



UNCOVERING SPATIAL PLANNING VALUES THROUGH LAW: INSIGHTS FROM CENTRAL EAST EUROPEAN PLANNING SYSTEMS

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Abstract. The spatial planning act should define the key values of a given planning system. However, legally defining these values does not guarantee their smooth or efficient implementation. Though, it should provide guidance in their subsequent interpretation. Spatial planning law defines values but does not guarantee their realisation. The articulation of values in spatial planning law must, as a rule, be more general, detailed by specific provisions and considered in judicial interpretation. The aim of this article is to extract and comparative analysis spatial planning values comprised within national legal acts of Bulgaria, Estonia,

Hungary, Poland, and Romania. It then sets out to compare these values to the planning practices within these countries. Values stated in legislation at the national level are also applicable at lower planning levels, particularly at the local level. Their inclusion in acts is therefore very important from the perspective of planning practice. For the purposes of this article, values in spatial planning are those comprised within national laws on spatial planning matters. This refers to the values explicitly identified and included at the beginning of such laws. The way these values are framed and understood is explored in the article. The legal recognition of values in spatial planning can provide a basis for their wider implementation. However, there are several barriers against their successful implementation. Different jurisdictions engage with these values in distinct ways. The same applies to actual planning practice. Identifying and comparing the ways in which spatial planning values are framed in the laws of the surveyed countries made it possible to single out values that are repeated in all systems (e.g., sustainable development, environmental protection, protection of architectural properties and public interest) and values that are framed differently across Central East European planning systems.

Keywords: law, spatial planning, sustainable development, values.

Introduction

Some of the authors (Marković & Babić, 2014) have tackled the issue of combining diverse theoretical and practical perspectives in spatial planning: urban, geographical, economic, environmental, and many more. Most often, combining these different perspectives occurs precisely when defining and interpreting legal regulations (Savini et al., 2016; Nowak et al., 2021, 2023c). Obviously, the law is not the only determinant for evaluating the spatial planning system (Nadin, 2007; Reimer et al., 2014; OECD, 2015), but it is one very important evaluation avenue. An incorrect approach to the law can seriously damage the spatial planning system (Purkarthofer et al., 2021).

Hence, a common reference point for better integrating spatial planning law with non-legal spatial planning objectives are spatial planning values. Spatial planning values should be understood as key values from the perspective of a specific national spatial planning system. In non-legal terms, they can be identified in national strategic spatial planning documents (if available in the country) or in scientific literature. In most spatial planning systems, attempts are made to include these values in legal acts as well (Nowak et al., 2023a). Appropriately framed in legal acts, they may provide an opportunity to better capture and understand the perspectives and needs of spatial planning from a legal viewpoint. However, there is a major risk here: spatial planning values stated in laws may be framed haphazardly and imprecisely, because the transfer of certain formulations into legal acts does not always have the desired effect (often formulations that are understandable from another perspective, become imprecise from a legal perspective). In addition, stating spatial planning values in the law does not always guarantee their smooth implementation in actual planning practice (Nadin et al., 2018; Nowak et al., 2022b). At this stage of the analysis, it should be pointed out that spatial planning values should be understood as values that national spatial planning acts identify as key from a system-wide perspective. This is the basic reference point for further considerations. In this article, however, values are not merely reduced to a technical-legal role. It is not, therefore, about the considerations arising from a ‘theory-in-planning’ approach (Healey, 2008) to how the law should take care of values. Instead, the research problem is how the law is to capture, invoke the values of spatial planning.

Against this background, the article focuses on the way values are framed in national spatial planning legislation. At the same time, real opportunities for implementing these values in planning practice are also signalled. In spatial planning systems, planning legislation is primarily applied and interpreted at the local level. However, from a legal perspective, the key point of reference

for these interpretations and practices at the local level is the national legislation. In other words, local legislation cannot alter values expressed in national legislation. However, due to the general nature of statutory values, their implementation at the local level may vary. There are many (general and specific) differences between the legal solutions provided by different national spatial planning systems (Nowak et al., 2024). This creates additional difficulties when comparing different systems. Some authors (Reimer et al., 2014) point out that it is far more convenient and effective to compare systems from the perspective of isolated issues. Such issues can also include the way values are legally framed in spatial planning acts.

The spatial planning act should define the key values of a given planning system. However, legally defining these values does not guarantee their smooth or efficient implementation. Yet, it should provide guidance in their subsequent interpretation. Put differently, spatial planning law defines values but does not guarantee their realisation. The articulation of values in spatial planning law must, as a rule, be more general, detailed by specific provisions and considered in judicial interpretation. For the aim of this article, values in spatial planning are understood to be those referred to in national laws on spatial planning matters. The values in question are those explicitly identified and included at the beginning of these acts (this is the standard statutory formulation – while in the rest of the acts the direct invocation of these values is already mutually differentiated). This basic understanding of the way in which values are framed is explored later in the article. Hence, our aim is to extract, compare and relate spatial planning values to planning practice across Bulgaria, Estonia, Hungary, Poland, and Romania. We asked the following research questions:

- How does the literature define the relationship between spatial planning values and the law?
- How does legislation in Central and Eastern European (CEE) countries frame spatial planning values?

Framing values through legislation is always problematic. In many countries, including those in Central and Eastern Europe, framing spatial planning values consists in indicating or defining them in the introductory part of a given law. Obviously, the method for implementing statutory values varies greatly. Such variations notwithstanding, this legal approach should also be included in the discussion concerning spatial planning values. In the eyes of the legislator and public authorities, identification of a given value in the law deems it important for the national planning system. Statutory values are also important when studying actual planning practices across countries. This is because statutory values are usually of a universal, supranational dimension. Hence, transferring these values into legal acts, essentially amounts to adapting this broader, non-legal perspective of values to the context of specific legal regulations. In some countries, integration is based on holistic analyses, but in other countries, it is often based on mere subjective, superficial (and incomplete) reflections. Therefore, an important element of the discussion on spatial planning values is to identify what similarities and differences exist in the legal framing of statutory values across different countries. This task requires firstly a (general) comparative analysis of the different spatial planning systems, which is then complemented by identifying the key values from the perspective of a particular system. Identifying statutory values must combine both legal and non-legal language (related to spatial planning) and, in addition, refer to the sphere of planning practice. Based on this identification, it is then possible to distinguish between similar and different values across countries. It is also possible to make a broader assessment of whether the values declared in the laws are actually used and operationalized in planning practice.

Against this background, this article consists of several sections. The Methods section explains how to make comparisons between national spatial planning laws. The next two sections outline the ways in which spatial planning values are framed in the literature, as well as the views expressed

on the role of law in spatial planning. They are followed by the results obtained from investigating the ways statutory values are framed in the main planning acts of five countries (Bulgaria, Estonia, Romania, Hungary, and Poland). These results are then discussed, conclusions are drawn, and avenues for future research are sketched.

Methods

This article compares the legal solutions for Bulgaria, Estonia, Romania, Hungary, and Poland. The author team is represented by authors familiar with the realities of planning practice in all the countries studied. The survey covers most of the countries of Central and Eastern Europe, which are members of the European Union. Each country has a law on spatial planning, the first part of which identifies key values. This provides a clear framework for comparing and contrasting the indicated statutory approaches. Some differences notwithstanding, these countries show sufficient similarities to allow for comparisons (Altrock et al., 2017):

- common historical experiences, including communism and accession to the European Union (Dąbrowski & Piskorek, 2018),
- inclusion of spatial planning issues in comprehensive laws,
- the existence of spatial plans at the local level that constitute legally binding acts,
- noticeable problems with investment pressures in spatial planning, which usually result in urban sprawl.

Key differences are:

- country size and population,
- different administrative division,
- varying degrees of implementing and integrating development policies.

The next two parts of the literature review focus on:

- identifying how issues of spatial planning value are currently addressed in the literature. Particular consideration was given to approaches that directly or at least indirectly relate to the relationship with spatial planning law;
- identifying how the literature defines the role of spatial planning law, including which challenges and thematic spheres spatial planning law relates to.

The initial research stage in conducting comparisons involves gathering national legal solutions, but the authors' focus extends beyond merely interpreting legal provisions. Their approach encompasses a multifaceted and critical assessment of how statutory values are constructed. Firstly, the authors extracted the values referred to at the beginning of national laws on spatial planning. Obviously, any analysis of the legal provisions on spatial planning does not exhaust all the systemic problems of spatial planning. Furthermore, the legal approach to spatial planning is chaotic, inconsistent, and unclear in many countries.

Following the identification of the values included in the national spatial planning laws, the following actions were taken:

- two groups of referenced values were identified: 1. values that are mutually similar, 2. values that are only found out in individual countries;
- the mutually similar values were analysed from the perspective of mutual coherence/comprehensiveness.

Values in spatial planning

The convergence of historical experiences across CEE countries influences both their institutional spheres and their planning cultures. Perusing the literature, one can find diverse proposals for comparing spatial planning systems. They range from general system solutions (OECD, 2015, 2017; Nadin et al., 2018), through legal solutions (Nowak et al., 2022a) and individual planning issues (Reimer et al., 2014), to the level of planning culture (Purkathofer et al., 2021). In our case, the systemic similarities of the countries studied mandate a comparison of one important issue: the way values are included in national laws related to spatial planning. This requires identifying the types of values, the way they are framed (in legal parlance) and, more subjectively, assessing the real application of these laws in practice.

It is worth noting, however, that there is a detailed discussion in the literature focusing on how values should be legally framed, albeit with some variations, stemming from the perceived role of law in planning. In general, however, one usually encounters the legal positivism, according to which the sphere of law and the sphere of morality (including the related sphere of values) are completely separate, also terminologically. Therefore, they should be completely separated from each other (Latifiani & Ilyasa, 2021). However, there are also different views according to which values should be included, even explicitly referred to in legal provisions. Pursuing this line of argument, the following dilemmas occur:

- Whether certain values have a lasting capacity to shape legal reality (Scallia, 2017). And if so, to what extent?
- How do the values stated in national legislation find application at lower levels?

Separate considerations relate to the genesis of the values stated in the law, including their connection to the cultural conditions of a country (Allsop, 2017) and the transferability of particular values within legal solutions of other countries' systems (De Mulder & Gubby, 2019).

Hence, the dedicated literature treats spatial planning values in different ways. Their definition is usually linked to the objectives of spatial planning, as well as to the definition of spatial planning itself. As Nadin et al. (2018) point out, the purpose of spatial planning is to guide development while ensuring environmental protection, land conservation and community involvement. Healey (2004) distinguished in this view a conscious collective effort to re-imagine a city, urban region or wider territory and translate these results into priorities for infrastructure investment and land use rules. It is also worth recalling the approaches according to which 'spatial planning' refers to the management of land and property and the promotion of preferred forms of spatial and urban development through strategies that integrate the spatial dimensions of sectoral policies (Cullingworth & Nadin, 2006), as well as a tool for balancing the needs of society, the economy and the environment, providing an institutional, technical and political framework for managing the territorial dimension of sustainable development, while protecting the rational organisation of spatial activities (Koresawa & Konvitz, 2001). Auziņš and Viesturs (2017) consider the protection of productivity, the protection of the environment and the protection of cultural heritage as planning objectives. At the same time, they point to the role of society in the production of specific values.

From this brief literature review, it becomes apparent that defining spatial planning implies at least signalling certain values. These can be environmental values, cultural values, social values, or the value associated with the rational organisation of spatial activities. There is no doubt that values in spatial planning can be understood in diverse ways. But they generally stem from the non-legal sphere, from a concrete understanding of what spatial planning is and what its objectives are.

Such approaches lead to the question of how values are understood, with the caveat that values might be understood somewhat differently, based on the planning system that employs them. Hence, differences arise from the specifics of a country's planning tradition and the characteristics of planning practices (Oliveira, 2014). They may also relate to particular attitudes, e.g., how 'social values' are understood (Kenter et al., 2015). More specifically, values may even differ at the scale of individual local conditions (Scolozzi et al., 2012). Nevertheless, the assessment expressed by Davoudi (2016), according to which planning (including spatial planning) leads to specific values but, at the same time, the nationally defined way of planning results from values, should be considered universal.

Auzins and Chigbu (2021) referred to Rokeach's (1979) theory of values, recalling that a value is an enduring belief that a certain course of action, or final state of existence, is personally preferable to the opposite state. They went on to point out that planning must be based on human values in the form of a vision for action, in terms of delivering outcomes in land use and development. They identified three elements that characterise a planning environment based on shared stakeholder values: (1) the organisation of land use planning, (2) the land use planning process and tools, and (3) the relationship between land use planning and supporting sustainable communities. The first point is crucial, because it states that the legal basis should provide a framework for implementing values in spatial planning. These values should, in turn, guarantee the preservation of certain spatial planning outcomes.

Planning results are often linked to different fields. Very often, they are environmental and natural. Values can therefore be linked to the protection of particularly valuable natural areas (Taff, 2005), to the preservation of specific environmental values of municipalities (Jarvis et al., 2016; Zhou et al., 2018; Neukranz, 2021; Su et al., 2022), as well as to the effectiveness of ecosystem service delivery (Scolozzi et al., 2012). On a similar note, spatial planning values can be linked to landscape conservation (Casatella, 2015; Auzins & Chigbu, 2021) and cultural values (Bonenberg, 2019). Hence, there is a very broad spectrum of spatial planning values.

However, the discussion of values in spatial planning has an even broader scope. One of the most interesting topics is the conflict of values. Indeed, a value-laden space generates numerous conflicts (Herzog et al., 2022). For example, the conflict may concern how to distribute development benefits to the current and future inhabitants of a city (Deslatte et al., 2017). Another area of debate is the planning culture of a country and its impact on urban planning values (Auzins & Chigbu, 2021). Hersperger et al. (2017) note the problem of evaluating the application of values, a topic widely discussed in the literature but nevertheless still relevant. Finally, it is also possible to point out some directions for integrating the discussion of values in spatial planning, such as the concept of spatial justice (Scott, 2017) or right to the city, as well as the linking of values to specific political doctrines (Davoudi, 2016).

Hence, values are subject to much theoretical debate. Against this background, many countries are attempting to incorporate them into their legal frameworks. There are several reasons for this. Firstly, there is a natural tendency to include the values and principles governing a particular field in the statutory acts that characterize that field. This also applies to acts related to spatial planning. A preliminary analysis of the achievements in Central and Eastern European countries (Nowak et al., 2022a), but also in selected countries from different continents (Nowak et al., 2024), confirms this hypothesis: in many countries, there are attempts to include key values in national spatial planning acts. This finding provokes a broader analysis of the way in which spatial planning values are framed in legal acts and an assessment of their application. Hence, statutory spatial

planning values can be analysed as follows:

- from the perspective of their clarity and coverage,
- from the perspective of their impact on the spatial planning system. This influence may consist in (1) determining a certain interpretation in more detailed regulations, and (2) development of certain extra-legal practices.

Therefore, a holistic view of values in spatial planning law allows for a better understanding of the main objectives of spatial planning, as well as for probing the legitimacy of specific solutions.

Hence, we consider statutory spatial planning values those values that arise directly from specific national spatial planning acts. They usually appear in the introductory paragraphs of these acts, together with key goals and principles. Note, however, that there is terminological inconsistency in parts of the acts in this respect. Whenever they occurred, they were addressed by each author. Before turning to the analysis proper, there is one more important topic that requires attention: the role of law in spatial planning.

An important research gap can be identified. Usually authors refer to specific values of spatial planning. What is missing, however, is a more cross-cutting approach: how comprehensively the indicated values are included in laws in a given country. There is very limited critical analysis of this issue.

The role of law in spatial planning

Defining the role of law in the spatial planning system is a difficult task. Needham et al. (2019) distinguish here several relevant topics, which relate to economics, construction, human rights, efficiency, and justice. Rydin et al. (2018) identify different possible research approaches to assessing the role of law in planning. These relate primarily to the relationship between public authorities at different levels and between different spatial actors, as well as to how power is distributed across the institutional network. An important caveat is highlighted by Reimer et al. (2014), for whom the real way in which the law is applied is manifest in the planning practice of a country. That is, the legal framework is merely a corridor along which to navigate in different ways. It is therefore worth noting that the law cannot solve all spatial planning problems. Its task is more to mitigate the risks and undesirable actions of various actors, and to support selected courses of action. A similar position is taken by Rose (2017), who emphasises the fact that the law cannot meet all societal needs or solve all urban problems. The author distinguishes several areas of law related to urban planning, including zoning, exclusionary zoning, growth management, and transfer of development rights. Understood in this way, the law is described as a kind of social control measure (Darin, 2016), with the proper scope of this measure being the subject of consideration. Barriers to the enforcement of spatial planning law are also recognised by Hersperger et al. (2017), Hamdan (2020), and Dianto and Cahyaningtyas (2021).

Rannila (2021) paid particular attention to the role of courts in spatial planning. Referring to the Finnish system, he pointed to the tendency of 'boomerang planning', i.e., situations in which planning decisions are challenged in the courts and then return to the local level, as a result of court rulings. In the author's opinion, the large number of such cases confirms the thesis that spatial planning law is not stable, nor does it guarantee equal results in principle. The danger of subjectivity is even greater when there is no systematic spatial policy at the local level that is oriented towards long-term goals. A dilemma that arises on this occasion concerns the extent of flexibility/restrictiveness of spatial planning law (Savini et al., 2016).

More fragmented approaches can also be identified in the literature. Salkin et al. (2018) identify constitutional constraints and environmental aspects relating to spatial planning, as well as issues relating to historic preservation and land protection. The strong environmental dimension of spatial planning law is also highlighted by Wheeler (2018). Relating the spatial planning system, in particular spatial planning law and heritage conservation, is undertaken in numerous other publications (Szulczewska et al., 2022). Malloy (2015) sees the role of the law in the context of clarifying the part of spatial planning law as a guarantor for the support of people with mobility impairments. Virtudes (2019) sees the role of spatial planning law as a response to the wastefulness of urban infrastructure, and the creation of urban voids. Authors also see an important role for spatial planning law in shaping renewable energy sources (Blaszkę et al., 2022; Geißler et al., 2022; Solarek & Kubasińska, 2022), as well as in providing broader, comprehensive responses to the challenges of climate change (Nowak et al., 2023b).

A separate broad topic is the role of property in spatial planning. The varying dilemmas and ways in which property rights are framed in spatial planning are widely highlighted by Needham et al. (2019). This indeed varies strongly across national systems (Rose, 2002; Hartmann et al., 2022). Leffers (2018) emphasises that ownership is not an objective system of rules, but a complex institution, emerging from governance, as well as from the individual actions of political actors. A similar assessment is expressed by Gwaleba and Chigbu (2021), who see the formation of ownership in the processes of social participation associated with urban planning.

There are several important conclusions to be drawn here. Firstly, the limited effectiveness of spatial planning law is tantamount to the limited effectiveness of recognise value in spatial planning law. Of course, at the stage of interpretation, including judicial interpretation, the framing of values in the law may influence a certain understanding of the provision that is being interpreted. However, there is no guarantee that this will always be the case. This makes it even more noteworthy that the interpretation of spatial planning legislation must consider different sectoral perspectives, including their associated terminology. The statutory values of spatial planning can provide a reference point to facilitate such a synthesis. Their legal framing can also facilitate the reduction of individual expectations and claims of property owners.

A research gap can be identified, involving the detailed identification of the relationship between law and spatial planning values. This particularly concerns the dilemma of whether and how spatial planning law should refer to spatial planning values.

Comparing values expressed in spatial planning laws

In each country, we have analysed the law that directly relates to spatial planning, i.e., the act that defines the instruments of spatial planning at each level. Note, however, that spatial planning is often governed by other laws as well. Nonetheless, it is in national planning acts that the whole system is described comprehensively. It is also here that key values are identified, usually within the introductory paragraphs of these acts. Hence, we have divided these values in the following two categories: (1) values appearing in all surveyed national planning laws, and (2) values present in some national planning laws only.

Values were selected based on a comprehensive analysis of the statutory provisions in the countries studied. Values were extracted in accordance with their literal presentation in the statutes. These values were then collated and compared. The first group of values are values formulated identically or similarly. The second group is comprised of values that are different or that are framed

differently. With some values, analogies appear in the way they are formulated across different CEE countries. However, these analogies do not apply to all the countries studied.

Before discussing these values, it is worth clarifying how the term 'spatial planning' is understood across CEE countries. Hence, in Bulgaria, the term 'territorial planning' is used, with the territory being the object of rational use that needs to be organised. In Estonia, spatial planning means the conscious shaping of the external environment, creating conditions for spatial development. Spatial planning in Hungary is divided into land use planning and spatial development planning. In Poland, the term 'spatial planning' has not been defined. However, the concept is used in legal texts, with references throughout the entire planning system and across individual instruments (especially spatial plans). In Romania, the Planning Act distinguishes between the concepts of 'regional planning' and 'urban planning'. Regional planning is linked to planning and land management in the general interest, in conjunction with regional development policy and sectoral policies. Urban planning, on the other hand, works with land use, zoning and building regulations, as well as priority projects within basic administrative units (municipalities).

Hence, there are major variations in the way the concept of 'spatial planning' is understood across CEE countries. However, there is no doubt that in each country, spatial planning is concerned with implementing certain concepts in particular areas. These concepts are aimed at better organising the national territory, streamlining land use, and protecting its valuable values. General understandings of spatial planning therefore focus on issues ranging from the rationalisation of space to transparent land use rules.

Against this background, Table 1 shows similar values across CEE countries. The authors worked as follows: (1) they studied all the values that appear in national planning acts; and (2) they then grouped these values into categories that cut across all CEE countries studied.

Note, however, that despite similar wording, these planning values are framed differently across CEE countries. Sustainability always seems to be linked to land. Hence, it is often referred to in relation to spatial policy or spatial structure. In Estonia, the democratic dimension of sustainable development is strong, while in Hungary, the protection of natural resources receives similar attention.

Environmental protection is also linked to sustainable development. However, it is singled out separately, in all acts, thereby making it consistent across CEE planning systems. The protection of architectural values is dealt with differently. It is covered most extensively in Hungary and Poland. However, it should be noted that in Poland, this value has been linked to a separate, specific concept, called 'spatial order' (which is the point of reference for all spatial policy). In Romania, the link between architectural values and the 'built environment' is strong, hinting at a legislator with a propensity for architectural and urban design. This is narrower than, for example, in Poland. In Estonia, there is an emphasis on the need to preserve the aesthetic qualities of an area, and in Bulgaria the focus lies with the standards of the building process, and, implicitly, on the building standards themselves.

The approach to the public interest is the most diverse. This diversity is not surprising, with academic debates also employing extremely different approaches to this issue. However, two trends can be distinguished here:

- the public interest as a specific objective, acting as a point of reference for the entire spatial planning laws,
- associating the public interest with the need to weigh up the various interests of diverse stakeholders.

Table 1. Similar values across CEE national planning laws

Values	Country				
	Bulgaria	Estonia	Hungary	Poland	Romania
Sustainable development	The spatial structure of the site must guarantee sustainable development.	Democratic, long-term, sustainable spatial development that considers the needs and interests of all members of society. Purposeful, rational, and sustainable land use.	Sustainable use of natural resources, a balanced spatial structure based on regional potentials.	Sustainable development is the basis for spatial policymaking.	A balanced, sustainable territorial development. Hence, public authorities must coordinate their land use decisions, adhering to the principles of decentralisation, local autonomy, and decentralisation of public services.
Environmental protection	Protection of the environment (protection of agricultural land, forests, and protected zones).	Environmental protection (part of the principles of improving the living environment and expedient, reasonable and sustainable land use). Promoting environmentally sound development.	Enhancement and protection of natural and landscape values. Promoting a sustainable and friendly environment.	Environmental protection, including sound water management principles and protection of agricultural and forest land.	Environmental protection, which includes landscape protection as well.
Protection of architectural qualities	Preservation of building process standards.	Aesthetic development of the environment, and promotion of a high-quality environment.	Protection of the architectural qualities in an area.	Protection of spatial order, including consideration of urban planning and architectural requirements	High architectural quality of the built environment.
Public interest	Protection of the public interest (protection of the environment and human health, spatial planning guarantees living conditions).	Weighing and harmonising different interests, needs, and public goods.	Promoting the public interest, by ensuring a balance between national, regional, and municipal interests and legitimate private interests.	Public interest as a generalised goal of aspirations and actions, considering the objective needs of the community pertaining to spatial development.	Obligation to respect the general interest.

Source: own elaboration based on Act HU (1997), Act RO (2001), Act PL (2003), Act Est (2015), Act Bulg (2001).

At the same time, there is no doubt that the public interest is intimately linked to the important goal of adequate spatial development, which will take place at the expense of some private interests. In some CEE planning laws, this translates into environmental protection or the protection of cultural heritage, both acting as instances of the public interest in legal texts.

Returning to our main argument, the next step was to identify and classify the other values included in spatial planning laws. These values appear in Table 2. Unlike the values in Table 1, they are duplicated in some countries, but not in all.

Table 2. Individual values across CEE national planning laws

Country	Bulgaria	Estonia	Hungary	Poland	Romania
Values	Protection of space as a national asset, Favourable living and leisure conditions for the population.	The social dimension of spatial planning (public participation, access to information, balancing and integrating interests), Developing a high-quality living environment.	Territorial cohesion, Reducing territorial disparities, Ensuring convenient transport, Protecting the economic interests of the local population, The economical use of space, Healthy living and working conditions, Reduction of local socio-economic disparities, Promotion of green open spaces.	Protection of human health, safety, and property, The economic value of the space, Protection of property rights, Public participation.	Protection of space as a national asset, Decent housing, Reduction of energy consumption, Good working conditions, Preservation of biodiversity and creation of ecological continuity, Public safety and sanitation, Streamlining travel demand.

Source: own elaboration based on Act HU (1997), Act RO (2001), Act PL (2003), Act Est (2015), Act Bulg (2001).

The values in Table 2 differ across CEE planning laws. However, different values do not necessarily imply dissimilar planning laws. Hence, in both Bulgaria and Romania, space is recognised as ‘national wealth’. Against this background, one can suspect a slightly different emphasis on the value of spatial assets in these countries. In Poland, the counterpart is ‘spatial order’.

Social issues also feature prominently in all CEE planning laws. This includes, on the one hand, ‘decent living conditions’ (in particular, decent housing and health conditions) and, on the other, the right to social participation.

There are also values that appear less frequently. This is due to several reasons. Quite often, those responsible for drafting specific legislation lack expertise in a given area. At the same time, there may be diverse influences and suggestions during the law drafting process. For these reasons, random values may also be invoked in the acts under scrutiny, or they can be included in an inconsistent manner. These include the guarantee of adequate leisure for the population (Bulgaria), the promotion of green open areas (Estonia), a particular emphasis on the protection of property rights (Poland), as well as an emphasis on the need to reduce energy consumption and streamline travel demand (Romania).

Nonetheless, the outline above needs some broader national context. In Bulgaria, the numerous changes to the law did not interfere with spatial planning values. The amendments concerned planning instruments, especially those strengthening strategic spatial planning. They resulted in a broader Europeanisation of Bulgarian spatial planning (Simeonova, 2017). Borisov and Kovachev (2017) identify four main values principles in Bulgarian spatial planning: strategic preferences; the adaptation of strategic preferences to the requirements of the environment; efficient use of limited resources. These principles are mainly laid down in methodological frameworks. It is important to emphasise the fact that spatial planning is linked to regional development and to regional development instruments, which are included in a separate act. The role of sustainable development features prominently here as well. Unfortunately, implementing planning values is usually hampered by solutions adopted at the local level. These create opportunities to circumvent general guidelines and result, for example, in not adopting general spatial plans (Nowak et al., 2022a). This creates a basis for individual investors to push through investments, in isolation from a broader planning concept and, implicitly, from legally stated values.

In Estonia, spatial planning is strongly embedded in constitutional values (official security and treatment liability, the principle of justice and environmental protection). The relationship between spatial planning and the constitutionally framed right to property also appears to be important. In the Estonian system, the strategic nature of plans, linked to their long-term orientation, is particularly important. It is also for this reason that spatial planning needs to consider long-term trends, such as economic, social, cultural, or environmental development and change. Although the Planning Act enacts several values and planning principles, practices can differ. Suškevičs (2019) has analysed the participatory process within regional green infrastructure planning in Estonia. Whilst the principle of inviting the public to participate is written in the Planning Act, implementing this principle in practice is not straightforward. According to the conception of officials and the expectations of various stakeholders, the participation process can differ significantly. Mart and Nele (2016) handled how spatial planning in Estonia has moved from a socialist to an inclusive mode. That transition was not unsophisticated, with the planning process attracting more and more interested persons. However, planning decisions have primarily been based on expert opinions, even if the public opinion opposed them. It implies that the legal framework alone is insufficient to remodel planning practice: Specialists, politicians, and communities must appreciate changes. This transformation takes time. Nevertheless, there is a visible qualitative improvement in planning design and practices (Auziņš et al., 2020), with the planning process more open due to internet solutions, and with data is more accessible than earlier (Auziņš et al., 2022).

In Hungary, in addition to the National Spatial Plan, the Spatial Development and Land Use Planning Act also plays an important role. This Act postulates the strengthening of territorial cohesion in all regions of the country, the harmonious development of the spatial structure and settlement system within the country, or the preservation of national and regional identity. Furthermore, the Spatial Development and Land Use Planning Act highlights the need for reducing disparities between the capital and rural areas. This is one of the most important goals of spatial development in Hungary, with the development of regional growth poles being an overarching goal even during socialist times. Unfortunately, the urban network has developed quite randomly after the regime change, and although innovation zones and islands (metropolitan areas) and potential innovation axes have emerged in the country's spatial structure, internal and external peripheries and crisis areas have remained, proving to be persistent.

Next to the missing regional growth poles, the other important problem of the Hungarian settlement network lies with its high degree of fragmentation, with more than 50% of the settlements

having less than 1,000 inhabitants. Hence, reducing territorial and socio-economic disparities are important objectives (Beluszky, 1999). At the same time, the law emphasizes the need to harmonise national regional policy and planning with the regional policy of the EU (cohesion policy), with the Act itself being adopted during the preparation stage for EU accession (1996). Since then, the Act has been modified. Even though objectives reducing territorial disparities are highlighted in all national strategies (National Development Strategy 2030, 2014) and integrated into EU programs (Partnership Agreement between Hungary and the EC 2014-2020), recent research proves that the absorption capacity of backward regions remains weak, when compared to the more developed regions (Medve-Bálint et al., 2022).

In Poland, the Law on Planning and Spatial Development is significantly influenced by the Constitution, including the way in which it includes the right to property (with a very strong emphasis on the rights of property owners). The Development Policy Act does not (unlike the Spatial Planning Act) indicate key values. The negligible degree in which values are implemented in spatial planning practice is the subject of professional and scholarly criticism. Most often, authors focus on spatial order. In their almost unanimous opinion, there is no spatial order in Poland, despite statutory declarations (Nowak & Lorens 2020; Śleszyński et al., 2020). In many parts of the country, quite the opposite is true: spatial chaos, visible both aesthetically and financially. There is also a mismatch between different sectoral jargons (e.g., related to environmental protection) within the Polish planning system (Nowak et al., 2022b). This makes the implementation of the values listed in the Act even more difficult. Furthermore, these values have such a general dimension that they are not concretised at the implementation stage at all.

In Romania, we can find five main planning values: polycentricity (i.e., a 'balanced' territorial development), sustainability, quality of life (only partially covered by the term 'living conditions'), territorial cohesion, and protection of the natural and built environment (which partially overlaps the concept of 'landscape'). Note the implicit Europeanisation of the legal writing, with at least three of the planning values, *viz.* sustainability, polycentricity and territorial cohesion being of a distinct European flavour. Unfortunately, academic surveys of these values are nearly absent in the Romanian literature. The five concepts seem to be taken at face value, with little interest for their implications once they enter the normative framework. For example, polycentricity has slowly evolved from a purely rhetorical concept to a somewhat more analytical notion, albeit at a very incipient stage and only at the regional level (Manole & Tache, 2019). Sustainability, on the other hand, has received more attention, with critical reviews (Meita et al., 2014) and some instrumentation available. Living conditions appear primarily in relation to marginal or informal settlements, while territorial cohesion seems intimately tied to competitiveness, with both concepts remaining at a very high level of abstraction (Mitrică et al., 2021). And finally, environmental protection: This is the oldest of the five, with the longest and most diverse research tradition, spanning the normative framework (Florin, 2013), assessment (Mitincu et al., 2021), and governance (Vădianu et al., 2020). Romanian legal parlance has adopted a European discourse, without, however, making the effort of providing operative definitions of the concepts used. Academic interpretations have also sensed this conceptual fuzziness, albeit without producing coherent research traditions.

Conclusions

Based on this study, several directions for further discussion can be identified. For example, in all systems compared, the legislator refers to sustainable development. This is primarily due to the fact that the principle of sustainability is global and relevant at the level of the EU. This concept has a broad scope. Nevertheless, its territorial dimension is posited in each country, and it involves equitable land use. This takes full account of environmental and social values in spatial planning. Besides, at the stage of the declaration of statutory values, environmental protection is covered very similarly in all countries studied, where it is articulated in each planning act, almost identically.

An interesting issue is the reference to values connected with the protection of architectural values in an area, which appears, again, in all countries. However, the indicated appeals look different in detail. In one approach, this may consist of only referring to specific good practices/standards in the construction process. The promotion of these good practices is recognised as an important value in a given system. In another approach, the architectural qualities of a site are directly linked to holistic concepts that relate to the spatial planning sphere as a whole (such a concept is the protection of spatial order in Poland).

In all surveyed countries, public interest issues are also included. In practice, however, this is implemented in different ways. The universal dimension of public interest is not in doubt – it allows for a broader basis for action on behalf of the whole community (at different scales, both national and local). In specific countries, it can be combined with other approaches: protecting spatial order, or understanding space as a national asset. It also helps to clarify the discussion on how to balance diverse interests in spatial planning.

In some countries, there is a definite lack of reflection on this issue. The legislator is thus limited to defining values without excessive concern for their translation into planning practice (Romania). On the other hand, even if the problem is noticeable in countries, there are still barriers related to the implementation of values at the local level (Bulgaria, Estonia, Poland). The lack of translation of values is also noticeable in the sphere related to supra-local scales of spatial planning (Hungary). Besides, from a legal perspective, answers to questions about the optimal way to implement values may seem subjective. This is all the more so if we recall general assessments of the instability of spatial planning law (Ranilla, 2021) and of serious barriers to enforcement (Hamdan, 2020). These problems are usually linked to more specific provisions. The legislator defines a certain system value and then assumes that detailed regulations will implement this value. In practice, the opposite turns out to be true: that the detailed provisions, from the perspective of value implementation, are either neutral or even counter-effective. The best example of this is the spatial order declared as a value in the Polish regulations and the local spatial planning regulations, which exacerbate spatial chaos year after year (Śleszyński et al., 2020). Thus, one may wonder whether the declaration of values in legislation is often a kind of decoration that does not translate into the sphere of practice.

The poor translation of statutory values into planning practice thus opens up the question of the legitimacy of capturing these values in law. However, reference can be made to the formulation of Reimer et al. (2014), according to which the law in spatial planning only creates a corridor in which planning practice determines the way. The statutory capture of values should to some extent guide this path of practice. This should consist in the fact that the statutory capture of values should at least ensure that practices that are extremely contrary to these values can also be eliminated through legal means (including judicial means). Just as Davoudi (2016) points out, the specific way of spatial planning also derives from values. Usually, the legal framing of values is developed in more specific

provisions. This does not change the fact that also values should, when interpreting regulations, provide a certain guiding reference point. It is such a point of reference that makes it possible to assess the lack of validity of certain development concepts or to more accurately balance the importance of individual interests in spatial conflict (Herzog et al., 2022). A system that declares the role of certain values in spatial planning, but in which there are no mechanisms to ensure that these values are taken into account (Hersperger et al., 2017), should be considered extremely flawed.

What the surveyed countries have in common is that statutory values are poorly translated into planning practice. Some of the reasons are probably their historical and political backgrounds, as well as some confusions concerning value judgements in spatial planning. In addition, all countries have no problem in emphasising the role of sustainability and environmental protection in spatial planning. However, divergences appear in the way the public interest is operationalised in spatial planning. Even greater divergences occur when dealing with social values. In this case, the discrepancies are so serious that it was not possible to include social values in spatial planning in Table 1. Basically, the terminological and conceptual confusion in the countries surveyed confirms the literature's thesis of extremely different understandings of social values across diverse spatial planning systems (Kenter et al., 2015).

Our analysis shows a convergence of normatively framed planning values across CEE countries, with a considerable proportion of roughly similar values included in all planning systems. This applies both to the general values governing the activity of spatial planning: sustainable development, environmental protection, protection of architectural qualities, public interest, and to the specific values enshrined in the more specialized planning acts. We can distinguish here values related to the protection of space, the protection of public health and (variously understood) social values. Furthermore, we have uncovered a host of similar problems in translating these statutory values into detailed planning regulations and practice. The problems lie in the fact that statutory values are defined in very general terms, without any further application, or that the special provisions designed to serve this purpose do not actually protect the values they regulate. It is therefore important to remember that legal solutions without institutional support and without a developed planning culture, are not able to protect spatial planning values on their own. This does not mean, of course, that the law should ignore such values.

Contributing to the discussion is an in-depth comparison of the ways in which values are framed in the spatial planning laws of different countries and the identification of common values. Cases on the practical application of these values are also highlighted. The work behind this article needs to be continued. Firstly, it is advisable to continue comparing ways of framing values in other countries, including those outside CEE. Secondly, a more in-depth analysis of how individual statutory values are implemented at the local level is also advisable. In this article, the authors distinguished between different categories of common values. A detailed analysis of their implementation should be assigned to each individual category. This exercise is possible, but it requires in-depth comparisons regarding the directions of the court jurisprudence and its translation into planning practice. The authors emphasise that the discussion on values in law is only part of a wider discussion concerning values in planning. Undoubtedly, the translation of law into planning practice is highly nuanced. It includes not only the constitutional context of a country, but also the social context associated with the planning culture (Purkathofer et al., 2021). However, it should be emphasised that also the way values are framed in planning law, on the one hand, derives from the national planning culture and, on the other hand, can be seen as a way of further shaping a country's planning culture. Undoubtedly, an in-depth analysis of the issues identified, for the individual countries, is an important challenge for further discussion.

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