Planning tools and building regulations towards greening densely-built Greek cities: scales of 'urban green grabbing'

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Abstract
'Green' urban development is the dominant paradigm of spatial planning and is framed by changing overarching concepts such as sustainability, resilience and more recently climate neutrality. As the Greek spatial planning system has incorporated the objectives of greening cities, the paper highlights the need to assess new tools of urban development and planning in Greece in terms of their cumulative impact on the urban landscape, both in terms of the image of the city and their actual contribution to the pressing goals of improving environmental conditions and adapting to climate emergency. The paper activates the concept of 'urban green grabbing' as introduced by Garcia-Lamarca et al. in 2022, that studies green urban development through a socio-political lens and highlights the grabbing of urban common resources that is promoted in the context of environmental protection and energy conservation. Through this perspective, the paper critically presents the nature of environmental incentives and planning tools related to urban greening, that were introduced during the financial crisis and discusses the outcomes of such tools in the image and the environmental conditions of densely built Greek cities.

1. Introduction

Urban development in tandem with the natural environment, from the local to the planetary, has been a dominant 'paradigm' of spatial planning since the early 1990s, promoted through international organisations and networks, national and urban policies and framed by changing concepts such as sustainability, resilience, and more recently climate neutrality. Planning at all scales, from regional planning to urban design and the regulation of development of individual plots, has been driven by the environmental protection mandate. There is common understanding that this mandate does not anymore concern only untouched landscapes of exceptional aesthetic or ecological value or tamed agricultural land. Environmental protection, during the last decades, has been extended to include socio-natural urban ecosystems, which are recognised as a critical spatial level for promoting sustainability, resilience and, more recently, targets such as decarbonisation and climate neutrality. These changing framings of environmental protection are introduced as global goals, through non-binding documents of international organisations, such as the UN Sustainable Development Goals (SDGs) and the European Green Deal. They have also been incorporated into the institutional framework of spatial planning in Greece and have been integrated into the discourse and targeting of urban interventions, through EU funding programmes and international networks.

The economic crisis that broke out in 2008, starkly affected Greece since 2010, while its ending year is debatable and blur. Between 2008 and 2016, private construction activity in the country recorded a continuous decline (ELSTAT, 2019). Amidst the full spectrum of austerity

politics, spatial policies acquired a prominent position. The years of the crisis have been rich in the production of laws and regulations, reforming the legal framework of urban planning and land development. Notwithstanding the environmental rationale of many introduced tools and codes, the dominant imperative of this period was to accelerate the implementation of land use plans, facilitate land development and overall 'improve the business environment' in the country. Construction activity started to recover reluctantly since 2017 (ELSTAT, 2019). Thus, the effects of new planning tools and regulations concerning development of public and private land started to become visible in cities from 2020 onwards.

The paper focuses on new planning tools and building codes that were introduced in the Greek framework of spatial planning and land development, during the period of the economic crisis, with the stated intention to promote sustainability & energy transition and more specifically to "green" densely-built cities.

First, the concept of 'urban green grabbing' is introduced and its application is extended to the 'commons' of the urban landscape, as produced cumulatively by the development of small individual plots of private property, as well as through larger and more salient urban development projects, led by public or private actors, or the combination of the two. Then, the characteristics of urban green grabbing in the urban landscape of densely built Greek cities are explored in the contemporary condition of the presumably post-crisis era. Specifically, the paper examines the incentives introduced by the New Building Cod (NBC) of 2012 and the environmental objectives embedded in the relatively new planning tool of Special Urban Plans (SUPs), which concerns usually large properties or areas, within urban areas or beyond.

It is argued that urban green grabbing, performed through new planning tools introduced by the state to regulate land development and promote urban greening, concerns 'urban commons', such as the image of the city, the urban landscape, public space and ultimately the quality of life of the city's inhabitants.

2. Urban Green Grabbing

Land grabbing is a global phenomenon and refers to encroachment and illegal use, selling off in terms that harm the public, privatisation and changing institutions that create conditions for land privatisation (Hadjimichalis, 2014). Green grabbing refers to land grabbing legitimated on the grounds of environmental protection. Like land grabbing in general, 'green grabbing' is an international trend with local manifestations and specificities and with a clearly more pronounced appearance in poor countries of the Global South. The term belongs to the Guardian journalist John Vidal (2008), who referred to the privatisation of land to protect biodiversity, to capture carbon dioxide, to reduce global warming and climate change, to grow energy crops in order to make the energy transition from fossil fuels to renewable sources. In the post-financial crisis period, the term can be used with reference to large-scale renewable energy installations - wind farms and photovoltaics - which, in the name of mitigating the planetary problem of climate change, degrade landscapes and ecosystems and legitimise the grabbing of land in Greece and other countries (Apostolopoulou & Adams, 2015).

Land grabbing for the promotion of environmental goals is part of the general discourse on 'green economy', i.e. the possibility of accumulating capital and at the same time promoting environmental protection, or better still, accumulating capital through processes aimed at protecting nature. This is a dominant approach, developed as early as the 1990s, in the context of 'ecological modernisation' (Mol & Spaargarden, 2000) and the related target concept of sustainable development. Environmental protection has since been placed at the

centre of the global economy and is no longer associated with a critical discourse towards the dominant development model, as was the case with earlier manifestations of the environmental movement. Instead, 'ecological modernisation' supports that the only way to protect the environment is through economic growth within the capitalist model.

As Fairhead, Leach and Scoones (2012, p. 242) observe, this entanglement of environmental protection with market mechanisms "is doubly valuing nature: for its use and for its repair". The first valuing refers to the use, degradation, and depletion of any kind of natural resource by humans, and the second refers to the production of value from the very need to protect and repair nature. The former creates the basis for the later to occur, and the two together create the full value of nature.

Garcia, Lamarca et al. (2022) explore the urban dimensions of land grabbing in cities, introducing the concept of "urban green grabbing". They examine the role of "greening" projects in urban areas in extracting greater value from investment in housing construction in European and North American cities. Adopting a socio-political lens, "urban green grabbing" illuminates the ways in which, interventions to "repair" the urban environment, adapt to climate change or mitigate its impacts are linked to the production of additional economic value. Urban land investors appropriate greater profit, social capital and prestige by locating their investments in close proximity to new "green" projects, near parks, greenways, green and blue infrastructure. At the same time, Garcia Lamarca et al. highlight phenomena of 'green gentrification' and intensification of social inequalities associated with urban strategies aimed at urban sustainability, climate change adaptation and resilience.

In the quaternary constitution of land proposed by Hadjimichalis (2014, pp. 28-30), inspired by Lefebvre, land is not just its physical-geographical delineation on the map, but also the intangible relations that are created between specific parts of land and specific individuals, groups and regions. In this sense, urban plans, land use and other conditions that regulate the terms of use and development of land constitute one of the four dimensions of land. These intangible relationships are created by the state, that still allocates development rights and designates land uses. Thus, they selectively assign "the privilege of collecting high rents", in other words, the privilege of extracting high value from their land (ibid. p. 29).

Through such an understanding of land, the concept of urban green grabbing is extended to highlight how, privileged development conditions are created for specific parts of land, development rights and permissible building heights of specific urban plots are haphazardly increased, and thus the urban landscape is unpredictably transformed and cumulatively undermined through specific institutional provisions that seek to promote environmental objectives for Greek cities.

3. "Greening" with incentives

In Greece, the introduction of incentives aiming at producing environmentally friendly buildings was introduced with the New Building Code (NBC) of 2012 (Government Gazette 79/A/9-4-2012). The NBC provides voluntary incentives for high environmental performance certified through Leadership in Energy and Environmental Design (LEED) or other international rating system, for renewable energy installations and for reducing buildings' coverage on the ground to increase green spaces in densely-built urban areas.

In particular, Article 10 of the NBC gives incentives for "environmental upgrading and improvement of the quality of life in dense urban areas". These concern the entire territory of the prefectures of Attica and Thessaloniki, as well as the municipalities of Patras, Larissa, Heraklion, Volos and Nea Ionia, Magnesia and Ioannina. Traditional settlements, traditional parts of towns and areas designated as historical sites are excluded.

The main aim of these incentives is to increase the amount of unbuilt open space in urban areas. Thus, new buildings constructed in the aforementioned areas are given a bonus of floor area and bigger permissible height, with the precondition that they cover a smaller proportion of the plot, than permissible in the area. Under certain conditions, a bonus of additional floor area is allowed on properties that reduce the coverage implemented to between 10 and 35 percent (%). The bonus of additional floor space can be up to 25 percent (25%), in excess of what is permissible in the area, when public access is granted to the resulting unbuilt part of the plot and a pre-existing "lower energy class" building is "withdrawn", i.e. demolished, from the same plot. However, the bonus is also given for smaller reduction of ground coverage, and without the condition of public access to the remaining unbuilt space (Article 10, paragraph 1, case a). As permissible plot ratio is linked to permissible height, the incentive to increase building automatically means a corresponding increase in permissible building height.

For large properties of at least 4000m², which concede 100% of their unbuilt part of the plot to public access, the bonus provided increases the permissible floor space by 35 percent (35%), also adding up to 30 percent (30%) extra height, again subject to a reduction of ground coverage (Article 10, paragraph 1, case g). The resulting unbuilt area is open to public use, and is landscaped and maintained by the municipality.

Article 10 seems to be inspired by the 1961 New York City Zoning Resolution, which is one of the first planning tools based on incentives to achieve goals for the common good. The ordinance incentivised additional building rights and height to buildings that reduce coverage of the plot and conceded the remaining unbuilt surface - small plazas or arcades - to common access. It allowed up to a maximum of 20 percent (20%) more floor area above that permissible in the area, in exchange to the creation of accessible open space on the ground (New York City Planning n.d.). This law became very popular among developers and led to the creation of the so-called POPS (Privately Owned Public Spaces). There are currently more than 550 POPS (NYC Planning n.d.) in downtown New York City, including high-profile examples such as Paley Park, notable for its design and handling of environmental conditions, and Zuccotti Park where the Occupy movement unfolded in 2011. New York City Zoning Resolution, through successive amendments, set a number of restrictions regarding the location, the size and the shape of the resulting open spaces, as well as design specifications with regards to the orientation, amenities, accessibility, planting and interior pathways. However, the "publicness" of POPS has been widely questioned. It has been observed, that POPS are not really open to the public, who are often actively discouraged from using the plazas, either through design strategies or with a variety of operating rules introduced by the owners and managers (Smithsimon, 2008).

In the case of Article 10, the bonus of additional floor area is granted, even when there is no public access to the resulting unbuilt area on the ground (case a). For higher percentages of coverage reduction, common access is required, and is granted to the municipality by a notarial deed. The municipality is responsible for landscaping and maintenance of the ceded open space. However, there are no restrictions regarding the shape and size of the accessible

part of the plot, except that it must be "continuous with a common use area as designated at the urban layout and one side of the ceded space, must coincide with the entire length of the plot's boundary towards the street, provided that it [the ceded open space] is at least 1.5 metres deep" (Government Gazette, 2012).

Figure 1 A newly built apartment block in Thessaloniki, utilising the combined effect of several environmental incentives of NBC and its publicly accessible open space

Given the small size of plots in Greek cities, the benefits of granting public access to these unbuilt remnant spaces are debatable. The case shown in Figure 1 is indicative. The 486.05m² plot is located in Kalamaria which is one of Thessaloniki's municipalities, at the eastern part of the urban conglomeration. It is a relatively large plot, given that the minimum buildable plot size in the area is 200m². Taking advantage of the provisions of Article 10 of the NBC, (paragraph 1, case d), a bonus of about 25% extra floor space and 5.4m extra height - from 26m, which is the permissible height in the area, to 31.40m - was granted to this plot. These bonuses were won by reducing the plot coverage by 12 percent (12%), providing public access to 97.22m² of open space, creating a green roof and a swimming pool on the roof and demolishing a pre-existing building "of lower energy class". The space granted for common use is distributed on two sides of the corner plot and is L-shaped, while the depth of it measured from the property's boundary towards the street to the building is a maximum of 4.85m (Figure 1). As the example illustrates, the publicly accessible space produced in a relatively big plot is rather small and divided into two parts. At the same time, the combined effect of different NBC incentives, result in a building that stands out in the neighbourhood, with its enlarged volume and protruding height.

In addition to Article 10, Article 15 of the NBC gives bonus height of 1 metre when a green roof is constructed. The resulting height may exceed the height permissible in the area and the maximum permissible anywhere in the country, which is 32 meters. Also, Article 19 allows a main use built space of 35m² in excess of the permissible height, when a green roof is

constructed. The same bonus applies when renewable energy facilities are installed on the roof.

Finally, Article 25 provides height and floor area incentives to new buildings with reduced energy consumption. In particular, a 5 percent (5%) increase of the plot ratio, i.e. more floor space, is granted to buildings with up to 10 kWh/m^2/year energy consumption for heating, air conditioning, ventilation and lighting, and a 10 percent (10%) increase to buildings certified by an international rating system, such as the American LEED.

It should be noted that in addition to the above, which can be utilised in combination when applying for planning permission, permissible floor area is increased by other NBC provisions, that do not have an environmental objective. For example, stairwells, attics and mezzanines are not calculated in the building's gross floor area.

The specific urban planning regulations, through an environmental protection rationale, promote the increase of built floor area and, thus, urban densities in the already densely-built Greek cities, increase pressure on existing technical and social infrastructure, create contestations between neighbouring sites in the name of increasing green spaces and saving energy.

Incentives promoting green practices for new buildings also lead to increased building height, which often far exceeds what is permitted in urban plans, currently in force. Increased building heights contribute to the production of a new haphazard urban landscape, characterised by lack of control, coherence and continuity, and unpredictably interspersed with salient 'landmarks' of 'green architecture'.

These extra building heights are introduced randomly, without any documentation, without any control of the desired urban image and without addressing the negative impacts and planning for the necessary infrastructure. In addition, they degrade the environmental conditions of the neighbourhood, in particular the conditions of insolation and ventilation of the streets and surrounding buildings, and restrict the views of buildings adjacent to them. At the same time, the actual gain in accessible green spaces, mostly because of the small size of plots in Greek cities, is disputable. Lack of detailed design specifications regarding the size, shape and amenities of these spaces also reduces their positive impact.

The effects on the structure, function and image of the city from the implementation of the above have already become apparent, as many new apartment buildings under construction seem to far exceed the heights of their neighbouring buildings. Given that designated historic areas are excluded from these provisions, these random additions of incongruent heights, protruding several storeys above their neighbouring builidings, do not occur in historic centres, but in the densely built neighbourhoods beyond the centres, which lack infrastructure, identity and general care as they are not particularly visible, adding a further layer of degradation.

Moreover, incentivising additional built square metres of floor area and greater height for new buildings to "withdraw buildings of lower energy class" promotes the demolition of older uninsulated building stock. These older builidngs, may not be listed, but contribute their smaller scale, rich texture, architecture and memory, thus enriching the identity of neighbourhoods. It seems predestined that, not only unbuilt plots will take advantage of the voluntary environmental incentives of the NBC, producing enlarged and taller buildings, but

also that there will be a swift "withdrawal" of any remaining evidence of past architecture and memory from the neighbourhoods of Greek cities.

It should also be noted that, although the aim of the incentives of the NBC is to increase open space in densely-built urban areas, excessive volumes and heights also materialise in suburban neighbourhoods that are not densely-built and do not lack green spaces, undermining the urban landscape and the quality of life in these areas. Such suburban municipalities in Athens have recently appealed to the Constitutional Court to block buildings, that utilize such incentives from being constructed in their territory (Lialios, 2024).

4. Green landmarks

All the above, have started to become apparent in recent years as construction activity in the country was relaunched, after years of almost total halt. At the same time, proposals for new large-scale developments utilising the planning tool of Special Urban Plans (SUPs), as well as other types of legitimate exceptions to existing plans and regulations, are proliferating. Introduced in planning legislation, initially as Special Spatial Plans, during the crisis in the context of the so-called 'urban planning reform', SUPs '.... may modify previous Local Spatial Plans and any general and specific planning regulations applicable to the area of the project, in particular as regards permitted landuses and building codes and restrictions'[1].

The introduction of the Special Urban Plans (SUPs) legitimates bypassing existing planning provisions for projects of "supra-local scale or strategic significance", including programmes of urban regeneration or environmental protection or plans dealing with the consequences of natural disasters and when there is 'the imperative for rapid completion of first-level urban planning by the state, due to critical spatial problems that require immediate action or the prevention of the creation of ad hoc conditions, due to a lack of or inadequate planning". Special Urban Plans may be initiated by different agents, public or private, and may concern different scales of planning and different themes.

It should be noted that, the 2020 Law (Government Gazette, 2020) that finalised the specifications of SUPs, was aimed at "simplifying, accelerating and improving the efficiency of the spatial planning system" (Chapter A). Through this selective "acceleration" of spatial planning processes, the possibility of comprehensive planning and regulation of urban space is undermined or even substituted. In Thessaloniki, in particular, more than 10 such plans are currently being discussed, are at different stages of development or have already been approved, most of which are located in the central municipality and are initiated by private actors.

The most recently approved SUP in Thessaloniki (Government Gazette 734/D/15-9-2023) is indicative of the way environmental rationale is utilised to legitimate bypassing existing regulations and restrictions in force. The SUP concerns the development of an abandoned industrial complex, Kerameia Allatini, which is owned by a local entrepreneur. It envisages, for the first time in the city, the construction of a tall building 100 meters high (Figure 2). As mentioned above the maximum permissible building height anywhere in the country is 32m. The tallest building in the country so far, is the Tower of Athens which is 100m. The Tower and a handful of other buildings in Athens were mostly built during the dictatorship, taking

[1] Initially, Law 4269/2014 Spatial and Urban Planning Reform - Sustainable Development introduced the Special Spatial Plans. Then, they were amended by Law 4447/2016 Spatial Planning - Sustainable Development and took their current form in 2020 by Law 4759/2020 when they were called Special Urban Plans.

advantage of Compulsory Law 395 (Government Gazette 1968) "About building height and the system of fee-standing construction".

The choice of a tall free-standing tower, instead of the typical configuration of the urban bock, for the development of the site of Kerameia Allatini, is legitimated in the SUP on the basis of the reduction of ground coverage and the creation of a publicly accessible green park. It is also argued, that the tower endows the project with characteristics of metropolitanism and supra-locality and "materialises the concept of a landmark". The 100-metre tower will be located only 50 metres from the south side of the listed buildings of the historic industrial complex, which are maximum four storeys tall. In this case, as in other cases of SUPs, important qualities of the urban landscape seem to be undermined, and the image of the city is being transformed *ad hoc* in the name of a dubious environmental benefit. Moreover, the remaining open space, although publicly accessible, introduces a new hybrid type of public space, which is privately owned and managed.

5. Grabbing the urban landscape

According to Article 24 of the Constitution of Greece, "the formation, development, planning and expansion of cities and settlements in general is subject to the regulatory competence and control of the State, with the aim of serving the functionality and development of settlements and ensuring the best possible living conditions" (Constitution of Greece, 2019).

Figure 2 The tower proposed at the Special Urban Plan for the development of the site of Kerameia Allatini in Thessaloniki. Source: Sovitsli 2022.

Both in the Constitution of Greece and arguably throughout most of the history of urban planning, there is an implicit assumption that planning provisions, which regulate, among other things, landuse and land development, aim at promoting the common good or the public interest (Lennon, 2022). This concept is, of course, difficult to define and recent approaches to urban planning have challenged or undermined it (ibid.) However, urban plans and codes that regulate land use and development rights remain the responsibility of the state and are intended to manage urban space, to control density, height, volume, incompatibilities of landuses and contestations and thus, influence positively and equitably the urban conditions and the image of the city. Indeed, the quality of life, environmental conditions and the overall

image of the city are gradually and cumulatively produced by the development of individual plots of land, large and small, public or private.

The legal excesses of floor space and height of new buildings and of the large developments of the SUPs undermine the very identity of the landscape of Greek cities as it has been shaped since World War II, with the medium-rise building block, of predominantly 5 to 7 storeys, produced through the mechanism of *antiparochi* (see Maloutas, Siatitsa & Balabanides, 2020, Theocharopoulou, 2022) as its cell of increment. Architecture historian and theoretician Kenneth Frampton (1987, p.14) described this landscape as a "special civilised level of urban construction, without equivalent in any part of the modern world. ...a very dense and unique texture, woven, one might say, into the fabric of the 19th century, with the weave of a disciplined modern building regulation, which determines both the coverage of the plots, and the height of buildings."

The incentives of the NBC may contribute to achieving the global mandate of reducing greenhouse gas emissions and, thus, mitigating climate change in a measurable manner. However, the environment is not only planetary and measured, but also local and lived. These provisions cumulatively undermine the urban landscape, the image of the city as perceived in the neighbourhoods where city residents live their everyday lives and the environmental conditions of the immediate urban environment (Papageorgiou, 2022). At the same time, the loosely controlled property-led developments facilitated by SUPs, often adopting an environmental rhetoric and a "greening" agenda, introduce new scales and typologies of development to the fabric Greek cities and greater building heights.

The environmental incentives for the development of individual urban plots, the incremental cell of urban development, combined with the large developments of SUPs prescribe the new incoherent landscapes of "urban green grabbing", which is dotted with unpredictable "green landmarks" and new types of public spaces. Through the planning tools of the period of economic crisis, the objective of environmental upgrading of the building stock and improvement of the environmental conditions in cities became inextricably linked to the mandate of accelerating processes of land development and, thus, boosting the economy. A more flexible framework for the production of the urban landscape, is thus sought after, one that encourages more investment on construction and partially outsources the obligation to produce public space to private investors. The open spaces produced, which in some cases may not even be accessible to the public, depart from the traditional model of publicly owned and managed public space and shift to different hybrid models, whose "publicness" is debatable.

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