



SWOT Analysis of Land Use Policy Environments in Relation to Temporary Use

SEEDS Workpackage 3
University of Sheffield



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Executive Summary

In order for SEEDS to inform the development of public policy at a transnational level with respect to the temporary use of land and buildings it is necessary for the project to develop a common understanding of how public policies influence temporary use within each of its six partner nations. This report presents the findings of twelve SWOT analyses of public policies that have had a significant impact upon the temporary use practice in each of the SEEDS partner nations: Belgium, Denmark, Germany, the Netherlands, Sweden and the United Kingdom. Six of the policies analysed are applied at a national level, three at a regional level, and three at a local level. The report is structured as follows.

First, the methodology employed in the data-gathering phase is outlined. Second, the character and performance of each policy is evaluated. This evaluation chapter is structured according to three criteria: (a) the policies are subdivided according to the geographical scale at which they apply (local, regional, national); (b) at each of these scales policies are subdivided into two groups, those that SEEDS partners indicated should be considered 'good' or 'best' practice with respect to their overall impact on temporary use, and those they identified as being 'adequate' or 'inadequate' practice; finally, in accordance with the SEEDS project's conceptual framework, (c) each policy is presented as a case study structured according to seven crosscutting drivers of policy performance.

Fourth, the results of the preceding evaluation are analysed drawing attention to: (a) specific practices within each policy identified as having been particularly successful (i.e., good / best practices) with respect to fostering temporary use; and (b) those regarded as having had a particularly negative impact and that should be avoided (i.e., inadequate practices). The seven crosscutting drivers of policy performance structure the analysis of each of these

two categories of practice. Finally, conclusions are drawn. Internationally transferrable good / best practices—at the local, regional, and national policy scales—with respect to supporting / fostering temporary use of land and buildings are identified, and the policy environments of each of the SEEDS partner nations with respect to temporary use are briefly outlined.

Two overarching questions are central to the SEEDS project and guided the analysis underpinning this report:

1. **How does the extant policy environment contribute to the enterprising and sustainable use of vacant / derelict / stalled sites?**
2. **Is the extant policy environment capable of stimulating the use of vacant / derelict / stalled sites in an enterprising and sustainable way?**

The first question is addressed by this report through the identification of good / bad practices in the policy environments of the SEEDS partner nations, which is presented in the report conclusions.

With respect to the second question, it is clear that temporary use is emerging as a policy priority within the majority of SEEDS partner nations. However, there is variance with respect to whether policy support for temporary use emanates from the bottom-up (i.e., local / regional scale) or top-down (i.e., national scale) policies. This report argues that increased intra-national and transnational sharing of good / best practice with respect to fostering temporary use—such as that identified in this report—would encourage a more consistent policy approach at all geographical scales. A consistent policy approach at all geographical scales is important, because temporary users often have limited resources, time, and expertise in property development. Therefore, complex policy environments can serve to inhibit the mobilisation of temporary use projects.

1 Introduction

One of the goals of SEEDS is to use its findings to inform the development of public policy at a transnational level with regard to the temporary use of land and buildings. In order to achieve this ambition it is necessary for the project to develop a common understanding of how public policies influence temporary use within each of its six partner nations (Belgium, Denmark, Germany, the Netherlands, Sweden and the UK). By comparing and contrasting the policy environment of each of these nations, opportunities for improvements to existing best practices can be identified and shared.

This report presents the findings of SWOT analyses of public policies that have had a significant impact (either positive or negative) upon temporary use within each of our six partner nations within the past 5 years. The SWOTs were completed by SEEDS partners and collated by the University of Sheffield. This report evaluates the policies examined by SEEDS partners against seven crosscutting drivers of policy performance (see below) developed as part of the project's conceptual framework. The commonalities and differences between the policy environments of the SEEDS partner nations with respect to temporary use are examined. Policy approaches identified by SEEDS partners as being particularly successful (i.e., good or best practice) are highlighted. This report is not a critical assessment of temporary use. It takes the default position that it has a positive impact upon land and property development and as such should be encouraged.

Public policy can be broadly understood as the courses of action and principles that guide any level of government or its representatives on a given topic (e.g., temporary use). Public policy can be manifest either in what the government chooses to do (actual policies) or chooses not to do (implied policy) in response to an issue or problem. Therefore, it is important to consider how public policy is expressed through both formal instruments (e.g., laws, administrative practices, regulatory measures, funding priorities, taxation, and executive or judicial orders, etc.) and informal practices (e.g., habits, norms, attitudes, and values) and to reflect upon the actions that government and its representatives do not take, as well as those that they do take.

Land-use is influenced by a wide range of public policies that may be developed at, and seek to influence, different spatial scales (i.e., local, regional, national, international). Land-use planning policy—a branch of public policy that seeks to manage, control and plan for the development of land and buildings—is likely to be highly influential in shaping the potential for the temporary use of space. However, other areas of public policies related to the built environment, such as land and property taxation, regional development strategies, etc., are also likely to have a significant impact; as might the political will that exists within a locality toward temporary land use and the attitudes of government officials. Therefore, the SEEDS partners who supported this research were asked to consider what elements of public policy in the broadest sense (i.e., actual and implied, formal and informal) had the greatest impact on temporary use in their own countries. Henceforth in this document public policy will be referred to simply as policy.

Two overarching questions are central to and guide this exercise:

- **How does the extant policy environment contribute to the enterprising and sustainable use of vacant / derelict / stalled sites?**
- **Is the extant policy environment capable of stimulating the use of vacant / derelict / stalled sites in an enterprising and sustainable way?**

These questions mirror the core aims of the SEEDS project with respect to its policy research output. The following section outlines the methodology employed in this exercise.

2 Methodology

SEEDS partners in each of the project's six partner nations were asked to select up to three policies from their own countries that have had a significant impact (either positive or negative) upon temporary use within the past 5 years. They were supplied with a pro forma to complete, which required them to gather basic descriptive information for each of their selected policies (see Table 1) and evaluate the policies using a SWOT matrix (see Table 2).

Undertaking SWOT analyses (http://en.wikipedia.org/wiki/SWOT_analysis) for each policy enabled the identification of significant strengths and weaknesses with respect to

fostering temporary use of vacant land and buildings, as well as any potential opportunities and threats that could be exploited / should be avoided. The final section of the pro forma required partners to conclude their analysis by stating whether they believed the policy in question was an example of: (a) best practice; (b) good practice; (c) adequate practice; or (d) inadequate practice, justifying their selection by drawing upon the key points raised within their SWOT matrix.

Descriptor	Definition
Name of policy	The name of the policy in its original language and translated into English
Type of Policy	The type of policy intervention (i.e., Strategic plan; Goal to encourage temporary use; Land use regulation / zoning; Protected areas; Impact assessment; Monitoring; Permission; Subsidy / public supply; Tax regulation, etc.)
Commencement / duration of policy	The date the policy was first implemented and, if it is not permanent as has a time limit, the duration.
Description of policy	Who developed the policy and its objectives; What progress has been made in terms of achieving its objectives; How and by whom is the policy implemented; Is the policy implemented in combination with other policies; How frequently is it applied
Scale and distribution of policy application	The scale at which the policy applies (i.e., local, regional, national, international / EU); and how widespread its application is (i.e., specific sites, villages, towns, cities, countries, etc.).

Table 1. Basic information provided by SEEDS partners on each policy case

3 Summary of Policies

Below is a short summary of each of the twelve policies analysed in this report. A structured evaluation of the results generated by this exercise is presented in the following chapter.

SWOT ANALYSIS MATRIX	
<p>Strengths</p> <ul style="list-style-type: none"> • What are the strengths and advantages of this policy or this policy in combination with others? • What are the strengths with respect to temporary use? • Which aspects of temporary use are covered? • For which types of impact does the policy function well and why? • Other strengths? 	<p>Weaknesses</p> <ul style="list-style-type: none"> • What are the weaknesses and disadvantages of the policy? • What are the weaknesses with respect to temporary use? Which aspects of temporary use are not covered? • For which types of impact is the policy less suitable and why? • Other weaknesses?
<p>Opportunities</p> <ul style="list-style-type: none"> • What is the development potential of this policy to become a good practice policy for temporary use? • Is there potential for enhancing the effectiveness of the policy? For which types of impact is the policy or could the policy be a good practice policy? • What can be achieved with the policy with regard to temporary use? 	<p>Threats</p> <ul style="list-style-type: none"> • What are the threats in developing this policy into a good practice policy for temporary use? • Could there be problems with effectiveness? • Could there be problems with acceptance? • What effect would there be on temporary use if the policy were not applied (properly)?

Table 2. SWOT Analysis Matrix

In order to assist their completion of the exercise and to enrich it with perspectives external to the project, SEEDS partners were asked to hold working groups composed of a broad range of approximately 8-15 temporary use stakeholders from their own countries who possess knowledge of the policy environment surrounding temporary use (e.g., local authority officers, temporary use practitioners, built environment professionals, academics, land and property owners, etc.). These working groups were tasked with discussing the strengths, weaknesses, opportunities and threats associated with each of the policies selected for scrutiny. Where possible, attendees of the working groups were asked to put forward ideas for policies they would like to discuss. In order to allow then time to prepare for the working group, attendees were made aware of the policies ultimately selected for analysis two weeks prior to it taking place.

In preparation for the working groups it was suggested that SEEDS partners complete the gathering of basic information (see Table 1) concerning each selected policy prior to holding their working group. The specific manner in which the working groups operated was left to the discretion of SEEDS partners. However, it was suggested that they work through the SWOT Analysis Matrix presented above (see Table 2) for each of the policies selected. It was also suggested that discussion of each policy should be concluded by ascertaining whether the group perceived it to represent best, good, adequate or inadequate practice. In one instance it was not possible for a SEEDS partner to hold a working group. Therefore, the exercise was completed using interviews with key stakeholders. Each SEEDS partner wrote up the results of the working groups by completing the supplied pro forma. The findings of the working

groups were supplemented with desk-based research undertaken by each partner.

A short summary of each of the twelve policies analysed by SEEDS partners' is presented in Chapter 3. This is followed by a structured evaluation of the results in Chapter 4.

National Policies

Good / Best Practice

1. 'Byg det op' (Built it up) - Denmark

Build it Up was not a public policy, but a Danish television show, which held a competition to select four temporary use projects that were funded, filmed and broadcast nationally. The Danish SEEDS partner stated that there are no public policies in Denmark that relate specifically to temporary use. Therefore, it was necessary to draw upon other examples. Build it Up was argued to be good / best practice precisely because it brought temporary use into the mainstream national consciousness.

2. 'Meanwhile Project' - UK

The Meanwhile Project, a 12-month central government funded scheme, provided limited financial support and a wide range of technical and legal support and tools, and training and networking opportunities for temporary use stakeholders across the UK.

Adequate / Inadequate Practice

3. 'Baugesetz' (Federal Construction Law, FCL) - Germany

Germany's Federal Construction Law (Baugesetz), which regulates all planning and building activities in the country, was not overly regarded as an obstacle in terms of achieving temporary use. However, as a form of urban development, temporary use is only marginally represented within this law and more detailed consideration could potentially reduce barriers to temporary use nationwide.

4. 'Plan-och bygglagen' (Planning and Building Act, PBL) - Sweden

Sweden's Planning and Building Act (Plan- och bygglagen), also regulates planning and building activities nationally. Similarly to Germany's Federal Construction Law, it was not overly regarded as a barrier temporary use. However, it was indicated that the realisation of temporary use projects (local urban food gardening projects, in this instance) is reliant upon local authorities identifying opportunities within Sweden's Planning and Building Act, and implementing additional policies and guidelines at the local level.

5. 'Change of Use' - UK

The UK policy on Change of Use (governed by The Town and Country Planning (Use Classes) Order 1987 as amended) regulates the use of land and buildings. It was regarded as adequate because whilst it permits temporary use, this was-until recently-very narrowly defined. Moreover, the implementation of this policy with respect to temporary use was regarded as being inconsistent between localities, with some areas more supportive than others. However, recent reforms to this policy have resulted in a wider definition of temporary use and greater freedoms for local authorities to grant change of use in this context, which may result in greater consistency with respect to its application.

6. 'Business Rates' - UK

The UK policy, Business Rates, is a tax upon commercial property. On the one hand, this policy encourages temporary use projects, because they can act as a vehicle for tax evasion. On the other, the opportunities it presents are opaque and vary significantly between localities. This inconsistent policy environment can be difficult for new entrant temporary users to navigate.

Regional Policies

Good / Best Practice

7. 'Tijdelijke gebruiksruil' (Temporary Use Exchange, TUE) – Belgium

Temporary Use Exchange (Tijdelijke gebruiksruil), regarded as best practice, is an instrument embedded within the Flemish Decree of Land Consolidation. It attempts to mitigate the impact of large infrastructure projects by exploring possibilities for temporary land use prior to commencement of construction. The policy is being tested for the first time. Therefore, it cannot yet be fully evaluated. However, it demonstrates the ability to consider and manage short and long-term land use objectives.

8. 'Éénjarige pachtcontracten' (One-Year Leases, OYL) – Belgium

One Year Lease (Éénjarige pachtcontracten) is also an instrument embedded within the Flemish Decree of Land Consolidation. Its objective is to enable farmers to lease land that is part of a land consolidation or Flemish land bank project on a temporary basis (1 year) in order to mitigate the impact of the proposed development. This policy is used in combination with the preceding policy (Temporary Use Exchange) in order to facilitate temporary use. The policy was regarded as good practice, because it enables temporary use and links short-term development and long-term development objectives. However, the uncertainty of a 1-year lease means that farmers are less likely to invest in the land leased and at this point in time the policy only applies to large infrastructure projects.

9. 'Beheersovereenkomste' (Agro-Environmental Agreements, AEA) – Belgium

Agro Environmental Agreements (Beheersovereenkomsten), which are a Flemish response to aspects of EU Common Agricultural Policy, were regarded as good practice. Their objective is to encourage environmentally friendly farming techniques and maintenance of landscape features. The duration of these agreements is 5 years (i.e., temporary), hence the inclusion of this policy in this review. This policy is generally regarded positively. However, for some the 5-year duration is too great a commitment, whereas for others it is too short to incentivise adequate investment.

Local Policies

Good / Best Practice

10. 'Stadtwerkstatt' (City Workshop) – Germany

The City Workshop (Stadtwerkstatt) is the City of Hamburg's response to a resolution of the German parliament to widen public participation with regard to contentious building projects. It was regarded as good practice, because it presents an opportunity to promote the interests of temporary users, despite not yet having been used in this context.

11. 'Transformatie Team' (Transformation Team) – The Netherlands

Transformation Team (Transformatie Team) is the City of Groningen's response to a collective locally held view that long-term, large-scale, permanent property development opportunities are unlikely to return for the foreseeable future and, in fact, may never return. Therefore, this local authority in The Netherlands has streamlined its operations to ensure that temporary use is facilitated as efficiently as possible. This policy is regarded as best practice

Adequate / Inadequate Practice

12. 'Reservationsleje' (Reservation Rent) – Denmark

Reservation Rent (Reservationsleje) represents a privatisation of the City of Copenhagen's public real estate portfolio. This Danish policy arguably demonstrates the most inadequate practice of all policies reviewed in this report because of its requirement that all public land and properties be let at a market rent, even to public sector departments / organisations. This precludes temporary users, who largely operate with low budgets, from being able to repurpose underutilised public land and buildings.

4 Evaluation

This chapter presents a structured evaluation of SEEDS partners' responses to this exercise. The evaluation is structured according to three criteria. Firstly, the policies analysed by SEEDS partners are subdivided according to the geographical scale at which they apply. It is recognised that whilst a policy may apply to a wide geographical area, it is likely to be enforced / implemented and its impact distributed at a lower order geographical scale (e.g., a national planning policy is likely to be enforced and its impact distributed at a local level, most likely on a site-by-site basis). However, in the context of this evaluation, scale refers to the broad geographical area at which a policy applies, not the lower order scale at which it is enforced / implemented. Four possible scales at which policies may be applied are recognised: (1) local; (2) regional; (3) national; and (4) EU / international level. However, no policies that apply at a EU / international level were evaluated by SEEDS partners. Therefore, this scale is omitted from this evaluation and it is structured according to whether a policy applies at a national, regional or local scale.

Secondly, policies at each of these three scales are divided into two groups: (1) those that SEEDS partners indicated should be considered good or best practice; (2) those they identified as being adequate or inadequate practice.

Finally, in accordance with the SEEDS project's conceptual framework, all of the policies are evaluated with reference to seven crosscutting drivers of policy performance, which are as follows:

- I. **Linkage with relevant scales:** Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?
- II. **Alignment with economic / financial position:** Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?
- III. **Effective policy engagement:** Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?
- IV. **Temporal Relations:** Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?
- V. **Development barriers / opportunities:** Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?
- VI. **Level of complexity / uncertainty:** Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?
- VII. **Coherence / conflict between goals:** Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

The extent to which each policy addresses these drivers of policy performance is explored below.

SEEDS partners analysed a total of 12 policies: 6 of which are applied at a national level, 3 at a regional level, and 3 at a local level. It is recognised that there are likely to have been additional policies active in each of the SEEDS partner nations that impact upon temporary use, which have not been reviewed in this report. Therefore, the exercise did not cover the full extent of the policy environment of each of the SEEDS partner nations. However, this was an unavoidable limitation given the research constraints and the report should be read with this caveat in mind. The policies reviewed by SEEDS partners were those that have had or may have a significant impact (either positive or negative) upon temporary use in their own nations. Therefore, whilst this report may highlight extremes in approach, it is representative of those policies that have the greatest influence with respect to shaping the nature of temporary use in their respective nations.

4.1 National Policies

The following policies apply at a national scale. However, they may be enforced / implemented and their impact distributed at a lower order geographical scale. Those policies regarded as good or best practice are examined in the first instance, followed by those regarded as adequate / inadequate practice.

4.1.1 Good / Best Practice

1. 'Byg det op' (Built it up) – Denmark – Good / Best Practice

Introduction

The first case study is not a public policy and therefore deviates somewhat from the parameters of this exercise. However, it was offered up by a SEEDS partner as an example of how an organisation with adequate funding and effective communication can 'make it happen' (i.e., temporary land use). In May 2013 the Danish Architecture Centre (DAC) and national media group DR invited Danish citizens to enter a competition that would enable them to temporarily transform a space in their locality for between 3-5 years. Ultimately 8 out of 813 proposals were shortlisted and four winners selected, each of which received 1.6m Krona to realise their schemes. The process and outcomes were shared with the public via the DR2 and DAC television channels in a series consisting of four programs. The significant publicity surrounding Byg det op pressured the local authorities of each of the four selected localities into a dialogue, which was a major factor in the realisation of schemes.

Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?

Byg det op helped temporary use enter the mainstream consciousness in Denmark. Therefore, it could influence politicians and investors to pay greater



attention to it in the future. However, it fell short of initiating a national debate about temporary land use and drawing attention to the fact that no frameworks exist to support it. Instead the show focussed on self-promotion and did not adequately reflect the challenging reality of mobilising temporary use projects.

Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?

Given the current economic conditions, the large subsidy offered to winning projects doubtlessly helps facilitate temporary use projects that may otherwise not have been realised or realised to the same extent. However, such subsidy is not possible on a large scale and could create a

dependency culture that results in fewer locally initiated temporary use projects.

Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?

Byg det op appealed to all citizens to take part in the competition and the television broadcasts illustrated several points of tension between stakeholders. However, the show did not reflect the reality of the daily struggles associated with achieving temporary land use. Moreover, if the show is successful in attracting the long-term attention of citizens, politicians and funders, it could lead to a homogenisation of temporary use in accordance with its own interpretation of it.

Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?

No. Big det op focussed on initiating 3-5 year temporary projects.

Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?

Big det op combines subsidy and visibility in a manner that facilitates, accelerates, and can overcome most barriers to the temporary land use process. The speed of the competition process ensures that projects are mobilised in a short period and citizens maintain engagement with projects from inception to completion. It raises awareness of the benefits of temporary use and is an effective public engagement tool. In addition to the realisation of individual temporary projects, Big det op could be used as a tool to lobby for future temporary use initiatives, the adaptation of existing regulations, and ultimately the development of a national framework to stimulate and support temporary land use. There is potential for the television show to become a yearly series, which would result in the realisation of a minimum of four projects per year.

However, the limited number of projects Big det op supports could be perceived as a weakness. As could the fact that the show fails sufficiently to highlight the many barriers associated with mobilising temporary land use (e.g., authorisations, funding, etc.). Moreover, the selection and design process employed may result in a homogenisation of the built projects. It is unlikely that the show could be scaled-up to include more than four projects due to the level of subsidy required and loss of exclusivity associated with scale, which may result in reduced audience numbers. Given the visibility of Big det op, there

is a risk that any negative aspects of its projects could lead to a wide-scale rejection of temporary use initiatives.

Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?

No. Big det op did not attempt to support any stakeholders other than those involved with its funded projects. Its power lies in its high visibility and significant subsidy, which cannot be replicated en masse.

Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

Its impact has been limited due to the small number of projects it supports. However, it has succeeded in bringing together a number of traditional architecture firms and citizen groups to realise temporary use project, which may serve as an example for future practice.

Conclusions

Big det op can be considered to be good practice, bordering on best practice. It is best practice in the sense that it has had a significant impact on the mainstream awareness of the benefits of temporary use in Denmark. It has inspired citizens as well as professionals, landowners and decision-makers. However, it failed to draw attention to the challenges that face initiators of temporary land use projects, not least the fact that no frameworks exist within Denmark to support them. It would not be possible to apply the Big det op framework to all temporary use projects in Denmark and, even it were possible, it could result in subsidy dependence.

2. 'Meanwhile Project' – UK – Good / Best Practice

Introduction

The Meanwhile Project was a UK central government initiative that ran for 12 months from June 2009 in response to a rapid increase in vacant retail premises within the UK. 'Meanwhile Use' is a term often used in the UK to refer to temporary use initiatives. The Meanwhile Project created a Community Interest Company—'Meanwhile Space CIC'—to act as a delivery vehicle specifically to support temporary use projects nationally. It also provided limited financial support in the form of grants of £15,000 for 24 temporary use projects, to be used for cleaning / decorating / refitting premises, publicity materials, etc.

In addition to limited financial support, Meanwhile Space CIC provided / sponsored: (1) a range of legal and technical assistance, including a 'Meanwhile Lease'; (2) two model licences for meanwhile land use; (3) guidance on business rates (i.e., commercial property taxes) and planning; (4) a series of week-long live training events, run by an organisation called the Empty Shops Network; (5) the 'Empty Shops Handbook'—a manual for temporary use intermediaries; (6) a set of very small 'Go and See' grants to enable 'meanwhilers' to visit other projects; (7) meanwhile use insurance, via an independent insurer; (8) a 'Meanwhile Ning' social networking website; (9) the 'Meanwhile Coalition', which draws together numerous agencies with expertise in temporary use; (10) research on the nature and extent of meanwhile use in the UK; and (11) numerous articles in practitioner publications.

Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?

The Meanwhile project highlighted aspects of and synergies between national policies that could assist temporary use stakeholders at a regional / local scale. It succeeded in raising the profile of temporary land use nationally. However, its engagement with temporary use practices in other countries was limited, as was its engagement with temporary uses other than retail (discussed further below).

Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?

The initiative was developed directly in response to the poor economic conditions being experienced in the UK. It provided much needed funding for temporary use projects at a time of severe austerity within the public sector. However, the project's duration was very short (12 months) and it received very little funding from central government (£500,000), which restricted its impact.

Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?

The Meanwhile Project successfully engaged a wide range of stakeholders—including policy makers, landowners and temporary use practitioners—in its implementation. The 'Meanwhile Coalition' was established by the Meanwhile Project—a consortium of all major

temporary use stakeholders from across the UK—with the aim of ensuring a coherent, collaborative approach to temporary use in the UK, which avoids duplication of effort. Meanwhile Space CIC also hosts a social network consisting over 1300 members. However, it is not known who was involved in the development of the policy, but one assumes that key stakeholders were consulted.



Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?

The project recognised and sought to act upon the fact that vacant shops spoil town centres, destroy economic and social value, and waste resources. Moreover, that vibrant interim uses led by local communities will benefit existing shops, as well as the wider town centre, through increased footfall, bringing life back to the high street and making better use of resources overall. In this sense it linked temporary use with long-term social and economic prosperity of town centres.

Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?

The Meanwhile Project created an enduring legacy in Meanwhile Space CIC, which provides a wide variety of training, networking opportunities and support for temporary use nationally. Its impact in terms of legitimating / mainstreaming temporary use in the UK should not be underestimated. However, due to its central government defined remit, the project initially focussed solely on the temporary use of vacant shops in urban areas. This focus was later broadened, but it has potentially resulted in a general public perception that temporary land use is limited to the reuse of empty retail premises (i.e., pop-up shops).

Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?

Assisting stakeholders to navigate the complex nexus of public policies, laws and technical issues surrounding temporary land use was the core purpose of the Meanwhile Project and it has been highly successful in these respects. Nevertheless, it is ultimately up to individual local authorities to embrace and facilitate temporary use. Burdensome bureaucracy, a shortage of staff and resistant organisational cultures, for example, may hinder such facilitation.

Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

The initiative attempted to bridge the gap between landowners and temporary use stakeholders. A wide variety of training, networking opportunities and other support

for temporary land use was offered nationally. As discussed above, the Meanwhile Project emphasised the temporary use of vacant shops over other types of temporary land use. As such, whilst it aligned stakeholders in this specific context, its broader impact upon temporary land use was somewhat limited. However, it did recognise the long-term impact temporary use can have upon successful urban development.

Conclusion

The Meanwhile Project had a significant impact upon the visibility of temporary use in the UK during its 12-month lifecycle. It created an enduring legacy of guidance, resources, expertise and awareness with regard to the mobilisation and benefits of interim uses. It achieved this legacy with a relatively small resource and brought together disparate stakeholders into a strong support network. Moreover, it linked temporary use with long-term social and economic prosperity in the UK. Therefore, it should be considered a good, if not best practice policy. If it were not for the fact that the Meanwhile Project's remit was largely limited to vacant retail premises in urban locations it would certainly be considered a best practice policy.

4.1.2 Adequate / Inadequate Practice

3. 'Baugesetz' (Federal Construction Law, FCL) – Germany – Adequate Practice

Introduction

The FCL is the legal basis for all planning and building activities in the Federal Republic of Germany. It was developed by the politicians and administration of the Federal Republic of Germany and was enacted by the German legislature. It has been reformed several times to take changing circumstances into account. The FCL forms the basis of other laws and policies concerning building and planning processes, such as the building laws of the 16 Federal Counties (Bundesländer), which formulate their own special requirements and details. It is enforced in all relevant circumstances.

Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?

The German Federal Construction Law (Baugesetz, FCL) is the legal basis for all building and planning activities in the Federal Republic of Germany. Therefore, it has a great impact on all other policies concerning planning and building. The 16 Federal Counties (Bundesländer), can formulate special legal requirements and details that compliment the FCL. The lack of awareness politicians and the administration have with respect to temporary use is a significant threat, because it is they who would be responsible for changing or extending the law concerning temporary use. The law is not able to react directly to changing circumstances and to different requirements in different regions / cities of Germany.



Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?

Because it is a federal law, the FCL is not particularly flexible in reacting to changes concerning economic conditions. However, the regulations that are formulated in this law are not so concrete that they hinder required modifications at the local level due to changing economic circumstances.

Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?

The engagement of relevant stakeholders is regulated in §3 and §4 of the FCL, but it is not explicitly stated who must be involved. It only states that the public and other affected stakeholders have to be involved. The process of consultation ultimately depends on the local circumstances and the project itself.

Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?

The FCL generally permits a site to be used for a defined period—as regulated in §9—but this is linked to specific conditions. Other instruments in the FCL, such as the 'Urban Development Contract' in §11, appear better suited to handling temporary land use; both in the short- and long-term. However, in

general the law is aligned much more closely to a long-term perspective. If the law was executed in combination with additional regulations related specifically to temporary use it could potentially promote / simplify the short-term and long-term reuse of vacant sites across the whole country.

Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?

As stated above, because the FCL is a national law, if it were combined / executed with additional regulations related to temporary use it might reduce barriers surrounding temporary land use across the whole country. However, the theme of temporary land use is only marginally represented within the FCL and there is no specific reflection upon problems and questions concerning it. Therefore, it does not identify barriers and opportunities. Nor does it provide tools for overcoming / seizing them. The instruments within the law concerning temporary use are too weak to boost and support it.

Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?

No. However, the FCL does succeed in providing all stakeholders with consistent binding rules and legal security with respect to planning

and building nationwide, because it leads to similar requirements across the whole country. As a law it is not very flexible. It does not provide instruments to deal with unsteady circumstances. It simply provides the rules under which different instruments and policies can be used and applied.

Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

The most important objective of the FCL is to regulate all planning and construction activities in the Federal Republic of Germany in order to ensure that no one is harmed. As such, it does not seek to satisfy all stakeholders with respect to the planning and building process if their interests are misaligned with this overarching objective. Therefore, it could be said that the FCL attempts to consider the interests of all stakeholders, but not to align them.

Conclusion

The FCL can be considered an adequate policy. In some respects it is very strong and has advantages, for example in regulating basic questions on planning and building at a national level, and imposing the same requirements in all regions and cities. However, its overriding objective is to regulate all planning and construction activities in the Federal Republic of Germany in order to ensure that no one is harmed. The theme of temporary land use is only marginally represented within the FCL and there is no specific reflection upon problems and questions concerning it. However, if it were combined / executed with additional regulations related to temporary use it could have the potential to reduce barriers surrounding temporary land across the whole country.

4. 'Plan- och bygglagen' (Planning and Building Act, PBL) – Sweden – Adequate Practice

Introduction

The PBL is a law in Sweden that regulates the use of land, water and construction. It includes provisions for all municipalities that are required to prepare a master plan for their entire municipality, as well as local detailed plans. The PBL provides zoning criteria, building permits, construction oversight, 'black building' and Building Councils. It came into force 1 July 1987, replacing the Building Act 1947 and Building Statute of 1959, which were repealed when PBL took effect. The SEEDS partner who analysed the PBL did so specifically with respect to its impact upon local urban food gardening on public land in the City of Gothenburg. In accordance with the PBL if you want to make use of abandoned or undeveloped land for a temporary event or building you need building permission. If you want to use land for selling goods you also need permission from the police. The PBL distinguishes between public and private space. A public space is defined as a street, road, park, square or other space that is defined in a detail plan as a use for a common need. In accordance with the act local authorities are responsible for managing public space and it cannot be used for a private purpose for more than a short period of time. All decisions made by an authority are required to be transparent and everyone should have free access to this information. This ensures that anyone can know when a plot of land is due to be used.



Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?

It was argued that the detailed zoning plans prepared by local authorities in accordance with the PBL may act as a barrier to local urban food gardening. According to the PBL much of the land close to housing areas is designated as public, and cannot become individual / private land. This is significant because one could argue that public land used for agriculture becomes both individual and private. However, Gothenburg municipality Parks and Landscape Management office permits members of public the opportunity to use public land for local urban food gardening on a temporary basis via a management agreement called a 'Granting Form'. In order to apply for this permit, members of the public are required to form a coalition / union that is open to everyone and has gardening as its core purpose. However, it would be much simpler if local urban food gardening became an integral element of detailed plans in respect of residential zones. The simple fact is that if you wish to start a

local urban food gardening project on a public site you have to be aware of the PBL. It requires that the site must be accessible to everyone. You cannot fence it off and you may have to put up with the fact that someone else can harvest what you have grown.

Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?

One issue raised was that it is unclear whether or not a local authority can charge a fee / lease land for local food gardening.

Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?

One would assume / hope that all relevant stakeholders were consulted in the development of an act of national government. However, this was not known / discussed by the SEEDS partner who evaluated this policy.

Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?

Not at this time. However, there is an opportunity to utilise the PBL land use designation of 'cultural' land to facilitate local urban food gardening on a permanent basis. This is because land designated for 'cultural' uses can become permanent and private, as opposed to temporary and public (i.e., public space). Public space could potentially be re-designated as cultural land through a process of consultation that is open to anyone who engages with that space. Thus, if through consultation, a temporary use of public space is deemed to be successful (i.e., local urban food gardening), the public space could be re-designated as cultural land and the use made permanent.

Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?

No. It is up to local authorities to identify aspects of the PBL legislation that can be exploited to facilitate temporary use / local urban food gardening.

Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?

The detailed plans that the PBL requires local authorities to compile enable members of the public who are interested in local urban food gardening to identify potential sites. The detailed plans must state whether a green space is public or private. If a space is designated as public, residents can approach the local authority to seek permission for local urban food gardening (as above). If it is private, they can approach the

landowner. However, it is not easy to enable members of the public to utilise abandoned or left over spaces, even if their activities could improve the area. Permission must be gained from the local authority and also sometimes the police. This bureaucracy scares some people and results in initiatives not being realised. Many people are also unaware that you need to form a coalition / union to start a local urban food gardening project in Gothenburg. A website that provides such information to temporary use initiators could help to resolve this issue.

Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

If a gardening coalition / union appropriates too great a share of a public space other people may no longer feel welcome there. Therefore, even if the land use is permitted in accordance with the PBL, there may have to be some restrictions in the local code of conduct. This is arguably not a failing of the policy itself, but a challenge with respect to temporary use / local urban food gardening that it does not help to resolve.

Conclusion

The PBL is an adequate policy. It is a broad law that covers a great deal and aspects of it can be exploited to facilitate temporary use projects. However, it requires local authorities to problematize and implement further policies and guidelines at a local level in order to realise them. The strength of the PBL is that it ensures all decisions made by local authorities are transparent and everyone can access this information free of charge. However, the detailed plans that it requires local authorities to compile are not easy for members of the public to comprehend. This situation could be improved by launching a website or app with a guide explaining how, for example, to start a local urban food gardening initiative.

5. 'Business Rates' – UK – Inadequate Practice

Introduction

Business rates are a part of the Local Government Finance Act 1988, which was developed by UK national government to replace the General Rate Act 1967. Business Rates are taxes levied on most non-domestic properties (e.g., shops, offices, pubs, warehouses and factories), which are used to help pay for local services. If a building is tenanted, the tenant is liable to pay business rates. If it is vacant, liability falls on the building owner. For the sake of ease and clarity, only Business Rates in England and Wales are discussed here. In England and Wales business rates are calculated by multiplying the 'rateable value' of the property, which is based on its estimated open market rental value on a specific date. The rateable value is set by the Valuation Office Agency (at national level) using the business rates multiplier (set by national government). Local authorities are responsible for the billing and collection of Business Rates. However, rather than receipts being retained by them directly, they are pooled by central government and redistributed back to authorities. Annual revenue from Business Rates in England and Wales is approximately £25b. Some land and properties are exempt from Business Rates (i.e., they receive 'Business Rates relief'), full details of which can be found here: <https://www.gov.uk/apply-for-business-rate-relief>. However, for the purposes of this exercise it is helpful to outline two specific types of Business Rates relief, because they can help to facilitate temporary land use due to the tax avoidance it can achieve for the owners of property:

- Charitable rate relief: Charities and amateur community sports clubs can apply for relief of up to 80% if a property is used for charitable purposes. Some local authorities offer charities additional 'discretionary relief' of up to 100%.

- Empty properties: You don't have to pay business rates on empty buildings for 3 months. After this time, most businesses must pay full business rates. However, if an empty property is let for 6 weeks or more, a further 3 months of rates exemption can be claimed (as many times as you wish). Some properties can get extended empty property relief: industrial premises (e.g., warehouses) are exempt for a further 3 months; listed (i.e., historically important) buildings; buildings with a rateable value under £2,600; properties owned by charities (only if the property's next use will be mostly for charitable purposes); community amateur sports clubs buildings (only if the next use will be mostly as a sports club)

Therefore, if a building is vacant its owner can gain significant tax breaks by temporarily letting it to either a charity (which can be on a relatively long-term basis) or any other organisation / individual for a shorter period (anything over 6 weeks). It is often worthwhile for an owner to let a vacant property temporarily at a 'peppercorn' (nominal) rent due to the tax avoidance that can be achieved through temporary occupation.

Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?

The level of Business Rates relief can vary between localities due, in part, to the absence of a clear definition of what constitutes a charity, and the level of discretionary relief afforded by different local authorities. This results in a situation in which temporary use can thrive in one locality, but not in another. Best practice is not shared between local authorities, which leads to wide variations in approach. There are also significant regional differences: wealthy local authorities can easily afford to offer discretionary



rate relief, whereas poorer authorities cannot. 'Discretionary relief' is, by definition, discretionary, which means that if a local authority has budget constraints it is often the first thing to be cut. Therefore, there is a lack of coherence nationally with respect to the level of Business Rates levied upon vacant / underutilised land and buildings.

Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?

No. Whilst local authorities can offer a certain degree of discretionary relief over (see above), there are generally very strict rules concerning Business Rates relief. For example, one can get relief on the space one is using within a building, but not on the space one is not using. Therefore, if only one floor of a building is being used, and the remaining three floors are empty, full rates are required on the three vacant floors, which can be prohibitively expensive. Additionally, occupied space must be used all the time, not occasionally for events or activities. Discretionary rate relief is a local authority subsidy and as such it can be threatened by budget cuts.

Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?

Business Rates are a hot issue in the UK due to central government maintaining artificially high rateable

values during a period of economic downturn / stagnation. Many commentators are calling for a radical overhaul of this policy, because it is hindering economic development.

Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?
No.

Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?

Business Rates can serve to incentivise property owners to allow temporary use of their empty buildings. This is because property owners are required to pay full Business Rates after three months of vacancy and temporary occupiers can radically reduce this expense. However, there is a general perception that it is only established organisations that are aware of how to 'play the system' and are thus able to get rates relief. Such organisations are already likely to possess effective methods for circumventing Business Rates, many of which may avoid the need to attract temporary users (i.e., using a building temporarily for storage or locating a computer server within it for 6 weeks in order to gain a further 3 months of rates relief).

It was also argued that what is rateable and what is not is not sufficiently codified. Whilst this can serve to enable discretion, it can also stifle it. Business Rates teams within local authorities who lack experience with respect to temporary use may be unaware of what is possible in terms of rates relief and err on the side of caution. There is also a fear that discretionary relief, which is currently being used to foster temporary use projects, will dry up once the economy has recovered and vacancy levels fall. Finally, local authorities, which are tasked with collecting business rates, were criticised for their failure to involve themselves in or encourage a dialogue with respect to Business

Rates. The fact that no local authority officer attended the working group at which this policy was discussed (a number were invited, including those working on SEEDS funded pilot projects) was highlighted as a typical example of this attitude. Thus, whilst Business Rates present opportunities for fostering temporary use, the reality is that the process of gaining rates relief is relatively opaque, which represents a significant barrier to expanding the scale of its employment.

Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?

No. As discussed above, what is rateable and what is not is not explicitly codified. Whilst some local authorities are known to take a flexible approach and offer discretionary rate relief to properties occupied by temporary users--which is not a statutory position--most do not appear to share their best practices and support for temporary use is not widespread. If discretionary practices are not codified or shared through best practice they are lost when local authority staff move to new jobs. This results in a constantly changing policy landscape that is complex for under resourced temporary users to navigate. However, there is a risk that codification of rates discretion would result in another layer of bureaucracy that must be negotiated. It must be noted that temporary users are also relatively poor at sharing knowledge with respect to navigating the policy landscape: thus, blame does not lie solely with local authorities.

Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

Yes, to a certain extent. The policy makes it lucrative for owners to let property on a temporary basis (a minimum of 6 weeks) at a peppercorn

rent in order to gain rate relief for a further three months. The property owner may choose to pay business rates him / herself in this situation--as opposed to the tenant, who is generally liable--in order to access this rate free period. A positive side-effect of this arrangement is that if the temporary use in question is profitable the user may become a permanent tenant paying full rent to the owner and business rates to the local authority. However, the duration of temporary use schemes is likely to be short (a little over 6 weeks) in order that the owner can access the rate free period. Thus, temporary users cannot gain security in terms of the duration of their tenancy unless they are able to pay full rent and business rates after this period expires. Alternatively, if the temporary user is a charity or amateur community sports club, their occupation is likely to be of greater duration due to the fact that such organisations are eligible for between 80 and 100% rate relief.

Conclusion

The SWOT analysis revealed that this policy has many more weaknesses and threats than strengths and opportunities with respect to fostering temporary use. Overall it was agreed to be inadequate. In recent months (late 2013) there have been numerous calls within the UK media for the policy to be reviewed and reformed. The reasons for these calls are multiple. Most argue that Business Rates are so high that they are threatening both existing businesses and start-ups. As such, the stifling of temporary use is but one element of wider concerns surrounding this policy. However, there is no doubt that the policy does offer opportunities with respect to temporary use and rates relief is a major driver for property owners to engage with temporary users--particularly with respect to the potential for tax avoidance. Nevertheless, the opportunities the policy presents for temporary land use are opaque, which makes it difficult for inexperienced users to exploit them, and they vary significantly between localities.

6. 'Change of Use' – UK – Adequate Practice

Introduction

In England and Wales The Town and Country Planning (Use Classes) Order 1987 (hereafter referred to as the 'Use Classes Order') categorises uses of land and buildings into various categories known as 'Use Classes' (e.g., shops, restaurants and cafes, hotels, offices, factories, houses, etc.). In cases involving similar types of use, a change of use of a building or land typically does not need planning permission. Planning permission is not required when both the present and proposed uses fall within the same class or if the Use Classes Order states that a change of class is permitted to another specified class. For example, a greengrocer's shop could be changed to a shoe shop without permission as these uses fall within the same class, and a restaurant could be changed to a shop or an office providing financial and professional services, because the Use Class Order allows this type of change to occur without requiring planning permission. However, since it came into force, the Use Classes Order has been amended by The Town and Country Planning (General Permitted Development) Order 1995 (hereafter referred to as the General Permitted Development Order), which gives permission for specified changes of use between some use classes. It does this by classifying certain changes between use classes as permitted development.

This area of policy is significant for temporary land use in England and Wales, because temporary users often wish to utilise a vacant or underutilised site / building in an alternative manner to its previous occupants. However, the same restrictions that apply to permanent uses also apply to temporary use, which can jeopardise projects getting off the ground.

Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?

Change of use is one element of a wider national regulatory infrastructure that seeks to ensure all land and property development—including temporary land use—is safe and in keeping with the character of a locality. However, because it is one element of a wider infrastructure, applying for change of use is likely to bring with it other regulatory hurdles, such as satisfying the requirements of Building Regulations and Flood Risk Assessment, for example, which can result in further costs and delays for temporary users.

Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?

It can be relatively cheap to apply for change of use, which can assist temporary initiatives that have small budgets. A temporary use project in Sheffield (UK) was given as an example. It incurred a cost of just £300 to achieve change of use. However, it was argued that the planning process with respect to change of use is often inconsistent. For some projects it is a long-winded and costly process, which often leads to an application being rejected. Moreover, £300 may be cheap for some temporary users, but for others it may be prohibitively expensive. There is a negative perception that those who have good links with a local planning authority are more likely to be successful in gaining permission for change of use.

Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?

One would assume / hope that all relevant stakeholders were consulted in the development of a piece of national legislation. However, this was not known / discussed by the SEEDS partner who evaluated this policy.



Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?

No. The Use Classes Order does not recognise temporary projects within its use classification. However, the General Permitted Development Order does recognise two specific types of temporary use, but they are relatively limited in scope. Firstly, the temporary use of land for the purposes of 'operations' (e.g., construction projects) taking place on an adjoining site. Secondly, the temporary use of 'open land' (i.e., containing no structures) that is not within the curtilage (i.e., surrounding area) of domestic homes, other buildings, gardens or parks. In this latter context, temporary use is permitted for a period of no longer than 28 days within any given year, and 14 days with respect to markets, and motorcar and motorcycle racing. Thus, whilst temporary use is recognised within national planning legislation, it is very narrowly defined.

Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?

As above, temporary use is narrowly defined within legislation at a national scale and as such it does little to support it.

Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?

For temporary use projects, which are often realised within a short space of time, permission for change of use can potentially be granted very quickly. Furthermore, local planning authorities have been known to tolerate a change of use for a short period of time in the absence of formal permission. This is often long enough for a temporary use project to take place. In this respect it was argued that tolerant planning officers and building regulations inspectors who are prepared to take minimal risks are potentially critical to the realisation of temporary use projects. Positive civic leadership that recognises the value of temporary use can be essential in fostering such sentiment.

It was argued that local planning authorities are often more likely to support those organisations seeking to realise temporary use projects if they have previous knowledge of them and therefore trust them. Whilst this is understandable, it is important that lesser known organisations are also afforded opportunities. It was highlighted that the approach of local authorities to change of use is not consistent. Whereas some embrace temporary use and take a flexible approach, others do little or nothing to support it. The fact that the national framework of planning legislation does not recognise / value a wide variety temporary land use initiatives is arguably a causal factor. The realisation of temporary use projects

is often reliant upon the tolerance and foresight of risk taking actors at a local scale. One further issue with this policy is that it is not always flexible with regard to permitting dual or multiple uses, which temporary projects often require.

Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

No.

Conclusion

This policy can be considered adequate. Whilst it permits temporary use, that use is narrowly defined and therefore constrained to some extent. There is a perception that application of this policy is inconsistent both within and between localities. This is due to differing levels of tolerance and understanding with respect to temporary use projects, permission for which is granted according to local discretion. The fact that the national framework of planning legislation—of which this policy forms an important element—does not recognise / value a wide variety temporary land use initiatives can be argued to be the causal factor for such inconsistency. The City of Bristol, UK, was highlighted as a test case for the codification of temporary land use. Taking advantage of recently reformed planning legislation (Local Development Orders), the local authority granted planning permission for temporary use projects of up to 5 years duration in the Temple Quarter district of the city, which is designated an Enterprise Zone. Permission has been granted for a wide variety of use classes that can be utilised by temporary projects, including: shops, financial and professional services, restaurants and cafes, pubs, fast food takeaways, offices, restaurants, cafes, fast food outlets, parks and community gardens, micro-generation, and urban farming. This is an example of how temporary land use can be incorporated into a long-term development strategy in the UK.

**Subsequent to this analysis being undertaken, new legislation came to light. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 made significant changes to permitted development rights with respect to temporary land use. Many local planning authorities in the UK refer to this area of temporary premises use as 'meanwhile' use. From May 2013 buildings with a range of uses (shops, financial and professional services, restaurants and cafes, pubs, fast food takeaways, offices, non-residential institutions, assembly and leisure) were able to make a temporary change of use for a 2-year period (maximum) to uses having a lesser or similar impact (shops, financial and professional services, restaurants and cafes, offices) without obtaining planning consent.*

However, there are some limitations: the building's floor space cannot exceed 150m² (prior approval is required for buildings above this size at a cost of £80); it should not be listed (i.e., historically significant); 2-year temporary use can only be granted once in a building's lifespan; only one use class is permitted at any given time, but this can be changed with prior notification; after 2 years the building will revert to its previous use class. The fact that a wide range of temporary uses is now permitted by national planning legislation will hopefully ensure that local authorities take a more consistent approach toward it in the future. However, The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 also extended permission for change of use from offices to residential without obtaining planning consent (only incurring an £80 fee). It is possible that if a large number of offices are converted to residential use, opportunities for the temporary occupation of offices will be reduced.

4.2 Regional Policies

The following policies apply at a regional scale. However, they may be enforced / implemented and their impact distributed at a lower geographical scale. Those policies regarded as good or best practice are examined below. No policies applied at a regional scale were identified by partners as being adequate / inadequate practice.

4.2.1 Good / Best Practice

7. 'Tijdelijke gebruiksrui' (Temporary Use Exchange, TUE) – Belgium – Good / Best Practice

Introduction

'Temporary Use Exchange' (TUE) is an instrument embedded within the Flemish (Northern Belgium) 'Decree of Land Consolidation' (1970 onwards). This policy has been used in Wallonia (Southern Belgium) for some time, but is being applied in Flanders (Northern Belgium) for the first time as part of the A11 road construction project (2010 onwards). TUE exists in order to minimise the negative impact of large infrastructure projects upon the economic viability of farms in the surrounding area.

It does this by recommending the creation of a map of temporary uses and mitigating measures that can be of benefit in the interim period between the land consolidation phase and commencement of the project in question. The SEEDS partner who evaluated this policy Vlaamse Landmaatschappij (VLM)–the land agency / bank for Flanders (Northern Belgium)–is responsible for leading TUE in respect of the A11 project. Therefore, this project strongly informed both the analysis and evaluation of this policy.

Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?

The TUE policy is regarded as being compatible with other legislation and a very flexible instrument within the geographical boundaries of the project in question. However, the reality is that the impacts of large infrastructure projects stretch far beyond their immediate geographical area and the terms that can be negotiated with farmers outside of this immediate area are usually limited. TUE is currently only applicable in the context of land consolidation for large infrastructure



projects at the Flemish (i.e., regional) level. However, new legislation is under development with regard to applying the principles of TUE and One Year Leases (see below) to smaller scale projects at a local scale. Extending the focus of these policies beyond major infrastructure and land consolidation projects could lead to new possibilities.

Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?

An 'Exchange Committee' composed of farmers, landowners and government authorities (VLM holds the position of secretary on this committee) determines the fees charged to users, and their decision is based on calculations provided by an independent working group. Thus far there have been no objections from farmers with respect to this process or the figures agreed. The cost of temporary land use and other mitigating measures are small in comparison to the budget for

major infrastructure projects, and are born by government as opposed to the farmers themselves. This has arguably resulted in strong support from farmers who–positively for the government–have lodged no legal challenges against the A11 project.

Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?

TUE is being implemented in close cooperation with the individual farmers concerned. However, it is proving difficult to engage the landowners who are undertaking the A11 project in the implementation of the policy. This situation could potentially cause problems when it comes to their re-appropriation of the land and realisation of this permanent use. As stated above, TUE is regarded as a flexible instrument in the context of the geographical boundaries of the project in question. However, the reality is that the impacts of large infrastructure projects stretch far beyond their immediate geographical area and the terms that can be negotiated with farmers outside of this immediate area are usually limited.

Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?

This policy inherently links temporary land use with the realisation of long-term land use objectives (an infrastructure project).

Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?

Yes. The policy specifically seeks to create opportunities for temporary use to flourish on underutilised land. However, it is relatively limited in scope as it only applies to large infrastructure projects. Because this instrument is being tested in Flanders for the first time it is difficult to determine how successful it has been. It is expected that in future it will be implanted more quickly and smoothly.

Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?

Land agencies / banks, such as VLM, employ many specialists whose job it is to assist / inform farmers as much as possible (i.e., organising individual reflection days, etc.). These staff members are obligated to work within the boundaries of legislation, but those boundaries are regarded as sufficiently flexible. However, there is uncertainty amongst the farmers due to the unpredictable nature of large infrastructure projects, which can take a long time to finalise and the built outcome is not known at the outset. Such unpredictability means that it is not possible to inform local farmers about exactly what will be developed where. Farmers look to VLM for clarification in this respect, which it cannot provide. This situation makes it very difficult for farmers to plan in the long-term and can lead to a lack of trust between farmers and VLM, even though this is out of VLM's hands. There have also been some issues with respect to poor communication between the farmers and the government / private companies, which can result in a breach of trust between these parties (i.e., farmers were asked to sign a contract with the contractor and VLM was not made aware of this prior to the contract being signed).

Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

It is not possible to please every stakeholder (farmers, governmental organisations, and private organisations), but the intention is to work towards a 'win-win' situation for everybody–both in the context of temporary and permanent land uses.

Conclusion

Whilst this policy is relatively experimental and its successes and failures cannot yet be fully understood, it was regarded as best practice. It successfully attempts to connect temporary land use (the short-term) with permanent land use (the long-term), maximising the use value of land that would otherwise be underutilised. However, its scope is limited to facilitating temporary use of land in the context of regionally significant large infrastructure projects. Nevertheless, there is discussion afoot with respect to applying the principles of TUE and One Year Leases (see below) to smaller scale projects at a local scale. This would greatly increase the scope and impact of this policy with regard to temporary land use.

8. 'Éénjarige pachtcontracten' (One-Year Leases, OYL) – Belgium – Good Practice

Introduction

OYL is an instrument embedded within the Flemish (Northern Belgium) 'Decree of Land Consolidation' (1970 onwards) and 'Decree of Land Banks' (2006 onwards). Its objective is to enable farmers to lease land on a temporary basis (1 year) without being in conflict with the Flemish 'Land and Building Decree' or 'Lease Decree'. The Decree of Land Consolidation states that OYLs can only be granted in association with land consolidation or Flemish land bank projects in order to mitigate their impact upon the surrounding area. The SEEDS partner Vlaamse Landmaatschappij (VLM) who completed the analysis of this policy is the land agency / bank for Flanders (Northern Belgium) and has experience of granting OYLs.

Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?

OYL is compatible with other legislation. However, it is only applicable in the context of land consolidation and Flemish land bank projects. OYL enables land banks to issue and charge for 1-year leases of land. No other type of organisation can charge for such leases without being in conflict with the Land and Building Decree or Lease Decree. If land banks issued leases of more than 1 year they would also be in conflict with these decrees. Land could be offered for free if the users legally revoked any long-term rights to the land. However, experience has taught

that it is actually better to charge for the land, because giving it away for free may result in conflict with those users who are not allocated land. In the province of West Flanders alone there are approximately 50 OYL agreements per year, depending on the number of land consolidation projects. Therefore, the policy can be understood as a relatively well known / used policy. There is some discussion within VLM's legal service team as to whether or not this policy (and Temporary Use Exchange, see above) should be extended to all land development projects undertaken by



the organisation (i.e., smaller scale as well as large infrastructure projects). However, this is not regarded as being possible at this time.

Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?

The leasehold fees are legally determined and reviewed every two years.

Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?

Developing this policy was a long process involving lots of advisory groups. Agreements are always made with farmers on a voluntary basis; if they don't want to make an agreement, they don't have to. The number of stakeholders is considered to be relatively limited: a land bank and farmers. In VLM's experience, all stakeholders are happy with the policy.

Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?

OYLs can be renewed indefinitely until a permanent use is determined and land consolidation projects can take many years. Therefore, farmers can end up leasing land via OYL agreements for long periods of time. Positively this ensures that land use is maximised and it is possible to shift from temporary to permanent use very quickly. However, if a farmer has used a plot of land for many years they develop a perception of ownership, which has no legal basis.

Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?

New legislation is under development with respect to applying the principles of OYL and Temporary Use Exchange (see above) to smaller scale projects at a local scale. Extending the focus of these policies beyond major infrastructure and land consolidation projects could lead to new possibilities.

Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?

Land agencies / banks, such as VLM, employ many specialists whose job it is to assist / inform farmers (the major stakeholders with respect to OYLs) as much as possible. The OYLs granted to farmers are very flexible and no limitations are placed upon them in terms of how they use the land. However, as stated above, when leasing land on the basis of OYLs for long periods of time farmers can develop a sense of ownership, which has no legal basis.

Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

One significant issue with the OYL policy is that farmers are sometimes not willing to make necessary investments with respect to the land they lease, because they only possess ownership of it for 1 year.

Conclusion

This policy is regarded as good practice because it enables temporary use, maximising the potential of land that would otherwise be underutilised in the interim and potentially have a negative effect upon its surrounding area. It does link the short- and long-term with respect to land use. However, the rolling nature of OYLs and uncertainty with respect to the built outcome (both in terms of form and start / completion date) means that farmers cannot plan ahead and must work on an extremely short-term basis. This can result in a lack of investment in the land leased. The policy is limited to land consolidation and Flemish land bank projects, which limits VLM's ability to foster temporary use more widely. However, there is discussion afoot with respect to applying the principles of OYL and Temporary Use Exchange (see above) to smaller scale projects at a local scale. This would greatly increase the scope and impact of this policy with regard to temporary land use.

9. 'Beheersovereenkomste' (Agro-Environmental Agreements, AEA) – Belgium – Good Practice

Introduction

AEAs are an instrument linked to the Flemish (Northern Belgium) Program Document for Rural Development (PDPO, which is the Flemish interpretation of the Common Agricultural Policy (CAP)). The objective of AEAs is to make agreements with farmers that they will employ environmentally friendly farming techniques and / or maintenance of landscape features beyond legal obligations in return for compensation that covers any additional costs or lost income resulting from such practices. AEAs require farmers to contractually commit for 5 years (PDPOs are revised every 6 years). In the province of West Flanders, which consists of 64 municipalities of various sizes, there are approximately 11,000 active farmers and in 2013 there were 1,184 AEAs. The SEEDS partner Vlaamse Landmaatschappij (VLM)–the land agency / bank for Flanders (Northern Belgium)–who completed the analysis of this policy, is responsible for assisting farmers to implement it in the region of Flanders.

Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?

VLM is tasked with creating a list of all possible state aided AEAs, which should be completed by mid-2014. The results of this exercise will be used to inform the 2015-2021 PDPO. Ensuring that AEAs fit seamlessly with other

legislation is regarded as imperative with regard to ensuring that farmers sign up to these agreements. The 2015-21 PDPO is likely to specifically examine conflicts between AEAs and other environmental policy. However, AEAs are not always compatible with other legislation, for example, they cannot be employed in protected natural areas. There are also differences in the manner with which AEAs are employed locally / regionally, for example, in respect of the types of tree that can be planted. This can be confusing for farmers and result in a loss of interest. However, the list currently being compiled by VLM may help to resolve this issue.

Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?

The terms (i.e., fees) of AEAs can be changed every 6 years when a new PDPO is published. The fees for the 2015-2021 PDPO are being increased in order to reflect the loss of income, effort and administration costs born by farmers. In previous years farmers were only compensated for loss of income. As such, the policy is responsive to changing economic conditions.

Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?

Developing this policy was a long process involving lots of advisory groups. Agreements are always made with farmers on a voluntary basis; if they don't want to make an agreement, they don't have to.

Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?

There is no guarantee that AEAs will be renewed after they come to an end. They last for 5 years and can be extended, but this is always on a voluntary basis.

Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?

New legislation is under development with respect to AEAs, which will make it possible to use them in an area-based manner. They are currently only made on an individual basis.

Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?

Land agencies / banks, such as VLM, employ many specialists whose job it is to assist and facilitate farmers entering into AEAs. These specialists are obligated to work within the boundaries of legislation, which is not considered to be very flexible. For some farmers a 5-year agreement is too great a commitment and they would prefer a shorter 1-year term to test the policy. However, VLM cannot make such an agreement. Other organisations, such as one of VLM's partners Regionaal Landschap, are able to make 1-year agreements with farmers, which can subsequently be extended to 5-year agreements with VLM. However, such 1-year agreements are not recognised under the principles of state aid and therefore this opportunity may disappear in the future.

Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

As is the case with One Year Leases (see above), due to the fact that AEAs are temporary agreements for a period of 5 years it can be difficult to ensure that farmers make necessary investments in the land.

Conclusion

AEAs were considered to be good practice. VLM is not aware of any policies similar to AEAs, which makes it difficult to evaluate them. However, the policy cannot provide certainty with respect to permanent use and therefore it cannot be considered best practice. Moreover, the lack of certainty with respect to AEAs means that farmers may not make necessary investments to ensure the future viability of their sustainable interventions / practices. On the other hand, for new entrants to the scheme a 5-year contractual period may be prohibitively long and a 1-year test contract may be more appropriate. There are also inconsistencies with respect to what interventions / practices are permitted. Overall this policy requires greater flexibility to be more effective.



4.3 Local Policies

The following policies apply at a local scale. However, they may be enforced / implemented and their impact distributed at a lower geographical scale. Those policies regarded as good or best practice are examined in the first instance, followed by those regarded as adequate / inadequate practice.

4.3.1 Good / Best Practice

10. 'Stadtwerkstatt' (City Workshop) – Germany – Good Practice

Introduction

The 'City Workshop' is the City of Hamburg, Department of Urban Planning's response to a resolution of the German parliament, which called for greater public participation to be fostered with respect to new plans and building projects. It is an open forum to support and improve participation in the planning and building process. It has been active several times since its inception in April 2012 to discuss a number of different projects. This policy is applied according to need and can respond to upcoming plans that generate a great deal of discussion.

Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?

City Workshop is an innovative tool that is (in this form) only used in the City of Hamburg. It was developed and implemented to improve public participation in projects that are of special importance within the city. The influence of this policy is not yet proven because it is a new tool. However, policy makers and planners are becoming more and more aware of the importance of real participation in planning processes.



Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?

The advantage of an informal policy such as the City Workshop is that it can react very quickly to changing circumstances. The dialogue-based process provides opportunities to modify plans and explore new / unconventional solutions with regard to changing financial conditions.

Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?

City Workshops are open to all and attempt to involve all relevant stakeholders. As a tool for participation the involvement of stakeholders is central. A range of external experts and members of the districts in which the projects for discussion are located are invited to join the workshops. The success of the City Workshop is not measured

with respect to the realisation of a plan or a project, but in relation to the successful involvement of all relevant stakeholders. It is fully orientated towards broad participation and involvement. Therefore, one assumes that it is broadly accepted.

Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?

Due to its dialogue-based and informal character the City Workshop provides an opportunity to handle both the short-term issues and priorities and the achievement of long-term land use objectives. It offers the possibility to generate creative processes and 'unthinkable' solutions concerning temporary land use. For example, if a short-term aim is recognised as a good option for a long-term use, it could be made permanent through a City Workshop dialogue. Whilst to date the City Workshop has not focussed on temporary use a great deal, its format makes this a possibility.

Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?

In the City Workshop the barriers and opportunities for temporary land use can be identified very easily if all relevant stakeholders are involved. Open discussion and a flexible approach can enable the use of appropriate tools to overcome barriers and take advantage of opportunities. Whilst the City Workshop is not a policy specifically intended to foster temporary use, its open structure and dialogical character mean that it is able to take into account all aspects of this form of development. There are currently no evaluations of the City Workshop and its effectiveness. However, neither has there been any negative feedback on it to date.

Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?

The City Workshop is one of the most flexible policies in Hamburg concerning changing circumstances. The tool allows stakeholders to react quickly, plan amendments and develop instruments to deliver any necessary changes.

Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

Ensuring that the process of developing a plan / project is inclusive is the core objective of the City Workshop. This policy can be regarded as successful if all relevant stakeholders were involved and participated, discussion was fruitful and the plans / project is successfully amended to align their varied interests. As such, it is more concerned with the on-going process that the concrete results.

Conclusion

Because it has not yet been used to any great extent in the context of temporary use, this assessment is speculative and based largely on other achievements to date. City Workshops provide an opportunity to raise awareness with respect to temporary use and call upon developers / landowners to integrate it within their projects. The benefits of temporary use can be highlighted not only to developers, but also community members and other stakeholders. If all stakeholders recognise the benefits of temporary use, developers / landowners can be effectively lobbied. Thus far the policy has performed very well and can be considered good practice. However, it is relatively new and in time it is possible that it could be considered best practice.

11. 'Transformatie Team' (Transformation Team) – The Netherlands – Best Practice

Introduction

An ad hoc network of individuals working for The City of Groningen local authority developed this policy. Initially the network was primarily composed of members of the physical urban development team. These individuals coalesced following a mutual realisation that their old way of working—buying a plot of land, installing infrastructure on it and selling it for a profit—was no longer a viable business model for the local authority. Indeed they agreed that this model (large-scale permanent development) is unlikely to return for the foreseeable future, in fact, it might never return.

This realisation has far reaching consequences. Development will no longer be for eternity, but rather for shorter periods: sometimes for a few months, weeks or even days, and sometimes for 10-15 years or longer, but almost never for eternity. Effectively that which is currently understood as temporary use is likely to become the new modus operandi. The network agreed that all departments and personnel working for the local authority should be made aware of this shift, and mind-sets / attitudes changed. This was a significant challenge because both the local authority and landowners had profited significantly from the old model, and were resistant to change and new ideas.

In order to effect change the network formed what it referred to as the 'Transformation Team' in late 2012. The objective of this team was to support temporary projects and initiatives that have the potential to be successful, but are struggling with the formal process (i.e. the potential is recognised, but the idea struggles under all kinds of legislation and unnecessary hindrances, because of contradicting policies or the



perception that contradictions exist). Essentially, the local authority's 'lines' and communication channels needed to be 'de-cluttered' in order to facilitate temporary use. The overall aim was to support the transformation process from 'big project driven' to more local, smaller and bottom-up projects. Moreover, to bring about a change in operational culture within the local authority, making it open, responsive and flexible to alternative forms of urban development.

Within 6 months the Transformation Team made a significant impact. Staff across the local authority became aware of the changes required. At this point the policy entered a second phase. The Transformation Team was disbanded and a cross-departmental platform was adopted: 'Versnellingsstafel' (Acceleration Platform). The Acceleration Platform combines / will combine several key instruments: a vacancy map (currently of public owned sites within the city and within the next 12 months also of all private owned sites), new front office, and monthly walk-in sessions.

Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?

Similar schemes are taking place in other cities within The Netherlands, such as Amsterdam, Rotterdam, Utrecht and The Hague. However, the Transformation Team focuses specifically upon transforming the operational culture with the City of Groningen local authority. The local authority's Heads of Departments (high-level, but below the council) are now involved. They meet every week for 15 minutes to discuss ideas / initiatives that have potential, how they can be helped (either by the council or by civil policy-making), and how they can be moved forward in the organisation. As such, the policy has broadened its scope to include key decision makers in all areas of the local authority and therefore has a significant impact. It was argued that such an approach is likely to

help large local authorities (100,000+ inhabitants) to make quicker and better informed decisions. However, smaller local authorities, where the lines of communication are shorter, may already be sufficiently responsive.

Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?

It was argued that the policy fits the common spirit of the time (zeitgeist).

Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?

The purpose of the team was to enable better engagement with citizens who wish to realise temporary use projects. Its attitude was "Everything is possible, except...", as opposed to the old way of working's "Yes, but...". It consisted of different specialists in economics, social welfare, law, property, projects and policy. These specialists were primarily drawn from the municipal department responsible for physical urban development. However, the team's remit stated that individuals from other departments should be involved where possible. This is particularly the case with regard to the Department of Education, Sports, Culture and Welfare (as in wellbeing, not social services), because it owns many properties within the city.

Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?

As introduced above, this policy sought to highlight that dependence on the old model of long-term land use is no longer viable and short-term (i.e., temporary) land use is the new norm.

Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?

Individuals and organisations are now encouraged to put forward ideas for temporary initiatives. The Transformation Team—latterly the Acceleration Platform—has made it easier for them to direct their requests to relevant individuals / departments and gain a faster response. Frequent short meetings between heads of department (see above) to discuss potential initiatives and ideas provide clarity and responsiveness. The process is now more transparent. If one profession creates bottlenecks (i.e., inaccurate responses to questions) everyone knows. Each local authority department is now motivated to provide objective and professional advice. There is a common sense attitude of facilitating good ideas.

Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?

Yes. The policy makes it easier for the local authority to adapt to changing circumstances—that was the desired outcome. However, it is important to ensure that a desire for split second decisions does not override due process.

Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

The purpose of the policy was to align the various elements of the local authority behind a common goal of supporting temporary use. However, it questions the viability of a long-

term perspective, or at least calls for a reassessment of what that might mean. The policy may face some issues in the future. Firstly, political elections are looming and whilst the current government supports the policy, a future administration may not be so positive. Secondly, every department within the local authority is now preparing its own guidance notes with respect to temporary use. Will it be possible to maintain an overview once each department has interpreted temporary use in its own way? Codification may end up becoming a barrier to achieving a responsive approach. On the other hand, would a lack of criteria result in indecision? It was argued that the local authority should 'let go' and place trust in its officers.

Conclusion

This is a promising new policy, which is especially suitable for bigger municipalities. It is a significant step in simulating and realising more temporary land use in the city. The availability of space is but one element. The hope is that the policy will deliver on both quality of space, and stimulate entrepreneurship and social commitment. The most important point is that it can facilitate quick decisions at the highest managerial level and clarity in approach to potential initiatives. The policy is regarded as best practice, simply because it is the best possible solution the local authority is aware of at this time. However, it may be improved upon in the future.

4.3.2 Adequate / Inadequate Practice

12. 'Reservationsleje' (Reservation Rent) – Denmark – Inadequate Practice

Introduction

"All real estate belonging to the Copenhagen Municipality has undergone a virtual privatization, in that it is managed by an independent agency within the Municipality, which is bound by contract to manage everything under strict market terms. This means that when a branch of the administration wants to use or just reserve a public plot or estate, it has to pay a large reservation rent calculated on an estimated market value of the plot and full contribution to maintenance; even though the buildings are supposed to be torn down in any event.

This means that it is very costly for the municipality to keep a plot for a period of prospecting, forcing politicians to make decisions very quickly and thereby making the prospecting process less thorough. In the end this may result in less reasonable solutions. The money paid for reservation rent could be used better for other things in the administration."

Dorte Grastrup-Hansen, SEEDS Subpartner, Valby Lokaludvalg

The Municipality of Copenhagen developed Reservation Rent and other associated policies in order to realise the privatisation of the management of its real estate portfolio. The stated aim of this policy is to optimise the maintenance of the municipal real estate portfolio and realise cost savings. This policy change represents a shift in philosophy whereby municipal land and property should be traded at market values in order not to compete unfairly with private



owners of land and property. The Reservation Rent is one element of the service agreement of Københavns Ejendomme (Copenhagen Properties, KEjd). KEjd is an autonomous arm of the Department of Culture and Leisure, Municipality of Copenhagen.

Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?

No. This is a policy that only has influence in the City of Copenhagen.

Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?

The Reservation rent is prohibitively expensive for most temporary users and is likely to stop most grassroots initiatives from realising such projects. Indeed, feedback from, among other

interest groups, Givrum.nu (which has management experience in the field) indicates that the requirement of market rent is an economic barrier to the possibility of renting out to bottom-up developers.

Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?

The policy does not consider the local context with respect to either the needs of local citizens or the benefits of temporary land use. It instead focuses solely on the financial optimisation of real estate assets.

Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?

The policy does not consider the longer-term benefits of temporary land use such as, for example, revitalisation, attractiveness and visibility.

Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?

No. There are no identified benefits of this policy with regard to temporary land use. It mimics the private market, which has a tendency to prioritise short-term financial returns over other long-term benefits, such as, for example, improvements to the attractiveness and visibility of an area that could be realised through temporary land use. If the policy is not reformed such benefits will not be realised in respect of municipal land and property. One possible solution is to enter into a dialogue with KEjd with regard to the positive benefits of temporary land use. The local authority could also be pressured to develop planning tools that recognise such benefits. This could result in the main objectives of KEjd being shifted to the development of sustainable communities in the long-term. Such an approach would be better aligned with the objectives of many of the local authority's other departments.

Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?

No.

Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

No. Temporary land uses have been proven to increase the value of land either socially, culturally, environmentally, and / or economically. Therefore, by preventing temporary land use the Reservation Rent policy might end up acting against its original objective of optimising the Municipality of Copenhagen's real estate portfolio.

Conclusion

This policy is clearly inadequate with respect to fostering temporary land use. It does not consider the specificities of temporary use in terms of low budgets and high impact. It prevents any temporary land use initiative that does not have strong political support, which can override the market-driven imperative.

**Subsequent to this analysis being undertaken, the Municipality of Copenhagen has been taking steps internally to integrate temporary use as a strategic tool in urban transformation. Indeed, a few months after carrying out the SWOT analysis above, the SEEDS partners from the University of Copenhagen hosted a seminar on Temporary Use Legal Frameworks, where various municipalities from the Netherlands and Denmark were represented. The seminar highlighted the barriers in relation to temporary use as a strategic tool for urban transformation – including barriers identified during the SWOT.*

This seminar succeeded in influencing changing the municipality's focus by engaging with key individuals working in the Centre of Urban Planning in the Technical and Environmental Administration, Technical and Environmental Administration, and the City Architect of Copenhagen. As a result, this seminar contributed to strategic efforts into facilitating the implementation of temporary use. The Municipality of Copenhagen is indeed currently putting resources in the area, focusing on testing 1:1 in early lifetime of projects and becoming more flexible, and looking for easy approachable ways of integrating temporary use within the urban transformation process.

Summary of Results

National Policies

SEEDS partners reviewed six policies applied at a national scale: one from Denmark, Germany and Sweden, and three from the UK. Two of the six policies were regarded as good / best practice. The first was not a public policy, but a Danish television show called Build it Up (Big det op), which held a competition to select four temporary use projects that were funded, filmed and broadcast nationally. The Danish SEEDS partner stated that there are no public policies in Denmark that relate specifically to temporary use. Therefore, it was necessary to draw upon other examples. Build it Up was argued to be good / best practice precisely because it brought temporary use into the mainstream national consciousness.

The second example of good / best practice was the Meanwhile Project. A 12-month central government funded scheme, the Meanwhile Project provided limited financial support and a wide range of technical and legal support and tools, and training and networking opportunities for temporary use stakeholders across the UK.

Three policies applied at the national level in their respective nations were considered to display adequate practice. The first, Germany's Federal Construction Law (Baugesetz), which regulates all planning and building activities in the country, was not regarded as a significant obstacle in terms of achieving temporary use. However, as a form of urban development, temporary use is only marginally represented within this law and more detailed consideration could potentially reduce barriers to temporary use nationwide.

The second adequate policy was Sweden's Planning and Building Act (Plan- och bygglagen), which also regulates planning and building

activities nationally. Similarly to Germany's Federal Construction Law, it was not regarded as a major barrier to temporary use. However, it was indicated that the realisation of temporary use projects (local urban food gardening projects, in this instance) is reliant upon local authorities identifying opportunities within Sweden's Planning and Building Act, and implementing additional policies and guidelines at the local level.

Thirdly, the UK policy Change of Use (governed by The Town and Country Planning (Use Classes) Order 1987 as amended), which regulates the use of land and buildings, was regarded as adequate. This is because whilst it permits temporary use, that use was—until recently—very narrowly defined. Moreover, the implementation of this policy with respect to temporary use was regarded as being inconsistent between localities, with some areas more supportive than others. However, recent reforms to this policy have resulted in a wider definition of temporary use and greater freedoms for local authorities to grant change of use in this context, which may result in greater consistency with respect to its application.

Finally, one national policy was regarded as inadequate: the UK policy, Business Rates. Business Rates are a tax upon commercial property. On the one hand, this policy acts to encourage temporary use projects, because they can act as a vehicle for tax evasion. On the other, the opportunities it presents are opaque and vary significantly between localities. This inconsistent policy environment can be difficult for new entrant temporary users to navigate.

Regional Policies

The Belgian SEEDS partner supplied all three examples of regional policies, which is indicative of the strong influence of regional governance in this country. Each of the three policies was regarded as either good or best practice, and all relate to temporary use of agricultural land and buildings. Two of the policies (Temporary Use Exchange and One Year Lease) are instruments embedded within the Flemish Decree of Land Consolidation.

Temporary Use Exchange (Tijdelijke gebruikruil), regarded as best practice, attempts to mitigate the impact of large infrastructure projects by exploring possibilities for temporary land use prior to commencement of construction. The policy is being tested for the first time. Therefore, it cannot yet be fully evaluated. However, it has the capacity to consider and manage short and long-term land use objectives.

The objective of One Year Lease (Éénjarige pachtcontracten), which is regarded as good practice, is to enable farmers to lease land that is part of a land consolidation or Flemish land bank project on a temporary basis (1 year) in order to mitigate the impact of the proposed development. This policy is used in combination with the preceding policy (Temporary Use Exchange) in order to facilitate

temporary use. The policy was regarded as good practice, because it enables temporary use and links short-term development and long-term development objectives. However, the uncertainty of a 1-year lease means that farmers are less likely to invest in the land leased and at this point in time the policy only applies to large infrastructure projects.

Finally, Agro Environmental Agreements (Beheersovereenkomsten), which are a Flemish response to aspects of EU Common Agricultural Policy, were regarded as good practice. Their objective is to encourage environmentally friendly farming techniques and maintenance of landscape features. The duration of these agreements is 5 years (i.e., temporary), hence the inclusion of this policy in this review. This policy is generally regarded positively. However, for some the 5-year duration is too great a commitment, whereas for others it is too short to incentivise adequate investment.

Local Policies

The three locally applied policies identified by SEEDS partners are each of a very different nature. The one commonality that unites them is that they were each developed and implemented within individual cities.

Transformation Team (Transformatie Team) is the City of Groningen's response to a collective locally held view that long-term, large-scale, permanent property development opportunities are unlikely to return for the foreseeable future and, in fact, may never return. Therefore, this local authority in The Netherlands has streamlined its operations to ensure that temporary use is facilitated as efficiently as possible. This policy is regarded as best practice.

The City Workshop (Stattwerkstatt) is the City of Hamburg's response to a resolution of the German parliament to widen public participation with regard to contentious building projects. It was regarded as good practice, because it presents an opportunity to forward the interests of temporary users, despite not yet having been used in this context.

The policy Reservation Rent (Reservationsleje) represents a privatisation of the City of Copenhagen's public real estate portfolio. This Danish policy arguably demonstrates the most inadequate practice of all policies reviewed in this report due to its requirement that all public land and properties be let at a market rent; even to public sector departments / organisations. This precludes temporary users, who largely operate with low budgets, from being able to repurpose underutilised public land and buildings.

5 Analysis

This analysis draws attention to policy approaches identified by SEEDS partners: (1) as having been particularly successful (i.e., good / best practices) with respect to fostering temporary use; (2) and those that have had a negative impact upon it and should be avoided (i.e., inadequate practices). Both successful and negative approaches applied at a national, regional and local scale are presented within the structure used in the preceding results chapter: SEEDS' seven crosscutting drivers of policy performance.

I. 'Linkage with relevant scales': Does the policy link-up coherently with and / or influence policies and practices at other spatial scales (i.e., local, regional, national, international), and are policy makers / influencers at other scales fully aware of its impact?

National Scale Policies – Bad Practices:

- Insufficient consideration / inadequate definition of temporary use within national level policies (i.e., the UK policies Business Rates and Change of Use, Germany's Federal Construction Law, and Sweden's Planning and Building Act).
- It being left to actors operating at lower level geographical scales to interpret what is possible with respect to fostering temporary use within an unsupportive framework of national legislation, which can result in significant geographical inconsistencies in approach (i.e., the UK policies Business Rates and Change of Use, Germany's Federal Construction Law, and Sweden's Planning and Building Act).

National Scale Policies – Good Practices:

- Short-term policies tasked with highlighting aspects of and synergies between major national policies that assist temporary use stakeholders at a local / regional

- scale are essential if national level policies do not sufficiently consider / define temporary use (i.e., the UK policy, Meanwhile Project).
- National media outlets can play an important role in raising mainstream awareness of the benefits of temporary use (i.e., the Danish television show, Build it Up). However, care must be taken to ensure media attention does not present simplistic accounts that serve to homogenise temporary use or distort public perception of it.
 - The low overheads typically associated with temporary use schemes mean that low levels of national funding can have a significant impact in terms of mobilising demonstrator projects (i.e., the UK policy, Meanwhile Project, and the Danish television show, Build it Up).

Regional Scale Policies – Bad Practices:

- Narrow definitions of temporary use that limit the application of otherwise successful policies (i.e., the Belgian policies, Temporary Use Exchange and One Year Lease, which are limited to land consolidation projects associated with large infrastructure schemes).
- Incompatibility with legislation at other geographical scales and inconsistent application between localities, which may be confusing for temporary users and result in a loss of interest (i.e., the Belgian policy, Agro-Environmental Agreements).

Regional Scale Policies – Good Practices:

- Ensuring policies that encourage temporary use are not restricted by a narrow definition of this form of urban development and apply to projects of all types and sizes (i.e., proposed expansion of the Belgian policies, Temporary Use Exchange and One Year Lease).
- The sharing of practice between localities can ensure consistency in approach and compatibility with policies at different geographical scales (i.e., proposed practice review associated with Belgian policy, Agro-Environmental Agreements).

Local Scale Policies – Bad Practices

None highlighted. N.B. By their very nature, local policies are less likely to link up with other geographical scales than those at higher order scales. This is because they are likely to be deeply rooted in the local context.

Local Scale Policies – Good Practices

- It is important to share local practices between localities in order to ensure consistency of approach and the dissemination of best practice (i.e., the City of Groningen's policy, Transformation Team, which is similar to policies in a number of major Dutch cities).

II. 'Alignment with economic / financial position': Is the policy correctly aligned with both the financial realities (i.e., viability) of temporary use activities and the broader economic conditions (i.e., local, regional, national, international)?

National Scale Policies – Bad Practices:

- Insufficient recognition of temporary use within major national policies analysed (i.e., UK policies Business Rates and Change of Use, Germany's Federal Construction Law, and Sweden's Planning and Building Act).
- Low levels of funding from national governments for temporary use in comparison with long-term development (i.e., the UK policy, the Meanwhile Project).

National Scale Policies – Good Practices:

- Short-term, responsive national policies that focus on fostering temporary use during periods of economic downturn, which adversely affect land and property occupation / development (i.e., the UK policy, the Meanwhile Project).
- The funding of well publicised demonstrator projects that illustrate the benefits of / what is possible with respect to temporary use (i.e., the Danish television show, Build it Up).

Regional Scale Policies – Bad Practices:

None highlighted.

Regional Scale Policies – Good Practices:

- Ensure that fees levied on temporary users (i.e., rent) or funding / subsidies awarded to them are regularly reviewed in order to ensure that they reflect the financial realities / economic conditions (i.e., the Belgian policies, Temporary Use Exchange, One Year Lease, and Agro-Environmental Agreements). Such reviews should be undertaken in consultation with relevant stakeholders.

Local Scale Policies – Bad Practices

- Imposing private market rents on vacant / underutilised public land and property is a major barrier to temporary users, who typically operate with very small budgets (i.e., the Danish policy, Reservation Rent).

Local Scale Policies – Good Practices

- Recognising that in situations where long-term urban development of land and buildings may not be immediately viable / possible, temporary use is beneficial in the interim (i.e., the City of Groningen's policy, Transformation Team).
- Where development is stalled or likely to be delayed / take considerable time to initiate consultation with local stakeholders and the land / property owner / developer could unlock the potential for temporary use to maximise land use potential in the interim (i.e., the role the City of Hamburg Policy, City Workshop, could play).

III. 'Effective policy engagement': Were all relevant stakeholders identified and engaged in both the development and implementation of the policy?

National Scale Policies – Bad Practices:

None highlighted. N.B. SEEDS partners knew little about stakeholder involvement in the development of national policies.

National Scale Policies – Good Practices:

- Policies of the nature examined in this report are ultimately implemented at the local scale. Therefore, actors at the local scale must ensure that local stakeholders are consulted.
- In the absence of supportive national legislation, short-term policies can foster bottom-up recognition of temporary use (i.e., the Danish television show, Build it Up and the UK policy, the Meanwhile Project).

Regional Scale Policies – Bad Practices:

- If property / landowners do not sufficiently engage with temporary users of their land and buildings this can result in conflict when it is necessary for them to regain possession (i.e., the Belgian policies, Temporary Use Exchange and One Year Lease)

Regional Scale Policies – Good Practices:

- It is important for property / landowners to engage with temporary users of their land and buildings, in order to minimise conflict when it is necessary for them to regain possession.

Local Scale Policies – Bad Practices

- Not considering the impact of new land use policies may have upon temporary use (i.e., the City of Copenhagen's policy, Reservation Rent).

Local Scale Policies – Good Practices

- Ensuring that temporary use is considered by local authorities during the planning / consultation process (i.e., the role the City of Hamburg's policy, City Workshop, could play).
- Ensuring that all relevant local authority officers are able to handle inquiries from temporary use stakeholders and understand the role that this form of development can play (i.e., the City of Groningen's policy, Transformation Team).

IV. 'Temporal Relations': Does the policy successfully consider / manage both the short-term issues and priorities related to temporary land use, and the achievement of long-term land use objectives?

National Scale Policies – Bad Practices:

- Underdevelopment of the concept of temporary use within major legislation and an overriding focus on long-term development (i.e., the UK policies Business Rates and Change of Use, Germany's Federal Construction Law, and Sweden's Planning and Building Act).

National Scale Policies – Good Practices:

- Reform of national policies to incorporate broad definitions of temporary use (i.e., the UK policy Change of Use).
- In the absence of sufficient consideration / definition within national policies, short-term policies that bring the benefits of temporary use into the mainstream public consciousness (i.e., the UK policy, the Meanwhile Project).
- National media outlets can play an important role in raising mainstream awareness of the benefits of temporary use in the absence of recognition within national policy (i.e., the Danish television show, Build it Up). However, care must be taken to ensure media attention does not portray simplistic accounts that serve to homogenise temporary use or distort public perception of it.

Regional Scale Policies – Bad Practices:

- Not technically a bad practice, but a negative side effect of 'long-term' temporary use (i.e., when temporary users' leases are renewed multiple times) is that it can generate a false sense of ownership (i.e., the Belgian policy, One Year Lease).

Regional Scale Policies – Good Practices:

- Where land is earmarked for future development temporary use can mitigate disruption to the surrounding area in the short-term (i.e., the Belgian policies, Temporary Use Exchange and One Year Lease).
- Temporary use can play an important role in encouraging sustainable land uses and evaluating experimental ones (i.e., the Belgian policy, Agro-Environmental Agreements).

Local Scale Policies – Bad Practices

- Local authorities not considering the potential benefits that could be gained by allowing temporary use of public land and property assets and having an overriding bias for the private land and property market (i.e., The City of Copenhagen's policy, Reservation Rent).

Local Scale Policies – Good Practices

- Questioning the viability of long-term land use and seriously considering the role temporary land use can play in its absence (i.e., the City of Groningen Policy, Transformation Team).
- Facilitating a dialogue between temporary users and local land / property owners / developers (i.e., the role the City of Hamburg Policy, City Workshop, could play)

V. ‘Development barriers / opportunities’: Does the policy successfully identify the barriers / opportunities surrounding the development of temporary land use and provide the necessary tools to overcome / seize them?

National Scale Policies – Bad Practices:

- Policies that make little or no attempt to provide opportunities for or tackle barriers to temporary use (i.e., the UK policies Business Rates and Change of Use, Germany’s Federal Construction Law, and Sweden’s Planning and Building Act).

National Scale Policies – Good Practices:

- National policies which seek to identify both the barriers to temporary use, providing technical and legal support and tools, and training and networking opportunities (i.e., the UK policy, the Meanwhile Project).

Regional Scale Policies – Bad Practices:

- Not technically a bad practice, but a negative side effect of short-term temporary use (i.e., when temporary users’ are offered leases of a short duration) is that they may be unwilling to invest in the upkeep of the land / property (i.e., the Belgian policy, One Year Lease). Conversely, long-term agreements may be too great a commitment for new entrant temporary users (i.e., the Belgian policy, Agro-Environmental Agreements).

Regional Scale Policies – Good Practices:

- Using temporary use as a tool to ensure that land earmarked for future development, but which is currently unoccupied, is used to its maximum potential (i.e., the Belgian policies, Temporary Use Exchange and One Year Lease).

Local Scale Policies – Bad Practices

- As above, imposing private market rents on vacant / underutilised public land and property is a major barrier to temporary users, who typically operate with very small budgets (i.e., the Danish policy, Reservation Rent).

Local Scale Policies – Good Practices

- Local authorities that ensure the value of temporary use is recognised by all relevant staff members and systems are put in place to facilitate good schemes with minimal bureaucracy, which can otherwise stifle projects operating on a tight budget (i.e., the City of Groningen policy, Transformation Team).
- As above, where development is stalled or likely to be delayed / take considerable time to initiate consultation with local stakeholders and the land / property owner / developer could unlock the potential for temporary use to maximise land use potential in the interim (i.e., the role the City of Hamburg Policy, City Workshop, could play).

VI. ‘Level of complexity / uncertainty’: Does the policy assist stakeholders to navigate uncertainty and the complex, multi-dimensional issues surrounding temporary land use, and is it responsive and flexible in the face of changing circumstances?

National Scale Policies – Bad Practices:

- The nature of major national policies is that they are rarely able to respond to fast changing circumstances or to take into account detailed local specificities (i.e., the UK policies Business Rates and Change of Use, Germany’s Federal Construction Law, and Sweden’s Planning and Building Act).

National Scale Policies – Good Practices:

- Short-term policies are, by their very nature, more responsive than long-term policies. However, they are not required to respond to changing circumstances (i.e., the UK policy, the Meanwhile Project, and the Danish television show, Build it Up).
- Policies that seek to assist stakeholders navigate the complex nexus of public policies, laws and technical issues surrounding temporary use (i.e., the UK policy, the Meanwhile Project). However, such national level policies are reliant upon local authorities that are willing and able to facilitate temporary use. Burdensome bureaucracy, a shortage of staff, and resistant organisational cultures, for example, can threaten such facilitation.

- Sharing best practice between localities to ensure consistency in approach and an easily navigable environment for temporary users (i.e., the UK policy, the Meanwhile Project).
- Funding and supporting exemplary demonstrator projects that illustrate what is possible to new entrant temporary users (i.e., the UK policy, the Meanwhile Project, and the Danish television show, Build it Up).

Regional Scale Policies – Bad Practices:

None highlighted. N.B. It is apparent from the three regional Belgian policies analysed that the duration temporary users are able to commit to utilising land / buildings varies significantly. Therefore, flexible lease durations are very important if a wide variety of temporary uses are to be encouraged. For some users only a short-term commitment may be possible (i.e., 0-1 year). Whereas others may wish to invest in a site / property and commit to 2+ years occupation.

Regional Scale Policies – Good Practices:

- Having public agencies with relevant expertise on hand to assist temporary use stakeholders realise their projects (i.e., the Belgian policies, Temporary Use Exchange, One Year Lease and Agro-Environmental Agreements). These may not be experts in temporary use, per se, but built environment professionals with adequate knowledge to support such schemes. New entrant temporary users are often ill-equipped to realise the technical aspects of their projects.
- Affording temporary users flexibility with respect to the types of uses they can engage in (i.e., the Belgian policy, One Year Lease).

Local Scale Policies – Bad Practices

None highlighted.

Local Scale Policies – Good Practices

- Temporary users often require quick access to land / buildings. This can also be beneficial to land and property owners. Therefore, it is important for local authorities to streamline the permissions process that enables temporary use. However, this should not override due process (i.e., the City of Groningen policy, Transformation Team).
- As above, where development is stalled or likely to be delayed / take considerable time to initiate consultation with local stakeholders and the land / property owner / developer could unlock the potential for temporary use to maximise land use potential in the interim (i.e., the role the City of Hamburg Policy, City Workshop, could play).

VII. ‘Coherence / conflict between goals’: Does the policy successfully align the interests of all stakeholders behind a common goal in both the short (temporary land use) and long-term (permanent land use)?

unwilling to invest in the upkeep of the land / property (i.e., the Belgian policy, One Year Lease). Conversely, long-term agreements may be too great a commitment for new entrant temporary users (i.e., the Belgian policy, Agro-Environmental Agreements).

National Scale Policies – Bad Practices:

- Major national policies, by and large, focus on the delivery of long-term development objectives and pay scant attention to temporary use (i.e., the UK policies Business Rates and Change of Use, Germany’s Federal Construction Law, and Sweden’s Planning and Building Act).

National Scale Policies – Good Practices:

- Policies that attempt to bridge the gap between land / property owners and temporary use stakeholders by providing training and networking opportunities (i.e., the UK policy, the Meanwhile Project).
- Funding, supporting and publicising exemplary demonstrator projects is a very effective way of illustrating how land / property owners and temporary users can successfully collaborate (i.e., the UK policy, the Meanwhile Project, and the Danish television show, Build it Up).
- As above, reform of national policies to incorporate broad definitions of temporary use (i.e., the UK policy Change of Use).

Regional Scale Policies – Bad Practices:

- As above, not technically a bad practice, but a negative side effect of ‘short-term’ temporary use (i.e., when temporary users are offered leases of a short duration) is that they may be

Regional Scale Policies – Good Practices:

- It is not possible to please every stakeholder. However, policies should attempt to facilitate ‘win-win’ collaborations that benefit stakeholders of both temporary and permanent land uses (i.e., the Belgian policy, temporary Use Exchange).

Local Scale Policies – Bad Practices

- The development of land use policies that do not take temporary use into account (i.e., the City of Copenhagen policy, Reservation Rent).
- Local Scale Policies – Good Practices
- Ensuring that all relevant local authority staff members are prepared to handle inquiries and facilitate temporary use (i.e., the City of Groningen policy, Transformation Team).
- Ensuring that there is political, as well as administrative support for temporary use stakeholders.
- Ensuring that the planning phase of all major development projects involves adequate consultation during which temporary use stakeholders are able put forward ideas (i.e., the role the City of Hamburg Policy, City Workshop, could play).
- Questioning the viability of long-term development on a city-wide / site-by-site basis and considering what role temporary use could play (i.e., the City of Groningen policy, Transformation Team).

6 Conclusions

In this chapter general conclusions are drawn from the policies analysed in the preceding chapters.

Firstly, good / best practices identified at the local, regional and national policy scales with respect to supporting / fostering temporary use of land and buildings are highlighted. Secondly, the policy environments of each of the SEEDS partner nations with respect to temporary use are briefly explored. It is recognised that there are likely to have been additional policies active in each of the SEEDS partner nations that impact upon temporary use, which have not been reviewed in this report. Therefore, it has not considered the full extent of the policy environment of each of the SEEDS partner nations. Moreover, neither the identification of good / best practices or country-by-county examination can be regarded as comprehensive.

However, this was an unavoidable limitation given the research constraints and the report should be read with this caveat in mind. The policies reviewed by SEEDS partners were those that have had or may have a significant impact (either positive or negative) upon temporary use in their own nations. Therefore, whilst this report may highlight extremes in approach, it is representative of those policies that have the greatest influence with respect to shaping the nature of temporary use in their respective nations.

The term ‘temporary use stakeholder’ is used broadly to include, for example, citizens, land and property owners, temporary users, public sector actors / agencies, private sector businesses, etc. Whilst findings are presented separately with respect to practices at the national, regional and local scales—reflecting the scale at which they were reported in the policies reviewed above—many are crosscutting and could apply at more than one scale.



National

Drawing upon the analysis conducted in this research, it appears that major pieces of national legislation related to land and property development, by and large, focus on facilitating long-term development objectives and pay scant attention to temporary use. Therefore, the following list of best practices attempts to address this bias.

- National level policies should consider the breadth of possible temporary uses and provide flexible definitions that enable a wide range of temporary activities to take place. This will ensure relatively consistent support at lower geographical scales, whilst maintaining the potential for innovation within this dynamic form of land and property development. Essentially, the role of temporary use must be adequately represented alongside long-term development goals.
- The national level policy environment is, by its very nature, complex, and necessarily has to regulate a wide range of land and property development types. If reform of national policies to include consideration of temporary land and property use is not possible, short-term policies that seek to highlight aspects of and synergies between existing major national policies that can assist temporary use stakeholders at a local / regional scale are essential. Such signposting can support bottom-up approaches to temporary in the absence of top-down prescription.
- Short-term national level policies, which provide a range of nationally relevant / accessible technical and legal support and tools, and training and networking opportunities for temporary use stakeholders can also help to facilitate the development of bottom-up approaches. Such guidance and opportunities must be targeted at all temporary use stakeholders, but specifically seek to bridge the gap between temporary users and land / property owners. Short-term national policies that seek to build immediate capacity are, by their very nature, more responsive to changing circumstances than major pieces of legislation.
- Sharing local / regional temporary use best practice nationally should be encouraged. Sharing practice can support the emergence of a consistent and effective national approach to temporary use.
- Publicity via national media outlets can play an important role in ensuring that the benefits of temporary use are widely recognised. However, care should be taken to ensure that it does not portray a simplistic account of temporary use that serves to homogenise or distort public opinion of it. Thus, such publicity should be accompanied by further guidance that provides greater detail / clarity.
- Due to the low overheads typically associated with temporary use, low levels of funding at a national scale—when compared to the subsidies often afforded to long-term development—can have a significant impact in terms of mobilising exemplary demonstrator projects. Demonstrator projects can provide practical guidance to new entrant temporary users and land / property owners as to what is possible and how it can be achieved.
- National policies that relate to land and property development are—by and large—implemented at regional / local scales. Therefore, it is critical that developing capacity to support temporary use at regional / local scales is encouraged within national policy.

Regional

The sample of regional policies reviewed in this report is limited to three Belgian examples. This is perhaps indicative of the strong influence of regional governance in this country. The best practice highlighted below may be of limited applicability to nations that do not have an influential layer of regional governance.

- Regional level policies should attempt to consider the breadth of possible temporary uses and provide flexible definitions that enable a wide range of temporary activities to take place. This will ensure relatively consistent support at lower geographical scales, whilst maintaining the potential for innovation within this dynamic form of land and property development. Essentially, the role of temporary use must be adequately represented alongside more long-term development goals.
- Ensuring some degree of consistency between regions in terms of policy approach to temporary use is important. Otherwise the policy environment can be overly complex and off-putting to temporary use stakeholders. The sharing of practice between regions is an important factor in generating such consistency.
- In order to be responsive to changing financial realities and economic conditions, any fees levied upon (i.e., rent, etc.) or subsidy provided to temporary users should be regularly reviewed. Such reviews should be undertaken in collaboration with all relevant stakeholders in order to ensure that the levels set are appropriate.

Local

Temporary use projects are ultimately realised at the local scale. Therefore, assuming that policies at higher scales are not overly stifling, ensuring this policy level is as conducive to temporary use as possible is arguably the most important thing to get right.

- It is important for land / property owners to engage with temporary users who are utilising their sites to some degree, especially relatively long-term temporary users. This is because some degree of interaction can help to minimise conflict when they seek to regain control of their land / property.
- It was highlighted that repetitive renewal of temporary leases over a long period of time can result in temporary users developing a false sense of ownership. Care should be taken to manage expectations in this respect.
- Temporary use should be regarded as a valuable, low-cost opportunity to enable innovation and experimentation of new land and property uses, whatever they may be. In this respect, policy must be flexible and enable a wide range of temporary uses.
- It can assist temporary users if temporary lease durations are flexible. Too short and they may stifle investment, too long and they may be regarded as too great a commitment by temporary users.
- New entrant temporary users are often ill-equipped to realise the technical aspects of their projects. Therefore, it can be of great assistance to have public agencies with staff members on hand to assist them realise their projects. Such staff members need not be experts in temporary use, per se, but should be built environment professionals with adequate knowledge to support the facilitation of temporary schemes.
- Local authorities responsible for regulating the development of land and buildings should promote opportunities for—and the benefits of—temporary use in situations where long-term development may not be viable or possible for a considerable length of time. Temporary use can play a significant role in mitigating the impact of major developments upon their surrounding area. Promoting / facilitating a dialogue between property and landowners and both experienced temporary users and those currently seeking opportunities is essential in this respect.
- When developing new policies related to land and property development, local authorities should ensure that temporary use is taken into account and not negatively impacted. The desire to promote / achieve long-term development goals should not overshadow opportunities for temporary use schemes, which may in fact help to realise such objectives.
- Ensuring that all relevant local authority staff members are able to handle inquiries from temporary use stakeholders and to recognise the positive role that this form of development can play.
- In the face of a stalled market for land and property (on a city-wide or site-by-site basis), it may be appropriate for local authorities to consider switching their focus from long-term development objectives to temporary ones. Such an approach may have a more positive impact in both economic and social terms, and help to kick-start the property market.
- Temporary users often require quick access to land / buildings and operate with relatively small budgets. It may therefore be the case that existing local authority procedures for handling long-term development are not appropriate with respect to fostering this form of urban development. As such, streamlined, responsive procedures, which minimise bureaucracy and cost, should be developed.
- Cross-party political recognition of the benefits of temporary use must be garnered in order to ensure that changes in government do not threaten to destabilise the policy environment for this form of development.

With respect to the overall policy environment of each of the six SEEDS partner countries, the first, Belgium (more specifically, the Flemish Region in Northern Belgium), has an array of policies that seek to encourage and facilitate temporary use of land earmarked for future major infrastructure projects of regional significance; and to encourage environmentally friendly farming techniques and / or maintenance of landscape features in rural areas. These policies are examples of good / best practice with respect to fostering temporary use. However, their remit is significantly limited and it will be interesting to observe if these rather narrowly defined policies are expanded in the future to include a wider range of temporary use projects in different localities.

In Denmark there appears to be an absence of policy that seeks to foster temporary use. In fact a by-product of a recent policy development in the City of Copenhagen is that it is highly unlikely temporary use of public land and buildings will be possible in the future. However, a recent Danish television show, which funded and followed the course of four temporary use projects, demonstrates that there is a demand for / interest in temporary use within the country and the publicity this form of development gained from the show may eventually result in greater policy recognition. In Germany and Sweden there also appear to be no specific policies that seek to foster temporary use. However, nor does the policy environment in these two counties explicitly seek to inhibit temporary use. Rather, it is left to actors (i.e., local authority officers and temporary users) operating at the local scale to interpret national policies and seek ways in which temporary use can be facilitated.

Until recently, the UK's policy environment was similar to that of Germany and Sweden. However, a recent short-term national policy, which: (a) sought to highlight aspects of and synergies between existing major national policies that can assist

temporary use stakeholders at a local / regional scale; (b) and provided a range of nationally relevant / accessible technical and legal support and tools, and training and networking opportunities for temporary use stakeholders, helped draw attention to the benefits of temporary use and brought it into the mainstream consciousness. Perhaps as a result of this increased visibility, a major piece of national legislation, which regulates what land and property can be used for, was reformed to incorporate a broader definition of temporary use. This has enabled a wide range of temporary use projects to be mobilised within towns and cities across the country.

Finally, whilst it is not possible to comment on the national policy environment in The Netherlands because the Dutch SEEDS partner reviewed only one local policy, it is possible to say that the value of temporary use is recognised in a number of the major cities in this country. In the City of Groningen the local authority has actually begun to question the future viability of long-term development and is turning to temporary use as a new driver of urban development. As such, the city's local authority has trained all relevant staff members to be able to respond to temporary use inquiries and has streamlined the permissions process in order to minimise bureaucracy and cost, and facilitate the maximum number of good temporary use projects. Similar approaches have been adopted in Amsterdam, Rotterdam, Utrecht and The Hague.

Two overarching questions are central to the SEEDS project and guided the analysis that formed the basis of this report. Firstly, how does the extant policy environment contribute to the enterprising and sustainable use of vacant / derelict / stalled sites? Secondly, is the extant policy environment capable of stimulating the use of vacant / derelict / stalled sites in an enterprising and sustainable way? The first question has been addressed through the identification

of good / bad practices in the policy environments of the SEEDS partner nations, which is presented above. With respect to the second question, it is clear that temporary use is emerging as a policy priority within the majority of SEEDS partner nations. However, there is variance with respect to whether policy support for temporary use emanates from the bottom-up (i.e., local / regional scale) or top-down (i.e., national scale) initiatives.

This report argues that increased intra-national and transnational sharing of good / best practice with respect to fostering temporary use—such as that outlined above—would encourage a more consistent policy approach at all geographical scales. A consistent policy approach at all geographical scales is important, because temporary users often have limited resources, time, and expertise in property development. Therefore, complex policy environments can serve to inhibit the mobilisation of temporary use projects.

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