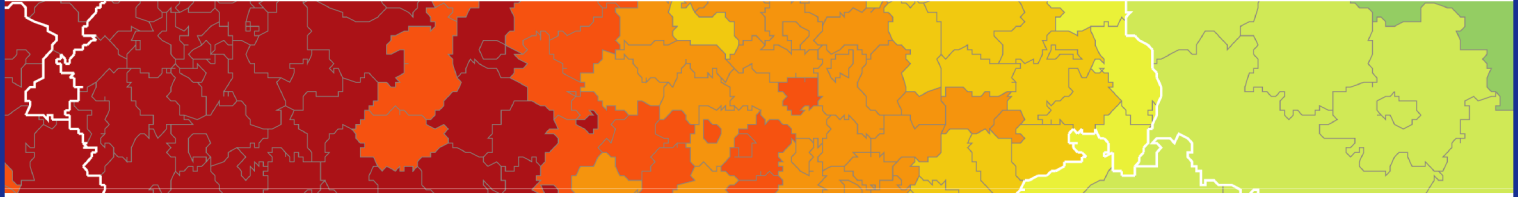




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SUPER – Sustainable Urbanisation and Land Use Practices in European Regions

Applied Research

Annex 3.11: Case study RO-Constanta

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Table of contents

List of Maps	ii
List of Figures	ii
List of Tables	ii
Abbreviations	iii
1 General introduction	1
1.1 Case study RO-Constanta	2
1.2 Scale/s of analysis	3
1.3 Geographical scope	4
2 Contextual analysis	5
2.1 Typical urban development	5
2.2 Basic institutional conditions	8
2.3 Initiative	10
2.4 Planning permission	10
2.5 Development process	11
2.6 Current issues	11
3 Sustainability of objectives	13
3.1 Thematic dimensions	13
3.2 Temporal balance	14
4 Impact assessment	15
4.1 Pre-intervention	15
4.1.1 Identification of the problem	15
4.1.2 Inception of goals/action	16
4.1.3 Pre-intervention conclusions	17
4.2 Implementation	18
4.2.1 Technical capability	18
4.2.2 Data and information	19
4.2.3 Participation	19
4.2.4 Strategic vision	20
4.2.5 Institutional coordination	21
4.2.6 Institutional leadership	22
4.2.7 Political will	22
4.2.8 Implementation conclusions	23
4.3 Sustainability assessment	24
4.3.1 Planning and development culture	24
4.3.2 Economy	25
4.3.3 Ecology	26
4.3.4 Equity	27
4.3.5 Balance	28
4.3.6 Multi-stakeholder assessment conclusions	29
4.4 Conclusions	30
4.5 Implications for sustainable urbanization and land use	31
References	36

List of Maps

Map 1.1: Location of case study “RO-Constanta”	3
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List of Figures

Figure 2.1: Cities and towns confronted with urban sprawl.....	6
Figure 2.2: Demographic development and building certificates in the Constanta Metropolitan Area	7
Figure 2.3: Metropolitan development in Romania. Constanta metropolitan area is one of the eight designated growth poles.....	9
Figure 4.1: Cooperation (above) and pressure and conflict (below) in social networks.....	18
Figure 4.2: Rate of land use change to artificial, by LAU between 2000 and 2018	26

List of Tables

Table 1.1: RO-Constanta scales	4
Table 4.1: The main focal issues according to interviewed stakeholders	15

Abbreviations

ESPON	European Territorial Observatory Network
ESPON EGTC	ESPON European Grouping of Territorial Cooperation
EU	European Union
LAU	Local Administrative Units
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
NUTS	Nomenclature of Territorial Units for Statistics
PATJ	<i>Plan de Amenajare a Teritoriului Judetean</i> (County Territory Development Plan)
PATN	<i>Planul de Amenajare a Teritoriului National</i> (National Territory Planning Plan)
PATZM	<i>Planul de Amenajare a Teritoriului Zonal Metropolitan</i> (Land Use Plan for the Metropolitan Area)
PATZP	<i>Planul de Amenajare a Teritoriului Zonal Periurban</i> (Land Use Plan for the Periurban Area)
PATZR	<i>Planul de amenajare a teritoriului zonal regional</i> (Land Use Plan for the Regional Area)
PUG	<i>Plan Urbanistic General</i> (General Urban Plan)
PUZ	<i>Plan Urbanistic Zonal</i> (Zonal Urban Plan)
PUD	<i>Plan Urbanistic Detaliu</i> (Detailed Urban Plan)
SDG	Sustainable Development Goal
SUPER	ESPON Sustainable Urbanization and Land Use Practices in European Regions

1 General introduction

In ESPON SUPER, the case studies contribute to the objective of unravelling how different interventions in diverse social, environmental and economic settings have transformed land-use development practices. In particular, the aim is to analyse, understand and learn from the successes and failures of practitioners and decision makers over the last three decades in their search for more sustainable land use. All case studies are based on close observation and direct contact with each territory and with the people involved in the design and implementation of each intervention. To this end, each case study was assigned to the project team with the greatest local knowledge of the territory, institutions and language.

The methodological framework used for all case studies consisted of three groups or basic sources of information and knowledge.

1. **Context:** each intervention addressed or influenced a particular land-use development practice which had emerged within a specific territorial and institutional context, which is crucial for understanding and interpreting the results. It was also important to know the objectives related to the sustainability of land use that had been set for each territory, albeit on paper, at the regulatory level. These tasks were based on desk research, even though, in some cases, local stakeholder support was valuable to locate the most relevant pieces of information.
2. **Developments:** the second source of data was the quantitative land use changes in the form of maps and graphs. This allowed each case study team to consider to what extent the underlying contextual factors and the studied interventions had transformed the territory and the rates of urbanization. This information was essential for evaluating the effects that each intervention had on land-use sustainability and, more indirectly, on culture and spatial planning practices.
3. **Stakeholder interviews:** each case study held over ten in-depth interviews with stakeholders involved in one way or another with the intervention. At these meetings, they were asked about the reasons for and the perceived urgency of the intervention, how its objectives were defined and by whom, the experience of implementing each intervention, the pitfalls encountered, as well as the benefits it had brought in terms of improving the three thematic dimensions of land-use sustainability: ecological, economic and social equity. In addition, stakeholder maps were produced that present the type and intensity of the relationships that some stakeholders had with the rest in a visual way.

This report on the case study of RO-Constanta presents a synthesis of all three outputs in order. It is structured as follows. This introductory section provides a summary of the main characteristics of the case study (Section 1.1), the scale of analysis (Section 1.2) and geographical scope (Section 1.3). Section 2 contextualizes how urbanization occurs in the case study area. It contains descriptions of typical urban developments, how this is regulated,

who promotes it, how it is implemented and emerging challenges regarding land-use development. Keeping with this contextual approach, Section 3 discusses how the studied intervention addresses the challenge of sustainability in its three thematic dimensions (Section 3.1) as well as in its temporal dimension (Section 3.2).

Section 4 presents the main results of the case study research in three parts. Section 4.1 analyses how the priorities of the intervention were configured based on information collected from the interviewed stakeholders. In particular, it seeks to know how a perceived problem was identified or constructed to justify the intervention, the extent to which land use sustainability was a consideration, and whether these elements tended to unite the community in favour of a collective interest or whether, on the contrary, they were a source of tension and conflict. Section 4.2 discusses in more detail how seven organizational and institutional aspects may have influenced the relative successes and failures of the intervention. Section 4.3 combines the analysis of land use changes, the opinions of the consulted stakeholders and, where relevant, the stakeholder maps, to make an assessment of the actual results of the intervention on the planning and development culture and the different thematic dimensions of sustainability. Finally, Section 4.5 explicitly answers questions posed to the ESPON SUPER team, thus reflecting the direct contribution of each case study to the project's objectives.

While each individual case study contributes to answering the questions posed, its true value lies in the possibility of combining and contrasting the outputs of the eleven cases. This choral work is presented in Annex 3.13. The triangulation of results allows for the formulation of generalizable conclusions and recommendations that can contribute to the design of new plans and policies better aligned with the objectives of sustainability and land take abatement at the European level. In this way, the case study presented in this report also contributes to this other broader objective.

1.1 Case study RO-Constanta

The spatial planning system in Eastern European countries underwent a major transformation from the centralized decision-making practices in the communist era to a market-based decentralized system thereafter. In the coastal region of Constanta, by the Romanian Black Sea, that framework has facilitated great economic development and the growth of tourism resorts that are an economic engine but also increasingly recognized as threats to ecological sustainability. This case study examines how progress is being made towards sustainable land use in an arena where the culture of spatial planning is strongly impregnated with neoliberal principles and there is a convergence of development interests on the part of administrations and private sectors, conservation demands on the part of an increasing proportion of citizens and the implementation of principles and guidelines of EU origin with regard to transparency, subsidiarity and public participation. More specifically, the 1996

Constanta County spatial plan, the intervention of this case study, is widely considered outdated and unable to steer urbanization and land-use to more sustainable ends.

Map 1.1: Location of case study "RO-Constanta"



1.2 Scale/s of analysis

The city of Constanta is recognized as a regional centre that concentrates most of the Romanian population along the Black Sea coast, a booming touristic activity and one of the most active ports in the Black Sea which, in turn, supports intensive industrial activity in the surroundings. From a territorial point of view, this centre articulates a wider metropolitan area that contains a significant proportion of commuting population and the transportation and energy infrastructures upon which the activity and growth of the urban centre relies. This growth is spilling over to neighbouring areas, especially along the coast (where tourism resorts are ever more popular) and even on formerly agricultural areas further inland. Therefore, focusing on the county as the main scale of the case study guarantees that these dynamics are captured, and all relevant policies are taken into account. These range from EU directives and other regulatory requirements that Romania had to satisfy to secure accession to the union, to local urban regulations. At the national scale, Law 350/2001 on spatial planning and urbanism is the most influential at determining the effects of development on land use sustainability, but it transfers most of the decision-making power to lower-tier administrations. Finally, at the regional level, the 1996 spatial plan of Constanta County is the blueprint upon which the authorities still rely for planning and decision-making.

Table 1.1: RO-Constanta scales

Scales	Main scale	Other scales
Supra/Trans-national		EU
NUTS 0		Romania
NUTS 1		
NUTS 2		
NUTS 3	Constanta County	
LAU1 – NUTS 4		Metropolitan Area of Constanta
LAU2- NUTS 5		Constanta, Mangalia

1.3 Geographical scope

The limits of the study area correspond to the NUTS 3 entity for the Constanta County. Within this unit, most of the focus will be put on the areas under development pressure along the Coast of the Black Sea.

2 Contextual analysis

2.1 Typical urban development

As in other former communist countries and regions in Eastern Europe, development in Romania and its coastal region since the 1990s is predominantly guided by a market economy and a neoliberal political vision favouring minimal state intervention (Dimitrovska Andrews 2005). The end of the communist regime and the deployment of democratic institutions in the early 1990s triggered a profound transformation in spatial planning practice and development activities (Hirt and Stanilov 2009, Benedek 2013, Munteanu and Servillo 2014). Whereas in communist times, planning was strictly controlled and imposed by a central authority favouring compact growth, three pivotal changes help explain the form and rate of development in the subsequent (almost) 30 years:

- Housing privatisation and the right to property ownership enabled the emergence of a real estate market and even the phenomenon of the second home (Stanilov 2007, Zilișteea 2011).
- The agricultural land restitution of the early 1990s greatly fragmented agricultural land and put it in the hands of many non-farmer owners (Cartwright 2001). These small rural parcels would later on be easily sold to developers and future residents (Carrière et al. 2018).
- The repeal of the communist Spatial Planning Law in 1989, which promoted compact urbanization by minimizing agricultural land uptake, left a legislative vacuum that opened the door to virtually uncontrolled development of rural land (Pascariu 2012).

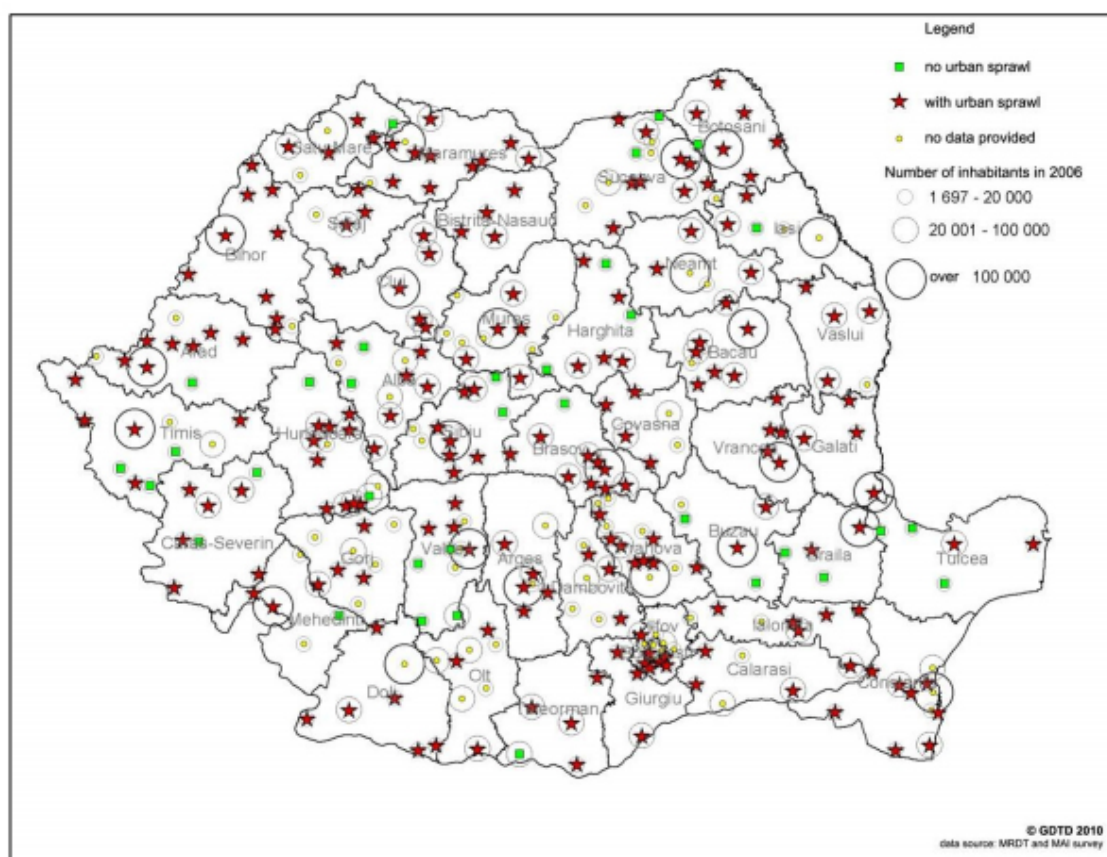
The planning gap has only partially been closed by new regulations approved since 2001, with the introduction in that year of new spatial and urban planning requirements. In addition to the inherent weakness of development restrictions, planning controls are often prone to be eased or even removed by political pressures, ad-hoc legalisation, lobbying by private interests, clientelism and outright corruption (Pascariu 2012, Ion 2014, Dumitrache et al. 2016).

These political and regulatory conditions converge with several other factors that help explain the currently dominant development typology in many Romanian locations:

- The small size and low construction standards of communism-era social building (*apartamente-dormitor*) act as a push factor for many dense-city dwellers who are willing to move to larger units in peripheric high amenity areas, which act as a pull factor (Guran-Nica et al. 2016).
- A cultural preference (perhaps as a reaction to the constraints of totalitarian rule) for detached family housing and property ownership over rental (Stanilov 2007, Dumitrache et al. 2016).
- Greater land affordability in city outskirts coupled with wider access to private means of transportation among the emerging middle classes (Dumitrache et al. 2016).
- A general perception that land development is a symbol of socioeconomic progress rather than a socioenvironmental threat that needs tackling (Carrière et al. 2018).

Demographic dynamics in modern Romania are characterized by low and stagnant birth rates, usually falling below the mortality rate, combined with significant emigration flows. This has resulted in a population decline from 23.2 million in 1990 to the current 19.6 million. In parallel, and apparently uncorrelated with demographic trends, the combination of factors described in the previous section has fuelled intense urbanization processes across the country over the last three decades, usually manifesting itself as diffuse development. This has been particularly intense in Bucharest and the regional capitals (Petrișor 2012). Using data from the Romanian National Institute of Statistics, Carrière et al. (2018) report that, in the period 1993-2014, built up area in the capitals increased by 84%.

Figure 2.1: Cities and towns confronted with urban sprawl.

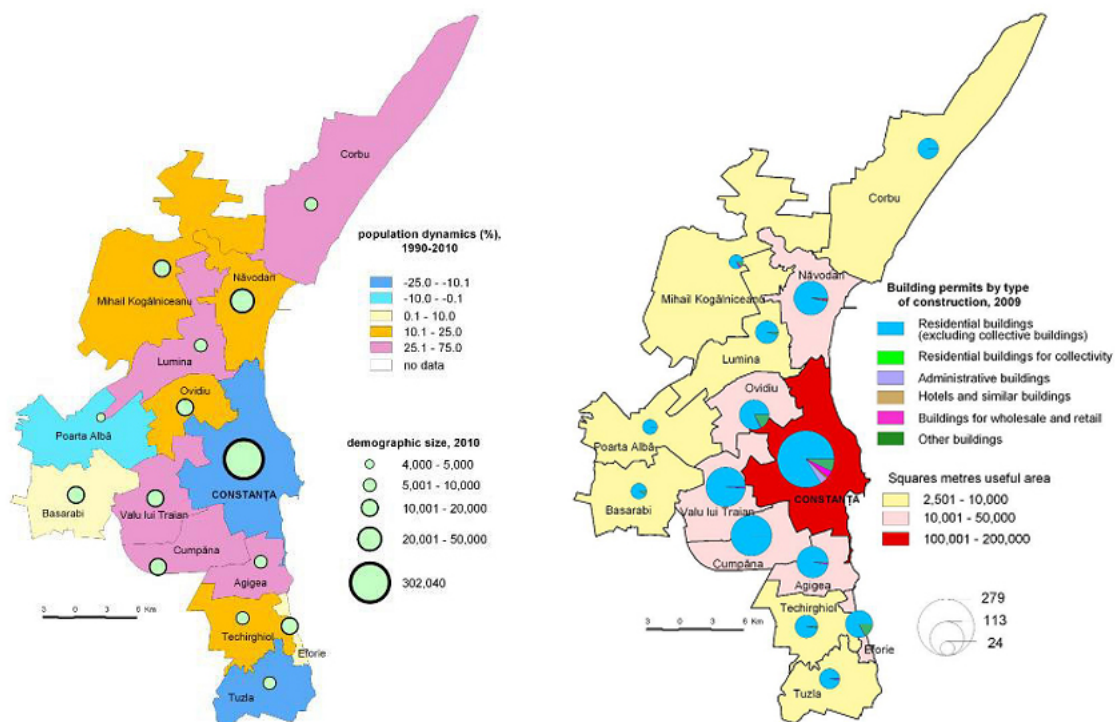


Source: Suditu et al. (2010).

The case study area, along the Black Sea Coast, is an example of urban settlement and land development unevenness. The northernmost 165 kms of coastline are dominated by the scarcely populated landscape of the Danube delta and littoral marshlands. Most of the population is concentrated in the southernmost 80 km of coastline, between Midia Cape and Vama Veche, including the county capital Constanta, its metropolitan area and the tourism resorts in and around Mangalia (Stan et al. 2017). The overall population of this southern coastal area is over 500,000 inhabitants is shown in the far bottom-right corner of Figure 2.1.

This area has some of the highest rates of urban development in the country, particularly occurring at the peripheries of dense settlements (Grigorescu et al. 2012). As a result, the study area presents a polycentric pattern, with touristic towns and cities of different size located along the coast articulating an urban system that is becoming increasingly dispersed around its urban nuclei.

Figure 2.2: Demographic development and building certificates in the Constanta Metropolitan Area



Source: Grigorescu et al. (2012).

Mirroring the national trend, population in the city of Constanta has been in decline over the last decades, but the rate of land development has been substantial, particularly in its periphery (Figure 2.2), as some population moved from the city centre to suburbia areas with more amenities (Guran-Nica et al. 2016). As a result, in the Constanta region, built up area (mostly of residential type) increased by 80% between 1990 and 2008 (Suditu et al. 2010) and 48% between 2001 and 2013 (Corodescu and Cîmpianu 2015), while the number of completed dwellings in the metropolitan area was in excess of 32,000 between 1990 and 2012 (Grigorescu et al. 2015). Benedek and Cristea (2014) estimate that, in the period 2002-2011, the metropolitan area of Constanta lost more than 20,000 inhabitants, as the number of dwellings increased by almost 6%. Carrière et al. (2018) report that between 1993 and 2014, the city of Constanta decreased its population by 7.72%, while, in the same period, the number of dwellings increased by 15%.

While the crisis attenuated the pace of urban development, it has continued to the present (Iatu and Eva 2016, Grigorescu et al. 2019). Development in Constanta has predominantly occurred along major transport infrastructures and on urban peripheries (Corodescu and

Cîmpianu 2015). Still, Iatu and Eva (2016) notice that, in this region, the growth of artificial areas appears to be clustered within the closer 8-10 km to the city centre, unlike in most other Romanian capital cities, where it appears more diffuse.

According to Grigorescu et al. (2012), residential land development often takes any of three configurations in Romania:

- a) Irregular residential development. Individual houses on the outskirts of cities built on formerly agricultural parcels or in existing villages plots.
- b) Small-size residential projects. High buildings or villas inside city limits or surrounding areas.
- c) Residential complexes. Open or gated residential projects, single-family dwellings developed at a distance from city centres, on extensive cheaper agricultural land and aimed at upper and upper-middle classes.

Extensive literature exists on the economic, environmental and social impacts of urban sprawl in Romania. Most authors express concern and criticism at the rates of land transformation, the lack of planning, the loss of open land, its fragmentation, the poor provision of infrastructures, urban green space and utilities in new developments, the pernicious effects of social segregation and gentrification in consolidated urban centres, and the speculative processes and political corruption that underlie all of these dynamics (Bălteanu and Grigorescu 2006, Niculita et al. 2011, Patroescu et al. 2011, Benedek and Cristea 2014, Coheci 2014, Ion 2014).

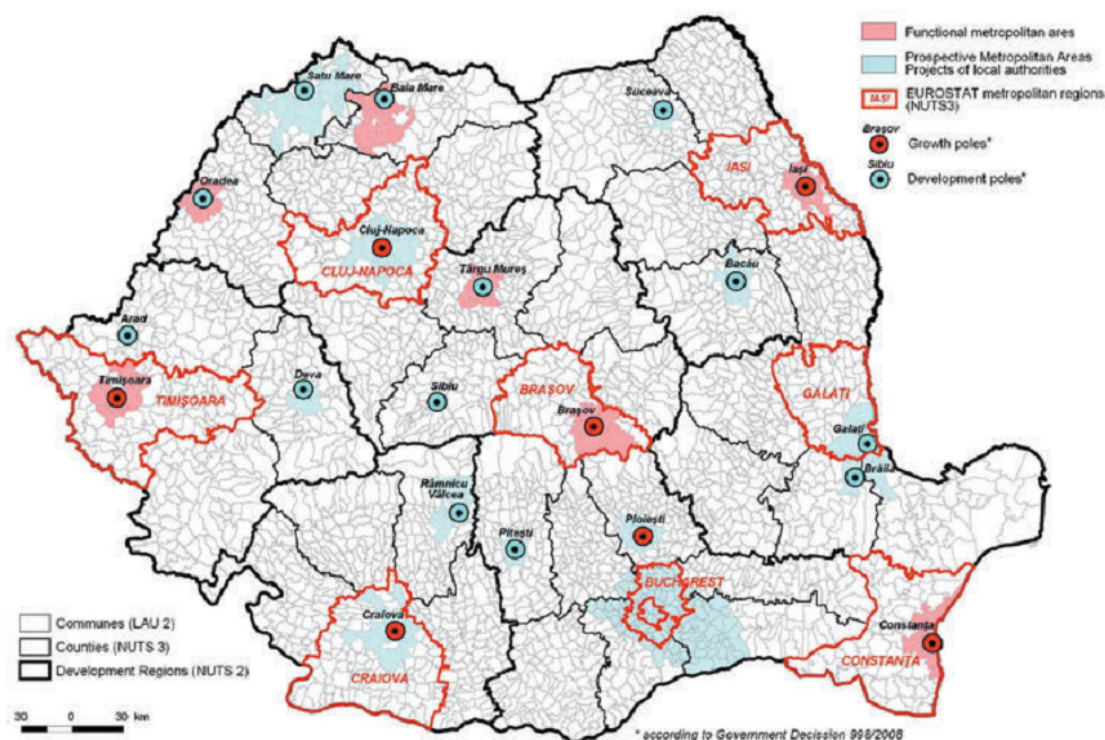
2.2 Basic institutional conditions

Spatial planning in Romania can be split into territorial and urban planning (Pascariu 2012, Benedek 2013). Territorial planning is designed and approved at a range of upper scales: National (PATN), Regional (PATZR), County (PATJ) and Metropolitan or Periurban (PATZM/PATZP). These plans have a guiding character, a sectoral focus (strategic infrastructure, protected areas, etc) and, for various reasons, they have little influence in how land is developed. Urban planning, on the other hand, has normative character and is implemented at lower scales: Town/Commune (General Urban Plan, PUG), Functional area or group of plots (Zonal Urban Plan, PUZ) and even several or one parcel (Detailed Urban Plan, PUD). Ever since the administrative decentralization triggered by the accession candidacy of Romania to the EU, Local Councils have been granted greater autonomy and decision-making power over land development (Benedek 2013, Ion 2014), and the PUG, the PUZ and the PUD are the most influential instruments regulating land development. In spite of this, legal loopholes and political reluctance to fix them, has made the ad-hoc modification of plans a common practice in Romania up to this day (Benedek 2013, Dumitrache et al. 2016, Carrière et al. 2018). Such modifications are not always intended to pursue the common good.

Among many other changes, Romania's integration into the EU led to the creation of a regional policy system around eight newly-defined NUTS 2 level development regions (Munteanu and Servillo 2014). Its focus on economic development was aimed at reducing interregional disparities, harmonize sectoral policies at regional level and promote institutional and commercial cooperation at all scales and internationally. In practice, the adoption of EU planning rhetoric and principles at this regional level gave birth to instruments like the Regional Operative Programmes, the constitution of 9 functional Metropolitan Areas and the designation of 7 growth poles of strategic development and specialization (Benedek and Cristea 2014). Constanta is the nucleus of one of these metropolitan areas and it is identified as a growth pole (

Figure 2.3). The fact that one of the priority development axes seeks to promote Integrated Urban Development is the greatest evidence that the goals and attributions of these instruments effectively overlap with spatial planning dispositions presented in the previous paragraph (Benedek 2013, Cocheci 2016). Therefore, the Europeanization of spatial planning in Romania created a dual system, with two laws and various institutions with no imperative of horizontal coordination to regulate land use change (Maier 2012, Munteanu and Servillo 2014). In practice, however, regional development strategies have been little involved with land use decisions and have been focused, instead, with attracting EU funding and projects (Ion 2014, Varvari and Cristea 2015, Cocheci 2016).

Figure 2.3: Metropolitan development in Romania. Constanta metropolitan area is one of the eight designated growth poles



Source: Grigorescu et al. (2015).

2.3 Initiative

The political transition of Romania from communism to capitalism also implied a profound transformation on who bore the initiative for development. The suppression of central planning and the emergence of a free real estate market produced the sudden replacement of the state as the main agent promoting social housing and economic activity projects with private stakeholders (Budisteanu et al. 1995, Zilișteea 2011, Vârdol et al. 2015). Among private stakeholders, the banking sector (most of it sustained by foreign capital) played a crucial double role in promoting development, mostly by financing new developments through loans and mortgages (Zilișteea 2011, Dumitrache et al. 2016).

In Romania, central and local administration are in charge of monitoring territorial dynamics and prescribe planning directions. However, the actual plans are elaborated by the winners of competitive tenders. Spatial planning experts competing in these tenders can come from universities, research centres and the private sector (Benedek 2013).

The PUZ and PUD that regulate development at the parcel level can be either initiated by local authorities or private actors, the latter defined as “individuals and legal entities interested in the planning and development of communities”. As long as a produced PUZ or PUD adheres to the norms and constraints set by the law and higher tiers of policy, planning permissions must be granted for development (Coheci 2016). In other words, zoning in PUZ and PUD plans grant development rights. Since these instruments can focus even on a single parcel, development initiatives come both from large companies, small investors and individual prospective residents (Carrière et al. 2018).

To provide even greater freedom, under specific circumstances a PUZ can be approved in areas designated as non-developable by the more comprehensive PUG. It has been known for years that this model is prone to exacerbate urban sprawl and it makes the planning and provision of utilities and equipment difficult and inefficient. Several legislative initiatives have tried to tackle these shortcomings, but they have failed in significantly altering this *laissez-faire* pattern or they have not even found political support to be passed (Carrière et al. 2018). The latest failure of this type came in April 2017, when the Chamber of Deputies rejected an Ordinance that proposed actions against regulatory weaknesses at the root of urban sprawl.

While the active involvement of civil society in planning and development is encouraged with mandatory public consultation processes (especially since 2010), public participation is usually expedited with minimal effort and their outputs are often disregarded (Benedek 2013, Munteanu and Servillo 2014).

2.4 Planning permission

The most important piece of legislation regulating construction works is Law 50/1991, which has been amended several times and further developed with other norms such as Law 10/1995 on quality in construction and Law 350/2001 on spatial planning and urbanism. The

law states that the execution of most construction works is allowed only to individuals or contractors that have obtained a building permit, issued by the local administration (Herea and Ungureanu 2018).

To obtain a building permit, the first step is to obtain an urbanism certificate. Issued by the competent authorities (county or, usually, the local administration), it is an informative document that summarises the spatial planning and zoning regulations applicable to a certain plot of land and the existing rules and conditions that the construction process must adhere to.

In a second step, authorities must approve the urban plan or plans that will guide the land use transformation. Many local governments will already have drafted a PUZ, but in its absence, private parties can also develop it and submit it for approval by the chief architect. Then, a more detailed PUD must be prepared by the developer, to also be submitted for approval.

With the urban planning accepted, a series of sectoral approvals must be obtained. The first one must be issued by the competent environmental authority, which will dictate whether the project can proceed or it needs to be preceded by a more thorough environmental study, which might impose certain conditions. Only when this step has been cleared, the developer will be able to begin a bureaucratic tour of different administrative windows (in person, not electronically) to obtain approvals, mainly involving: utilities, energy efficiency, cultural and historical heritage, agricultural land conversion, municipal infrastructure and safety and civil protection. In many cases a neighbours' approval will need to be obtained and presented as well (OECD 2016).

2.5 Development process

Once all the documentation is presented, the law grants the public authorities a period of 30 days to communicate an answer. From the moment that the building permit is issued, the developer will have a maximum of 12 months to obtain an authorisation for construction works to begin.

Upon completion of the works, a mandatory reception protocol must be followed, according to the provisions of Government's Decision no. 347/2017. Its main function is the supervision of the building, carried out by a committee of at least 3 members, one of which must be a representative of the public administration that issued the building permit (Chirică 2017). Constructor's liability has a duration of ten years from the execution of the reception (Herea and Ungureanu 2018).

2.6 Current issues

- In addition to sprawl, the flow of people moving away from urban centres has been a predecessor of lower municipal budgets, urban decay and social segregation of less

favoured groups (retired, unemployed, Roma). Urban regeneration initiatives offer great potential for improvement even if, so far, it has been unrealized (Luca 2009, Varvari and Cristea 2015).

- The scarcity of urban green areas is endemic to Romanian cities, a problem that has been replicated in sprawling residential areas, together with a lack or precariousness of utilities and other public infrastructures (Suditu 2012, Badiu et al. 2016). Comprehensive planning in these areas offers opportunities for more efficient land use and greater social equality.
- Political blocking and clientelism greatly hamper efforts to counter urban-sprawl, promote sustainable land use and fight corruption (Ion 2014).
- Greater integration between spatial planning regulations and regional development strategies is needed, together with coordination between the involved administrations and institutions at all levels, including the European (Benedek 2013, Munteanu and Servillo 2014).
- As is the case for most cities in post-communist Eastern Europe, Romania's larger towns and cities are endowed with generous post-industrial brownfield land, holding great unlocked potential to mitigate urban-sprawl and provide suitable green infrastructure. Within the study area, industrial brownfields in the city of Constanta occupy almost the double of surface that urban green areas do. A bit to the north, in the littoral town of Navodari, industrial brownfield areas constitute 27.4% of the municipal built up area (Filip and Cocean 2012). Debates are taking place around the new uses that could be given to these spaces and about the formulas to make the transition possible.

3 Sustainability of objectives

3.1 Thematic dimensions

Section 9 on protection and rehabilitation of the environment in the Constanta County Spatial Plan synthesises the approach that this document takes in addressing sustainability issues:

The ecological rehabilitation and the protection of the environmental factors and of the natural resources that they offer is a major problem for Constanta county. The development of the county was caused by, and will also depend in the future, the devaluation of the natural potential. Currently this potential is threatened by the irresponsible way in which it is "managed" by the local administration, by the economic agents and the local communities in general.

Accordingly, the plan seeks to pursue its objectives by “using the environment and natural resources in the most efficient way possible”, instead of targeting sustainability in the broader sense of generational justice and balance between ecological, economic and social values. In fact, the concept of sustainability is almost absent from the document altogether, a trait that might be explained by the fact that its approval dates from 1996, a moment in which sustainability theory was relatively young. Nevertheless, it is possible to identify other traits in the plan that are equivalent, or at least comparable, to the principles of sustainability and sustainable development. In the social dimension, for instance, the plan aims to guarantee similar access rights to utilities and services to all the population, regardless of location, reducing the identified inequities that affected the region at the time. Similar concern for equity targets can be identified in local regulations of the City of Constanta.

The economic dimension is the one that captures the most attention in regional and local planning documents. Tourism is identified as a strategic sector that, once developed, will contribute to economic growth and socioeconomic development. To this end:

The development of the services sector, especially through tourism activities - whatever form it takes: of accommodation, transit, weekend, mainstream or individual - even if it is seasonal, it should be encouraged, especially by supporting the private sector by promoting profitable investments (Constanta County Spatial Plan, 7.2 Guidelines for the development of industries and services).

While the document adds that this sectoral development should take place “within the limits of environmental protection”, it does not clearly identify where those limits are or how to measure them. Moreover, the plan does not seem overly concerned about whether economic development can be sustained over the long term.

At national level, in contrast, the comparatively younger Law 350/2001 explicitly states that sustainable development is a priority, and in chapter 1 obligates planning authorities to take “the trends of long-term development of economic, ecological, social and cultural phenomena and interventions” into account. In the social dimension it pursues the “improvement of the living conditions of the people”, while it links the protection of the environment to governance improvements targeting the “responsible administration of natural resources”. Similarly, the social aspects of sustainability are considered by pursuing the participation of the population and its political representatives in decision-making.

One important aspect that needs to be noticed of the national law on spatial planning and urbanism is that it transfers most of the decision-making power and associated budget in this field to local and regional administrations, that will be in charge of commissioning studies, drafting spatial plans, approving them, implementing their actions and covering their costs. In accordance, the more modern approach to integrated sustainability presented in the law will remain, in practice, subjugated to the decisions made by lower-tier administrations. These, as it has been seen, set their priority in supporting economic growth.

3.2 Temporal balance

Multiple references to temporal sustainability are made in the reviewed documents. The most explicit document, in this sense, is the national Law 350/2001 which, in chapter 1 takes into consideration “the trends of long-term development of economic, ecological, social and cultural phenomena and interventions” to “ensure development without compromising the right of future generations to exist and have their own development.”. Furthermore, this law states that all counties’ land use plans will need to be updated every 5 to 10 years. The emergency act of 2008 increases the frequency for territories with touristic resorts that have been declared of national or local interest to 3 years. In Constanta, the county plan again puts economic development priorities ahead of sustainable development, envisaging the first as a medium-term goal and the second as a long-term aspiration. The need to revise the plan in order to make it fruitful in the long term is recognized in its section 13, but a specific periodicity is not stated. In general, planning documents at all scales suggest that, in spite of the wording, the temporal aspect of sustainability was barely considered.

4 Impact assessment

4.1 Pre-intervention

4.1.1 Identification of the problem

The collapse of communism in Romania three decades ago led to radical transformation of the governance scheme and, with it, the introduction of the market economy, a new spatial planning system and, later, EU regulations. Nevertheless, it seems that the shockwaves from that pivotal event still reverberate, and planning policy and practice are permanently under discussion and being reshaped in counties like Constanta.

Testifying to the relative youth and impermanence of arrangements, the case study in the Romanian littoral of the Black Sea has identified widespread criticism of current spatial planning regulations and practices, together with unanimous support for their reform. This contrasts with a striking lack of consensus in regards to the issues that these amendments should focus on. The diversity of significantly contradictory views is illustrated in the following table.

Table 4.1: The main focal issues according to interviewed stakeholders

Focal issue	# instances
Update to comply with missed legal revision deadline	3
Facilitate development (new land, security to investors, bureaucracy reduction)	2
Contain urban growth in a hot market	2
Planning better infrastructure, services and utilities	1
Revitalize inner city areas	1

The fragmentation of views suggests that a unified vision for the area and the purpose of planning is likely to be missing. In fact, even at the level of different local administrations, it was found that political priorities diverged substantially, in a kind of zero-sum game. One of the main touristic cities in the area has facilitating development as a strategy to promote economic development and outpace possible competition from the northern Bulgarian coast. Another large city is pursuing a containment strategy to revitalize stagnating inner neighbourhoods in a rehabilitation effort that counters free market operators pushing for regeneration. Few points of agreement can be found among private stakeholders. Those linked to the development sector perceive a move towards policies that support the prosperity of communities by facilitating their activity. Others, in academia and environmental movements, advocate for the need to enhance the protective and interventionist dimensions of current planning, which would have been proved insufficient. Rather than reporting an integrated approach to the treatment of sustainability, the statements from most stakeholders seem to focus on a single aspect, either economic, environmental or social, according to one's interests.

Some interviewees recognize the fact that, as far as the long-standing 1996 regional plan continues to stay in place – its revision or replacement owing to a lack of consensus regarding its new goals and restrictions – the most benefited parties are the ones that profit from its lax regulatory stance. That plan, they argue, greatly facilitated urban sprawl by protecting individual ownership and the granting of development rights, even in very small parcels, thus privileging the groups that, currently, oppose tighter controls.

4.1.2 Inception of goals/action

Regardless of opinion on the current state of affairs in terms of spatial planning or the benefit or harm that each interviewed stakeholder perceives from this condition, there is wide-ranging agreement on the outdated character of current planning regulations. Interviewees denounce that plans that should have been updated once every 10 years have been in place without significant changes for 15, 20 and even close to 30 years. Many put the delays down to political instability and constant rotation of the parties in power and bureaucratic complexity. More critical individuals argue that political stakeholders are reluctant to relinquish some of the decision-making power that these older plans confer them and are reluctant to move towards planning arrangements that, following EU regulations, would entail greater involvement from citizens and influence by civil groups. Similarly, loopholes in the outdated plans mean that, even when, on paper, they guarantee the controls and land protection that they crave, in practice they are often swiftly modified to allow for numerous exceptions that would erode any effectiveness. For these critics, it is clear that the weakness does not lie in the alignment between land use problems and planning goals, but must be found in the translation of such goals into actions. In this sense, the case illustrates that focus is mostly put on rules rather than on practices and results.

While many plans are long overdue in their updating procedures, there are also new visions and directives being implemented. One of them, promoted by the World Bank in the city of Constanta and counting with the strong commitment from its Mayor, is trusted by its government to deliver inspiration into ways to enhance urban planning. It relies on the abundant historical and cultural capital as a cornerstone to support sustainable development and on measures to integrate the touristic resort of Mamaia, in the northern part of the city, as part of its core. In the resort city of Mangalia, south of Constanta, a new urban plan approved in the summer of 2019 embodies an expansive strategy based on low-density land development and the diversification of tourist profiles, from the “domestic families”, for whom the destination is popular now, to attract “international clubbing” profiles. Neither these newer approaches are supported by all stakeholders, as some express concern at the gentrification and environmental effects that they might respectively produce, hinting at a lack of coordinated consideration for the overall territory and all sustainability dimensions of the goals and actions.

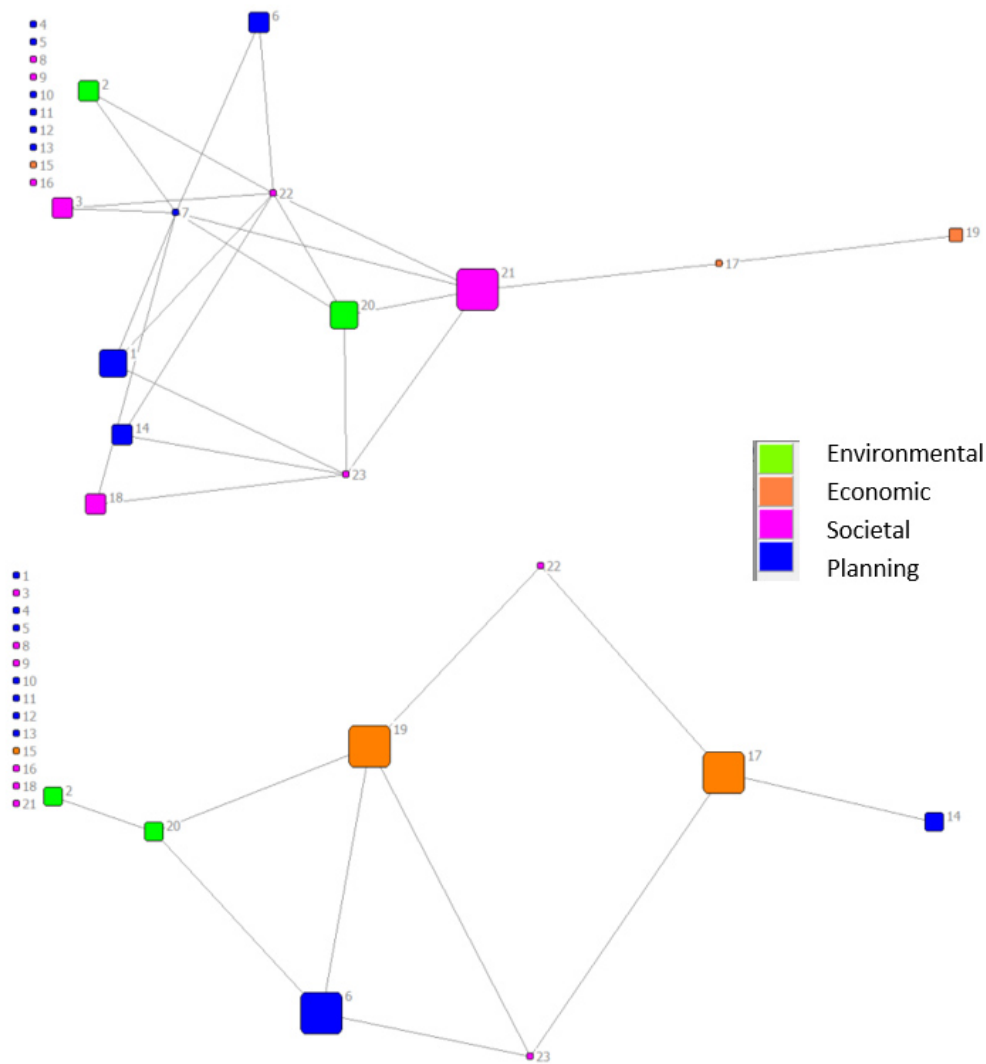
4.1.3 Pre-intervention conclusions

The fact that different stakeholders express very different – often contradictory – assessments of the problems and issues that spatial planning is supposed to prioritise inevitably compromised the degree of success that these stakeholders can report, as expectations were always bound to be unfulfilled. Likewise, a failure in formulating demands that were not limited to one of the dimensions of sustainability aggravated the frustration that some stakeholders now feel. It is possible to perceive a certain lack of confidence to promote changes in governance arrangements or to introduce innovative capabilities, according to the new context of a market economy and economic crisis. Under these conditions, it is important for any new planning effort or initiative targeting an improvement in sustainable land use to produce, first, a clear assessment of existing trends and challenges and, second, a shared set of goals and actions to tackle them.

A very fragmented social network, revealed both in conversations with the stakeholders and visually captured in the stakeholder maps that were produced for the project (

Figure 4.1), might be explained not only by the aforementioned diversity of perceptions, but also by the unaligned interests of each group. As far as the demands to spatial planning are as distant as in the Constanta region, it will be difficult for any sustainable land use strategy to deliver the expected outputs and satisfy all social agents.

Figure 4.1: Cooperation (above) and pressure and conflict (below) in social networks



These relationships were reported by selected interviewed stakeholders stratified according to the four categories of interest in the intervention. While constructive relationships are dominant, notice the relative abundance of links characterized as unconstructive relationships, with certain economic and planning sphere actors perceived as the most obstructive.

4.2 Implementation

4.2.1 Technical capability

The role of public officers is generally praised as a strength by the stakeholders that make reference to them. Their profile might have been raised by the increased collaboration with professionals from the private sector. Still, some reservations exist regarding, first, the actual application of their skills and the implementation of their proposals and, second, the lack of proactivity of more veteran officers, who would be overly cautious at introducing new practices and perspectives. Various sources from academic circles denounce how, sometimes, decision makers tend to favour ideas and guidance coming from external institutions rather than trusting the local human capital, which is well trained and much more

connected and knowledgeable of the actual socioeconomic and cultural contexts of the region. The representative for environmental NGOs goes a step further, and points out how political interests often make decision-makers disregard the well-thought proposals that public officers put forward. Conversely, some in the land development sector perceive that the administration is detached from what happens on the ground and it does not answer to actual needs by the population.

A representative of the Constanta city hall admits to the stress that their personnel is put under by the national planning system, which, by imposing the PUG-PUZ-PUD scheme of scalable planning figures, requires municipalities to review and grant permission to developments that may often be very small in scale. Testifying to this challenge, there are currently around 3600 initiated dossiers awaiting attention from public officers. The situation is reminiscent of Southern Mediterranean countries with planning traditions relying on a strong urbanistic regulative perspective. Legal impediments to update plans, lengthy procedures and scant administrative coordination all add to building inefficiencies.

Given these remarks, it seems clear that technical capability is not one of the possible deficits of planning in the Constanta region, but perhaps organizational shortcomings are. They would manifest, according to the interviewees, first, in the form of partially wasted talent through the rejection of sensible proposals and, second, with excessive bureaucratic burden on the side of the administration.

4.2.2 Data and information

Only three stakeholders provided some feedback connected to data sufficiency or shortage issues. While the administration has been introducing improvements such as the implementation of a GIS routine to keep track of all the projects (including a majority of what they call micro-projects), the land development sector feels that private developers are asked to submit a lot of paperwork to different windows of the administration containing data that, quite often, is already in possession of various departments of the administration. Therefore, while the system might be gaining in effectiveness, it is still archaic in terms of efficiency. As reported by one academic involved in planning practice, only sporadically she has also seen effectiveness become a concern due to the unavailability of certain statistical indicators or the lack of spatial data defined at scales providing a sufficient level of detail.

4.2.3 Participation

The assessment of participation appears to be highly polarised. All representatives for different administrations, at different levels, agree that the quantity and quality of participation in planning has improved over the years. Not only the national government was sensitive to demands and pressures from social groups to have their voices heard, thus passing laws requiring certain standards before normative approvals, but many mayors and councillors

actively try to involve the community in public debates and focus groups. One representative admits that this change in philosophy was adopted after the backlash created by multiple councils not honouring commitments made to the communities in the past. Still, many would like to see greater citizen turnover to these meetings, as they feel that the number of attendees is well below what they would expect given the importance of the issues that are dealt with.

In stark contrast, representatives from the tourism, land development, academia and NGOs sectors alert that, too often, the poor practices that the central government sought to tackle continue unabated and, while the formal celebration of consultation and participation processes has improved, decision making often happens behind closed doors and even against the democratic will. For them, even the improvements that have been seen at national level cannot be perceived in the area of Constanta. This would be a factor that explains a generalized lack of confidence with participatory processes and, ultimately, it might be the reason behind the scarcity of turnover in public meetings. While sharing a lot of the scepticism, a seasoned participant in these meetings has observed, on a more optimistic note, timid but steady growth in engagement from associations and representatives of the civil society in the gatherings.

The mismatch between the two assessments might be a matter of point of view: while those in the administration in charge of promoting participation focus on the improvements that have been made over time, those on the other side put their attention in the gap that remains to be closed separating current practice from best practice. In this sense, the two views might be less irreconcilable than it might seem on first scrutiny: progress seems to have been made, but further steps are required to increase transparency in decision-making, to increase the levels of confidence by practice and seize self-learning opportunities. Greater commitment with participation seems to be required from all involved stakeholders.

4.2.4 Strategic vision

All of the eleven interviewed stakeholders in this case study point to the absence or lack of application of a strategic vision guiding decision-making and the development of the region. In fact, there seems to be a contradiction between a planning system strongly relying on regional and local decision-making and national strategies to develop industrial and touristic hotspots. All interviewees emphatically recognize that the current system based on a per-project evaluation is full of downsides: cumulative impacts of multiple small projects escalate, it makes the planning and provision of infrastructure, services and utilities difficult and inefficient, decisions are prone to respond to the arbitrariness or interest of mayors, it prioritizes short-term profit seeking, it might engender corruption, etc. Looking back, various interviewees admit that, whether it is considered right or wrong, the planned society imposed by communism produced enticing visions of efficient use of land and housing demands being met. This kind of nostalgia can even be found in the discourse of private development actors

when they talk about the unsustainability brought by a mobility model built around car ownership. Looking forward, a member of academia feels that the voices that demand to abandon the post-communist *laissez-faire* approach that nowadays characterizes Romanian spatial planning are gaining momentum. However, she feels that their defence of the need to embrace more stringent regulations to guarantee the satisfaction of social needs and environmental conservation is met with resistance from the administration.

The absence of an integrated vision for the region and its municipalities that is concerned not only with short-term profit but also with the social and environmental dimensions of sustainability is clearly identified as an added challenge to implement sustainable land use. However, the study has found a widespread realisation that this gap needs to be filled, thus becoming an opportunity to advance much needed change in a consensual manner. Of course, given the contrasting interests of different municipalities and the relative lack of resources available to county councils, this would require the involvement of institutions from upper tiers of the administration.

4.2.5 Institutional coordination

Institutional coordination is revealed as the second-most concerning weakness of how spatial planning is made in the region of Constanta. Reported dysfunctionalities in this topic include:

- The unilaterality of some mayors in pushing to implement their own particular agenda regardless of the view from other institutions and local political opposition.
- The lack of horizontal coordination between institutions at each level to harmonize their policies and a lack of vertical coordination between different levels of the administration.
- The lack of coordination between strategic sectors such as tourism, industry, port and other services.
- The need for both administrations trying to update their master plans and land developers willing to build a project to visit multiple public administration windows to collect all necessary reports and authorisations. As a case in point, a municipality that has recently updated their urban plan reports that it had to obtain approvals from 27 divisions of the national and regional administrations. The land development sector claims to have been lobbying for a centralized window for years, without obtaining satisfaction to their requirement.
- Inter-institutional conflicts experienced in cases where co-participation of different departments was required by law.
- Reluctance to exchange and share data between institutions and with citizens.

The single stakeholder that expresses mild satisfaction at the current state of affairs belongs to a municipal public entity and upholds that the multiple requirements that both public institution and private developers need to satisfy before being granted plan approval or building permission testify to the efforts to ensure appropriate institutional coordination.

The reported situation could be interpreted to effectively work as a deterrent to those considering to seek approval for new land developments. In practice, however, it is more

likely that it works as an overly-complicated burden on both the institutions themselves and citizens. In combination with the project-by-project approach, this situation might result in the build-up of greater cumulative impacts, as real coordinated prospective and supervision of how land is transformed seems to be lacking. As in previous sub-sections, organizational arrangements would be advisable to respond to the demand for greater coordination, which can be found across all stakeholders, thus providing a window of opportunity to introduce these enhancements.

4.2.6 Institutional leadership

Early in the decade of the 1990s, the post-communist Romanian central government devolved a large amount of decision-making power in the field of spatial planning to regional and local institutions. Nevertheless, some of the interviewed stakeholders consider that, often, the leadership is not exercised as much by these institutions as it is by some of their leaders. That is, a disproportionate amount of action seems to depend on the level of proactivity of a certain mayor or county council president. While this is seen by the representative of the tourism sector as an opportunity to boost economic development by having a clear interlocutor that can fast-track desirable projects, voices in the academic sector alert that this might represent an open backdoor for undemocratic decision-making and even corruption.

4.2.7 Political will

Political will is identified as an important ingredient for planning in Romania. It appears to be relevant at least in two areas. First, even if the periodic revision of spatial plans is mandated by law, political leaders in power have the right to decide when to trigger the reviews. With control of the tempos, many have been unwilling to update the instruments in place, resulting in the delays mentioned earlier and the reproduction of weaknesses over time. Many stakeholders reproach this reluctance from decision makers as a factor that worsens the prospects of achieving sustainable land use. Second, while decisions on development approvals that require a PUZ or a PUD are – at least officially – technical procedures independent from political will, county and municipal councils have the capacity to promote public projects and change the strategic orientation of development in their respective areas.

In an unusual coincidence, the representatives of the land development sector, the tourism sector and the environmental NGO's express that, in their experience, the priority of political leaders is to advance particular projects that, even if they are not the best for the region, they may report them popular approval and political power, thus neglecting other initiatives that might be caring of the common good but more difficult to capitalize politically. As a counter view, a politician and an academic claim that, although many of these points are valid, their view as insiders in decision-making processes is that changes are starting to be perceived in the way the political class is slowly transitioning from a purely political cost-benefit

assessment of their actions towards the consideration of sustainable development goals. They both observe that this change of course coincides with the adoption of the EU planning philosophy principles in Romania.

4.2.8 Implementation conclusions

The implementation of spatial planning in Romania in general, and in the region of Constanta in particular, seems to suffer from multiple weaknesses, but some opportunities have been identified as well. It may be argued, in the first place, that most of its problems seem to stem from a fundamental shortcoming in how the planning system was designed right after the fall of the previous regime, almost three decades ago. That is, a devolution of great decisional power on planning decisions to the lower tiers of the administration, but an obligation for them to decide on a per-project basis. This scheme makes the generation of strategic visions and institutional coordination difficult and addressing cumulative impacts of land development on all dimensions of sustainability a chimera. The inefficiency of this order of things is repeatedly highlighted by several stakeholders, particularly in reference to the use of data, the fragmentation of planning figures and public bodies that need to be consulted, and the dependence on uncoordinated institutions and specific political leaders who might be pursuing political capital or even illicit incomes, rather than optimal solutions.

While subsequent reforms have not tackled these fundamental ailments of a markedly liberal approach to spatial planning, improvements have been identified in several areas: confidence in the technical capability of younger generations of public officers is high and participation processes have become mandatory and are slowly gaining trust among the community (at least at national level). Widespread agreement to consolidate these advancements is shared by most public and private stakeholders.

Based on the experience in the city of Constanta and its region, it is possible to draw three areas of future action that generate wide-ranging consensus and could cement the implementation of sustainable land use in the area. First, improvements are demanded to fix sources of inefficiency through better institutional coordination, simplification of bureaucratic procedures and greater reliance on technical criteria, norms and skill rather than short-term political whim or profit. Second, it is essential to reinforce the trend in trust-building participatory processes for collective planning and decision-making. Third, the social climate seems to be favourable for the enactment of regulatory policies that address the void of a long-term integrated vision and subsequent institutional fragmentation and accumulation of impacts in the territory.

4.3 Sustainability assessment

4.3.1 Planning and development culture

The changes experienced in the planning and development culture of Romania with the transition from a centrally-planned communist society under an authoritarian regime to a liberal democracy supportive of free market and minimal regulation was nothing short of a paradigm shift. From having little to no say in decision-making, citizens went to enjoy the rights to private property and self-promoted land development, whereas local and regional administrations received competencies, increased budgets and the power of rule-making to support the common good.

Still, the role of the central government, albeit diminished in influence in the current period in comparison to the precedent one, is far from secondary. On one hand, it was the Romanian administration that, in 2014, decided that the newly declared Functional Metropolitan Area of Constanta was to become one of the seven growth poles of the country. This means that local land-use decisions are influenced, and occasionally financed, by the strategic economic development goals and programmes set at the national level. In fact, one of the private stakeholders confesses that it is more effective to lobby their interests at the national level than pursuing them against regional or local authorities. On the other hand, over the last 15 years, national budgets have been constraining the amount of resources that are allocated to local administrations. These cuts have acted, deliberately or not, as a trigger for municipal bodies to generate new sources of income. This, in turn, has translated into deregulation, in the hope that fewer controls in the area of land development, would generate greater activity in the sector, which would report tax income in the short term and a larger economy in the longer run. Some denounce that increased stress of local budgets has brought a prioritisation of more profitable operations and the neglect of public infrastructure and services, which are necessary but generate meagre economic returns. Arguably, these changes in the planning and development culture triggered at the national scale have distanced territories like Constanta from decision-making practices that support sustainable land development.

One of the changes in the planning culture that was met with greater resistance from authorities in the post-socialist landscape was public participation. It is clear from the information that has been gathered that, for most of the period, its inception was conceived merely as a formal procedure and, later on, as a way to comply with EU demands. However, the dissatisfaction that was generated by practices that disregarded community input, together with popular pressure, have produced a tangible change in the way participation is practiced and the quality standards that are expected from it. Several institutional and non-institutional stakeholders reveal significant progress made in this area, but most complain that, unless it is very well-designed, it comes with increased conflict, distrust and limited engagement from community groups. Similarly, in some cases, decisions are not honoured.

Finally, it is worth mentioning that the accession of Romania to the EU seems to have affected not only participation practices but other fields related to planning and development

culture as well. Within the realm of theory, philosophy and principle, a cultural shift is observed by some stakeholders, with the introduction of new vocabulary in the common sphere of land use and sustainable development, mounting pressure to comply with certain building and energy efficiency standards, and the establishment of transparent accountability practices in exchange for structural funding.

4.3.2 Economy

Judging by the macroeconomic performance indicators of sectors like construction and tourism in Romania it is clear that, for most of the time, expansion has been the trend over the last decades, a growth that would not have been possible without planning and land development schemes that facilitate transformation. In fact, a majority of administration representatives made it clear that boosting overall economic performance was the main goal that planning should pursue or, as bluntly put by a city hall councillor “our new master plan means business for everybody”. Still, the feeling that most stakeholders expressed was that, due to shortages in the aforementioned schemes, the full economic potential of the territory had not yet been unlocked. Some indicated that delays in reviewing spatial plans had led to lost opportunities, while others rued insufficient juridical certainty for investors as a limiting factor to growth.

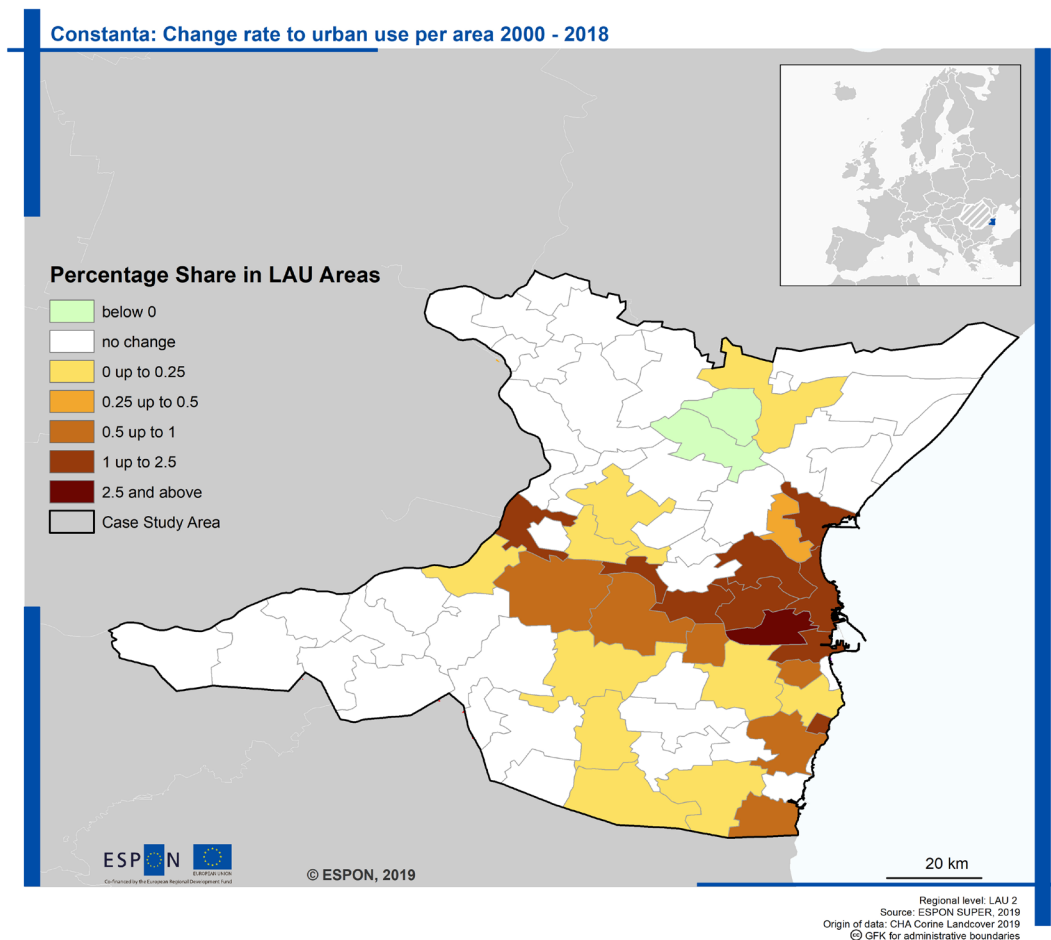
The sustainability of economic growth is, for many, something that remains on a secondary level. However, critics in the environmental and academic sectors point out that much of this growth has been founded on speculative land operations in which, incidentally, public institutions had actively participated. Their objections often rely on normative or current legality argumentations, together with highlighting the social consequences of the prevailing economic model, without bringing forward well-defined proposals for economic development paths. They also raise the issue of how a tourism model based on the development of resorts mirroring those in Balearic, Canary, Sardinia or Cyprus islands and other nightclub destinations has, in some cases, had negative impacts on the local community and quality of life while benefiting only a few individuals and companies.

A criticised side effect of the expansive approach, observed by both a public local official that defends it and a civil representative that condemns it, is the delay in time of negative impacts brought by rapid growth and development, which become only visible after longer periods of time and end up representing a cost for government coffers and neighbours' pockets. To ease these concerns, and in line with the greater support for regulation presented in previous subsections, these and other stakeholders urge setting up an integrated vision for the territory supporting long-term sustainable planning. It is argued that, while some private interests and land development companies would be negatively affected in the short term, the introduction of this tool would benefit them and the wider society in the longer run.

4.3.3 Ecology

The assessment of the environmental impacts of spatial planning over the last decades along the Black Sea coastline is largely unfavourable and interpreted by a majority as a negative side-effect of necessary development. As an academic expert puts it, environmental impacts can be identified at a macro level, as soil has been transformed at a much higher rate than population growth to position the region as a touristic destination (Figure 4.2), and at a micro level, with poorly planned low density residential areas devoid of adequately sized infrastructures increasing energy and waste inefficiency as well as exacerbating private vehicle mobility and congestion. Both the representative of an environmental NGO and a land developer further echo the negative impact that urban planning passed relying on private transportation and the dismantlement of collective transport systems has had an impact on liveability. The developer agent disagrees with a recent proposal to increase from one to two the number of private parking spots that must accompany every newly-built dwelling, a measure that would consume more surface and incentivize the acquisition of private vehicles. Outside the consolidated urban areas, another researcher stresses that even an iconic and relatively remote natural reserve of outstanding value as the Danube delta has been under pressure from development.

Figure 4.2: Rate of land use change to artificial, by LAU between 2000 and 2018



In the name of economic development, a city councillor contends that their new master plan favours low density over compact urban growth, for the benefit that generous greenspace delivers to the neighbours and to avoid becoming a New York lookalike. For him, the current criteria that any planning initiative must meet in terms of environmental standards and compensation measures to be granted approval are more than adequate to guarantee sustainability. The NGO representative, however, warns that many mitigation and compensation measures are formulated as recommendations that developers can afford to ignore. The two issues of urban density and environmental impact are brought forward by a public officer in a different city too. According to this interviewee, the priority in his municipality is to provide more urban green areas, but is aware of the fact that this makes sprawl containment and the sustainable mobility challenges more difficult to tackle.

The contingent role of environmental protection when it is weighted against economic growth goals becomes clear when listening to the way in which dissent and protest are handled in the region, most frequently with disregard and even a certain degree of hostility. Nevertheless, while some accuse social movements in defence of the environment to be inactive or even complacent, grassroots movements such as the one that protested against the partial transformation of a Constanta city park into a commercial mall seem to suggest that environmental awareness might be on the rise.

4.3.4 Equity

It is easy to identify the benefits that economic growth boosted by the liberal approach to planning that is in force brings to the community: occupation and the opportunity of greater social spending on the part of a public administration that sees a boost in tax revenue income. Nevertheless, from a social justice point of view, some question the fairness and equity of this trickle-down effect. Many notice that the economic profit of tourism and land development activities is largely captured by a few companies and individuals (mostly locals, but sometimes foreign investors) who do not re-invest in the local economy. Furthermore, the demand for skilled and unskilled workers in some sectors is often met by either specialized or low-salary workforce from abroad. Increased tax income would be expected to increase public budgets and spending, but investment in public space is often invisible to many interviewees.

Social injustice is also a concern for land developers, who argue that the neglect of affordable public transportation and even the suppression of tram infrastructure in a bid to boost car sales and reduce public expenditure affects most negatively the humbler and most vulnerable strata of society. In addition, these same groups are being affected by forced evictions from inner city and coastal line neighbourhoods. Gentrification of these areas increase prices and leaves these groups with limited purchasing power out of the market, in a loophole that is reinforced by the fact that investors buy real estate property in these areas to put them again in the market as tourism rentals for the summer months, remaining empty the rest of the year but further constricting the offer for year-long accommodation in the process. The

measurement of these social impacts is largely unstudied and unaccounted for statistically. Whether these effects must be considered consistent or against the spirit and intent of the current planning system remains a contentious issue.

A public officer in the city of Constanta feels that, in many respects, the tide is turning and, whereas in the past social injustice was driven by authorities that served the interests of the private sector in an effort to boost the entire economy, nowadays administrations are more receptive to the needs and demands from the wider community. Nevertheless, an academic expert believes that, without a proper integrated vision in place, and in spite of small conquests, planning will not cease being blind to the losers of economic growth, even in the long term.

4.3.5 Balance

The winds of revolution that almost thirty years ago removed an obsolete centralized spatial planning system replaced it with a very liberal framework, even by western capitalist standards. While those changes were certainly judged as innovative at the time and they have produced remarkable success in some aspects, it becomes clear in the case study that the model has not been adapted fast enough to pursue new challenges and effectively face growing demands to couple economic progress with environmental protection and social justice. Testifying to this statement is the fact that none of the eleven interviewees participating in the study were able to highlight successful innovations brought by the spatial planning system in the Constanta region. Instead, it was easy and natural for them to list shortcomings and failures of the current arrangement in general, and of the county plan in particular. The critiques, which can also be interpreted as valuable lessons, are mainly focused on three aspects. All would agree on the need for greater collaboration and coordination between institutions that are permanently fractured along the lines of political partisanship. The formulation of an integrated vision for the territory and planning controls to bring it forward would go a long way in avoiding arbitrariness, conflict and move towards sustainable land use. Finally, corruption and undemocratic decisions and exceptions to the rule of law justified in the name of public interest but benefiting only a few must end not only to improve spatial planning, but to legitimate the whole planning system in the eye of the citizen.

Despite the negative assessment, we have also observed signs of a changing mentality in many sectors. Perhaps the most significant is illustrated by the demand expressed by most groups to introduce planning regulations that ensure that the general interest is met. This includes, among other recorded examples, measures to guarantee that even smaller municipalities are able to make independent decisions in spite of the mounting pressures for development that they receive from influential lobbies, but also taking steps towards ensuring that private property land ownership and development rights do not block certain public or private initiatives that support sustainable development. The consolidation of these trends

might open the door to very significant prospective change in the way spatial planning is made in the case study area. While some consider that private interests such as those of the land development and tourism sector would be negatively affected in various degree by more stringent controls, these stakeholders appreciate the legal certainty that clear regulations, enhanced coordination and a clear development path vision would bring to them and also demand the urgent renovation of outdated spatial planning in the region and municipalities of Constanta area.

Accompanying this nascent change supporting increased levels of regulation, it is also clear that most of the local society rejects a dominant top-down approach to spatial planning that, until very recent times, has remained largely unaffected by the political transition. While timid steps have already been taken and the demand for greater participation from the different sectors is overwhelming, a certain resistance in the governing spheres indicates that this transformation is not yet consolidated. One of the interviewees suggests that innovation is needed in the way participatory processes occur, as they do not currently satisfy any of the parties: they are faced with fear by administrations that are reluctant to relinquish decision-making power and their outputs are not yet trusted by the citizens and organisations. This individual suggests the need to create an independent organism that can develop standard participatory methods, establish quality targets and set up monitoring committees to sanction the delivery of agreed outputs.

4.3.6 Multi-stakeholder assessment conclusions

Overall, the results of almost three decades of post-communist liberal spatial planning in Romania and Constanta can be assessed as asymmetrically mixed. It is widely recognized among stakeholders that it has contributed to an economic renaissance for the country, it has assisted in the erection of a dynamic touristic sector along the southern half of the Romanian Black Sea coast and it has enlarged both national output figures and many domestic economies. Nevertheless, it becomes clear from the assessment that has been developed, that spatial planning and development have also compromised land use sustainability in a variety of ways. Environmentally, it has become clear that impact assessment procedures failed to mitigate or compensate the negative consequences of politically-driven booming development on the coastline and expansive, low-density urban developments that relied on the use of private vehicles in the peripheries. Socially, there is satisfaction with the way in which economic growth has brought opportunities, but a latent discontent with how the planning system has been unable to prevent the uneven distribution of profit (mostly in the hands of a few local and foreign investors) and costs (usually in the form of decreased quality of life for local residents, who complain of lack of urban services, poor air quality, scarce leisure opportunities, degraded environmental and landscape quality, poor accessibility, limited public transportation, etc.). The realization of these downsides, coupled with ample evidence of the late, sluggish and piecemeal reaction of planning authorities to modernize the

system, contributes to explain why stakeholders are overwhelmingly critical of the current status of things.

Nevertheless, the case study has also revealed signs of reform and a raising awareness of the need to harmonize economic development with environmental protection and social equity. Perhaps the most visible changes have taken place in the participatory culture, with most stakeholders demanding greater influence in decision-making and authorities slowly coming to terms with the need to satisfy these demands, as mandated by EU commitments. The preferred tools to bring forward the desired change seem to lie halfway between the imposed hyper-regulation of communist times and the pervasiveness of individual and private rights brought by a markedly liberal approach that hinders institutional efforts to plan for sustainable land use models. It is possible that the period elapsed since the fall of the iron curtain may have eased fears and aversion towards instruments intended to control land development, and most stakeholders are eager to participate in the formulation of a guiding integrated vision for the territory and the establishment of certain planning quality standards to which both institutional and non-institutional actors at all scales would have to adhere to.

4.4 Conclusions

What the replacement of a communist authoritarian regime with a liberal democracy meant for spatial planning and land development culture and practices in Romania can be characterised in the region of Constanta as a contrasting mixture: a radical departure from heavily centralized planning and imposed regulations in favour of regional/local administration autonomy and individual rights on one hand, paired with continuity in terms of land use decision-making traditions based on top-down approaches on the other. Whilst the implementation of a development approval process based on meeting certain per-project bureaucratic and technocratic requirements has been evidenced as pivotal in fuelling economic growth (particularly in the period preceding the Global Financial Crisis that started in 2008), the absence of a strategy to orient development at larger territorial scales has proved detrimental to fully address the environmental and social dimensions of land use sustainability. Evidence to support this assessment abounds, both in the scientific literature examining the reality of spatial planning in the country and the region, as well as in the feedback that was collected first-hand by the study team through eleven stakeholder interviews. Important challenges remain ahead in the fields of containing cumulative impacts of fragmented development, the struggle against corruption and patronage, the effective coordination of different institutions at a variety of scales beyond the bureaucratic dimension of permission granting, and a fairer distribution of the benefits and opportunities brought by expanded economic growth.

Progress has been identified in the level of environmental awareness, a feature that might result from a combination of the impact of global campaigns that alert on the climate crisis, the realization of negative local impacts generated by prioritizing a *laissez-faire* approach and

the introduction, from the beginning of the century, of environmentally-focused EU principles and directives into planning theory and practice. For similar reasons, advancements have been made in the area of public participation, but these have been limited by the reluctance of many authorities to concede decision-making power to a range of stakeholders. The fact that most of these stakeholders are aligned in their willingness to establish a clear development path for the future of the region and increase the planning controls that would make it possible hint at the likelihood of upcoming reforms. Locally, manifold opportunities to support sustainable land use and planning are identifiable in the domains of post-industrial brownfield development and inner city regeneration of an aging housing stock dating from the communist period in many neighbourhoods. Densification in areas that have experienced recent residential growth and optimisation in the delivery of infrastructure and utilities are strategies supporting sustainable land use that, according to our results, would enjoy ample support. In spite of remarkable efforts by the Mayor of Constanta to geopolitically position the city in the international fora such as the World Bank, Smart City movements, NATO or the network of city-ports, the case study has not provided indications of innovative practices in the area of territorial governance. Greater efforts are demanded to increase transparency surrounding these initiatives, coordination among participant or affected institutions and greater alignment between principles and practice.

Prior to generalizing these results, it is worth noting that, in spite of economic expansion, moderate population growth and positive land consumption rates in the region of Constanta, Romania as a whole has experienced population decline over the last decades in a magnitude not seen in any other Eastern European country, except for Latvia and Lithuania, and at comparable levels to Ukraine. The dynamics described in this report might be thus transferrable to similarly economically dynamic areas of Romania, such as those designated as growth poles by the national Regional Operational Programmes. It is far less likely that rural and decaying post-industrial cities share similar circumstances.

4.5 Implications for sustainable urbanization and land use

This case study sought to illuminate the black box of development practices within a particular territory in Europe, focusing on a particular intervention which changed, or attempted to change, these practice to more sustainable ends. The primary source material was in-depth interviews with stakeholders directly involved in decision-making on spatial development, on crafting or applying the intervention, or both. Through their candid explanations, it was possible to provide a nuanced, and often critical, account of the origins, mechanisms and impacts of the intervention. As can be read above, the results show stakeholders in agreement on some issues and disagreeing on others.

The purpose of this final section is to give voice to the case study researchers by asking them to specifically reflect on the key questions posed to the project at its inception. The ideas and

opinions expressed in this final section – printed in italics – are, therefore, solely those of the authors.

To what extent can the observed land-use changes in the case be considered sustainable?

According to satellite data provided by Landsat, most new developments have occurred on former agricultural land (over 1.700 ha converted between 2000 and 2018). Meanwhile, extensive brownfield areas are available in and around the larger city centres. In addition, the spatial distribution of land take patterns reveal that it is precisely the periphery of larger towns and cities where most of the residential demand occurs (Figure 4.2). Therefore, in spite of the relative concentration of new growth, it is hard to define land-use changes as sustainable.

In the city of Constanta, a project to connect the peninsula old town and Mamaia resort with the urban centre with efficient public transport and infrastructure projects to concentrate industrial development close to the port and giving them efficient connections to the main artery to Bucharest are increasing sustainability in the area.

To what extent did short-term thinking weigh up against concerns of long-term economic, ecological and social vitality?

The establishment of a zonation system under which citizens and companies can trigger land use change with minimal constraint from upper echelons of spatial planning or requirements to meet infrastructure and service-provision standards can be interpreted as a mechanism to facilitate short-term economic growth relying on the expansion of the land development sector. The fact that several interviewees recognize that negative environmental and social effects arrived as a surprise further reinforces the notion that long-term forethought of the consequences of this approach had not been properly assessed.

To what extent were trade-offs avoided between economic, ecological and social values (e.g. urban green spaces in densifying areas)?

While the trade-off between urban green spaces and densifying areas is recognized as a concern by municipal officers, their stated preference at the moment is to provide more green area at the risk of incentivising sprawl. Non-institutional stakeholders do not even perceive a translation of this preference into action.

The risks of gentrification in the peninsula old town and tourism development are being increasingly perceived in the form of social exclusion of certain groups who are unable to

afford escalating real estate and rental prices. So far, no strategies exist to mitigate these effects and the knowledge on their magnitude remains uncertain.

Tourism development strategies rely on attracting greater flows of international tourists, and an increase of charter and regular flight activity in the nearby Constanta airport is targeted to bring it to fruition. Increased air traffic to achieve this economic development goal would increase environmental impacts, a trade off that current spatial planning does not address in any way.

Was there a tension between sustainability at different levels of scale (e.g. a locally sustainable development having unsustainable attributes at the regional level)?

Currently, effective coordination and cooperation among municipalities does not exist, as they compete for the same market and pursue an analogous development model. This is best exemplified with the lack of development of the metropolitan strategy, which has not even led to partial integration of the public transportation network.

To what extent is there a correlation between urban form (e.g. high-density contiguous urbanisation versus low-density scattered development) and sustainability?

Developments on formerly agricultural lands in the outskirts of the larger towns and cities generally present lower densities than consolidated urban areas. Nevertheless, the factors that most stakeholders highlight are the poor planning of infrastructures to supply services and utilities to the residents of these areas and, therefore, the inefficiency in the way networks are expanded and the reliance on private vehicles for mobility, with all the impacts that this entails. This hints that density is an important factor, but the impact of lower densities may be partially mitigated when services and occupation opportunities are available and the need for private mobility minimized.

How much impact did various interventions have in producing sustainable urbanisation and land-use outcomes?

Sustainability was barely addressed normatively in the Constanta County Spatial Plan and, to this day, many outdated local plans do not make explicit reference to the dimensions of sustainability. Results in terms of sustainability of land use align well with this spontaneous approach, resulting in a predominance of low-density, small-size residential projects often poorly inserted in the pre-existent urban fabric and initially lacking in utilities and infrastructures.

To what extent were place-based approaches and territorial cooperation responsible?

The relationship between most municipal entities has been characterized as one of competition rather than coordination. Regional planning, which could be expected to provide an integrated direction for development is long past its mandatory update deadline and, therefore, lacks legitimacy to impose coordinated action.

While it is a generally accepted axiom that, to be effective, planning must be sensitive to the needs and potential of each local area, development regulations in Romania have fragmented decision-making, forcing it to focus on the compliance of certain criteria at a scale near to the parcel, while ignoring the wider local and regional context in which the proposed development ought to be integrated. This seems to be a deliberate decision on the part of the policy-maker, one that has advantages (such as facilitating economic development) but is mostly detrimental to other dimensions of sustainability (ecological, social equity and temporal).

To what extent were financial, fiscal and economic mechanisms responsible?

From the moment the national government transferred most spatial planning competences without partnering them with financial resources, local authorities were given an incentive to use the facilitation of land development as a mechanism to generate their own revenues. Financial policies had an intense and direct impact on land use and its sustainability.

How sustainable are the measures themselves over time?

Minimally checked growth has already proved to be unsustainable over time, as more and more sectors of society realize the negative impacts of this policy and turn against the practice. Paradoxically, it is the short-term profits that this strategy brings to councils and private stakeholders what would explain that many land use regulations are severely outdated and remain unsustainable, as the beneficiaries of such profits find little incentive in reverting the situation and put stricter controls in place to align planning with sustainability principles. The situation is one of sustained unsustainability.

Do they produce economic benefits?

Very wide consensus exists around the fact that the configuration of the current spatial planning has produced economic benefits over the last three decades and it still brings short-term profit. Some stakeholders denounce the lack of recognition of economic dis-services of this dynamic on some groups and the environment.

To what extent do they enjoy popular support or consensus among stakeholders?

Support from stakeholders for the current planning and development system is remarkably low, deep changes are urged. Inefficiencies, scarce focus on quality of life, poor implementation of a strategic approach, lack of institutional coordination, arbitrariness and lack of participation are often cited as the origins of the malaise.

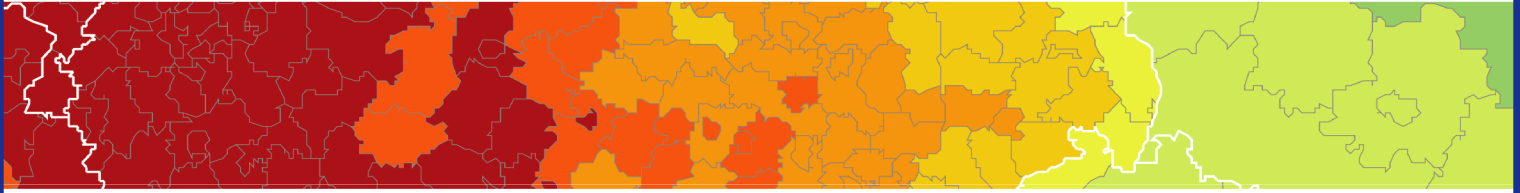
How can urban sprawl be contained and which instruments can be used to do that?

Romania and other post-communist countries with large stocks of post-industrial brownfield area may use them to satisfy development demands. In addition, interior vacant land and derelict buildings in urban areas also hold great opportunity for redevelopment or land use change.

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