

OPERATIONAL URBAN PLANNING – ZONE D'AMÉNAGEMENT CONCERTÉ

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Purpose: Particular attention of this article will be given to a selected instrument of operational urban planning which has a French origin - Zone d'Amenagement Concerte_ZAC. The study of this instrument will be preceded by an introduction about the principles of operational urban planning and the system of tools among which the ZAC operates.

Design/methodology/approach: The author based the article on the institutional and legal method - the analysis of the French legal regulations, literature and existing studies in the area of French operational urban planning, and in particular the selected planning tool-Zone d'Amenagement Concerte.

Findings: The study reveals that France has an extensive set of tools, designed to support the development of the urbanized territory and protect spatial order. The research shows that there is no reason why similar operational tools could not be introduced in Poland.

Originality/value: The operational planning instrument-Zone d'Amenagement Concerte - may have a wider positive impact in Polish urban planning reality and could become a catalyst of positive changes helping to counteract dangerous and expensive processes that destroy Polish space, such as urban sprawl.

Keywords: operational urban planning, urban design.

Category of the paper: Research paper.

1. Introduction

Operational urban planning can be defined as the ability to effectively implement visions, investments, plans and concepts regarding the creation of space. Expressed more simply - it is the art of building cities, not just planning them (Ossowicz, 2019, p. 8).

Particular attention of this article will be given to a selected instrument of operational urban planning which has French origin - Coordinated Development Zone_orig. Zone d'Amenagement Concerte_ZAC. The study of this instrument will be preceded by an introduction about the principles of this type of urban planning and the system of tools among which the ZAC operates.

2. Operational urban planning

French Urban Planning Code_orig. Code de l'urbanisme in Art. L311-1 defines Zone d'Amenagement Concerte_ZAC as a zone where public authority_orig. une collectivité publique or competent public institution_orig. un établissement public decides to intervene in order to perform or have performed the operation of spatial development and providing utility infrastructure of an area, in particular the area which this authority or this institution has acquired or will acquire with a perspective of subsequent sale or transfer to public or private operators.

Synergy is the striving of contemporary European urban planning in development processes. To achieve the comprehensive goals of these processes in many countries, the so-called active urban planning is practised. Active urban planning is the opposite of passive urban planning, i.e. a traditional planning approach based solely on normative and limiting tools such as local spatial development plans.

The traditional approach, based on legal regulations in the form of spatial development plans, formulates a vision of the development of territories by dividing this territory into zones with predetermined function and ensures the implementation of this vision by establishing rigid legal regulations and specific planning standards. These plans are accused of slowing down the dynamics of socio-economic development, limited possibilities of forming a coherent urban fabric, as well as limiting the ability to develop solutions to the problems of contemporary space. This is the so-called passive spatial policy, which in the context of the problems of contemporary space turns out to be insufficient to steer the investment dynamics in a way that would allow to draw up proposals aimed at solving these problems. 'Spatial policy, which is dominated by the application of free development initiation, can be called 'passive', as in a project of this type, the authorities to a large extent give the initiative to investors, including developers. Its core is allocating land for development purposes and waiting for the interest and response of entities that intend to build something. Municipal authorities only take action on their part when they are sure that new buildings will actually be built' (Ossowicz, 2019, p. 58).

Operational urban planning is an alternative to the traditional approach. According to its assumptions, the process of spatial development of territories, whose basic tool is a rigid legal regulation, should be complemented with operational tools and tactics. Legal regulation, despite the fact that its purpose is to prevent spatial chaos, de facto inhibits the processes of shaping and developing space. Operational urban planning fills these gaps, proposing complementation of the planning toolkit with other elements. These new tools and forms of intervention do not negate the importance of plans or do not eliminate them from the system - instead, they are an operational complement to legal regulation, stimulating development processes slowed down by the static operation of plans. The organization of shaping space and development

within the framework of operational urban planning consists therefore not only in regulating the development of this space, but also in formulating incentives that stimulate social, economic and cultural development.

Active urban planning is characterized by energizing, dynamic, even creative, very active and resilient role of public investments stimulating spatial, economic and cultural development, and consequently flowing therefrom dynamism in the sphere of private investments. However, it may also consist in independent intervention of public entities. It is based on the activation and strong dynamics of cooperation and collaboration between the public and private sectors (Chwalibóg, 2018, pp. 55-61). Spatial policy is a special domain of intervention by public authorities. As part of the spatial policy, a given territory is managed, its spatial development is transformed or maintained and its development is controlled, but these activities must be undertaken on purpose.

Spatial planning as a management instrument affecting land use and development and as an expression of spatial policy conducted by a representative social authority (local government, national government) today faces specific challenges resulting from the complex context and intensive transformations of the reality in which it operates. This complexity and multi-layer manifest themselves in political, social, economic and many other aspects. The degree of multidimensionality of the context translates into a growing scale of challenges in the area of spatial planning and urban design. As a consequence of the abovementioned, planning and design processes are becoming more and more interdisciplinary, characterized by thematic and subjective diversity.

Changes in spatial development are currently taking place through many different activities undertaken by many different entities. This multiplicity of issues and partners participating in the life of the territory means that public institutions conducting spatial policy cannot, in fact, independently lead to changes in its management and development. Spatial policy, however, plays a special role in this field, because although the implementation and carrying out of transformations in spatial development are achieved with the participation of both public entities and non-public partners (social, market or professional), public authorities are equipped with the strongest tools enabling the most comprehensive impact in this area. In these diverse conditions, spatial and urban planning, whose basic, most traditional and still the most frequently used instruments were and still are local spatial development plans, today requires complementing the toolkit with much more flexible and comprehensive tools and methods, going beyond the rigid framework of statutory regulations and preparation the spatial development plans. The task of spatial policy today is to develop and to use the spectrum of these tools.

Operational urban planning has a strategic meaning - it gives public institutions involved in conducting spatial policy the choice and possibility of using a variety of tools from the wide spectrum of methods or tactics. This freedom of choice given is intended primarily for the purpose of stimulating and supporting cooperation with various forces and partners shaping

space and participating in spatial development. It also helps to take control over the whole development process and can lead to undertaking and carrying out desired urban activities by various partners from different fields of activity.

The subject matter of operational urbanism is a very extensive area, therefore, due to the scope and purpose of this paper, the theory of operational urbanism will be delivered in a sketchy manner. A more in-depth discussion of specific issues would be pointless, as it would duplicate the content contained in the already existing and cited by the author literature on the subject.

Urban projects implemented via operational urban planning are aimed at both creating new urban tissue and revitalizing existing degraded areas requiring intervention. Active urban planning is carried out in the mode of an urban operational project, which is the basic operational instrument in European urban planning. This project is based on the following framework: financing - consolidation - reparation - program - plan - project - implementation - distribution of profits, and it is carried out by using coordinated tools, including legal, financial and administrative means. The synchronized, multi-stage model of actions outlined above (ie: financing - purchase of land - consolidation - reparation - program - plan - project - implementation - distribution of profits in the system of public-private partnership) can function properly in conditions of good, efficient, synchronized cooperation and management (Chwalibóg, 2018, p. 61).

The main advantages of operational urban planning are:

- the possibilities it offers in terms of mastering the order in space, setting a path for the protection of spatial order,
- the function of a stimulus boosting the development processes of the urban organism at all levels: social, economic, aesthetic, cultural and others,
- opening to the possibility of constructing a coherent, multifunctional urban tissue within its framework and using its instruments,
- the possibility of including local social voices in the project discussion at the programming and planning stage - this implies the development of local identity and building a dialogue with the local community. efficiency, productivity result in the acceleration of investment execution, which in turn is attractive to local groups and builds a sense of social and territorial identity,
- due to its functionally and spatially coordinated structure, operations carried out in the described scheme promise high efficiency, and thus become a magnet for investors (Chwalibóg, 2018, pp. 55-61).

3. French regulation of the concept of operational urban planning

The principles of operational urbanism developed intensely in France. In view of the French Code d'Urbanisme, the concept of operational urban planning encompasses many procedures undertaken to implement the spatial planning process. The French legislator provided the regulation of the active form of urban intervention in Article L300 - 1 Code d'Urbanisme. This provision clarifies the concept of operational urban planning. Code d'Urbanisme, Livre III Aménagement foncier, Article L - 300 - 1 in paragraph 1 says that: 'The purpose of investment activities or investment projects is the implementation of an urban project, local housing policy, organization of transformations, management, expansion of the existing or creation of new business premises, promoting the development of leisure and tourism, creation of public utility facilities or facilities for research or higher education, fight against homelessness and inadequate or unsafe housing conditions, enabling urban renewal, preserving or upgrading the heritage of built or intangible areas and natural areas, in particular by striving for optimal use of urban areas and future urban areas' (Code de l'urbanisme..., 2022)

In paragraph 2 of the same article we read: 'Planning, as defined in this book, refers to all activities of local governments or public inter-municipal cooperation organizations which, within their competence, aim at, on the one hand, carrying out or authorizing activities or the operations referred to in the preceding paragraph and, on the other hand, ensuring the coordination of those activities or operations' (Code de l'urbanisme..., 2022). This regulation functions alongside the regulation of traditional planning methods and tools.

4. Zone d'Aménagement Concerté_ZAC

From the post-war period to the 1960s, France functioned as a planning system based on spatial development plans that divided land and assigned specific uses to particular areas, and consequently built a map of future development, setting future development processes with relatively clear and rigid boundaries. The planning tools constructed in this way essentially had a purely regulatory function, and this was also the nature of French planning policy at the time. A key modification of this planning regime was introduced by the regulation called Loi d'orientation foncière_LOF of 30 December 1967 (Land Guidelines Act No. 67 - 1253). Under it, a two-stage system of plans was created based on Schéma directeur d'aménagement et d'urbanisme_SDAU, i.e. the predecessor of Schéma de cohérence territoriale_SCoT, and on Plan d'occupation des sols_POS, i.e. the predecessor of Plan Local d'Urbanisme_PLU. SDAU is a master plan, i.e. a general plan, while POS is a local plan. Master plans for individual agglomerations were prepared in order to forecast the development of the latter. These forecasts

were based on research on employment models, demographic analyses, infrastructure analyses, etc. contained therein, and were to serve to formulate development goals and tasks, while local plans were to be an implementation tool at the local level. As a complement to this system, the above mentioned French act introduced the accompanying planning tool called Zone d'aménagement concerté_ZAC which means Coordinated Development Zone. ZAC is a very widespread instrument of French operational urban planning. In many French cities and agglomerations, several projects are implemented in this mode. Loi d'orientation foncière_LOF, by introducing ZAC, decided to extend the current, only regulatory and controlling way of thinking about space and opened up opportunities for the use of active strategies seeking the most appropriate use of areas and the most appropriate program and planning response for them in the context of not only the subject area, but in the context of neighboring areas, and even in the context of the entire city. Therefore, this act is considered as the foundation of active operational urban planning.

The advantage of the ZAC zone is the possibility of creating coherent, multifunctional development programs and implementing investments such as holistic, comprehensive urban complexes. Such projects are an important alternative solution to the problem of urban sprawl. In the ZAC mode, they are created on the basis of a coordinated, comprehensive plan and implementation projects of individual parts, such as housing, services, workplaces, infrastructure, greenery and recreation, and other possible ones. The initiator of such projects is the commune. They can be created in a public-private partnership formula. In addition, ZAC performs other important functions - it works as a catalyst for the development processes of the entire urban complex, and moreover, it is an area of experimentation and observation for social housing programs. The assumptions of these programs cover issues such as the percentage of social housing in the hybrid structure of the estate, the introduction of local health care systems or the development of neighbourly relations among its residents (Chwalibóg, 2018, pp. 59-60).

5. The essence of the instrument

As it was already mentioned at the beginning of this paper, ZAC is regulated in the French Code de l'urbanisme. Article L311-1 of the Code explains its essence as a zone where public authority_orig. une collectivité publique or competent public institution_orig. un établissement public decides to intervene in order to perform or have performed the operation of spatial development and providing utility infrastructure of an area, in particular the area which this authority or this institution has acquired or will acquire with a perspective of subsequent sale or transfer to public or private operators (Code de l'urbanisme..., 2022).

Two important aspects of the ZAC are worth noting. The initiative to carry out the operation lies essentially with the public entity. This is a feature that distinguishes ZAC from another operational urban planning instrument called *lotissement*. *Lotissement*, i.e. *parcelling*, is usually implemented on private initiative. It is therefore a public development operation, even if its implementation is entrusted to a private entity.

Another characteristic feature that distinguishes ZAC from other active urban planning mechanisms is the scope of control over the process of planning and development of the area, which remains with the entities initiating a given operation. In the case of ZAC, the entity performing the operation exercises this control continuously and to the full extent at every stage of the operation (*Guide de l'aménagement urbain...*).

Signum temporis of today's urban planning is the need for close cooperation between public and private capital. Urban planning of the 21st century is a mechanism that requires public operators to face the marketing requirements of the free market reality. ZAC is the tool that is supposed to mobilize and foster cooperation between public and private entities, and thus public and private capital, for the purpose of optimal development of the urban environment and urban fabric. ZAC is a functional structure based on a general, approved plan. On the basis of this plan, the public and private parties are making arrangements on land consolidation and infrastructure investments, aimed at the development and future land use (Chwalibóg, 2018, pp. 55-61).

The subject of ZAC is a new, multi-functional complex designed and created on the basis of a holistic, coordinated plan - a vision of the entire complex, within which, in turn, investments of various types are created on the basis of partial projects - housing, service, public use, infrastructural, recreational, etc. (Chwalibóg, 2018, p. 59).

The ZAC formula allows to perform this operation on the territory of one or more municipalities_orig. ZAC intercommunales or in several locations_orig. ZAC 'multi-sites'. Such institutional linkage creates the conditions for the selection of the area where the development operation should be carried out and for making this zone an attractive, future-oriented development area where solving the problems of the agglomeration is carried out using modern, updated planning processes, and thus contributes to improving the quality of these processes and allows this planning initiative to keep up with the complex processes of change in cities (*Guide de l'aménagement urbain...*).

ZAC creates the possibility of programming multifunctional investments in the zone in question. ZAC is also an instrument created for the implementation of large-scale urban projects, because in the situation of the dynamically changing needs of urban planning discipline and the free market requirements, as well as new local government conditions in French agglomerations, it is precisely large-scale urban projects that become the fundamental way of adapting large areas in downtown zones to a functionally complex building tissue composed in a sophisticated manner (residential, service, commercial, recreational, etc...) (Tölle, 2009, p. 57).

Currently, the spectrum of applications also includes smaller-scale projects, which translates positively into the possibility of their financing by the private sector (Larsson, 2006, p. 153).

ZAC effectively complements planning instruments in the free market conditions. The essence of ZAC is to enrich the market game by supplementing its forces or counteracting them. Public entities (e.g. local governments), public institutions that may act in the development formula under ZAC, participate in the processes and adequately complement and counteract the forces of the free market. What is very important - ZAC allows them to maintain control over the land and its development and to protect this land. ZAC allows for such programming and shaping the future function and facilities that it becomes an impulse for cultural, social, economic and other kinds development. It is a creative, stimulating and modern method, because it gives the opportunity to meet the requirements of the present - free market and democratic society (to meet and not succumb to market ruthlessness). Its purpose is to protect urban fabric and space. In addition, it allows to manage the investment dynamics, allows to organize the processes of creating the urban tissue in such a way that this tissue, being a coherent, multifunctional and healthy organism, stimulates and dynamizes further development processes on many levels - social, cultural, economic and planning. ZAC is a creative mechanism, boosts investment dynamics, allows for creating urban fabric, which in turn gives the synergy effect (in contrast to the local zoning plan), because it does not exclude the potential benefits of cooperation.

ZAC was introduced by the Loi d'orientation foncière_LOF Act in 1967 as a special operational instrument constituting a derogation from the general principle of compliance of urban and planning projects with local planning documents - ZAC by law did not have to be compliant with PLU, i.e. de facto it was a tool of derogation. A modification of this regulation was introduced by the 1976 Act in form of the requirement of coherence of urban development and planning. From then on, the ZAC had to be consistent with Le Schéma Directeur d'Aménagement Urbain_SDAU, i.e. with the then development strategy at the supra-local level and located in urbanized zones or zones of future urbanization of the local development plan Le plan d'occupation des sols_POS, i.e. the then local spatial development plan - the predecessor of PLU. Moreover, under the Act of 1976, in municipalities with POS, it could only be provided for in urbanized zones or future urbanization Le plan d'occupation des sols_POS. The location of the ZAC within the area of POS did not mean, however, an absolute requirement to subordinate the ZAC to the requirements of the POS - the French legislator provided that urban planning documents called Le Plan d'Aménagement de Zone_PAZ, i.e. zone development plans, may be prepared for the ZAC. PAZ was a tool prepared to regulate the conditions of land development in a situation where the POS regulation was inadequate to the intention provided for in the ZAC or in the absence of a POS. In this sense, the PAZ was optional, because if the POS functioned and enabled ZAC operations, the documentation of its creation could provide for the POS regulation as binding (Bervas, Lemée, 2004, pp. 19-23).

The possibility of regulating newly established ZACs by PAZs was removed from the legal system along with the tool itself by the Act *La loi relative à la solidarité et au renouvellement urbains*_SRU of 13 December 2000. This SRU Act is an expression of the national authorities' understanding of the need to turn towards sustainable, coherent and inclusive urban development and renewal (*Loi Solidarité et Renouvellement Urbains...*). With the simultaneous introduction of the requirement of compliance of the ZAC with the PLU, it was to limit the deregulatory aspect of the ZAC while maintaining its flexible strategic and operational essence (Bervas, Lemée, 2004, p. 19).

Currently, ZACs must be integrated with the provisions of the existing local spatial plans *Le plan local d'urbanisme*_PLU in order to permanently get rid of the concept that ZACs can be urbanized as an exception to the general requirement that urban projects comply with local planning documents. This procedure was introduced in order to optimize the coherent development of the areas and to increase the cohesion and quality of the urban fabric and to embed the newly designed zone in the existing urban context. With regard to today's PLUs, there is also no longer a requirement to locate them in urbanized areas or areas of future PLU urbanization. Therefore, they can be located not only in construction areas, but also in any PLU areas. Although today's ZACs must comply with the provisions of the PLU and be covered by the PLU, in certain situations, if there is such a justified need, the PLU may be modified to include the project within its regulations (*Guide de l'aménagement urbain...*).

Examples of operational French urban planning using ZAC confirm the effectiveness of this multifunctional tool complementing the spectrum of urban policy instruments. ZAC responds to the challenges and needs of a modern city, e.g. through its value and usefulness in the conditions of the free market - by responding to its requirements, it can also be a barrier to its often destructive and threatening spatial order.

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