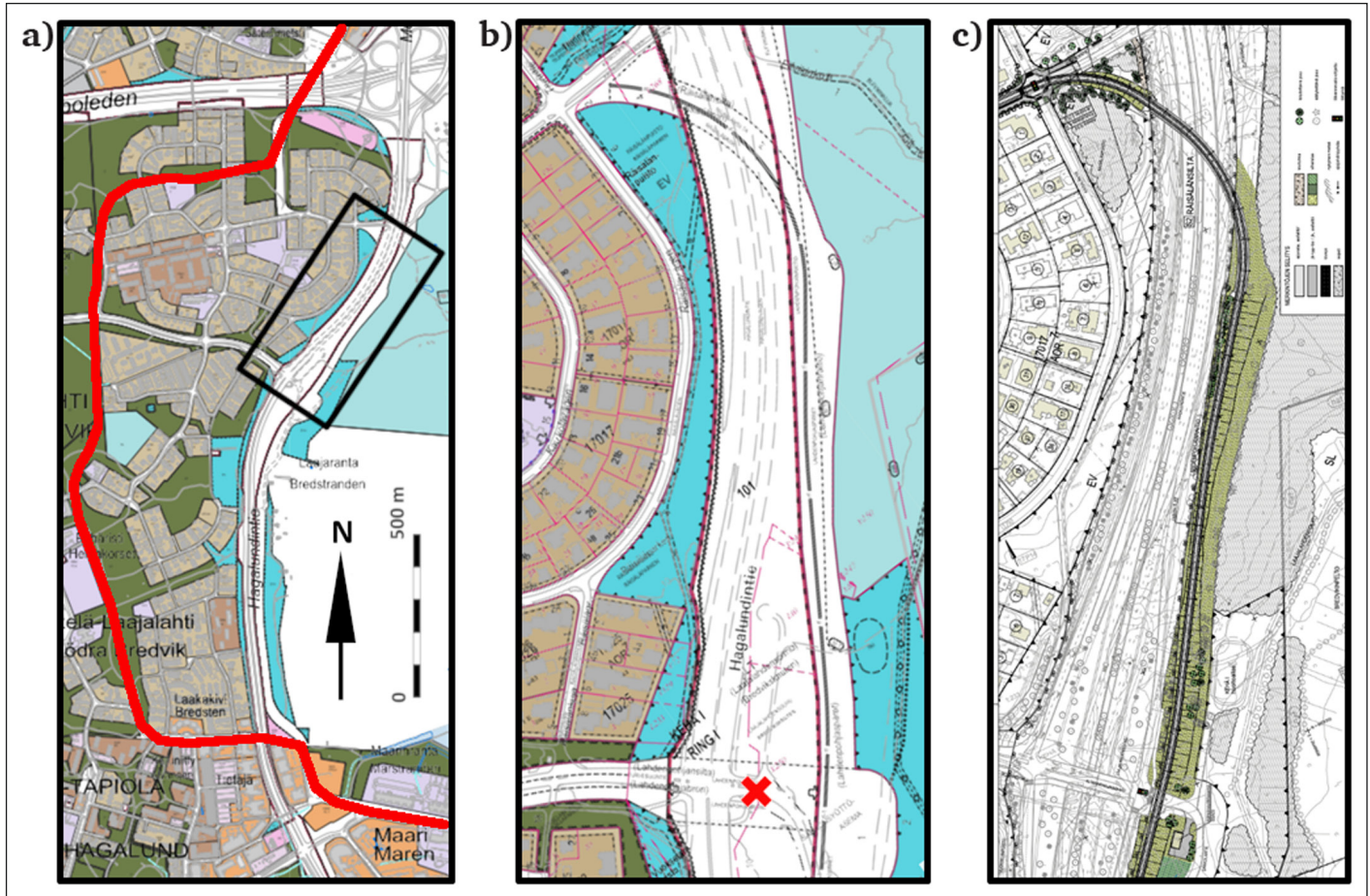
**Figure 6:** Competing and confusing aims of urban transport: **(a)** cover page of the final Jokeri report of 2015; and **(b)** implementation of the same track between Laajalahti residential district (the bushy roadside on left) and the nature preservation area (the bushy roadside on the right) as of 2020. Note: ‘bushy’ = the unintended result of spatial planning without explicit quality criteria.

In light of the analysis of the changes in the planning legislation, the growth of the city-region and the outcome of a single but major city-rail development in the HMA, it is clear that the outcomes of the current planning are far from the original aims. Instead of fulfilling the original aims to support local land use and transportation—characteristics that are currently linked with sustainable urban development—the outcome seems rather random. The presented evidence shows:

- The development of the legal frame of planning has empowered various institutional stakeholders.
- The long-term planning process and argumentation is dominated by these institutionalised roles.
- At the detailed level, the outcomes are far from initial planning ideals and steered towards institutional needs. This is safeguarded by the roles created by the LBA and the self-evaluation made from these legalised positions.

Currently a key factor in Finland’s national ‘planning system’ is the LBA (132/1999). The roles and rights of a representative set of stakeholders in the LBA have remained undefined, and the outcomes of planning actions are the result of the sovereign administrative power and property





rights assigned for each land parcel. Based on the present analysis, it seems to lack rigorous requirements, measurements and assessment practices; to hold the stakeholder discussions that are vague; and to justify its decisions using simplified rules of thumb (such as the idealised principle of densification as a panacea).

The collaborative approach that has also recently found its way into the Constitution of Finland (731/1999 2§) aims at being responsive to citizens' concerns<sup>12</sup>—known in political theory as *input legitimacy*. On the other hand, the critical approach of New Public Management (NPM) to public sector expenditure shakes faith in the effectiveness of policy outcomes for people, which is correspondingly called *output legitimacy*. In the form of analysing the performance of economic activity, however, the examined outputs are rather limited and in isolation of other democratic legitimacy fails to meet the more comprehensive assessment criteria of future plans for society.

Public participation is the obvious means through which such 'social input' and attentiveness 'to the aspirations and demands of citizens' is realised. While good normative reasons exist for encouraging more plural judgments, participation can have significant sociological impacts. Rosanvallon (2008; in the 2011 Finnish translation: 88), for example, suggests that the 'representativeness' of independent agencies can be strengthened.

This brings the discussion to conclusions similar to those expressed by Allmendinger (2001). Although the collaborative approach in planning touches many concerns, such as difference, rationality, power and domination, it cannot cope with increased diversity of reasoning. Simon (1983) has touched on this profound limitation of institutional agency and rationality incorporated selectivity of the planning frame.

The third, transitional but often overlooked way for justifying public action and analysing planning frame is known as throughput legitimacy. This is a procedural point of view focusing on the processes of democratic governance. Throughput legitimacy can be assessed by scrutinising the quality of governance processes (Schmidt 2013). When analysing the throughput legitimacy of

**Figure 7: (a)** One of the excluded alternatives (CoE 2002: 19) of Jokeri overlaid on the existing zoning map of Laajalahti (the black tilted rectangle indicates the location where next two images are zoomed in); **(b)** the technical separation of the land-use zone for the multitude of institutional agents in the same area (a red X indicates the location where the lower image is taken); and **(c)** where the output of the urban rail eventually might be after the protracted planning process.

Sources: City of Espoo and Raidejokeri (2020).

governance processes, quality can be operationalised as *accountability, transparency, inclusiveness* and *openness* (Schmidt & Wood 2019: 730). Not all these features can be assessed without explicit goals and measures of success, which needs to be recognised—even in principle—in the legal frame.

From a democracy perspective, the legitimacy of the political system and public authorities originates in different sources. Input legitimacy focuses on the procedures of choosing the decision-makers exercising the power and their ability to function as expected. Output legitimacy, on the other hand, focuses on the desired results (e.g. Falleth *et al.* 2010; Haus *et al.* 2005; Klausen & Sweeting, 2005; Rosanvallon 2008). In addition, throughput legitimacy is needed in order to ensure the critical boundary conditions of communicative, yet contradictory and selective outcomes. That said, it must be stressed that throughput legitimacy is considered no substitute for input or output points of view (Steffek 2019). However high the quality of the governance processes may be, the process itself cannot make up for bad results or alienation from democratically elected politicians (Schmidt & Wood 2019).

This paper has shown how poorly the aim of one of the main and most expensive pieces of transportation infrastructure has changed radically, and that the outcome is far from what was presented at the time the decision was made.

Based on the empirical analyses of two different cases, the authors are puzzled. The rational, comprehensive, participatory planning that has been empowered by constitutional law and additional amendments made to the LBA law cannot be seen either in the outcome or in the accountability of institutional stakeholders. Quite the opposite: the development has underlined the situation where Finland has had only a superficial tradition of evaluating the output and thus discussing or evaluating the legitimacy of the planning process in general. Recent changes in the LBA have moved the legitimacy frame solely in evaluation input legitimacy. The main reason for this is the lack of external criteria for the rationality and the reasonable legitimacy base of stakeholder actions to support it.

No matter how open the legal frame of the LBA claims to be, it can only be judged in relation to its outcomes. The legal planning process contributes nothing to the inclusiveness of practices that existed before this recent change in the law two decades ago. Openness is currently understood quite narrowly as access to documents prepared by experts and the opportunity to comment on them in a public hearing. The promoted participatory talk has made the process more complex, but at the same time diluted the responsibilities. Accountability would mean the opportunity to trace who is ultimately responsible if project outcomes are not met.

To be able to tackle the unintended outcomes of the planning processes, and empowered by the changes in the legislation—not in the process as such—the authors would like to challenge planning research to focus on system outputs and throughputs more than hitherto. As the present analysis indicates, even if the process is claimed to be ‘open’ and ‘communicative’, the outcome simply does not justify it. The system contains a great deal of path dependency and influence from the legalised structures of the past. The unrecognised risk is that, regardless of the good will, the focus on critical theory and participatory practice has led to a ‘system error’ that is uncomfortable for both planning authorities and the public alike.

## NOTES

- 1 Experimental research by Jacobs & Matthews (2012, 2017) suggests that the public lacks trust in the capacity of political elites to deliver on long-term policy issues. This is driven by uncertainty linked to the high degree of causal complexity of many long-term policy challenges and the lack of confidence in public officials to deliver the public goods they have promised, especially when such promises cut across electoral cycles.
- 2 Any definition of system contains an idea of comprehensiveness. A system can be seen as a set of interconnected parts, each of which can be seen as a system, and which itself can be seen as part of a larger system (McLoughlin 1969: 75–77). It is important to stress that systems do not exist in reality, but are instead descriptions based on identified parts and their connections.

- 3 The civil code contained nine ‘books’ (Swedish: *balken*; Finnish: *kaari*) prescribing codes for marriage, parents, inheritance, land, building, commerce, crimes, judicial procedure and execution of judgments.
- 4 This forerunner of a general plan in the TPA was not, however, a guiding principle of the law, but only an indication of the development need for administrative authority to be concerned in future land use.
- 5 The National Planning Bureau (*Valtakunnan suunnittelutoimisto*) was in operation from 1956 to 1973.
- 6 Doubts about the weak implementation of participatory practices have been addressed from the early years of the LBA (Bäcklund et al. 2002: 8–9), but the focus in participatory discussions has remained at the level of governance, informal processes and activism of the fourth sector (Bäcklund et al. 2017; Mäenpää & Faehnle 2021).
- 7 For a brief summary of the project, see <https://en.wikipedia.org/wiki/L%C3%A4nsimetro>.
- 8 For the project site of the orbital light-rail, see <https://raidejokeri.info/en/>.
- 9 The LHT agreement is an agreement between the national government and the municipalities of specified city-regions to allocate national transportation infrastructure to meet European Union climate targets. The original Finnish term for LHT is *Maankäyttö, Asuminen ja Liikenne* (MAL).
- 10 Internationally speaking, the discussion on infill building is complex. Due to a sparse urban structure, it is easy to label almost any new development infill building, as in the case of the HMA, where all development inside Ring Road III falls into this category, regardless of whether or not any of the commonly assumed goals for such a development is met. Most of the sites are in fact typical edge growth of fractal urban tissue and extend the urban fabric in the same manner as earlier green field development. For broader discussion of resulted urban fabric, see Vaattovaara et al. (2021).
- 11 It is symptomatic of the weak planning profession and the status of the national planning legislation that the expressed concern of planners in a project of this size is for the revision needs of approved detail plans. Beyond that it is alarming that a single act of compulsory purchase constitutes a threat to one of the largest infrastructural investments in the region and is reported in the opening chapter of the document.
- 12 *Section 2—Democracy and the rule of law* states:

The powers of the State in Finland are vested in the people, who are represented by the Parliament.

Democracy entails the right of the individual to participate in and influence the development of society and his or her living conditions.

The exercise of public powers shall be based on an Act. In all public activity, the law shall be strictly observed.

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