



FOREST “SWALLOWING” CITY: THE ADVENTURES OF MASTER PLAN OF KAVALA IN THE CROSSROADS OF GREEK LEGAL FRAMEWORKS FOR SPATIAL PLANNING AND FOREST PROTECTION

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ABSTRACT

The effects of excessive planning regulation on planning implementations have been often analyzed in planning literature and presented in planning conferences. Rigid legislation and lack of flexibility in policies have often proved to be one of the gravest impediments in implementing good planning, effective, and supported by the public which is planned for. Administrative structure and local conditions can also play a decisive role in the final quality of planning outputs.

The present article analyzes a case study quite indicative of the controversies which might accrue from strict and restrictive legislation, high degree of bureaucracy in administrative procedures, and lack of horizontal coordination between administrative sectors. The specific case is particularly interesting because it upsets the usual phenomena of urban sprawl consuming and destroying rural land, and goes to the opposite direction, with forest “threatening” parts of the city, legally developed and with official urban plan.

The case study refers to the revision and expansion of the Master Plan of the City of Kavala, in Greece, which is in its final stage of approval. Kavala is surrounded by forest areas which constitute a buffer zone around the city. The Department of Forests is managing the forest area and is responsible for the implementation of the legislation regarding protection of forest land. It has also veto power, concerning the preparation of the Master Plan of the city, in cases where urban expansions are planned on forest land. The characterization of forest land, according to the relevant legislation, does not apply only to present forests but also to land that appeared as forest in the first maps of the Department of Forests, since 1920s and 1930s. In the case of revision/expansion of the Master Plan of Kavala, the Forest Department went few steps further than vetoing urban expansions. They claimed that part of the urban zones of the existing Master Plan and the related City Plan -officially approved since 1980 and developed with legally valid building permits thereafter- was forest land, and should be excluded from the urban zone. Furthermore, they based their claim on legal grounds stemming from the constitutional protection of forest areas. This created a legal paradox, since “de-urbanization” of this kind is not provided by planning legislation, and –according to decisions of the Council of the State- is illegal.

This article will analyze the legal aspects of the above deadlock, will examine its sociopolitical and economic consequences, and will refer to an innovative approach proposed by the planning team to overcome it, which could be used as exemplar for similar cases.

INTRODUCTION

The general framework

According to a number of theorists, governance refers to the set of rules, processes and behaviours affecting the way in which powers are exercised. It includes the State, the private sector and the civil society. Governance is the result of the written and unwritten policies, procedures, and decision-making units that govern processes at different levels and control resource allocation within and among institutions. It involves interaction between formal institutions and those of civil society, the complex mechanisms, processes, and institutions through which citizens and groups articulate their interests, mediate their differences, and exercise their legal rights and obligations. In the governance area the State (both central and local) creates a conducive political and legal environment, the private sector generates jobs and income, the civil society facilitates political and social interaction -mobilizing groups to participate in economic, social and political activities. (Campbell, Hollingsworth, and Lindberg 1991; Hollingsworth, Schmitter, and Streek 1994; Hyden 1992; Kooiman 1993; Rhodes 1996, 1997).

Urban governance refers to local governments, urban society and citizens. It assumes a multiple stakeholder scenario where collective problems related to quality of urban life issues can no longer be solved only by public local authorities but require co-operation of other players (citizens, administrative sectors of various levels and specializations, business, voluntary sector, media, etc.), it deals with formal rules (laws, regulations, plans, programs) and informal rules (codes of ethics, customs, traditions). Urban governance is inherently political, concerned as it is with the interplay of stakeholders. (Pierre, 1999; Evangelidou, 2002).

Planning regulations, policies and implementations are interacting and interrelated sectors of urban governance. Their structure and functional characteristics constitute important operative factors directly affecting the level of quality of urban governance. Inversely, the analysis of the various levels of actions generated by urban governance practices may explicitly interpret the interplay of planning regulations, policies and implementations in urban functions.

The present article focuses on the effects of excessive planning regulation on planning implementations. Rigid legislation and lack of flexibility in policies have often proved to be one of the gravest impediments in implementing good planning, effective, and supported by the public which is planned for. Administrative structure and local conditions can also play a decisive role in the final quality of planning outputs. On a first level of approach, case studies may exhibit these effects in a powerful and persuasive way. Their full interpretation, though, may be achieved on a second level of approach, by relating them to the analysis of the various levels of actions generated by urban governance practices. In this way, the link connecting theory and real life implementations may be completed.

Levels of action related to urban governance

Actions related to urban governance can be analysed in three levels. These levels, as slightly reframed by Toonen (1990) and described by De Jong et al (2002), are:

- *The constitutional level:* the whole set of legal and socio-cultural conditions, rules, norms and values that provide the context in which decision making processes and relations take place. Hesse and Benz (1990) call these *Grundregeln* (ground rules). These are rules of conduct or procedure governing the affairs of a community and enforced by a political authority. (The American Heritage[®] Dictionary of the English Language: Fourth Edition. 2000). These rules are comparatively “static” in not encapsulating change in action, variety or dynamic development.

- *The level of policy areas:* The system of financial, political and organisational relations between various social, economic, administrative etc. actors within a state structure. In this study, this level coincides with a policy sector and refers to plans or courses of action, as of a government, political party, or business, intended to influence and determine decisions, actions, and other matters. (The American Heritage[®] Dictionary of the English Language: Fourth Edition. 2000). Policies are used in order to achieve goals or objectives, they are more flexible than laws, they might propose alternatives, they are not enforced by threat of punishment if violated, and they have to be supported by active participation of concerned agents, as a prerequisite for their implementation.
- *The operational level:* the whole set of exploratory activities, procedures, techniques and administrative forms used by individuals within the constitutional and institutional framework. This operational level concerns the concrete process of decision-making.

The above three levels of action complement each other in the course of exercise of urban governance. The degree of their balanced coexistence and interaction constitutes a significant success factor for the attempted action(s). In planning, laws usually set the constitutional framework within which planning policies are introduced and planning practices are implemented. They have a supportive role to planning policies and they aim to secure good planning practices and urban and regional development, towards desired destinations.

THE GREEK GENERAL CONTEXT

In contemporary planning history of Greece, effective coexistence and complementary function of policies and laws were seldom achieved. This has affected a lot effectiveness in planning implementations. The relationship of laws and policies in planning and their dependency on specific factors were analyzed through the description of subsequent periods of “planning eras” (Lalenis, 2001) and to the identity of Greece as a member of specific “families of nations” (Newman and Thornley, 1996). Greece, as it concerns legal style, it has elements of both, the Napoleonic and the Germanic families. Consequently, there are differences in the legal style of various laws, and this depends a lot on the sector of administration which introduces them.

Greek State was developed as a very centralized organization, exercising powers and maintaining control over all sectors of public life. Although a capitalist society with conservative governments for the most of its history, the state developed a system of patron-client relations with the lower and middle class strata who became strongly dependent on it, in such a way that their main interest "was not so much in increasing production and in planning the economy but in the strengthening of their position in the state apparatus for the purpose of directly appropriating the surplus" (Tsoulouvis, 1987). For this purpose, a high degree of vertical cooperation was maintained within the State apparatus, but horizontal cooperation was –and still is- minimal. Administrative sectors traditionally have been operating in “vacuums of power”, avoiding any coordination in their function with other sectors, with which they might share overlapping fields of activities. In this way, they were securing their monopolies of power in specific sectors of society. In attempting a reference to the levels of action related to governance (as mentioned above) one can conclude that in such a centralized system, interaction of administration with various stakeholders, public, local authorities etc. was inevitably reduced to a minimum, while the State was retaining the right to control actions by legislating – something for which it had the exclusive responsibility. Thus, the constitutional level seemed to be dominant while the level of policy areas was underdeveloped, and the operational level remained under total control of the various sectors of the State, but still, greatly ineffective. Here it has to be noted that this last level was often the arena of conflicts between antagonizing sectors of the State in their efforts to maintain their vacuums of power.

LEGISLATION, STRUCTURE, CONSULTATION, AND FOREST PROTECTION AND MANAGEMENT IN MASTER PLANS

The backbone of urban planning legislation currently in Greece is Law 2508/1997. According to it, urban planning is expressed in two levels of plans: the first level consists of plans with a strategic character and general directions about land uses, survey of existing conditions, forecasts, alternative ways of development, organization of financial resources, protection of the environment and sustainable development, priorities and phasing of implementation etc. Master Plans of urban areas constitute part of this level (Melissas 2007). The second level consists of plans characterized by design of greater detail of physical characteristics, larger scales of plans, building regulations, and definition of sites of specific uses (schools, nurseries etc.). It includes city plans and revision/extension of them, implementation acts, and special types of studies, such as neighborhood revitalization, brownfield regeneration etc.

Master Plans –which are in the focus of this paper- have a certain structure consisting of three phases: the first contains the analysis of the study area and the preliminary proposal(s), and the other two contain the final proposal and the implementation programme (YPEHODE, 2000). Their area of concern is the area within the administrative boundaries of a municipality. Thus, they deal with the urban environment, the peri-urban zones, and the non urban land of various uses of the municipality (agricultural land, industrial areas, forests etc.). Master Plans are implemented by the related municipalities. Their preparation is organized and supervised by the municipality of reference, but they are approved (promulgated) by the central government, and specifically, by a regional branch of it, the “Decentralized Administration”. The official approval of a Master Plan is made with a Presidential Decree which is published in the Official Journal of the Greek Government (FEK).

Part of the preparation of a Master Plan is the consultation process. It is compulsory mainly at the end of the second phase, where the final proposal and the implementation programme are presented. The outputs of the consultation are then used as inputs for the third and final phase that leads to the promulgation. Consultation is organized by the municipal council. Most times it is rather rigid, since “official” participants are only authority consulter groups and organizations (Lalenis, 1993), as well as administrative departments. Means of consultation are restricted to public presentations, and final decision is made by the Decentralized Administration. Input by the municipal council and the other participants, is only of advisory nature, and it is submitted in the type of written comments, remarks and proposals to the regional administrative unit. Consultation broader than the above is voluntary, and it comes as a common decision of the municipality and the planning team.

The predominant nature of the constitutional level of action even in this type of consultation is apparent, since the organization of consultation in the specific points of plan preparation process, the list of “official” participants, the details of submission of written remarks etc. are prescribed by law, and any diversion might lead to the nullification of the Master Plan. At the same time, other elements as flexibility in timing and phasing, variety in participation strategies, positive discrimination in “sensitive” social groups etc., are usually excluded from the compulsory parts of consultation, and this considerably weakens the level of policy areas of action.

It is crucial for the comprehension of the case study which follows, to mention that according to related legislation, participants in consultation are supposed to submit their written input to the municipality within a period of two months after the official public presentation of the Master Plan. In case that some participants fail to meet the deadline, it is assumed that they agree with the presented proposals and the process goes on. This bears an element of possible contradiction in cases that one or more of the departments and administrative units which fail to meet the deadline, might be dealing with uses of “special protection”. These are legally designated, and as such, of particular importance for the

preparation of a Master Plan. Their main categories are: forests, archaeological sites and cultural heritage, sensitive environmental areas, agricultural areas of high productivity, and military installations (Melissas 2007). They are protected by the Constitution and any intervention related to them in the Master Plan has to be approved and co-signed by their equivalent department or ministry, otherwise the Master Plan may be nullified. These categories are indicated in Master Plans as ASP (areas of special protection –PEP in Greek)) followed by the specification of their nature (i.e. ASP of forest land).

Forests, in particular, have been a sensitive “heel of Achilles” in Greece in the last decades, since there have been suffering mass destruction by illegal woodcutting, illegal housing, and fires¹. (Kathimerini, 2007). The fires of August 2007 where huge forest areas were burned, human lives were lost, and many villages were destroyed, shocked people all over the world. Consequently, protection of forest ecosystems constitutes a major social, political and financial matter in Greece.

The characterizations as “forests”, or “forest land”, or “areas for reforestation” are legally specified for areas which are not urban, they are not included in city plans, and they do not bear any other characterization such as archaeological sites, natural or cultural monuments, or areas of designated land uses of important technical nature. The Greek legal order has an adequate legislative framework of forest protection, while the constitutional amendments of 2001 provided provision for an official record of forests (forest cadastre), the prohibition of the alteration of the nature / characteristics of forests and woody lands, and the compulsory process of reforestation of destroyed forests and woody lands. Given the context of the above constitutional commands, the Council of the State (CoS), came forward with adjudications aiming to prohibit any kind of development in forests. CoS decisions adjudged that inclusion of forest areas in existing city plans or future extensions of them, is, under any circumstances, unconstitutional.

For the areas for reforestation, in particular, CoS ruled that they should regain their initial form as forests, prior to any consideration of altering their official characterization and accommodate other land uses. Reforestation, when declared, is compulsory and it includes both public and private forests. Legal experts claim (Zigouri, 2008) that compulsory reforestation might become a disproportional burden on private property since, according to decisions 576-577/2006, and 3848/2005 of CoS, no right of compensation arises because reforestation doesn’t constitute expropriation of any sort, doesn’t imply any change of property status, and hence, there is not any cause for reduction of its value. Nevertheless, the declaration of a private area as an area for reforestation repositions this area in a new category where any other land use apart from the reforestation is prohibited. Thus, it is reasonable to expect a reduction of its real value which could justify a demand for reasonable compensation. Even so, though, compensation could be problematic, since inability of the municipality or the state to reimburse the land owner, would not mean nullification of compulsory reforestation.

Given the up to now absence of a Forest Cadastre, supported by clear, updated maps, designation of areas as forests, forest lands, or areas for reforestation has always been the exclusive responsibility of the Forest Departments and the Ministry of Agriculture and Forests. Decisions of this kind were at risk of been inaccurate, since they were based in either old (since 1930) administrative acts without attached maps, or in old maps of a scale 1:50.000. Furthermore, they could not be contested in administrative procedures, but only to the highest levels of Judicial hierarchy, in the Supreme Court. This made any appeal or objection to such decisions practically impossible. It is only recently that a new law, Law 3889/2010 “Financing environmental interventions, Green Treasury, Forest Cadastre, and other arrangements” allowed for some possibilities for change. According to it, new and technologically sound forest maps are supposed to be created for all Greece, with certain procedures

¹ “Transgression of 200.000 ha in East Attica” It is estimated that more than 3,5 million ha of forest land have been transgressed so far, for housing and agricultural development, while the arbitrary houses occupy about 1,5-1,7 million ha. Kathimerini Journal, 1.12.2007, p.8.

and certain ways of financing them. In their final stage of preparation, they will be exhibited to the public, and a process of appeals is prescribed, similar to the equivalent for the preparation of city plans.

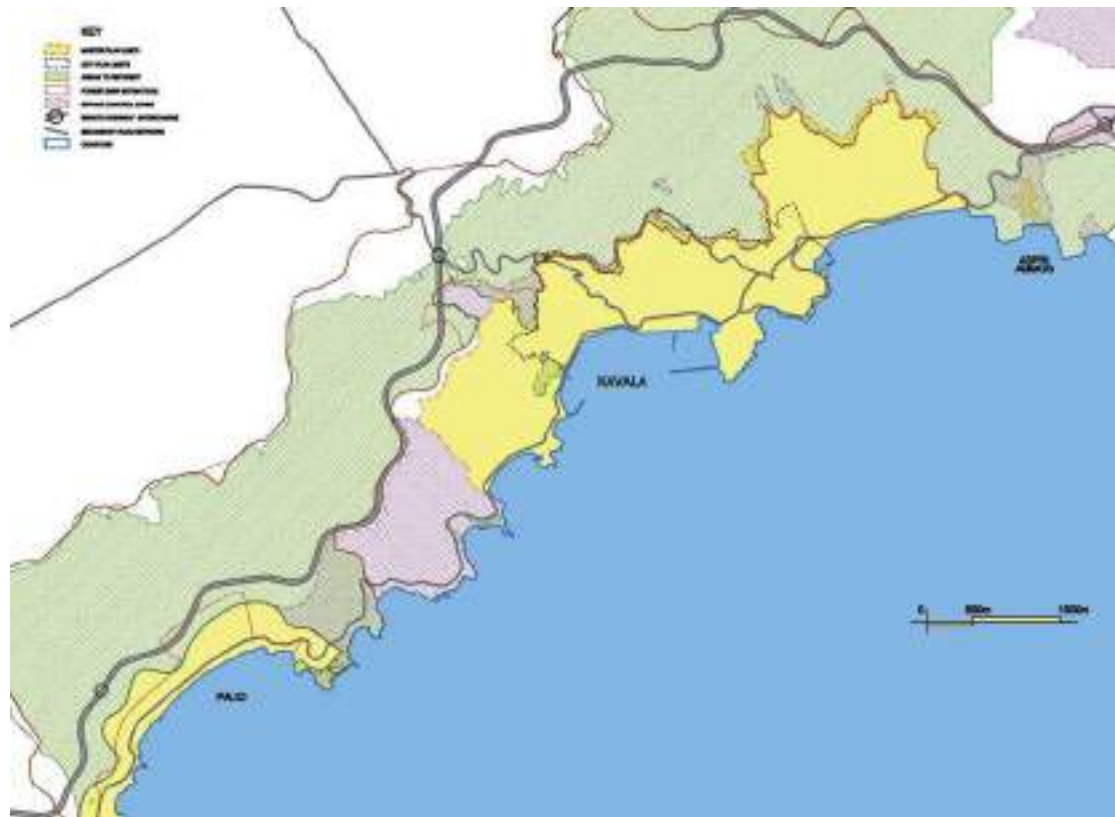
THE CASE STUDY: FOREST OVERTAKING URBAN AREAS IN THE MASTER PLAN OF KAVALA, GREECE

Kavala is the second largest city in northern Greece, and the principal seaport of eastern Macedonia. It is situated on the bay of Kavala, across from the island of Thassos, and on the southern slopes of Symvolon mountain. Its population size (80.000 people) classifies it as a middle sized city. Kavala is the major tourist center in North Eastern Greece, a transportation node where seaways, air transport, the Egnatia international motorway, and rail transport meet.

The first urban planning in Kavala was recorded during the Ottoman Empire, when Kavala was a major tobacco elaboration and exportation center. A City Plan, in the form of a map, was made in 1929, and subsequent revisions and extensions were prepared in 1936, 1939, 1958, 1980, and 1989. The first Master Plan was approved in 1987 and the last revision / extension of the City Plan (1989) were conducted according to the guidelines of the Master Plan (Loukakis, 1997).

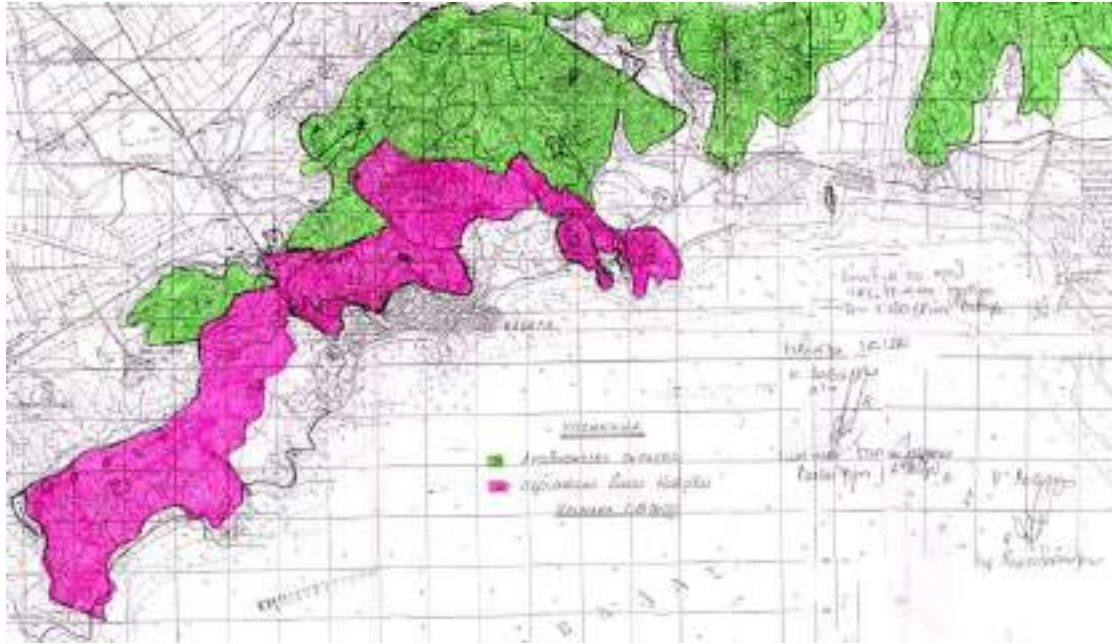
The city boundaries were set by the Master Plan, and in particular points -mainly in the northern part of the city- they concurred with the boundaries of the surrounding forest land and reforestation areas. A big part of these boundaries was later consolidated by the construction of the Peripheral Road Axis of Kavala. Other areas surrounding the city were designated as zones of “mild” tourist development, peri-urban zones designated as future extensions of the City Plan, and peri-urban green belts.

A revision-extension of the Master Plan of Kavala started at the end of 2006, and it was financed by E.C. Structural Funds (Operational Programme “Environment” - EPPER). At 2008 the final proposals were brought up for consultation (see above in page 4). The Department of Forests and Forestlands, to whom the proposals were sent, responded with a document and an attached map, which set fire to the preparation process. According to it, areas assigned by the approved Master Plan as residential areas, and developed as such since 1987, were now characterized as areas for reforestation, suggested to appear in the Master Plan as “areas of special protection – reforestation areas”. Similarly, areas designated as zones of tourist development, social infrastructure, and social housing by a Presidential Decree of 1989 (ZOE) for development control around Kavala -and developed as such since then- were also characterized as reforestation areas. The above assertions were made despite the fact that the long period of implementation of the Master Plan and the subsequent City Plan had created significant legitimate interests in land owners who invested mainly in residences, in good faith for the reliability of the administration. The Department of Forests based the legitimacy of their demands in the assertion that both the approved Master Plan of 1987 and the 1989 P.D. (ZOE) were invalid, at least at their parts dealing with forests and reforestation, since in neither of them there was written approval and co-signing of the Department of Forests for these matters. In the map of the Forest Department the – supposed to be- boundary of the reforestation areas was set inside the urban area, separating, thus, part of it from the rest of the city.



Map 1. Land uses in the Master Plan of Kavala and the new boundaries of reforestation areas set by the Forest Department. (Elaboration by authors).

Investigation of the claims of the Forest Department in the archives of the preparation of the Master Plan and the ZOE P.D. during the period 1984-1989 revealed that the Forest Department had received written invitations and had participated in all the consultation meetings that were organized. It had also been invited to submit its written comments, remarks, corrections etc. in the two months period prescribed by the legislation (see also page 5 above). The Forest Department had never submitted written remarks because, –as they invoked at that time- the maps in their disposition were old and of a scale 1:50.000, and thus, it was impossible to express an opinion about the Master Plan proposals. The mentioned maps were only in paper, since they were attached to Regulatory Acts of Reforestation approved at 1927, 1948, 1956, 1962, 1979, 1980, and 1981. Nevertheless, since no comments had been received by the Forest Department in the two months period, the preparation of the Master Plan went on, assuming that there was consent for the proposals (see also page 5 above).



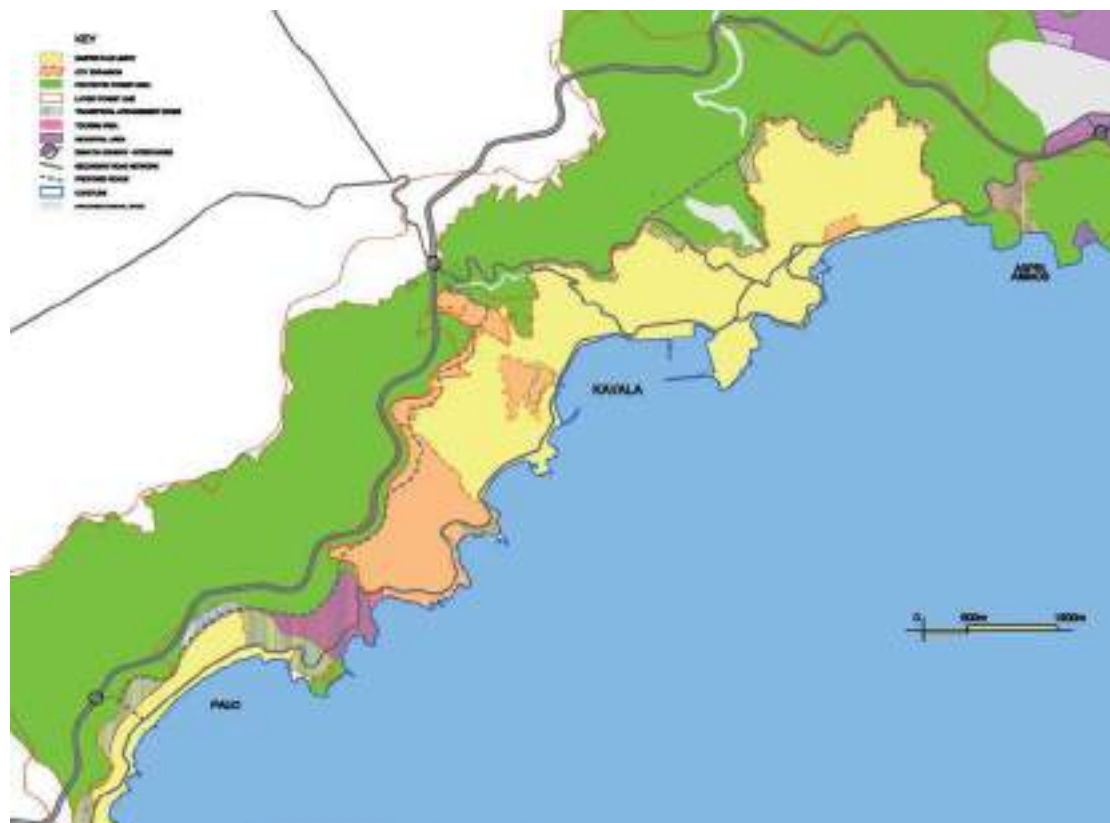
Map 2: Sample of the 1:50.000 maps of the Forest Department attached to Regulatory Acts of Reforestation (copy of the original).

The map which was attached to the document sent by the Forest Department to the Municipality of Kavala as part of the deliberation process for the revision – extension of the Master Plan was prepared in 2008 in digital form. The designation of the boundaries, though, was still based in the preexisting old paper maps, while the officially approved Master Plan of 1987 and the ZOE of 1989 were not taken under consideration². The legal consequences of the intervention of the Forest Department could be grave, because –among other things- existing constructions with legal building licenses would have their legitimate status jeopardized, the new Master Plan would be at risk due to the expected reactions of the local residents, while the “de-urbanization” of areas included in approved urban plans is not provided by the relative legislation.

The inaccuracies in transferring the boundaries of the reforestation areas from the old paper maps to the digital map of 2008 were also indicated in the report of a team of experts, assigned by the Municipality of Kavala at the end of the same year. The team found that the reforestation area declared in the Regulatory Acts of Reforestation was smaller than the one shown in the digital map by 628,4 ha. Another issue which came into question was the one of the legal capacity of the mutually refuting documents. Master Plan and ZOE were officially approved by Presidential Decrees, while the document of the Forest Department was not an official administrative act, and it could be disputed on the grounds of expressing only individual opinion. On the other hand, protection of forests is clearly supported in the Constitution, and until recently, the Forest Department was the undisputed guardian of the constitutional provisions. Finally, appeals against the decisions of the Forest Department –as prescribed in Law 3889/2010- could not be implemented in the preparation of the new Master Plan because: a. they were specifically prescribed for the preparation of the Forest Cadastre and only for this, and b. the study for the Forest Cadastre for the areas surrounding Kavala was not expected before 2014. This was too late for the Master Plan since it was supposed to finish by the end of August 2012, according to the E.C. programme that financed it.

² When asked for the reasons that the Master Plan and the ZOE P.D. were not taken under consideration in the new forest maps, the director of Forest Department claimed that their legal obligation was to abide just to the Forest Code. He also declared their “right to ignore” the Master Plan and the ZOE P.D., since the Forest authorities had not co-signed for their approval.

Given the above, the planning team who prepared the Master Plan proposed a way out of the deadlock. According to it, the zones in dispute would be characterized as “Zones of Transitional Arrangements” with abeyance of building permits (new or revised) for a period until the preparation of the Forest Cadastre in these areas. Then, they would go through the process of appeals, and the outcome would become their permanent status by a revision of the Master Plan. This proposal was thought to be flexible enough to allow the Master Plan to be approved on time, while the future use of the disputed zones would be decided by a legal process accepted by the Forest Department. In the meanwhile, there would be no construction activities –something that was also close to the demands of the Forest Department. The difference between the proposed transitional status and the status of “zones of special protection” (PEP) –as demanded by the Forest Department- was that if characterized as PEP, these zones would be almost impossible to become again urban zones, since this changes are not considered to be an improvement for the environment³, and the modifications would not have any justification.



Map 3: “Transitional zones” as proposed by the planning team (elaboration by the authors).

There is also a recent opinion of the Legal Advisory Council of the State (340/2011) related to the above, which states that residential areas included in officially approved urban plans and developed accordingly since then, which for some reason they were not co-signed by the Forest authorities, they should be considered as lawful urban areas and they should continue with their urban functions.

The planners’ proposals and the above opinion of the Legal Advisory Council of the State were notified to the Forest Department which, in turn, responded to the Municipality of Kavala with the 25714/27.1.2012 document, rejecting the proposals and reaffirming the initial claims for the characterization of the areas in dispute as “zones of special protection – reforestation areas” (PEP). In several consequent meetings organized by the Municipality of Kavala and the Decentralized Administration of Macedonia-Thrace, there was no way out of the deadlock. It seemed as different participants were using different languages to communicate, with inevitable result the lack of

³ This is according to successive related decisions of the Council of the State.

communication. It is characteristic that when the representatives of the Forest Department were asked about a possible procedure to change the characterization of the disputed areas from reforestation to urban uses, they responded that in order to do so, all constructions would have first to be demolished, forest should be recreated, and then the process of changing characterization could commence!! This, of course, was the “sticking to the letter” and “narrow” interpretation of the related decisions of the Council of the State⁴, which, applied under the specific circumstances, seemed totally unreasonable.

Currently, no progress has been made towards resolving the above stalemate. The Forest Department insists in its proposals, but apart from stopping the revision of the Master Plan from being approved, it hasn't taken any legal initiative to nullify the old Master Plan and stop constructions in the disputed zones. At the same time, building permits are being issued as regularly, and the E.C. programme financing the study of the Master Plan (EPPER) is rapidly approaching at its end (end of August 2012). This means that if the project hasn't finished until then, the Commission will demand the money paid for the project, back from the Municipality of Kavala.

CONCLUSIONS

In an attempt to analyze the case study of this paper and relate it to a theoretical framework, one should attempt an investigation in the character of the Greek State. It is developed as a very centralized organization with a complex bureaucracy and an overgrown and ineffective public sector. Parts of it have been operating in sub-sectors developing “vacuums of power”, and avoiding any coordination with other sectors. In this way they secure their monopolies of influence on specific sociopolitical and economic actors (Tsoulouvis, 1987). Inevitably, interaction with various stakeholders –beyond their “clientele”- such as public groups, local authorities etc. is usually reduced to a minimum, while the State is retaining its exclusive right to control actions by legislating. Legislating, on the other hand, is not effectively coordinated between the various administrative sectors, so that controversies and mutual retractions of pieces of legislation are not rare. In the sphere of implementations, administrative sectors often choose to exclusively implement some laws and ignore others, depending on which ones secure their position in the arena of governance. The above structure and function are grave impediments for the generation and evolvement of effective and innovative policy initiatives.

Planning, as an important element of urban governance, also suffers from the above. In contemporary planning history of Greece, effective coexistence and complementary function of policies and laws were seldom achieved. Planning was mostly attempted by legislation and not by policies because: 1. local administration had few rights and responsibilities in planning and even fewer resources. This disadvantageous position led to inability to formulate policies on the local level, which is the most suitable environment for such. 2. Central government was not in favour of genuine and broad participation processes in planning that has always been a prerequisite for effective policies. To the contrary, they were introducing laws that were not negotiable, did not necessitate participation and were enforced by authority. Furthermore, they could vacillate between conflicting and contradictory laws, bylaws, modifications of laws, and implementations of laws, initiated and implemented by different centers of authority (Ministries), or by different political parties, with related and partly overlapping subjects, in a complex system which, amidst the antagonism of institutions, guarantees a “monopoly of knowledge” (Voivonda et al, 1977, Athanasopoulou, 1998). Rigid legislation and lack of flexibility in policies have often proved to be one of the gravest impediments in implementing good planning, effective, and supported by the public which is planned for. Administrative structure and local conditions can also play a decisive role in the final quality of planning outputs.

⁴ For the areas for reforestation CoS ruled that they should regain their initial form as forests, prior to any consideration of the possibility to alter their official characterization and accommodate other land uses.

The case study of this paper seems to provide explicit examples of the above statements. It is quite indicative of the controversies accruing from the interaction of excessive planning regulation on planning implementations, lack of horizontal cooperation between sectors of administration and local government, conflicting laws, and lack of policies in the domain of urban governance.

In attempting a reference to the levels of action related to governance (as mentioned in the introduction of this paper) one can conclude that in the case study the constitutional level seemed to be dominant. Antagonism of institutions (Municipality of Kavala and the Forest Department) was expressed by contest of the legal arsenal of each side. Furthermore, the might of each one of the two actors was not tested in a consultation process where other stakeholders (and especially not of the type of *consulter goups*) (Lalenis 1993) could also play a significant role, but according to the relevance of the legal tools that they were using to elements and levels of the hierarchy of the Legal Code of the Greek State (the Constitution, the Council of the State). In these conditions, the level of policy areas was rudimentary. Few attempts were made from the side of the planning team studying the Master Plan, and the Municipality of Kavala to formulate a policy approach that might lead to mutual compromises and help to overcome the deadlock, but they were easily discarded by the Forest Department which insisted in the by-the-letter implementation of the forest legislation. Finally, the operational level, which is usually the reflection of the antagonisms of the other levels, went to –and still is- a total stalemate, which is further threatened by the deadline of the end of August 2012, when the Master Plan is supposed to have been approved. Conclusively, the lack of coordination and complementarity among the three levels of action predefines the failure of the particular act of urban governance.

BIBLIOGRAPHY

Athanasopoulou, E., 1998. Greek Urban Planning and Local Agenda 21. *Topos, Review of Urban and Regional Studies*, Vol. 15/98, Athens.

Aravantinos, A., 2007. *Urban Planning. Towards a sustainable development of the urban area*. Kritiki publications, 2nd Ed., Athens.

Campbell, J. L., J. R. Hollingsworth, and L. N. Lindberg, eds. 1991. *Governance of the American economy*. Cambridge: Cambridge Univ. Press.

De Jong, M., Mamadouh, V., 2002. Two contrasting perspectives on Institutional Transplantation. In *Lessons in Institutional Transplantation: How adoption of foreign policy institutions actually works*, edited by M. de Jong, K. Lalenis, V. Mamadouh, Kluwer Academic Publishers, 19-32. The Geojournal Library.

Economou, D. and Petrakos, G., 1999. Urban Development and Planning Organization Policies in Greece. In: D. Economou, G. Petrakos, eds. *The Development of Greek Cities*, Gutenberg, Volos.

Evangelidou, M., 2002. New types of Urban Governance in Greece. Conclusions from experimental implementations in Athens. Presentation in conference *Space and environment: globalization, governance, sustainability*. *Topos magazine*, Athens.

Hesse, J.J., & Benz, A., 1990. *Die Modernisierung der Staatsorganisation, Institutionspolitik im internationalen Vergleich: USA, Grossbritannien, Frankreich, Bundesrepublik Deutschland*, Baden-Baden: Nomos Verlag.

Hollingsworth, J. R., P. C. Schmitter, and W. Streek, eds. 1994. *Governing capitalist economies*. Oxford: Oxford Univ. Press.

Hyden, G., 1992. Governance and the study of politics. In *Governance and politics in Africa*, edited by G. Hyden and M. Bratton, 1-26. Boulder, CO: Lynne Rienner.

Kathimerini, 2007. Transgression of 200.000 ha in East Attica. Newspaper article, 1.12.2007, p.8., Athens.

Kooiman, J., ed. 1993. *Modern governance*. Newbury Park, CA: Sage.

Lalenis, K., 1993. *Public Participation Strategies in Urban Planning in Greece after the "Urban Reconstruction Operation - 1982-1984". Comparison of Theory and Practice*. Ph.D. Research Topic, University of Westminster, London, England.

Lalenis, K., 2001: Planning by decree: incompatibilities of planning laws and planning policies in Greece, during the 20th century. Analysis, perspectives. Paper for World Planning School Congress *Planning at the Turn of the Century*, Shanghai. Available at: <http://www.eukn.org/binaries/eukn/greece/research/2005/10/lalenis.pdf>.

Loukakis, P., 1997. Spatial Planning and Regional Development in the Prefecture of Kavala. Prefecture of Kavala, Kavala.

Melissas, D., 2007. The General Development Plan and the land uses. Propombos, Athens.

NEWMAN, P. and THORNLEY, A., 1996. *Urban Planning in Europe: International competition, national systems and planning projects*. London: Routledge.

Pierre, J., 1999. Models of Urban Governance: The Institutional Dimension of Urban Politics. *Urban Affairs Review*. Sage Publications 34:372.

Rhodes, R.A.W., 1996. The new governance: Governing without government. *Political Studies* 44:652-67.

Rhodes, R.A.W., 1997. *Understanding governance: Policy networks, governance, reflexivity and accountability*. Philadelphia, PA: Open Univ. Press.

Toonen, Th. A. J., 1990. *Internationalisering en het openbaar bestuur als institutioneel ensemble, naar een zelfbestuurskunde*, 's-Gravenhage: VUGA.

Tsoulouvis, L., 1987. Aspects of Statism and Planning in Greece. In: *International Journal of Urban and Regional Research*, Vol. II, No 4.

Voivonda A., Kizilou V., Kloutsinioti R., Kontaratos S., Piriotis Y.: "City and Regional Planning in Greece. A historical Survey". *Architecture in Greece*, No 11, 1977, (Gre.)

YPEHODE (Ministry of Planning and the Environment of Greece), 2000. *Ministerial Decision 9572/1845/00 FEK-209/D/7-4-00*, Athens.

Zigouri, F., 2008. The increased Constitutional protection of forests towards sustainable management in Greece. The disproportionate consideration of property and its housing development. Presentation in Planning Law and Property Rights Academic Forum conference, Feb. 13-15, Warsaw.

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