



CHALMERS
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Will recent changes in the planning and building act (PBL) benefit the development of a mixed use city?

A study on built environment practitioners' view of the proposition 'a simplified planning process'

Master's Thesis in the Master's Program Design and Construction Project Management

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Göteborg, Sweden 2015

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The cover picture is from a private collection and taken is taken from a skyscraper overlooking the district of Lorensberg in Gothenburg

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ABSTRACT

The new changes in the Planning and building act (PBL) have been developed in order to make the process smoother and simplified. The expression mixed use city is a concept commonly used by the industry when developing new areas. The research has been developed in order to investigate if the new changes can be in favor for the development of the mixed use city. The research questions are as follows:

1. What is the professionals general opinion and expectation of the legislation changes from the proposition 2013/14:126
2. What is the general understanding of the mixed use city?
3. Will the legislation changes provide positive effects when creating the mixed use city?

In order to answer the research questions a theoretical framework with relevant literature on the mixed use city and the urban planning process has been used along with seven semi-structured interviews. The sample of interviewees represents private, municipal, legal and the academic parts of the industry. The result therefore represents a large variety of actors in the industry.

The result from the study shows that there is no simple recipe for how a mixed use city should be developed. Although six factors are prominent in the general understanding of what it contains. Factors like housing, workplaces, commercial spaces, public transportation and recreation are all factors resulting in a living city which is seen as the main objective of the mixed use city.

The recently suggested legislation changes with ambitions to simplify the planning process, are by the interviews perceived as positive. However their effect on the overall development process is considered to be quite limited. When analyzing if any positive effects could be noticed in favor of the mixed use city, the analysis showed that three key benefits could be noticed; increased flexibility, transparency and construction pace. However, the overall view of possible changes enforced by the proposition indicates that only less visible

changes have been performed, and thus the conclusion is drawn that even though favorable effects can be noticed, they are unlikely to act in a visible favor for the mixed use city.

Key words: Planning and Building Act, PBL, Mixed use city, Proposition
2013/14:126

Kommer lagändringarna i plan och bygglagen underlätta för skapandet av blandstaden?

En studie som innefattar en granskning av propositionen, en enklare planprocess, och hur denna kan komma att påverka exploatering i syfte att skapa blandstad.

Examensarbete inom masterProgram Design and Construction Project Management

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SAMMANFATTNING

De nya förändringarna i Plan- och Bygglagen, som har kommit med propositionen 2013/14:126, har utvecklats i syfte att skapa en enklare planprocess. Blandstaden är idag ett koncept som frekvent används vid exploatering av markområden. Studien har utförts i syfte att se om de nya ändringarna kan komma att påverka vid skapandet av blandstaden.

För att svara på frågeställningen har ett teoretiskt ramverk fastställt med hjälp av relevant litteratur i ämnet samtidigt som sju semistrukturerade intervjuer har genomförts. Intervjuobjekten kommer från de privata, kommunala, juridiska och akademiska delarna av branschen vilket medfört att en stor spridning av de påverkade aktörerna har tagits i åtanke tillsammans med en stor spridning av olika erfarenheter.

Resultatet från studien visar att det inte finns något recept för hur en blandstad bör skapas. Däremot återfinns sex faktorer som är framträdande i blandstaden. Dessa är bostäder, arbetsplatser, kommersiella ytor, kollektivtrafik och rekreationsområden. Tillsammans skapar dessa en levande stad vilket anses vara målet med blandstaden.

Förändringarna i lagen har enligt intervjuobjekten upplevts som positiva. Emellertid har effekten på den övergripande planprocessen ansetts vara neutral. Vid analys av effekter på blandstaden har studien kunna påvisa tre fördelar som lagförslaget bidrar med, vilka är: flexibilitet, transparens och ökad byggnadstakt. Dessa är i förhållande till den teoretiska referensramen och stöds i intervjuerna. Den samlade bedömningen av propositionen visar dock att förändringarna, trots sina förväntade positiva effekter, är småskaliga och kommer därav ej medföra en bemärkt fördel i skapandet av blandstaden.

Nyckelord: Plan och bygglagen, PBL, Blandstaden. Proposition 2013/14:126

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Preface

The following master thesis of 30 credits within the Design and Construction management program at Chalmers University of Technology is performed in assistance with several interviewees. We would naturally like to thank all of them for making this possible and for contributing their time and effort for the purpose of the thesis.

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Gothenburg, June 2015

Christoffer Adrianus Verschuur

A handwritten signature in black ink, appearing to read 'C. Verschuur', with a long horizontal stroke extending to the right.

Robin John Joseph Cukierman

A handwritten signature in black ink, appearing to read 'R. Cukierman', with a large loop at the start and a long horizontal stroke extending to the right.

Syllabus

English	Swedish
Planning and Building Act	Plan- och bygglagen (PBL)
Master plan	Översiktplan
Zoning plan	Detaljplan
Mixed-use city	Blandstad
Land allocation agreement	Markanvisning/Markanvisningsavtal
Development contract	Exploateringsavtal
Implementation agreement	Genomförandeavtal
Zoning plan notice	Planbesked
Area regulations	Områdesbestämmelser
Extended Master plan	Fördjupad översiktsplan
Regional plan	Regionplan
Building committee	Byggnadsnämnden
Execution time	Genomförandetiden
Simplified procedure	Enkla förfarande
Exploiters provisions	Exploatörsbestämmelserna
Waiver regulations	Avståendeförordnaden
Consultation	Samråd
Consultation time	Samrådstid
Consultation report	Samrådsredogörelse
City council	Kommunfullmäktige
Building committee	Byggnadsnämnden
Municipal executive	Kommunstyrelsen
The Supreme Administrative Court	Högsta förvaltningsrätten
Extended procedure	Utökat förfarande
Standard procedure	Standard förfarande
Normal procedure	Normalt förfarande
Begin the plan process	Planstart
Public notice	Kungörelse
Review	Granskning
Review duration	Granskningstid
Audit report	Granskningsutlåtande
Acceptance	Antagande
Notification	Underrättelse
Legal force	Laga kraft
Cadastral authority	Lantmäterimyndigheten
County administrative board	Länsstyrelsen
Appeal	Överklaga
Exhibit	Utställning
Site layout	Tomtindelningar
Construction rights	Byggrätt
Environment adapted construction	Miljöanpassat byggande
Swedish national board of housing building and planning	Boverket

1 Introduction

“The cities that we live in are different from each other, it is quite easy to have good or bad memories of cities that we have visited. Although it is difficult to determine why that feeling occur and why some cities are perceived more positive than others. Cities or areas that have a mixture of urban spaces, business, and housing tend to be perceived more positive comparing to cities that don’t have this mixture”. (Montgomery, 2007)

As cited above, cities can be perceived differently, but those with a mixture of functions tend to be perceived more positively than others. The concept of the mixed use city is thus an objective for a developer to create a city or a part of a city that people perceive as good and enjoy, by creating a mixture of different functions in the city environment. But what mixture of functions is there that make us perceive the city as good?

In the political debate the recent housing environment has become a hot topic, with debates, seminars, conferences and other gatherings where the unison understanding is that the system has to adapt or change in relation to future and recently present prerequisites of the increasing demand. For example Nina Lundström, a member of the Swedish parliament, issue in a parliamentary debate in 2013 that the housing topic in question had forced a gathering of the political community to embrace on consensus when it comes to the challenges of future housing. Critical decisions have to be taken in parliament to decrease the barriers in development. The problem was clearly defined, but when it came to suggest solutions, the community was split.

During 2013 the construction of new homes for purchase and rent increased by 55 percent compared with previous year. The population is increasing each year together with the urbanization and a shortfall in housing due to today’s regulations. Peter Wågström, the chief executive officer at NCC one of Sweden’s largest construction companies for example states that *“The biggest obstacle to new production is not the system for setting rents, but construction regulation and availability of land suitable for rental homes in a certain price category”*. The organization Swedish National board of housing building and planning estimates that about 71 000 new homes need to be added annually. This means that the building pace needs to increase to meet the demand for new housing. The National board of housing, building and planning states that Sweden requires 426 000 new homes until 2020. (Boverket, 2015) The government have planned for about 250 000 new homes during the same period, which will lead to a shortfall of about 200 000 homes.

The National board of housing, building and planning state that housing shortage exists when the housing stock does not have time to increase sufficiently to eliminate the increases in house prices due to population growth since the housing market was in balance (ie a equilibrium year). A housing surplus is defined conversely as when the housing stock since equilibrium years has increased more rapidly than has been required to eliminate the increases in house prices as population growth caused (Boverket, 2015).

The demand for new development of housing in Sweden is of great extent and due to the circumstances that exist today with an increasing urbanization and a shortage in housing the situation can become even more problematic in the future. In regards to the shortage of housing and the bottlenecks in existing regulations, the development of the future built environment is a subject that is highly debated today. Moreover the climate regarding housing has changed and the urban planners are striving to create areas that have mixed uses e.g. not only areas destined for housing, commercial or office spaces.

Ola Johansson, member of the Swedish parliament, stated during the same debate as previously mentioned by Nina Lundström, that the regulatory documents and processes in the urban planning process was too complex, and that one should understand that some has difficulties in grasping it. As an example, he continued that a normal urban planning process can take approximately ten years, and be handled in up to four terms in office. Due to this long timespan also half of all municipal assembly members might have been changed during the time from planning to the plan winning legal force and thereafter executed. Thus, with such durations, there is an obvious need for consistency, continuity, cross-party consensus and a strong desire from politicians to be able to pursue such a complex work.

In Sweden the planning and building act (PBL) sets guidelines and regulations regarding how the urban planning process is to be performed. Such regulations have numerous applications in the development process, some of which regulate the construction standards while others regulate the early stages in the development process. The latter, is the aspect considered in the following master thesis, and has been updated and revised several times due to the ambiguity and complexity of the current regulatory system. For instance, in May 2, 2011, an update to the PBL was introduced with the objective of making the urban planning process quicker and more easily managed. In relation, Sweden's larger cities are expanding forcing politicians to provide plans for more housing. Hence actions should be taken which can be difficult with the current regulatory system.

When urban developers construct new areas the expressions mixed use cities is taken into consideration and could function as a vision or a starting point for new projects. The expression is currently very trendy and it seems that it is more of a fact than an exception that the expression is used in urban developers planning documents. However, the content in a mixed use city varies depending on whom you ask and it is of great importance for the industry that the different stakeholders have the same meaning of the expression so everyone refer to the same concept.

Political forces have moved in the direction of changing the process of urban development, with the one objective of achieving a process that is easier to perform and with fewer complexities. The changes in the PBL that gained legal force from 1 and 2 of January 2015 have the objective of achieving an eased and more effective urban planning process (SFS 2014:900). Clearly, the political

intentions are heading towards a more efficient planning process, but what is there to say that these new legal changes are less complex than the previous changes? In order to answer such questions, this master thesis is examining these changes in the context of creating the mixed use city.

1.1 Aim and research question

The aim of this thesis is to explore the effects from recent legislation changes in the development of the mixed use city in Gothenburg. The mixed use city is a commonly used concept by developers, but what does it really mean? By breaking down the different parts of the mixed use city, a general view of the concept is expected to provide a better understanding of how the legal changes may affect its creation.

The research question is broken down into three sub questions:

4. What is the professionals general opinion and expectation of the legislation changes from the proposition 2013/14:126
5. What is the general understanding of the mixed use city?
6. Will the legislation changes provide positive effects when creating the mixed use city?

The process in which this research will be executed is via interviews with different affected stakeholders in the area of Gothenburg along with a literature review. The planning process consists of several different parts which combined creates a complex network. To understand the complexity and how the changes have affected the process main parts, the processes are deeper examined along with previous legislation changes.

1.2 Limitations

The report is focusing on the mixed used city of Gothenburg and its proximity.

The report is limited to the proposition 2013/14:126, which gained legal force the first of January 2015. All other legislation changes during the period are not considered.

The thesis is focusing on the extended procedure, although it is important to understand that a simplified procedure could be applicable when major areas are exploited and the prerequisites for the extended procedure is not fulfilled.

2 Method

The study aims at observing professionals' perceptions, opinions and expected effects from the legislation changes in PBL that are starting from the first of January 2015, in relation to how it may benefit exploiters when exploiting larger areas of land in Gothenburg. When exploiting larger areas of land the creation of the mixed use city is by the city of Gothenburg and exploiters considered to be the objective.

2.1 Research approach

The interviews were conducted in two stages firstly a pre-interview followed by the main study. The pre-interview questions focused on processes and restrictions in the planning process.

A semi-structured interview approach has been used supported by a literature review. The semi-structured interview approach provides a possibility for the interviewee to develop own answers to semi-open questions. The interviewees did not see the questions beforehand rather than the subjected matter. Further, when adopting the semi-structure approach, researchers can continuously adapt the questioning technique to each interviewee to fully answer the problem statement based on his or her experience and knowledge.

2.2 Pre-interview

To get an initial understanding of the research topic, the pre-study were performed with a project developer that had a wide understanding of the processes and procedures in the planning process. The same project developer were later also interviewed for the main study.

2.3 Interview study

The main study covered opinions and expectations of the legislation changes from the proposition whilst also covering questions concerning the interviewees' perception and definition of the mixed use city. The interviewees were selected in relation to their position at the firm and level of experience in the urban development process as well as their experience from previous editions of PBL.

The main study was performed with municipal and private property holders and managers along with one interviewee with a research background in urban development and economics and a legal expert. The property portfolios owned and managed by the real estate firms are diverse covering both different areas in the city as well as suburbs but also different portfolio allocations amongst commercial and residential real estate, thus a wide field was covered.

Lastly, the qualitative data derived from the interviews were transcribed and analyzed inductively by deriving conclusions from the interviewees' empirical experience. (Bryman, 2007)

2.3.1 Description of the interviewees

Seven interviews were conducted with professionals representing various stakeholders and their views on the research topic.

Director of the municipal property management

The interview with Rikard Nilsson was conducted at his office at Lillhagsparken in Gothenburg. The interview continued for about 1h. Nilsson works as director of the municipal property management. The municipal property management consists of 425 employees who adapts and builds facilities and accommodations for the city's operations. They hold 1 500 plants covering 2,2 million square meters and about 2 800 properties. They also manage about five million square meters of land that is connected to their real estate (Göteborgs Stad, 2015c)

Head of the legal department at a municipal planning department

The interview with Sven Boberg was conducted at Gothenburg's Stadsbyggnadskontorets main office. The interview continued for about one hour. Boberg works as the head of the legal department at Stadsbyggnadskontoret. Their mission is to periodically create and adapt master plans and zoning plans in relation to the city's development. Boberg is working closely with the planning and building act and is involved in the development of Gothenburg city. (Göteborgs Stad, 2015a)

Researcher in urban development

The interview with Jan Jörnmark was held at his apartment in central Gothenburg. The interview continued for about one and a half hour. Jörnmark is a lecturer in economic history at Chalmers University of technology and at the school of economics in Gothenburg. He has also had assignments for Nationalencyklopedin. Jörnmark has published several articles and books concerning urban development. He is also involved in the non-profit organization called: Yes In My Backyard (Yimby). He has conducted research related to urban development for about 20 years. (Jörnmark, J. 2014)

Project developer

The interview with Annika Wilén was held at Wallenstam ABs head office in Gothenburg city. The interview continued for about one hour. She is a project developer at Wallenstam AB and is working with the planning and building act and the concept of the mixed use city on a daily basis. Wallenstam AB is a public company listed on Nasdaq Stockholm, Large cap and has about 7 600 rental apartments and about 1000 commercial tenants. The net worth of the real estate portfolio is about 28 billion Swedish Kronor. (Wallenstam AB, 2014)

Technical manager

The interview with Johan Nicklasson was conducted at one of Poseidon's local office building placed in an old regiment located in Kviberg. The interview lasted for about two hours. He is a technical manager at Poseidon AB. His daily tasks are related to urban development while working with the planning and building act in different stages of the process. He has about 30 years of experience in

different areas of the construction sector. Poseidon is one of Gothenburg's largest accommodation providers by managing about 26 600 rental apartments. They are publicly own by the municipality of Gothenburg. (Bostads AB Poseidon, 2014)

President of a municipality owned property provider

The interview with Mikael Pirosanto was held at Gårdstensbostäders head office, located in Gårdsten. The interview lasted for one and half hour. Pirosanto is President of Gårdenstensbostäder AB. His everyday tasks involve managing the organization and developing their property portfolio. The company was founded in 1977 with the purpose of refurbish and developing the district Gårdsten. In total the company own and manage about 2 700 rental apartments and has a market share in the district of 85 percent. Gårdstensbostäder AB has developed the district together with the residents, and has a board consisting solely of people living in the area. (Gårdstensbostäder, 2014)

Head of urban development

The interview with Martin Blixt was held at Älvstranden utveckling ABs head office located at Lindholmen in an old shipyard building. Blixt is the head of urban development at Älvstranden Utveckling AB. The company is a municipality owned company who has the objective of creating a long-lasting and sustainable development for the areas along the riverside Göta kanal. Älvstranden utveckling AB owns 76 real estates. They have 370 000 square meters leasable area for commercial purposes and about 5 000 000 square meter in unused development rights. Blixt has worked at Älvstranden utvecklings AB during 15 years and has been head of urban development during the last seven years. He also has experience from the private sector in the role as a manager in a construction consultant company. (Älvstranden utveckling AB, 2015)

2.3.2 Interview procedure

The proposition 2013/14:126 consists of several alterations and additions to PBL, and it can therefore be difficult for the interviewee to be aware of all the details. The interviewees have therefore been asked broad questions regarding their opinion and expectations of the proposition, but also, specific changes have been read to them in order to receive their opinion on the specific change. The specified legal changes are as follows in table1 below.

Table 1: Legislation changes from the proposition 2013/14:126(Translated from Swedish) The legislation changes in Swedish are presented in Appendix 2.

Legal change	Description of legislation changes
1	The existing zoning plans will be easier to revoke while the execution time will be easier to extend via the new procedure called the simplified procedure (SFS 2014:900. 5 ch. 38b and 38a§).
2	Municipalities can no longer subject exploiters of fulfilling municipal technical requirements that are outside of national regulations from the Swedish national board of housing building and planning and PBL. If such requirements are placed they are without effect.
3	New regulations will require the municipality to settle guidelines, goals and fundamentals when entering into a land allocation contract or a development contract.
4	The regulations concerning development contracts will be clearer as to how far the freedom of contract can be stretched, thus the uncertainty of what the developer can be responsible for will be reduced.
5	The government decides that the exploiters provisions in PBL shall be revoked, thus also the waiver regulations over the period of four years.
6	During the consultation procedure stakeholder such as condominium owners, tenants, residents and organizations of tenants which are evidently not affected by the new plan do not have to be consulted, thus the amount of participants can be reduced.

Further, of the changes in the proposition 2013/14:126 that were rejected by government, two were still asked to the interviewees in order to receive their opinion on the matter, see table 2 below. The questions are thought to still be of relevance in order to see if private officials agrees or disagrees with parliament. They were also taken into consideration due to the fact that several interviewees thought they should be examined more closely.

Table 2: Rejected legislation changes from the proposition 2013/14:126

Proposed Legal change	Description of rejected legislation changes
7	After the zoning plan execution time has expired the regulations concerning architectural and esthetic design will expire.
8	City council should be able to give the authority to the building committee or the municipal executives to accept zoning plans.

The chosen changes are all taken from the Civil Committees report on the proposition published the 12th of June 2014 (Civilutskottet, 2014) and have been revised as of their rejection or acceptance via the documentation of the annual meeting at parliament (Riksdagen, 2014).

When questions were asked to the interviewee regarding the mixed use city, tools such as paper and pen were used in order for the interviewee to illustrate what a mixed use city is for them and what it contains. By using such procedure the interviewee had the possibility to explain and illustrate the different functions and services that they thought should be included. Therefrom, along with open-ended semi-structured questions on the mixed use city, a holistic and general view of the mixed use city could be established.

2.4 Analysis method

When analyzing the interview responses they were firstly transcribed and later categorized in order of interview question answered. Thereafter, the qualitative data gathered were analyzed with emphasis on effects of the six accepted and two rejected changes and the interviewees' views and arguments regarding the idea of a mixed use city. Thus patterns could be noticeable and therefrom conclusions drawn.

In order to visualize the general opinions and expectations from the interviewees both concerning the mixed use city as well as the legal changes, illustrations were created. The illustrations are not based on direct measurable data but rather created out of the overall understanding from the interviewees. In order to identify any relation between the mixed use city and the legislation changes the results they were presented in an illustration where positive and negative effects can be visualized in relation to each other.

2.5 Reflection of chosen method

The research question provides a framework based on predictions, perception, opinions and expectations. To research such framework a suitable method is by performing semi-structured interviews trying to grasp such outlooks (Bryman, A. 2007). Thus, the interview method is considered appropriate for the study.

The concept of the mixed use city is unclear and dependent on experience and views from the interviewee. Therefore the interviewees were asked to draw the different functions of the mixed use city on a blank paper and later discuss why and what they had drawn. Motivating their answers and provide for an understanding of their view. The method worked well during several interviews, although some interviewees rather talked about their view and did not fancy drawing it; stating it was too difficult to explain in a drawing. Still, the method worked well and provided good discussions with the interviewees.

When assessing the interviewees' opinions and expectations of the legal changes, eight of the proposition changes were read to them. This method worked well in generating specific opinions and expectations together with arguments for and against each specific legal change.

When investigating the relation between the legal changes and their effect on the mixed use city, discussions were held for each change in order to receive an agreed understanding of the relation.

The analysis method of transcribing the interviews and later compiling them into sections of what they answered provided a clear visual framework for each question. This method simplified the process of understanding the general opinions of the interviewees and thus made it easier to draw conclusions. A qualitative analysis method with stronger support in literature could have been used, but if any differences would be noticed in unclear.

3 The mixed used city

An attractive city needs different functions in order to create a pleasant environment for the citizens. Typical for a well-functioning city is to have a great range of workplaces, schools, commercial stores, culture areas and areas that is pleasant for the citizens to visit without having any particular order (Hoppenbrouwer & Louw, 2007).

Different functions and buildings that vary in height and in closeness to each other contribute in how the city is constructed and perceived. The density is usually higher around the nodes and become sparser the farther away from the nodes that the city extends. Therefore a mix of functions is required at these areas (Göteborgs Stad, 2015d).

3.1 Historical and contemporary views on mixed use cities

Both Howards (1898/1902) and Jacobs (2005) theories are relevant for the developments of the cities today. Howard's ideas highlighted the urbanization and what circumstances that made the population move from the countryside in to the city. He showed that positive enticement such as interaction with new people, entertainment, higher wages, employment opportunities, and a safer urban environment were reasons for people to move. Howard also investigated the country side and exemplified their positive enticements. Factors that seemed attractive in the countryside were the nature's beauty, unused land, fresh air and sunshine. These various aspects were unique to the city and the countryside separately, and both places had advantages and disadvantages.

Lijankoski (2011), referring to Howard, and claims that according to Howard (1898/1902) all the benefits of the city and the countryside could be combined and the result from this would be a good city that is transforming, and the citizens have the possibility to embrace all its benefits, to get both jobs and increased social opportunities while getting fresh air and suitable time to nature. He illustrated the first two collections of appeal in the form of magnets, urban magnet and countryside magnet. The new third option where the advantages of the city and the countryside together. Howard said that the rural magnet and the countryside magnets should be married so the advantages of both sides can be utilized (Lijankoski, 2011). When developing cities today, urban developers strives to create the same mixture that Howard is describing and the benefit of different areas of usage is of most importance in the mixed use city (Göteborgs Stad, 2015d).

Jacobs, (2005) states that the urban planners are focusing on the wrong issues when trying to solve the problem, by creating pleasant environments for the residents of the city. The current urban planning is orthodox and in need of a change. She states that one should focus more on existing buildings, and not to build new and modern buildings, as a solution to the problems. By building new buildings the urban developers missed working with social and socio-economic aspects that are necessary to create an urban sprawl. The citizens are judging very quickly depending on what physical condition a residential and buildings

has. By doing like this important factor such as social and high comfort factors are overlooked (Jacobs, 2005).

Jacobs (2005) also believe that urban planners need to look at how a real city as a whole works. In order to plan and develop the city and not looking at the small town or rural works, as these forms of society exist under different conditions and have different need for development. Jacobs highlights and immerse the principle of urban needs of and complex and dense variety of activities giving each other a constant mutual support, both economically and socially. According to Jacobs it is already decided in the planning and the law where residential buildings will form, where stores will be and where the plants will form etc. This type of planning is preventing the creation of an organic development of the city where the population itself chose to place different functions on the basis of their natural needs (Jacobs, 2005).

3.2 Different approaches on mixed use cities

There are several different meanings of what a mixed use city is. In the following three definitions will be presented: EUROPANs, the Swedish national board of planning and building, and Gothenburg city.

3.2.1 A general definition of the mixed use city

In a report written by Bellander, 2002 the organization Swedish national board of housing building and planning has formulated a definition of what a mixed city is. A mixed city environment contains public spaces where everyone can easily be. It is also a place with activity both daytime and night time. The mixed use city should endeavour the ability to live and work in the proximity of each other. The housing should contain a mixture of different tenures but also commercial premises (Bellander, 2005).

Within a mixed city the density of land uses will increase due to the range of choices available within a specific area. Instead of creating clusters with housing, commercial areas, restaurants, grocery's and other services that is dependent on transportation it would be encouraging with a mixed environment containing these services altogether (Grant, 2002). The mixed use city can be viewed from different perspectives. Some people look upon it from a regional perspective and if the region contains the different features that are required for a mixed city and some people look upon it from an urban perspective.

Grant (2002) also discusses the housing market and states that if the households choose housing types regarding what stage in life they are in or based on their income level a mix of these housing types can bring people from different socioeconomic structures together. One way of creating a diversity of uses is to mix of for example residences, offices and businesses. In a mixed use city, people often shop or work in the businesses close by. The mix of different uses will revive the area during the whole day and may generate new business opportunities in the long run.

Grant (2002) also discusses integrating segregated uses. He states that if different categories of uses are put together it can overcome the regulatory barriers that may exist. One example is the buffer zones between urban landscape and industries. This is regulated due to the environmental impact, noisy environment or the traffic situation. However it has been proven desirable and possible to integrate these areas into the urban development, although Grant, 2002 states that not all uses can be a part of the mixed city.

3.2.2 EUROPAN's definitions of the mixed city

According to EUROPAN a lot of cities are facing the concept of urban sprawl, splitting and fragmentation. The development of shopping centers located outside the city centers and the increased usage of cars are leading to a dispersed town. Two prerequisites are necessary according to EUROPAN to transform a dispersed town to be developed into a mixed use city.

According to EUROPAN the new demand for housing is diversification for different stages in life. The elderly, the young and composite households have not found appropriate architectural responses in the contemporary town that exists today. All too often the housing product is modeled to fit a larger scale and respond to all needs. Logics that are useful to achieve a desirable development are diversification of typologies such as open plans, duplex, triplex, through simplex, gardens, terraces, courtyards etc. Convertibility of space means transformations and adaptations of houses according to the development of the residents living inside the dwelling. Lastly they bring forward the creation of morphologically complex layouts with houses in different areas, housing clusters together with a mix of houses and flats.

The technological development that is seen today has influenced the way people live their life. It is reflected upon what demands the dwellers have on their homes. A home today is according to EUROPAN not the same thing that it was some years ago due to the increase in technology development. New techniques connect us to the virtual world and as a sequence of that the demand of social interaction between the neighborhoods has increased. The desire today for many people is to work from, or close to where one lives and to shop locally. The citizens are also striving to have new ways of social interactions and to practice sporting and cultural activities on vacant time without to travel a far distance from the residence. The development of residential zoning has the effect that we now have social housing estate areas and private housing areas which oppose the concept of a mixed city and prevent the ability for social interaction (Pirhonen, 2004).

3.2.3 Gothenburg city's definition of a mixed use city

This section builds on the document *ordbok för stadsutvecklare* (Appr. translation *Dictionary for urban planners*) published by the municipal of Gothenburg city (Göteborgs Stad, 2015d).

A mixed used city consists of housing, commercial stores, workplaces, schools and restaurants. In order to have a mixed used city these functions should be in an arm's length distance to each other. The citizen should not have to travel a long distance in order to take part of the functions that the mixed use city provides. A mixed used city with different functions also increases the attraction of the city and makes it more vivacious during the whole day.

The mixed used city often has public urban spaces that are easily accessible. Spaces like these are parks, green areas, boulevards and squares. The benefits of the mixed used city lies within that it is highly accessible and provides a variety that is interesting for the citizens to experience. Therefor it is important that buildings and public areas has a variety in order to attract different kinds of people. The mixed use city also has a mixture in buildings, with both older and newer constructions, these buildings may also vary in height. Boulevards are wider and narrower depending on where in the city they are located. The spaces on the street level needs to be open and accessible to the public, and have the possibility to convert in usage over time.

A mixed used city is populated and visited by people with different backgrounds. By creating a varied city environment it opens up a possibility to unite citizens from different socioeconomic structures. In order to create a mixture from different socioeconomic structures different tenures, with different pricing in different sizes are required. Commercial spaces are also a prerequisite to accomplish the mixed used city.

The principle of the city's variation and mixture could be applicable in different perspectives. In terms of what perspective the city is looked upon its perceived differently. In a more narrow perspective different functions could be seen as a part of one district, one block or in some cases one building. It can also be seen in a wider scale with a regional perspective with one major city while providing the functions that are required and is acting as a node and the neighbouring municipalities is providing the rest of functions such as recreation, shopping etc.

3.2.4 Is there a unified view of the mixed use city?

When studying the literature it is difficult to get a unified view of what factors a mixed use city contains, although there are similarities. One can state that according to the literature a mixed use city contains the following functions. For instance, housing with different tenures that encourage a socioeconomic structure, public and recreational spaces with activity during the whole day and is accessible for everyone, commercial spaces, consisting of local shops, restaurant and cafes. But also public transportation that makes it convenient for the citizens to explore different parts and functions of the city.

4 Planning and building act

The urban planning process goes through several stages before becoming a valid document for implementation. The process is primarily governed by the municipality but the government, with the Supreme Administrative Court, also has the right to assess the decisions of the municipality and act as a court when plans are settled or appealed. The municipality has the right to decide when, where and how an area is to be exploited by the use of governing documents (SFS 2014:900. 1 ch. 2 §). These documents regulate the use of land- and water areas as well as the change and/or development of the built environment (SFS 2014:900. 4 ch. 1 §). Thus, the documents are used to govern and coordinate the future land use as well as to inform and guide real estate owners, investors and developers but also to give the public insight and influence over the development of the built environment. (Kalbro & Lindgren, 2010). In relation, the purpose of the PBL also aims at achieving social dimensions; consequently the first paragraph states that the provisions are aimed at taking into account individual freedom, promote a society with equal and good social conditions and a good and sustainable living environment for people in today's society and for future generations (SFS 2014:900. 1 ch. 1 §). As stated by the Swedish national board of housing building and planning, such control also empowers that areas are exploited in the degree for which they are most suitable (Boverket, 2015).

As stated earlier, the urban planning process is governed by the municipality. It is thought that urban planning is a municipal matter and concern. Hence the municipality has what is often referred to as the municipality planning monopoly, implying that the municipality has the solely right to provide and accept plans that are within the boundaries of society's desire (Boverket, 2015). The planning monopoly position that the municipality possesses have therefore resulted in an independent decision-making authority giving municipalities a strong position and ability to control urban development. In relation, no other actor can therefore neither force nor require an area to be planned (Boberg, 2011).

Reasons for providing the municipality with the control for the built environment are to avoid negative impacts on both built and non-built environment(Boberg, 2011). The municipality is seen to have a good ability to solely meet the needs of the public with a long-term strategic perspective, whiles not providing individual firm with too much influence. Therefore it is seen to be of a common best interest of letting an independent authority regulate the land use. Further reasons are to keep transaction costs down. Since only one authority administrates the processes the number of involved parties is lowered and the process duration is estimated to be decreased, thus also avoiding high transaction costs with an effect that more projects are profitable and therefore also performed (Boberg, 2011).

The principle of proportionality

The first paragraphs in the PBL provide a general understanding of the laws intentions. Where citizens have access and the ability to influence the urban planning process while also provide equilibrium among public and individual interests in order to provide a built environment and use of land and water that offers a sustainable living environment based on democratic decision making. Equilibrium between individuals and the public are regulated by the principle of proportionality (SFS 2014:900. 2 ch. 1 §). The paragraph does not specify how the balance of these interests should be performed, but rather requires that that the different interests are to be assessed, seeking to provide a reasonable balance between the benefits of a decision on an issue and the consequences that the decision have for any conflicting individual interests (Boberg, 2011).

4.1 Regulatory documents

This section build on different official governmental and municipal documents, such as regulatory documents provided by the Swedish national board of housing building and planning as well as Swedish parliament and Gothenburg municipal offices. There are several regulatory documents governing the use of land and water in Sweden. In order to display their geographical level of function an illustration has been assembled as shown below, see figure 1. Further, smaller notes are stated within each level to illustrate the central area for each document. When a project is processed through the several stages and adapted to comply with all, the final stage is reach where the permit is given.

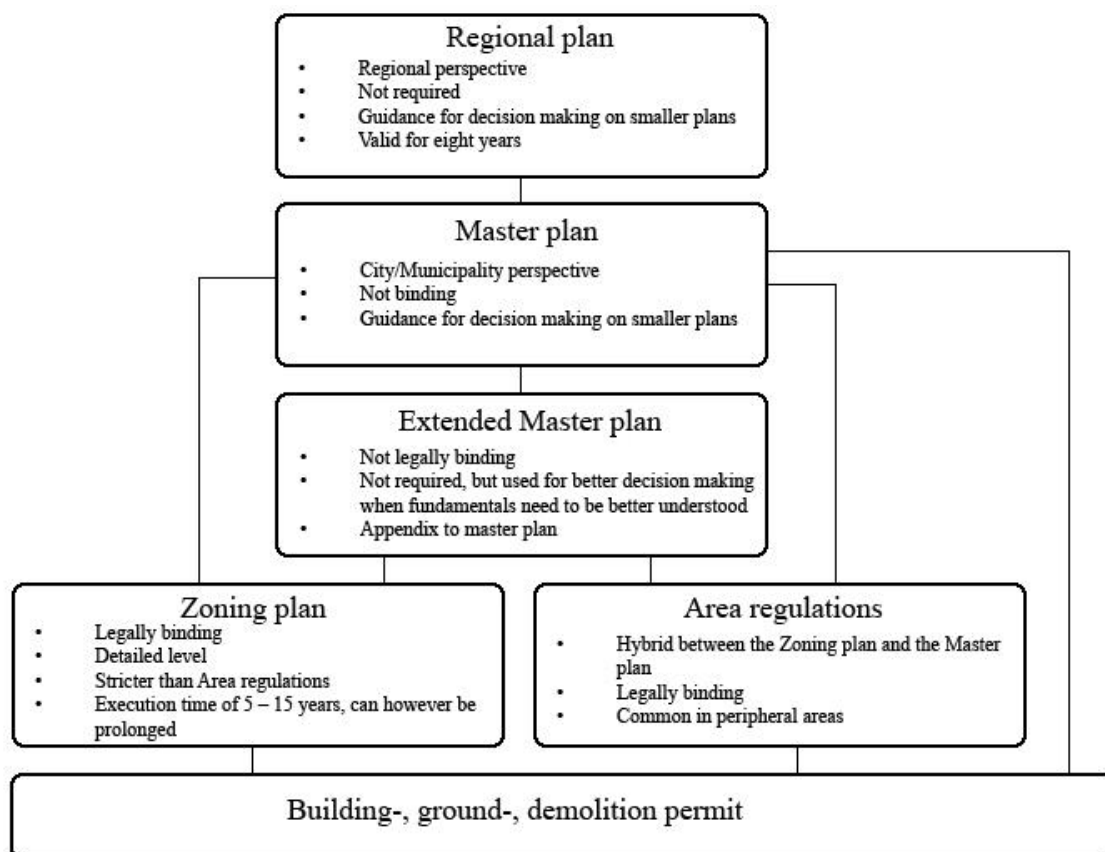


Figure 1: Illustration of the regulatory documents geographical level of function

4.1.1 Regional plan

For a municipality to make decisions affecting other municipalities can cause negative impacts for the regional planning, and to mobilize officials to

make such decisions can be problematic. Therefore, in order to assess issues

covering two or more municipalities a regional plan can be assembled. In accordance with the PBL, a regional planning body is formed and has the ability to adopt a regional plan. The regional plan can then be used to evaluate infrastructure, housing supply and other similar issues that may cover more than one municipality. The regional plan is used to foremost state the basic features of how land and water areas are to be used and to give guidelines to the built environment out of a large perspective. However, such features are not regulated but rather established if deemed necessary. Furthermore, the regional plan is used as guidance when making decisions regarding the master plan, extended master plan, zoning plan and area regulations. It is also used as a vital function for supporting the general works on regional level (Proposition 2009/10:170, 2010). A regional plan is only valid for eight years (SFS 2014:900. ch. 11).

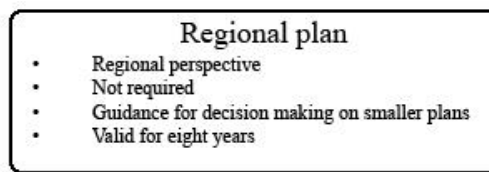


Figure 2: regulatory documents, Regional plan

4.1.2 Master plan

This master plan is used by the municipality to illustrate and envision which land and water areas that are to be used and for what purposes. It is supposed to presented how the environment is to be used, developed and

preserved (SFS 2010:900. 3 ch. 2 §), while also covering how the municipality is to deal with issues of national interest and environmental quality. However, the master plan is not a binding document, but rather guiding (Proposition 1994/95:230. 1 ch. 3 §). The plan is used for multiple purposes, one of which is a tool to encompass single decisions into the holistic perspective, in order for an appropriate long-term development of the city, a development that is in accordance with the vision of the municipality. Other purposes are to guide the municipality's daily activities when assessing the zoning plan, approving building permits, and so forth. The plan is also used to support decision making by other authorities, such as the transportation administration (Boverket, 2015).

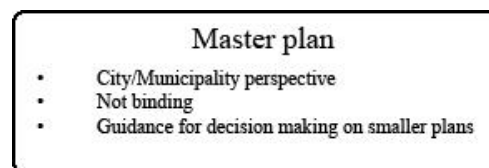


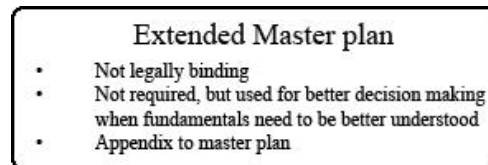
Figure 3: regulatory documents, Master plan

Gothenburg's master plan consists of three main maps that are merged into one document covering the whole municipality along with analysis of risks and other impact assessments. The plan may however slightly change over time, and then has to be approved by the sitting city council. In 2005 the municipal board in Gothenburg decided to develop the existing master plan for the region due to the expansion phase with both growing employment and population in the region. The developed plan put emphasis on strategic issues along with the pace the city can sustainably grow. The plan is centered on the city council vision and

priorities and consists of goals for the city which are established in regards to three dimensions; ecological, economic and social (Göteborgs Stad, 2014b).

4.1.3 Extended Master plan

Much similar to the master plan is the extended master plan. It is a likewise document with the same general purpose and objective, and also not



legally binding. However, the extended master plan is often developed when

Figure 4: regulatory documents, Extended master plan

decision making can only be made when the fundamentals are deeper exploited or when decision are in regards to specific issues. Thus, the extended master plan can for instance be developed when the placement of a windmill is assessed or when an area is under large expansion which can require more decisions to be made on an early stage in the process. In relation, the extended master plan can be developed when politicians believe that the existing master plan is too vague, hence providing a decision base that is more precise. Further, the extended master plan is placed as an appendix to the original master plan. For instance, in Gothenburg, there are several extended master plans for areas undergoing larger developments, such as Kviberg, Kallebäck, Bagaregården and Gamlestaden (Göteborgs Stad, 2014b).

4.1.4 Area regulations

In areas where no zoning plan is established, the municipality can create what is called area regulations. The objective for creating such document is that the municipality still want to have stricter regulations than

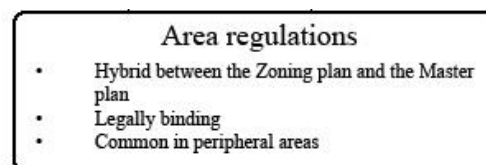


Figure 5: regulatory documents, Area regulations

only the master plan, but not as strict as the zoning plan. Thus, the area regulations can be used for limited outer city areas in order to have influence on the environment in form of land and water use. Since the area regulations are a form of hybrid in regards to the master plan and the zoning plan, the regulations are limited in what it can regulate. For example, area regulations cannot regulate the height of a building nor the number of floors, and thus also not permit for development rights. Also, it lacks information on required minimum content and regulation on how it is to be performed. However, area regulations can be used by the municipality to regulate the general usage of the land and water areas, in terms of buildings, transportation routes, vegetation and so forth, thus to ensure that the areas is used in relation to the master plan and that the development of the area meets national interest and follows the Swedish environmental code. Similarly, the regulation can protect buildings and areas that is seen to have cultural value, but also counteract actions that will cause disturbance for inhabitants. Likewise to the more commonly used zoning plan, both regulations are legally binding and can therefore lead to legal force if broken (Boverket, 2014).

4.1.5 Zoning plan

The zoning plan is on a more specific level of detail in comparison to the master plan, thus also covering geographically smaller areas. However,

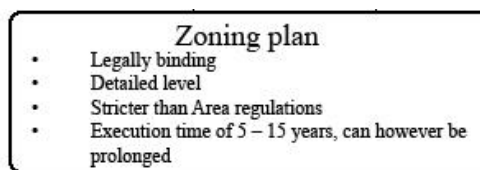


Figure 6: Regulatory documents, Zoning plan

not all areas are regulated by a zoning plan. In cities, such as Gothenburg, the whole municipality is governed by zoning plans, but for areas that are on the outskirts of the city, area regulations may be the only governing document. Or if even further outside of the city core, the master plan may be the only governing document (Boverket, 2015).

The zoning plan consists of one or more maps in which it should be clearly stated what provisions that applies to each area. A description should follow explaining how the zoning plan is to be understood and executed as well as clarify the purpose of the plan. If the execution of the zoning plan is assessed to have environmental impacts an environmental consequence description should follow in accordance with the Swedish environmental code (SFS 2010:900. 4 ch. 34 §).

In comparison to the master plan, the zoning plan is legally binding since it determines rights and obligations between landowners and the municipality. It can therefore also be seen as rather a set of provided fundamental opportunities of how the area could be used. For instance, the zoning plan can indicate how tall buildings can be in the area and the building depth, thus enabling exploiters to get an understanding of what can be built and the economic value one can create. In fact, developers seldom builds less than the restricted value the zoning plan provides, since it can be economically unwise in relation to the economy of scale. For instance, one extra floor on a ten floor building does not increase the total cost to increase by ten percent (Boverket, 2015).

With the use of the zoning plan, the municipality can regulate the use of land and water areas. They can for instance assess if certain areas are fitted to be built upon. Further, it is also used when areas are to be developed, changed or if the area is to be preserved. It shows what areas that are strategically assessed as recreational, building blocks, water areas and so forth. According to PBLs definition of building blocks, it is neither the area which is used as recreational nor a water area, thus a term providing a wide interpretation. Further, the zoning plan is used to ease the process of emitting future permits since the area has a predetermined and agreed upon plan and vision (Kalbro & Lindgren, 2010).

Within the zoning plan the municipality must decide the execution time for the plan, thus the time that the zoning plan should be performed. Within the established time horizon, developers and other actors are more or less given the right to build as long as the projects are within the zoning plan regulation and given a building permit. The execution time cannot be less than five years nor more than 15 years, and once given legal force initiated (SFS 2010:900. 4 ch. 21 §). If a new plan is not established before 15 years, the plan can be prolonged

with a maximum of five years at a time (SFS 2010:900. 4 ch. 24 §). Changes can be done to the existing zoning plan, however only for smaller areas, and once approved the initial execution time still applies. Larger changes to the zoning plan will require the whole plan to be assessed and a new execution time to be established (SFS 2010:900. 4 ch. 21, 22, 24 §).

The zoning plan is intended to include enough details in order to regulate the built environment in the desired direction. However, it is also stated that the zoning plan should not be too detailed since it may cause unwise restrictions for future development. Thus, the municipality can only restrict certain aspects with the zoning plan, some of which are presented in Table 3 below.

Table 3: Restriction about the zoning plan

- The municipality can regulate land reserves and public areas in the degree to which it is seen as a necessity for public use. It can for instance be for traffic, road facilities, power plants, etc that the municipality believes that the area can be used for. They can also regulate how public areas are to be designed. (SFS 2010:900. 4 ch. 6 §)
- The amount of vegetation, design and height limits can be regulated on a detailed level for a specified area. (SFS 2010:900. 4 ch. 10 §)
- Regulate the placement, design and execution of construction works for specified areas. (SFS 2010:900. 4 ch. 16 §)
- Buildings can be regulated as to the proportion of different apartment types, ex tenancy or condominiums, as well as approximate apartment sizes. (SFS 2010:900. 4 ch. 11 §)
- Govern and regulate to prevent soil contamination, flooding, erosion and general disturbance for the inhabitants. If necessary, maximum values for noise, vibration, air pollution and other inconveniences can be regulated in accordance with the Swedish environmental code. (SFS 2010:900. 4 ch. 12 §)
- Parking spaces can be governed in order for the area to be able to support the estimated usage of cars. Certain building and/or land areas can be governed to be used for parking. Similarly loading and unloading areas can be regulated (SFS 2010:900. 4 ch. 13 §). Also, the building permit department can in further depth regulate these aspects.
- Remove or establish a new shore protection in areas where it is seen appropriate as well as remove the shore protection when the interest of the zoning plan is assessed as greater than the protection of the shore. Although not applicable for areas that are under the ruling of the county administrative board. (SFS 2010:900. 4 ch. 17 §)

4.1.6 Changes in the regulatory documents

The regulatory documents have only slightly been changed in accordance with the proposition. More changes have been applied in the process and procedure when handling these documents. However, the procedural changes will be explained in a later chapter called 5.13 Changes in the planning process.

Changes have been adapted in order to make it faster to revoke outdated zoning plans or extend the execution time. The procedure for revoking or prolonging a zoning plan follows the simplified procedure, as stated in SFS 2014:900 (SFS 2014:900. 5 ch. 38a, 38b §).

Another change to the regulatory documents is that the building committee is given a larger permission to accept deviation from the provisions of a zoning plan, primarily to cater to common needs or public interests. Earlier, there was a constraint that a deviation may not imply a use other than the one defined in the zoning plan, but now it will be easier to for instance accept an appropriate complement in a building. Thus, a complementary store can be placed in a residential area, or if someone wants to use a portion of their home for business (Attefall, 2014).

The waiver regulations shall be repealed after 2018. Such legal change would require the municipality to come in agreement with the land owner if areas are to be exploited for public use, or the municipality would have to use the law of expropriation in order to acquire such land. Consequentially, the law implies that the municipality cannot seize land but rather has to pay for it (Boberg, S. 2015). Likewise, old waiver regulations have in practice made it significantly more difficult to repeal or amend earlier zoning plans. Accordingly, the cabinet offices state that many times it has caused new plans to be delayed, sometimes for several years (Regeringskansliet, 2014).

4.2 Implementation agreement

Although PBL consists of legal restrictions and obligations concerning land developments, agreements between the municipality and the developer can be established in order to clarify the objective of the development and to supplement the legal documents. A collective term for such agreements are implementation agreement, which is a contract most often used when the developments that are intended are big enough or have consequences that require the zoning plan to be adapted (Kalbro & Lindgren, 2010). According to Bengtsson & Underskog lawyers at Åberg & Co, the implementation agreement can be established with a developer for a larger portion of land that is to be developed. The implementation agreement can then be used to divide the costs for building infrastructure such as pavements, water supply, etc between the participants, along with information on the sequence the land is to be developed and so forth (Bengtsson & Underskog, 2015).

Two most common forms of implementation agreements are the land allocation agreement and the development contract. The two differ in the way that the land allocation agreement is established when the land that is to be developed is

owned by the municipality, while the development contract is established when the land is owned by the developer. What these types of contracts regulate may differ, but for instance some regulations that are common are that the documents regulate the design of the building or facility, land transactions, economic issues, controls, inspections, warranties but also regulations for liquidated damages (Boklund, 2011).

4.3 Land allocation agreement

In alignment with the municipality's vision and strategy, some areas are to be built and developed while others are envisioned for more recreational purposes. In cases where the municipality is the owner of the land that is to be developed, an agreement in form of a land allocation agreement is signed with a specified developer. The contract form is similar to a letter of intent. Which developer that the municipality selects may depend on several parameters, it may also be so that there is a competition regarding who will be chosen. The signed agreement implies that the developer has sole right under a predetermined duration, usually two years but prolonged if necessary, and under certain conditions to solely negotiate with the municipality as to what they wish to build. No other developer is during the period able to bid for the land. Thus the selected developer can take their time together with the municipality to develop the area in the best possible manner, and when the finished proposal is established and agreed upon, the developer has the sole right to purchase the land from the municipality to start development. The price that the developer is to pay for the land is estimated by the property management committee and in accordance with the intended project development scheme; however, the final price paid is always a matter of negotiation (Boklund, 2011).

When land is allocated to public and private developers, regardless of municipal owner, the land allocation is announced at Gothenburg's homepage, which is administrated by property management department. All future, pending and decided land allocations are presented on the homepage. Further, information for each land allocation is standardized to include specified areas of relevance. Firstly, the area is to be defined along with the vision and if necessary, specific requirements are added. Secondly the allocation process for the area is stated. Thirdly, the stakeholder application of interest is described along with the selection process. Lastly, if there are any additional information it is stated here, for instance if the municipality would prefer to develop the area in a consortium with the developer. Hence, the standardized process enables all stakeholders to be aware of the allocation process which reduces the chance of information asymmetry amongst them. Also, when land is to be allocated by the municipality the developers can simultaneously be aware of such allocations to be able to compete for the land (Wilén, 2014).

Changes in Land allocation agreements:

In accordance with the new regulations in PBL 2015, a municipality shall adopt guidelines for the land that is to be allocated. The guidelines shall contain the municipality's fundamentals for the area as well as objectives for the sale or lease of the area. Further, how the procedures are to be handled and basic conditions for the land allocation and principles for land pricing should be stated. However, a municipality that does not implement any land allocation is not required to adopt such guidelines (SFS 2014:899).

Although the municipality is required by law to state these guidelines for areas that is to be allocated, the new law also restricts the municipality as to what exactly can be controlled. For instance, according to (SFS 2010:900. 8 ch. 4a §) the municipality is not allowed to put own requirements on the technical preferences of the building that is to be processed. They are not allowed to put such requirements in either the planning process, the building permit nor during the execution process (Boberg, S. 2015). Therefore, if such requirements are stated the developer has the right to overlook them. However, if the municipality is also the developer of the area, then there are no such restrictions. By technical preferences is meant that the municipality cannot put own requirements on the load capacity of the building, safety requirements in case of fire, energy use, and so forth, instead standard regulations provided by PBL is followed (Johansson, 2014).

4.4 Development contract

In comparison to the land allocation contract, the development contract is used once another party owns the land, which can be either the developer or another third party owner. These contracts regulate what the developer and the municipality are to build, along with stated responsibilities between the parties during the execution of the project. For instance, if the developer seeks to build housing, the municipality may require infrastructure in forms of roads but also social services such as schools, medical centers etc, in order for the area to be able to hold extra housing. These types of necessities are then stated in the development contracts so that each party is aware of the requirements and thus also takes divided responsibilities so that the support buildings and services are assembled (Boverket, 2015).

The clearer municipal costs and responsibilities are described and known in advance, the chance of reaching an agreement at the negotiation table is increased, since the conditions and possibilities are known for both parties. Further, if the municipality has an updated master plan, established fees and charges for their services and municipal building policies, the greater the chance that the developer can predict what an agreement might contain and what it might mean in terms of costs, responsibilities and timeframe (Boverket, 2009). The negotiation position of the municipality may first be seen as quite weak since they do not own the land, however, due to the planning monopoly that they possess, they can decide when and how a zoning plan should be developed. Thus their negotiation position is contradictory quite strong but with the restriction that they need legal support in their decisions (Boklund, 2011).

Changes in Development contracts

In the report *Huvudmannasap för allmän plats* by the Swedish national board of housing building and planning, they state that the PBL from 1987 was established in a time era where the municipality was the obvious initiator of changing or adapting a zoning plan. None the least in action to execute state financed and social oriented housing plans. However, they also state that the dynamic of the market has changed in a direction where none municipal or state own firms are developing and initiating changes in the built environment and therefore are in a larger scale also engaged in the planning process. Therefore, in 2007 the ruling party investigated to see if there was enough room for private initiatives in the planning process for urban development. They concluded that the development contracts should be revised, simplified and gain more legal support (Boverket, 2009). Some of these proposed alterations have inspired the applied changes in the new PBL of 2015 in regards to development contracts.

In the new regulations from the 1st of January 2015, the term development contract has been defined as following, paraphrased into English: *An agreement on the implementation of a zoning between a municipality and a developer or a property owner of land not owned by the municipality, however, not covering agreements between a municipality and the state in the development of state transport and infrastructure.* With the new regulations the municipality is bound to set guidelines stating goals and conditions for the engagement in the contract. In these guidelines the fundamental principles of the shared responsibilities are stated along with other reasonable measures in order to observe the consequences of entering into a development contract. During the process of changing the zoning plan the municipality is also to inform relevant parties of the intentions with the change (Bengtsson & Underskog, 2015).

Further, the law now incorporates regulations covering the content of the development contract (SFS 2014:900. 6 ch. 40-42 §). In these regulations it is stated that the developer is to put reasonable resources to finance measures of infrastructure in form of streets, roads and other public places but also water supply and sewage, if deemed necessary. Also, these measures should be in proportion to the benefit of the new zoning plan for the developer. These regulations have never before been legally supported in the PBL until now. Also, earlier the municipality could force the developer to provide facilities such as health and care centers but also schools, however, with the new regulations no such requirements can be forced onto the developer if the municipality, in accordance to law, is to provide such facilities themselves (Ekberg, 2014).

Additionally, the new law also provide more transparency to the contracts form, thus different developers are more likely to be treated equally. The government has chosen to put regulations on this since they believe that different developers should be competing on equal terms. Thus, the law alteration creates better conditions for good competition in the market (Bengtsson & Underskog, 2015).

5 Development of the planning process

This section is foremost based on Swedish law texts. These texts have been translated into English by the authors of this thesis, for accurate wordings of the law text we refer to the Swedish statutes of law (SFS). Some information is also provided by the legal department at a municipal planning department.

The purpose of the planning process is to let those affected and/or concerned in regards to the change of the zoning plan insight in what is to be changed as well as the ability to influence. Simultaneously the process should enable for an effective change (Boklund, 2011). Larger changes in the built environment made by exploiters require larger municipal and social engagement, and so the use of the extended procedure is suggested in accordance to (SFS 2014:900. 5 ch. 7 §). The requirement for using the extended procedure is that the changes in the zoning plan are either not in accordance to the master plan or the county administrative board's audit opinion. Other reasons may be that the change is of large interest for the public or if it is assessed as having a significant impact on the environment (SFS 2014:900. 5 ch. 7 §). Since the report is focusing on larger changes made by exploiters, the extended procedure will be the only procedure that will be fully explained in this section. Although, since larger changes to the zoning plan can be made without fulfilling any of the above remarks for the extended procedure, some parts of the standard procedure is significant to be aware of.

When developing a new or changing a present or expired zoning plan, the master plan is the starting point, since it sets the general guidelines for the development and the goals of the area. This is true for all previous and the present planning processes (Boklund, 2011).

Noteworthy is that projects are all unique, thus the planning process merely creates a set of obligatory guidelines and/or checkpoints in which the process is to surpass. Thereby, the processes explained below may somewhat overlap and come in irregular order during certain projects.

5.1 Start the plan process

When developers seeking to exploit an area of interest in which they need to adopt a new or alter the existing zoning plan, they can request for a zoning plan notice. The zoning plan notice represents that the municipality is to decide within four months after all necessary project information has been sent to the urban planning department, if the zoning plan is to be evaluated or not, nevertheless, there are no sanctions for the municipality if the four months are exceeded according to the Swedish national board of housing building and planning's legal head (Svensson, 2014).

If the zoning plan notice is positive, a process of evaluating the current zoning plan is placed in a queue in the urban planning departments' production plan. A positive zoning plan notice however does not necessarily imply that the zoning plan will be change, but rather that the zoning plan evaluation will be performed. If a negative notice is received the zoning plan will not be evaluated at all, and

such decision is also legally binding, implying that it cannot be appealed. However, if the municipality decides to not evaluate the zoning plan a reason for such decision must be presented (SFS 2014:900. 5 ch. 4, 5 §).

5.2 Program

Sometimes before a zoning plan notice can be positively accepted, the urban city planning department may require initial information than the regulatory documents to base their decision on. In such scenario the use of a program can provide support in form of the plan's fundamentals and goals (SFS 2010:900. 5 ch. 10 §).

A program can be established for larger areas or districts and is used as basis for future zoning plans for the area. It is used as a status report of the present along with visions and strategy for the future of the area. The municipality can thereby use the program in order to, in an early stage, raise issues and suggest alternative solutions for the future zoning plans, thus be more prepared to meet future demand (Boverket, 2015).

Another motive for establishing a program is when the zoning plan lacks support in the master plan. Generally, a program is not required if the zoning plan has support in either the master plan or the extended master plan, but can still be helpful for future zoning plans. In addition, when creating a program the Building Committee can charge the developer for the production costs of the program (SFS 2010:900. 12 ch. 9 §).

5.3 Public notice concerning consultation

When purposing a zoning plan change or a program, as explained previously, it is important that affected and concerned stakeholders are informed and given the chance of influence, in accordance to (SFS 2010:900. 5 ch. 12 §). Therefore, a consultation is to be held and communicated. In accordance to (SFS 2014:900. 5 ch. 11b §), the information distribution regarding the consultation is done by positing in the local newspaper as well as posting on the municipal bulletin board, which is nowadays their website. In the distribution the following is to be presented; firstly the location of where the proposal is accessible along with the affected area, if the proposal deviates from the master plan, how long the consultation time is as well as the process of how to send in remarks on the proposal. (SFS 2014:900. 5 ch. 11 §). The consultation time is a minimum of three weeks, but can be extended if deemed necessary (SFS 2014:900. 5 ch. 11a §).

The difference here compared to the previous PBL is that the consultation has to be publicly announced since the proposal falls under the requirements of paragraph seven, which state that zoning plan changes under the extended procedure encounters special provisions (SFS 2014:900. 5 ch. 7 §).

5.4 Consultation

During the consultation the municipality is to consult with the county administrative board, cadastral authority and other municipalities that are affected. Further, they are also to consult with people living in the area along with organizations, authorities and others that have interest in the proposal or is affected by it. (SFS 2010:900. 5 ch. 10 §) However, with the new law the meeting participants can be reduced, since it states that the municipality does not has to meet with those in which the proposed change is not of relevance (SFS 2014:900. 5 ch. 11 §).

Another change is that during the consultation, if the municipality intends to enter into one or several development agreements during the zoning plan change, such content and supported implications must be presented (SFS 2014:900. 5 ch. 13 §).

5.5 Consultation report

Once the municipality has completed the consultation and gathered all remarks, both positive and negative, they are to compile the information in what is known as consultation report. This part of the law is not changed from previous version. In the consultation report, all remarks are to be presented but also assessed by the municipality for future proposal chances (SFS 2014:900. 5 ch. 17 §). However, the municipality does not have to change the proposal in regards to the remarks, but they still have to be aware and consider them. If however the remarks are of such value that the proposal is substantially changed, a new consultation has to take place (SFS 2014:900. 5 ch. 38b §).

For smaller changes in the zoning plan, that is not under the extended procedure, the compilation of remarks may be presented at a later stage known as the audit report (SFS 2014:900. 5 ch. 17 §). However, if the proposed zoning plan change or program is assessed as having a significant environmental impact the consultation report shall be designed so that it meets the requirements of the environmental code. Thus, the compilation shall include how the environmental impact is assessed in relation to its remarks from the consultation (Miljöbalken 1998:808. 16 ch. 16 §).

5.6 Notification concerning the review

Once the consultation is completed and compiled in the consultation report, the municipality is to inform in what is called a notification to the public, stakeholders and municipal authorities on the zoning plan proposal (SFS 2010:900. 5 ch. 18 §). Although, if all the stakeholders agreed on the proposal during the consultation no notification is necessary (SFS 2014:900. 5 ch. 18 §).

In the notification the municipality shall similarly as in the consultation inform by posting information regarding the proposal on the municipal bulletin board and their website. The information shall cover the area affected, deviations if any from the master plan, where the proposal is accessible for review and the review

duration, but also during which time one can make remarks and to whom. If one does not make a remark during the review duration, the right to appeal the proposal in a later stage can be diminished (SFS 2014:900. 5 ch. 19 §).

In the previous law, the municipality had to give a public notice instead of a notification about the review. These two ways of informing the public is very similar, although with the change that during a public notice, the information has to be presented in a local newspaper, which it does not in the notification (SFS 2014:900. 5 ch. 19 § & SFS 2010:900. 5 ch. 19 §).

5.7 Review

The final proposal shall be accessible for review and remarks during the review. The time in which the proposal is accessible may vary. The regular review duration is two weeks, for proposals in which all affected is in agreements the time may however be shortened, although for proposals with large significance the access time shall not be less than three weeks, and thus can be more if necessary (SFS 2014:900. 5 ch. 18 §).

5.8 Audit report

Once the review duration is complete, the municipality is to prepare what is called an audit report. The document is to contain all written remarks on the proposal and the municipality's proposal in response to these remarks. Once performed, the audit report is to be accessible along with other relevant documents in the proposal (SFS 2014:900. 5 ch. 23 §). To those authorities and stakeholders whose remarks were not considered shall be given a message in which it should be stated where the final proposal is available (SFS 2014:900. 5 ch. 24 §).

5.9 Acceptance

The city council is the final political body to decide whether to accept a proposal. If the proposal is of large significance, the decision cannot be redirected to neither the municipal executives nor the building committee, although with smaller plans decision can be made in either body of the three. (SFS 2014:900. 5 ch. 27 §). Similar to the consultation report and the audit report, shall the municipality inform individual and municipal stakeholder that are affected if the plan is accepted. Such information shall be placed on the municipal bulletin board. Important to note is that the information shall also contain a description on what those wishing to appeal must do and under which timeframe they must do so (SFS 2010:900. 5 ch. 29 §).

5.10 Appeal

In order to appeal an accepted plan one has to, within and during the review duration, have written a formal remark on the proposal which has not been catered for (SFS 2014:900. 13 ch. 11 §). If the remark however has been subjected to alter the proposal in favor of the remark the individual has no right

to appeal. Further, the appeal should be sent to the municipal body that accepted the plan and one has the right to appeal within three weeks after the proposal has been announced as accepted. (Förvaltningslagen 1986:223 § 23). If the proposal is appealed the proposal will not gain legal force until all appeals are settled.

5.11 Legal force

If no one appeals the proposed plan, the plan gains legal force three weeks after the acceptance has been announced (SFS 2014:900. 14 ch. 16 §). Still, the municipality has a few more obligations. Firstly, the date of the decision shall be stated on the documents, thus to state that the plan is valid throughout a predetermined timeframe. Further, within two weeks after the decision has been made the material shall be sent to the county administrative board and cadastral authority as well as information regarding the decision should be distributed to affected stakeholder (SFS 2014:900. 5 ch. 32 §).

5.12 Illustration of the 2015 Planning process

In previous sections all parts and procedures were explained in relation to the new PBL. The sequence in which these parts occur may however overlap somewhat and can also vary in length in relation to different types of projects. To illustrate the procedural levels in order of most likely occurrences and in relation to the law text, the legal changes would provide a planning process as illustrated in figure 7. Due to the fact that the procedure has changed in relation to the different legal changes over the year, two more procedure illustrations for the years 2010 and 1987 have been assembled and can be found in the Appendix 1. These are also shortly explained as to their different parts.

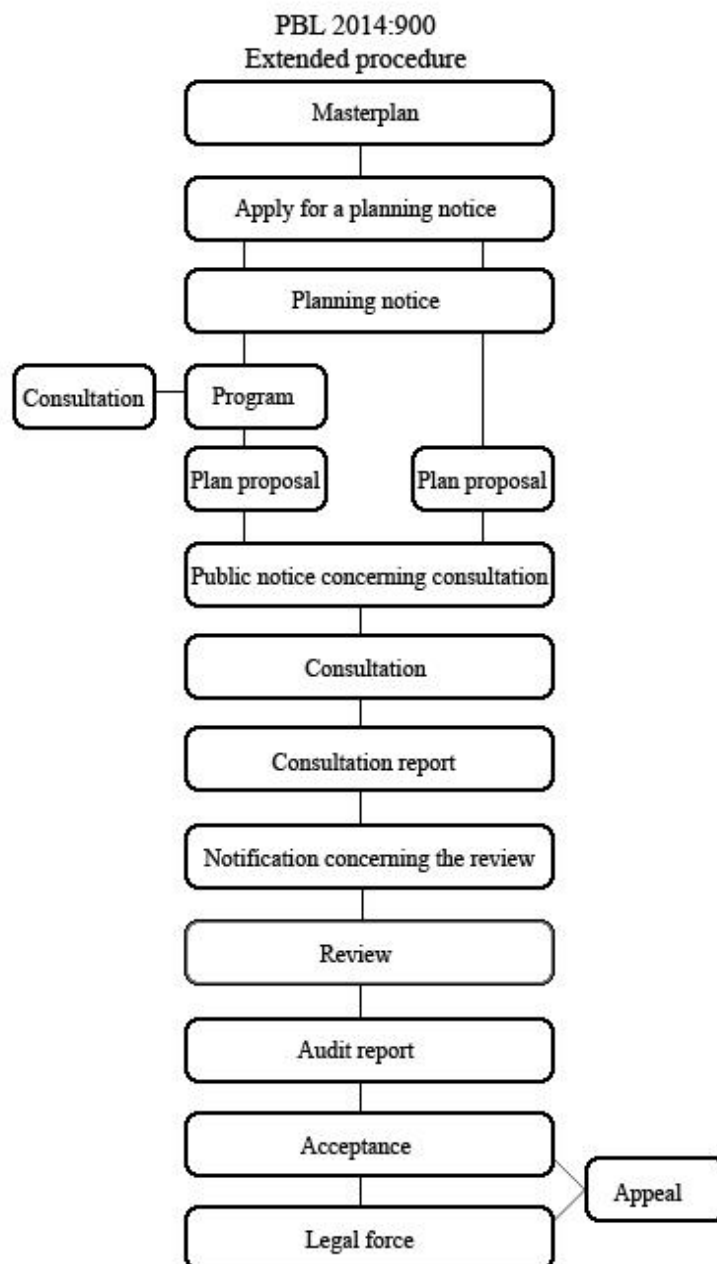


Figure 7: Extended procedure

5.13 Changes in the planning process

In accordance with the proposition 2013/14:126, the government has decided to change the procedural handling of zoning plan changes. Firstly, when changing a zoning plan or adapting a new one, an easier handling process will be used. Earlier there has been a handling process called the simplified procedure, this procedure will now be named the standard procedure, thus with the intention of being used more frequently. For other larger zoning plan changes the normal procedure has previously been used, this procedure will now also change and get a new name which is the extended procedure and used when the changes are of larger significance.

When assessing which procedure to use, the PBL states that the standard procedure can only be applied if the extended procedure is not to be used (SFS 2014:900. 5 ch. 7 §). So, although the standard procedure is seen as the main procedure it lacks a legal definition. Further, it will be easier to switch between the two procedures if needed.

The changes also imply that the public notice should be performed before the consultation, however only concerning procedures under the extended procedure (SFS 2014:900. 5 ch. 11b §).

During the consultation procedure stakeholders such as condominium owners, tenants, residents and organizations of tenants which are evidently not affected by the new plan do not have to be consulted, thus the amount of participants can be reduced (SFS 2014:900. 5 ch. 11 §).

The county administrative board has been provided with an additional role during the planning process. The law states that they shall, during the consultation, give the municipality advice regarding chapter 2 in the SFS 2014:900, concerning public and private interests but also give general advice concerning public interests (SFS 2014:900. 5 ch. 14 §).

The procedures when handling plans that has gained legal force will be changed and thus require the municipality to submit the plan, the plan description and the property list to the county administrative board and the cadastral authority within two weeks after acceptance (SFS 2014:900. 5 ch. 32§), where from previously the law stated that it should be done as soon as possible (SFS 2010:900. 5 ch. 31§).

6 Findings and analysis

The findings chapter presents the interviewees' perceptions of the legal changes that were presented to them. Thereafter, the interviewee's perception of a mixed use city is presented, followed by an analysis and a compiled view. Lastly the effects from legislation changes on mixed use city are presented based on the interviewee's results.

6.1 Interview results: Predicted effects of the legislation changes in the planning and building act

As mentioned in the method chapter, eight suggested legislation changes from the proposition have been read to the interviewees in order to receive their opinion of the change as well as its expected effect on the urban development process.

6.1.1 Legislation change 1

The existing zoning plans will be easier to revoke while the execution time may be easier to extend via the simplified procedure (SFS 2014:900. 5 ch. 38b and 38a§) (Proposition 2013/14:126, 2013).

If one wish to do alterations to an existing zoning plan after its execution time or wish to extend the duration in which the plan is active, such procedures will be simplified.

According to the majority of the interviewees, the legal change is welcome and thought to have positive effect on the planning process. The head of the legal department at Stadsbyggnadskontoret even refers to the change as very positive. He argues that the previous law alteration in 2010 actually made the process worse with more bureaucracy when revoking zoning plans. And since site layouts can be over 100 years old even in the inner city areas, he believes it is good to be able to adjust them quickly. Thus the present change can hopefully simplify such process which he, in his position as head of the legal department at Statsbyggnadskontoret, is a supporter of.

One the other hand, the project developer at Wallenstam AB along with the president of Gårdstensbostäder, have experienced that there have not been an issue to revoke or extend zoning plans previously. Still, they have a common belief that the change may over time have positive effects on the development process.

Another view of the legal change is provided by the head of urban development at Älvstranden utveckling AB. He states that from a commercial point of view the change may bring uncertainty since the timeframe in which the owner can perform alterations in relation to the existing zoning plan can suddenly be reduced, and so future plans may never be executed. He also claims that such change can force the municipality to perform changes before they are meant to

be done. On the other hand, he states, that from the perspective that the zoning plan is perishable, one that is not yet started should be able to be changed in regards to the new circumstances.

6.1.2 Legislation change 2

Municipalities can no longer demand exploiters of fulfilling municipal technical requirements that are alterations to national regulations from the Swedish national board of housing building and planning and PBL. If such requirements are stated they are without effect (Proposition 2013/14:126, 2013).

Another legislation change is that the municipality can no longer demand exploiters to fulfil municipal requirements that are alterations to national regulations. For example, if the municipality states restrictions on energy use, accessibility or other legally restricted areas such as fire safety requirements, the requirements are without effect.

The project developer at Wallenstam AB argues that technical requirements from the municipalities have been problematic for Wallenstam AB. They also own real estate in Helsingborg, where the requirements on accessibility, energy use and waste water is higher than in Gothenburg, which makes it difficult for them as they have to approach these processes differently. The head of legal department at Stadsbyggnadskontoret believes that the consequences due to the change has previously not been an issue for larger firms, but may have been problematic for smaller firms with fewer resources, such as personal and capital. The interviewed researcher states that the firms and organizations within the industry has actively lobbied for such change for a while and thus believes that it previously has been an issue for merely all urban developers.

The President at Gårdstensbostäder has views the matter that exploiters have always tried to reduce the energy use, since it will reduce the operating costs which will effect the property value and increase construction profit. Whiles on the other hand, accessibility may have been under prioritized since it does not provide any economic value. Thus, he argues that in some regards the municipal requirements may previously have been problematic in some areas which do not provide economic value, while less in others which do provide economic value.

The head of urban development at Älvstranden utveckling AB strongly argues that contractors strive to build products that they can be proud of and use as reference objects, implying that they build buildings that are a lot better than the requirements given by the municipalities. In his position at a municipal organization, he also argues that not only the private sector should be able to push for advancement but that the municipal sector should be given the same opportunity to perform better, by for instance stating own technical requirements on the exploiter.

The technical manager at Poseidon, on the other hand is in strong favor that the technical requirements from the municipalities beyond national regulations are

removed. He argues his case by stating that as a municipal exploiter, all recommendations from the municipality should at least be tried to be fulfilled, but with the reservation that in some cases these technical requirements are too detailed. For instance, there is a governing document provided by the municipality called environment adapted construction, containing both obligations and recommendations for the exploiter. One of the recommendations in the document states that the wood used in the construction should be locally grown in Västra Götaland.

He further argues that developers want to be environmentally friendly and set high standards and goals when constructing. But when the costs increase in a way that is disproportional to the environmental gain, the developer faces issues. One such problematic issue is when constructing low-energy building. These buildings require thicker walls, resistant windows, advanced ventilation systems and so forth. But since the zoning plan clearly limits the developer as to where the outside wall of the building is to be placed, the increased wall thickness will affect the rentable area inside to decrease, and since all costs are allocated onto rentable area the project budget is negatively affected. Thereby, if some municipalities put stricter regulations on energy efficiency than others, the market may move towards where it can gain them most economic value.

Additionally, the technical manager mentions that some contractors use pre-developed housing concepts, and when different areas in Sweden are under different technical regulation by the municipalities these concepts may only be acceptable in some areas. The head of urban development at Älvstranden utveckling AB challenges the thought by argues that if pre-developed housing concepts are only valid in certain areas of Sweden, the product is too weak and should be developed better. But after the change the whole nation will follow the same regulations which will not only open the market for these developers but also simplify for other developers as well, which the project developer for Wallenstam AB is in favour of.

However the municipal land owning structure in Gothenburg, where two organizations own municipal land, both Fastighetskontoret and Norra Älvstranden AB, somehow sets the legal change suggested out of play. As Norra Älvstranden AB is a stock company they do not need to follow these new regulations concerning technical requirements. Instead, they can sell construction rights and still be able to require the buyer to fulfil certain technical requirements which can be even tougher than the once provided by the Swedish national board of housing building and planning or PBL.

The head of the legal department at Stadsbyggnadskontoret, however mentions that the requirements set by the Swedish national board of housing building and planning will now be stricter than previously which to some degree will counter act the change and reduce the effect. Nevertheless, all interviewees except the head of urban development at Älvstranden utveckling AB believe that the change is good since it not only reduces the political effects on the built environment but also that it creates a stable market for Sweden with less uncertainties for exploiters which can benefit for a higher construction pace.

6.1.3 Legislation change 3

New regulations will require the municipality to set guidelines, goals and fundamentals when entering into a land allocation contract or a development contract (Proposition 2013/14:126, 2013).

Municipalities are now required to establish guidelines, goals and fundamentals when entering into either a land allocation agreement or a development contracts for changing a zoning plan. The purpose of such change is to make the market more transparent and to make each and every developer to be handled equally.

All interviewees mention that the change is good, although with the belief that the change will not adjust the development environment at large. For instance, head of urban development at Älvstranden utveckling AB, the head of legal department at Stadsbyggnadskontoret and the President at Gårdstensbostäder mentions that Gothenburg already has such guidelines, goals and fundamentals when entering into either a land allocation agreement or a development contract, whilst regions outside of Gothenburg may not. Further stating that well thought out guidelines may feature a better future city climate.

The interviewed researcher states that in theory, the change is promising. Nonetheless, he fears that such change may cause more bureaucratic processes. The head of the legal department at Stadsbyggnadskontoret disagrees by arguing that the processes here in Gothenburg is already in motion due to the existence of guidelines, thus rejecting the fear that the change will generate more bureaucratic processes.

The project developer for Wallenstam AB agrees to the above and states that the change is promising. She believes that when entering into a land allocation agreement the application process is unfair between municipal property providers and private since the municipal property providers are less in number, and still receives 50 percent of the land, their applications does not require as much effort. Therefore, with the objective of the change to make the market more transparent and for developers to be handled more equally, the change is positive.

6.1.4 Legislation change 4

The regulations concerning development contracts will be clearer as to how far the freedom of contract can be stretched, thus the uncertainty of what the developer can be responsible for will be reduced (Proposition 2013/14:126, 2013).

When entering into a development contract the regulation has previously been vague in regards to how far the freedom of contract can be stretched. Thereupon the new regulations clarifies what can be included so the uncertainty for the developer for constructing additional facilities including for example health care centers, schools etc can be reduced (Proposition 2013/14:126, 2013).

All interviewees believe that the legal adjustment is promising. The head of the legal department at Stadsbyggnadskontoret states that occurrences where the developer is required to build additional buildings is nothing that occurs in Gothenburg, and something that should not occur in any modern city, which implies that the changes will not give any affect according to him.

The new regulation states that the developer can only be required to include measures outside of the planning area, such as precautions for safety, noise, roundabouts, roads, etc. which may be necessary for the prosperity of the area. As the head of the legal departments at Stadsbyggnadskontoret, he believes that these clearer defined rules decreases the risk for uncertainties while also providing the developer with easier cost estimation. In his position at a municipal organization he also believes the change to be good for all parties involved in the planning process.

6.1.5 Legislation change 5

The government decides that the exploiters provisions in PBL shall be revoked and so also the waiver regulations over the period of four years (Proposition 2013/14:126, 2013).

The change implies that the compensation given for areas that, according to the zoning plan, is purposed for public use is now supposed to be decided in accordance with the Expropriation Act and expropriation compensation. The waiver regulations are supposed to be revoked during a transition period of four years and thus be removed after 2018.

The head of the legal department at Stadsbyggnadskontoret states that law implies that the county administrative board has the opportunity to decide whether an area should be subjected to a new plan and if the area should be for public use. If the owner of the land would be proportionate compensated in form of a land value increase for the change of plan, he or she would have to give up a piece of their land. The legal change would however require the municipality to come in agreement with the land owner if an area is to be exploited for public use, or the municipality would have to use the law of expropriation in order to acquire such land. Consequentially, the law implies that the municipality cannot seize land but rather has to pay for it or settle a contractual agreement. He further states that in theory, the change seems promising, as seizing land can be controversial.

He continues by stating that when areas for public use are owned by a private owner, the owner commonly profits from the municipality seizing a piece of the land in order to build infrastructure or similar things of public interest since it will leverage the land value. Further, the owner is not allowed to build anything on the area, since it is zoned for public use. Thus, previously the seizing was thought to be fair since it increases the value for the owner. Instead, the new law, according to the head of the legal department at Stadsbyggnadskontoret, can possibly make the process more complicated. Further stating that although such

processes are uncommon, the waiver regulations have been a tool in the negotiations, and so the actual outcome is difficult to predict.

The head of urban development at Älvstranden utveckling AB have a similar view, he strongly prefers the new law since he believes dialog and cooperation between the municipality and the private sector is necessary to develop a flourishing city. Nonetheless, both the head of urban development and the project developer states that the change will probably not have any significant effect on the planning process for them, since the law is seldom used.

6.1.6 Legislation change 6

During consultation stakeholders, such as condominium owners, residents and tenant organisations, which are not directly effected by the new plan do not have to be consulted. (SFS 2014:900. 5 ch. 11 §)
(Proposition 2013/14:126, 2013)

Since the new law offers an opportunity to not consult with certain stakeholders, the number of participant in the consultation can be reduced.

Of the interviewees a majority had a neutral position to the change. For instance the researcher and the head of the legal department at Stadsbyggnadskontoret referred to the change as already existing in practice, by arguing that during consultation stakeholders who are not evidently affected by the new plan is not counseled with for the sole reason that it will not affect them, even though no such paragraph was written in PBL. Further, the president of Gårdstensbostäder states that the change may reduce the number of none affected participants. However, he rather sees a change that would increase the number of stakeholders living in close proximity to attend. The technical manager at Poseidon oppositely believes that the process would not necessary become better solely due to more participants and opinions. He believes that the change may give positive effects.

The project developer at Wallenstam AB states that from a time reduction perspective the change is good, but out of a citizen perspective the change may however be negative. She states that if the objective is to cut time, one might as well consult with a larger crowd in order to receive all remarks on the project but with the change that later appeals would be handled differently with liability on the appellant. Thus the long-term process of appeals can as a result be reduced instead of who should be consulted.

The public sector seeks to develop a sustainable city with future prosperity over time, which requires both public and private interests. In due course, both actors need each other for the best probable growth of the city. Thereby, the head of development at Älvtranden utveckling AB claims that it is important to not minimize the influence for a certain party. Still, he also mentions that it might be good to reduce the influence of unaffected stakeholder groups and focus more on the stakeholders that are actually affect by the development.

6.1.7 Rejected legislation suggestion 7

After the plans execution time has expired the regulations concerning architectural and esthetic design will expire (Proposition 2013/14:126, 2013).

Swedish parliament rejected three components from the postposition 2013/14:126 while accepting all other, two of the rejected proposals were still asked to the interviewees in regards to see their opinions on the matter, in the context of enhancing the process. The first rejected change in the proposition is a proposal concerning architectural and aesthetic design. The idea was what once the execution time had expired, which is between 5 to 15 years, the zoning plans regulation on architectural and aesthetic design would be obsolete. Thus, if one wishes to alter for instance the façade of a building after the execution time had gone out, such alterations would be eased. However, the consultation bodies in parliament were critical since other parts in the zoning plan would still be active while the architectural regulations would not, which they believe would generate uncertainty when seeking building permits within the planned area, and so the change never gained legal force (Civilutskottets betänkande, 2013/14:CU31, 2014). Still, as the head of the legal department at Stadsbyggnadskontoret mentioned, the idea is interesting to test outside of parliament in order to observe what private and municipal firms in the sector considers.

The technical manager and the president at Gårdstensbostäder believe that the change would have been positive since the flexibility would have increased when refurbishing façades and other architecturally regulated areas. The president at Gårdstensbostäder for instance argues that regulations on architecture and aesthetics drive costs, and so the number of produced accommodations decreases. On the other hand, if the market was less regulated more accommodations could have been produced, and since architecture is a form of art, subjectivity comes in to mind when assessing if the final product is good looking or not. So whether the law exists or not the final product may still be pleasing to the eye.

The head of development at Älvstranden utveckling AB, the head of the legal department at Stadsbyggnadskontoret and the project developer at Wallentam AB, argue in the opposite direction. Firstly by stating that such change in the regulations could lead to demolition of older city areas with historic architectural value, and less diversity amongst buildings would be the result. Secondly, one of the fundamental pillars in PBL is democracy and that the city should be developed under democratic decision making. And so, if the democratically developed architectural regulation of an area becomes outdated after the execution time, the democratic process would disappear, strongly affecting the development of the city.

In response to the argument that the market would be more flexible, the head of development at Älvstranden utveckling AB argues that the market should not be flexible after a zoning plan is obsolete, but rather during the plans execution time. Wherefrom he argues that the zoning plan should be able to emphasize

several purposes instead of a single purpose, by for instance providing the owner with a more easily changed utilization of the property from accommodations to commercial, ergo provide for a more flexible market.

6.1.8 Rejected legislation suggestion 8

The city council should be able to give the authority to the building committee or the municipal executives to accept zoning plans (Proposition 2013/14:126, 2013).

Another legal proposition that was rejected in parliament concerns the possibility to make decisions regarding zoning plans from a lower hierarchic level than city council, thus enabling the city council to delegate decision making to the municipal executives or the building committee which would accelerate the process. In Gothenburg, the building committee has weekly meetings and consists of 13 politicians, similarly to the municipal executives which has meetings 3-4 times a month and consists of the same amount of politicians. In relation, the city council has meetings only once a month and consists of 81 publicly voted politicians. Thus, by giving the lower levels the option to accept zoning plans the decision can be made both faster and smoother. However, the change was rejected since parliament argued that these bodies should not be able to make decisions which could give economic consequences onto other councils while also arguing that the transparency to the public would weaken (Civilutskottets betänkande, 2013/14:CU31, 2014).

All interviewees agree that time could be reduced by the change, although, some with the belief that it would be at the expense of democracy. The project developer at Wallenstam AB believes that the law should not have been overruled; instead she argues that the political body whom makes decision in the planning process should be the one most knowledgeable in the matter, which she believes may as well be the municipal executives or the building committee. The head of development at Älvstranden utveckling AB expanded the argument by stating that there is always a balance when accepting zoning plans concerning how well the decision makers are aware of the bigger picture. He argues that the city council have a better possibility of assessing the bigger picture and so the decision should be taken by them, although with the reservation that smaller zoning plan changes should be able to be accepted or rejected at lower levels.

The reservation by the head of development at Älvstranden utveckling AB coheres with the PBL version from 2010:900. Thus, smaller changes could be accepted or rejected by lower levels. This is also where the head of the legal department at Stadsbyggnadskontoret is very concerned; stating that the bureaucracy is going to increase as well as the time. In the new law, zoning plans can be assessed either via the standard procedure or the extended procedure. In the standard procedure lower level officials are able to reject or accept the proposed zoning plan, but with the extended procedure only the city council can make such decisions. On regards to earlier court cases along with the ambiguous paragraphs of when to use which procedure, he states that almost all zoning plan changes in larger cities are going to be via the extended procedure, thereby all

zoning plans in larger cities are going to have to be assessed by the city council. Thus, he believes that the proposition had good intentions by introducing a faster decision making process in all procedures, but due to the ambiguity in the law (see SFS 2010:900. 5 ch. 27§) and the ruling to reject the proposal backfired and actually made it worse than previously. Further, the time will now likely increase by three to four months due to the overruling along with the fact that the possibility to use a procedure such as the standard procedure is not possible in city areas.

6.2 A compiled picture of the interviewees attitude towards the legislation changes

As mentioned in the beginning of the chapter the responses from the interviewees are compiled and visualized in Table 4 to illustrate the interviewees' overall opinion of the changes. The disposition in Table 4 is presented in the same manner as the questions were previously presented in order from 1 to 8, but with the rejected changes in Table 5. The tables are categorized in opinions of positive, neutral and negative. The assessed opinion of the interviewees are then colour coordinated in spectrum of green from darker green, representing a strong opinion, to a light green representing a weak opinion.

Table 4: Interviewee opinions of accepted legislation changes visualized. Dark green represents a strong opinion, light green represents a weak opinion.

Legislation changes	Interviewee opinions		
	Positive	Neutral	Negative
1			
2			
3			
4			
5			
6			

Table 4 illustrates that the overall opinion of the changes are positive. There are some legislation changes which are perceived more positively than others from the analysis. For instance legislation change 6 was perceived with a more neutral opinion by the interviewees due to the fact that the change is seen as a none-change, since in practice, whoever is not evidently effected is not consulted with for the sole reason that they are not affected. Also, the change decreases the democratic process and so the principle of proportionality.

Legislation change 3, which is in relation also a none-change for the Gothenburg region, is however perceived to be the most positive. This is considered to be the result of the transparency that the law provides. Another resulting factor may also be that to have a negative opinion on transparent market would be ethnically unwise.

Legislation change 5, which is the least positively viewed change, were perceived with uncertainty by many of the interviewees and thus also resulting in an overall neutral opinion. This change is quite technical and only a few of the interviewees were aware of its technicalities and thus the majority was unable to provide supported answers.

Table 5: Interviewee opinions of rejected legislation changes visualized. Dark green represents a strong opinion, light green represents a weak opinion.

Rejected legislation changes	Interviewee opinions		
	Positive	Neutral	Negative
7			
8			

The suggested legislation changes that were rejected were also analyzed in the same manner. One can notice that the first rejected change number 7, is rejected by the interviewees as well as in parliament. The reason for such result is assessed to be because of the probable demolishment of older building with architectural value, but also since it would decrease the democratic process which the regulations are built upon.

The second rejected change is more positively viewed by the interviewees and several of the interviewees suggest that the change should not have been rejected. Why such result is received may have to do with two factors. One is by letting lower level officials decide on plans the duration could be significantly decreased, since meeting are more frequent and consensus is easier with less officials. The negative aspect is however due to the fact that these meeting are not as open to the public as when the city council have meetings, and thus the democratic processes are lessened.

6.3 Compiled picture of the interviewees expectation of the legal changes effect on the overall urban development process

The same method as previously described to portray the interviewees' opinions of the changes has been used to analyse their expectation regarding if the legal changes would affect the overall development process. See table 6 below.

Table 6: Interviewee expectations of the legal changes effect on the overall development process. Dark green represents a strong opinion, light green represents a weak opinion.

Legislation changes	Interviewee expected effect on overall development process		
	Positiv	Neutral	Negative
1			
2			
3			
4			
5			
6			

The table illustrates that the changes are expected to give a limited effect on the overall urban development process. That is not to say that the changes are perceived negative, but only that the urban development process as a whole are believed to not be affected by the changes. Change number 2 is expected to give the most positive effect to the overall urban development process since it is hoped to reduce the duration of a project and increase the construction pace of the urban development, since less regulation have to be considered and standardized procedures could be initiated. However, since the change here in Gothenburg will not affect all land areas, the change is still not overly positive.

In regards to change number 3, by adding guidelines, goals and fundamentals to land allocation contract or development contract the transparency can hopefully be increased. But since Gothenburg already uses such procedures no real effect is expected.

By summarizing the interviews opinions from change number 4, one can also notice that the effect is considered as limited. The change proposes that the development contract should be clearer as to how far the freedom of contract can be stretched. But since the change will, as number 3, not affect the Gothenburg region, no real effect is expected.

6.4 Results of the mixed use city

The interviewees were asked about what functions they believed were required in a mixed use city. Different functions were brought up and argued why they belong in the mixed use city. In figure 8 the most important functions are presented. The larger circles represent more frequent answers from the interviews.

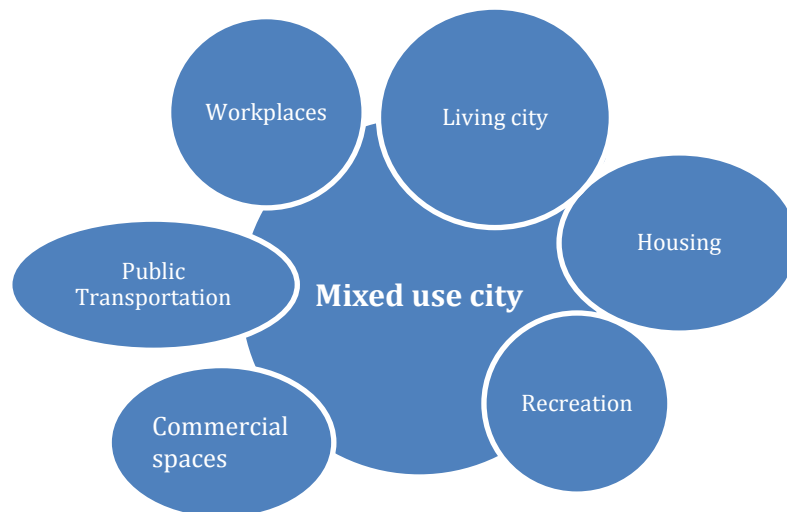


Figure 8: Interview responses of a mixed use city

6.4.1 The notions of a mixed use city

All of the interviewees have difficulties defining what a mixed use city is. Although everyone states that a mixed use city contains housing, workplaces and commercial spaces. However, the technical manager at Poseidon states that the mixed use city should also contain social services. When it comes to housing, the interviewees also states that different tenures such as rental apartments, condominium, and self-ownership homes such as villas should be a part of the mixed use city. The president of Gårdstensbostäder states that an area located outside the city center is essential to have commercial spaces in its surroundings. The director of the municipal property management refers to the socioeconomic structure and has a similar view as Jacobs (2005) and Göteborgs Stad (2015d). Both state that it is important to create areas with a mixed population and avoid forming social inequality with segregated societies.

The technical manager, head of urban development and the director of municipal property management all states that schools and universities should be included in workplaces. In a city you need to have schools, universities, kindergartens and health centers. According to the interviewees there are no hospitals located in the mixed use city although some sort of health service is required. The stores are according to the interviewees intended for the residents and the people working in the area. Although the stores could also serve the ones that want to

visit the mixed use city for recreation and its shopping experiences. The stores should serve all of those people together.

The technical manager states that another part that is essential and need to be in the mixed use city is public transportation systems. The head of urban development concur with the technical manager and states that the transportation system needs to be in close proximity to the housing. If the distance between the housing areas and the public transportation is time-consuming and uncomfortable the citizens will ignore the benefits of it and travel by car instead. The transportation system also needs to have frequent departures so that the citizen can rely on the system.

All of the interviewees agree that areas that only exist of office space or housing areas should be avoided since those areas will be “dead” during a certain time of the day. In relation, all interviewees also believe that areas which are dominated by one type of usage, whether if it is housing or commercial areas should have some sort of activity as a complement. By having complement to the main usage one can prevent the area of becoming ghost cities during certain times of the day.

All of the interviewees brings up that everything is not suitable in the mixed use city. The project developer at Wallenstam AB states that there is no market for commercial spaces in every new development. She refers to one project that Wallenstam AB is developing in the area of Kallebäck in Gothenburg, which is located in a peripheral area outside the city center. The project is mostly intended for housing and should only have some smaller stores with the purpose of serving the residents, since the area is not suitable for more commercial spaces. The technical manager continues on the same track and states that some manufacturers are acceptable in the mixed use city, but far from all *“If you want to produce for instance cars you can’t do that in the mixed use city, on the contrary certain smaller manufacturers can fit in the mixed use city”*. However the director of municipal property management does not agree and states that any commercial spaces related manufacturing is not suitable in the mixed use city at all and thus should be placed outside for the comfort of the residents. The head of the legal department at Stadsbyggnadskontoret continues and argues that urban developers are missing the aspect that creates the mixed use city on a smaller level. He states that spaces for storages such as garages, workshops etc are not a part of the developing city and according to him it is these extra services and functions that create a pleasant environment.

In general, all of the interviewees agree that if the city is alive during most of the hours, all the functions that are required for the mixed use city is in place. The head of urban development further states that it is during the winter months that it is the hardest to create a city that is alive since one has to find certain factors to make the citizens step out of their apartments and move around in the surrounding area using its services and functions. But due to the more unpleasant climate during the winter months, certain areas can become less active.

The technical manager states that in a mixed use city it should be about 60 percent housing and the remaining 40 percent should be divided on workplaces, stores, shopping and social services. The head of urban development has the same opinion but adds that it is a good comprehensive goal to aim at this sectioning when talking about the mixed use city in general. Although further stating that the mixed use city is unique and looks different in every case.

The technical manager, head of urban development and the president of Gårdstensbostäder all agree that shopping should be a part of the mixed use city. There needs to be streets with commercial activities such as stores, restaurants and cafes in order to create a pleasant atmosphere. Although every one of the interviewees were very clear that there is no room for shopping centers in the mixed use city. At most there may be some smaller department stores but absolutely no shopping centers. Everyone also agreed that the large shopping centers should be placed outside the mixed use city.

6.4.2 What is the size of the mixed use city?

The size of a mixed use city can be perceived differently by different actors. But in order for the urban developers to strive for the same goal it is important that the size is perceived similarly in each urban planning project.

The head of urban development, the technical manager and the director of municipal property management all agree that the mixed use city should be viewed in a larger perspective, by looking at one or several districts. They all agree that the mixed use city has functions that support each-other and contribute to create a mixture. The head of urban development describes the mixed use city as a bloodstream and resembles the citizens as the blood that is circulating. And that as an urban developer one's main task is to make the blood, flow and circulate without any obstacles. He, together with the director of municipal property management and the technical manager all state that the mixed use city needs to have places which is less and more crowded, and therefore the mixed use city cannot be viewed as a block or a smaller district. The head of urban development and the technical manager state that urban developers need to look at existing functions and use the new developments as complements to existing functions.

The project developer along with the president at Gårdstensbostäder and the head of the legal department has the opinion that the mixed use city should be viewed in a smaller perspective, by looking at one district or parts of a district. The project developer states that the districts all together is forming the mixed use city, and that it is including everything from the color on the façade to the functions in the city.

The head of the legal department is looking in a smaller perspective and states that a mixed use city can be a façade in a neighborhood, meaning that along one façade different function can be found such as restaurants, boutiques, and so on. The project developer states that a mixed use city can be formed in a smaller area. She refers to Wallenstam ABs project in Kvillebäcken which is a joint

venture project consisting of seven operators who has built 1600 apartments together with commercial spaces and recreation areas. According to her an area like this should be viewed as a mixed use city. She continues stating that it is quite easy to view the city on the whole and fit in the functions that are needed for the mixed use city. The challenge is to create an area where the citizens are satisfied with the range of offers that are provided within the “smaller” mixed use city. The president at Gårdstensbostäder equates the mixed use city with a district and he is very clear that it should be viewed in that way.

6.4.3 Obstacles for creating a mixed use city

The major obstacles today are according to the technical manager and the project manager that it is difficult to acquire land allocation agreement to start new project. They both request that the municipal offices need to see to the future needs. The technical manager states that if the buildings are designed to have a life span of hundred years they need to be flexible and have the possibility to adapt over time. Further, he states, that these needs have to be taken into consideration in the planning phase and if urban developer do not do that it will make it more difficult to adapt the building later on. The interviewed researcher partly agrees, but contributes that the political environment in Sweden is also a contributing cause that development is slow, because of too much political conciliation and not enough cross-party consensus. If the markets are regulated the urban developers need to take these regulations into consideration when developing new areas and according to the researcher, it will result in a lower construction pace which in turn leads to a poorer mixed use cities according to the theory by Jacobs (2005). The head of urban development states that the exploiters only want to build in specific areas where they can have safe returns. According to him, there is a lot of land for the exploiters to build on. The project developer and the technical manager argue the opposite and do not recognize the head of developments announcement at all.

The director of the municipal property management has another approach and rejects the statement that PBL have an impact on what is planned to be built. He states, together with the technical manager, that new constructions are expensive and it could be problematic when these establishments are focusing on one social group. Therefore they think that the biggest obstacle is our own thoughts and limits. The market controls what is possible to achieve, therefore it is easy to discard new ideas and thoughts because they are not profitable. According to the director of municipal property management, the citizens have preconceptions of how they want to live and could therefore be critical for new developments if they are “wrong” or in an unattractive neighborhood. The president at Gårdstenbostäder has the same opinion and can by experience state that the middle class is critical to have their residents in areas that has a bad reputation, which is a problem Gårdsten has been fighting with.

6.5 Legislation changes effects on the mixed use city

The legislation changes and the concept of the mixed use city have previously been investigated separately. In this section the two will be analysed in relation to how each legal change may bring positive or negative effects to the creation of the mixed use city. The changes have been analysed and a compiled illustration of the presented results is shown in figure 9.

Each legal change is visualized as a numbered from 1-8 in accordance with the order as previous presented in table 1 and 2. The changes are also presented in different coloured circles, where the larger the circles the more unison the opinion is by the interviewees. The x-axis shows if a change has a positive effect in relation to the other changes. The picture has no real scale and is only an illustration.

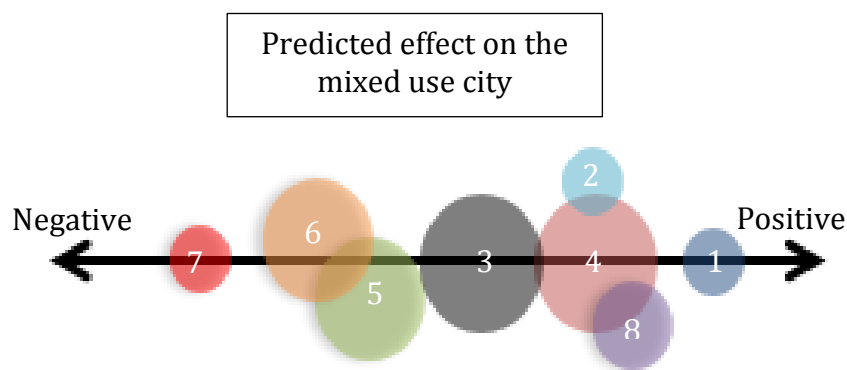


Figure 9: The figure illustrates the changes positive or negative effects on the mixed use city in relation to each other. The numbers illustrates the legal changes, and the circles how unison the interviewees were from large unison to smaller. Change 7 and 8 are visualized, but not deeper discussed since they were rejected and thus will not impact the urban development process.

6.5.1 Legislation change 1

The change can bring both positive and negative effects to the mixed use city. By making the zoning plan easier to revoke the city can more easily adapt to new circumstances as stated by the head of urban development at Älvstranden utveckling AB. He further states, along with the technical manager, that the change will provide for a more flexible market which can be in favor of the mixed use city. But since the zoning plan will be easier to revoke, long-term development plans for larger areas may never be executed if the plan is revoked before execution, thus also creating uncertainty for developers. Depending on the purpose of the revoked or extended zoning plan the change may therefore both benefit the development of the mixed use city as well as harm it.

6.5.2 Legislation change 2

By changing what technical requirement the municipality can require the developer to fulfil, the Swedish market will be more homogeneous. But since larger areas of land in Gothenburg is owned by the stock company Älvstranden utveckling AB, only parts of the Gothenburg market will be effected by the

change as stated by the head of urban development at Älvstranden utveckling AB. Several of the interviewees argue that the change can be positive in increasing the construction pace as less regulation has to be followed. According to the researcher, a higher construction pace of the urban development will benefit the mixed use city.

6.5.3 Legislation change 3

The technical manager states that one of the major obstacles in developing the mixed use city is the difficulty of acquiring land allocation agreements. According to the head of urban development at Älvstranden utveckling AB, the head of the legal department at Stadsbyggnadskontoret and the president of Gårdstensbostäder, the proposed change including guidelines for land allocation agreement and developments contracts already exist in Gothenburg. And so, the change will not be beneficial for the Gothenburg region, and the obstacle in creating the mixed use city presented by the technical manager will not be resolved by the proposed change in the Gothenburg region. However, guidelines will now be a requirements supported by law which will inforce transparency.

6.5.4 Legislation change 4

The proposed change will, according to the head of the legal department at Stadsbyggnadskontoret, provide for less uncertainty for developers. Their responsibilities as to what they are required to develop is limited so they can more easily estimate the costs of a project. With clearer regulations municipal firms such as Älvstranden utveckling AB can provide for embodied services in already developed buildings to create an efficient city with mixed uses more easily. According to the head of the legal department the same applies to the developer since more resources can be focused on the known services they are to provide. Therefore, the change may benefit the development of the mixed use city.

6.5.5 Legislation change 5

According to the head of the legal department at Stadsbyggnadskontoret the waiver regulations has in practice made it considerably more difficult to repeal or adjust previous zoning plans. Many times the repeals have led to extra work and the new plans have been delayed in some cases up to several years. These types of delays are not in favor for the mixed use city. As mentioned earlier in the introduction Sweden has a shortfall in housing and one can assume that a shortfall in housing will lead to increased prices that will result that only more affluent persons have the chance to live in these cities. If the situation will become like this the city will have a reduced mixture of people and socioeconomic structures and that may have negative impact on the mixed use city. Therefore, it is perceived as positive that this change will occur out of a mixed use city perspective.

6.5.6 Legislation change 6

The head of the legal department states that the change already exists in practice. The president at Gårdstensbostäder and partly the head of urban development at Älvstranden utveckling AB states that if the stakeholders of the mixed use city have the possibility to influence how the city is developing it would be beneficial for the city. The head of development at Älvstranden utveckling AB also states that a balance and a partnership between private and public interest are required to have a well-functioning and sustainable mixed use city. Thus, the legislation change would give a rather neutral impact on the mixed use city.

6.5.7 Legislation change 7 and 8

The rejected change 7 is illustrated as having a negative effect on the mixed use city due to the fact that the city mixture of old and new architecture will decrease. And so, the city diversity is perceived as decreasing. Rejected change 8 is on the other hand perceived to have a more positive impact on the mixed use city by increasing the rate in which urban development plans can be inspected and thus accepted or rejected.

6.5.8 The expected overall effect

According to the analysis, the overall effect the changes will have on mixed use city is assessed as quite limited. The illustration in figure 9 shows that most of the changes are positive, similarly to the opinions of the changes by the interviewees. But, just as the expected effects on the overall urban development process, the effect assessed on the mixed use city is still believed to be relatively limited. The areas which are assessed as the most positive is where either the construction pace may increase, or where the transparency or flexibility of the market can increase.

7 Discussion

The results presented in the previous chapter will be discussed and reflected upon in this chapter. Beginning with a discussion of the legal changes then moving on to the mixed use city and lastly the two are discussed in relation to one another.

7.1 Accepted legislation changes

Comparing the results illustrated in table 4 and table 6 we can see that even though the opinions of the changes were positive the expected effect on the overall urban development process are perceived as limited.

So why do not positive changes bring larger changes to the development process? As stated by the majority of the interviewees, the changes are perceived as positive since they benefit with smaller issues such as revoking or extending an existing zoning plan or in making the developments contracts more clearly and by setting guidelines, goals and fundamentals when entering into a land allocation contract or a development contract. However the interviews tell us that the legal changes may not be focusing on the right issues.

The majority of the interviewees mentioned that the worst bottleneck is the process in which all have the right to appeal any plan process without repercussion when losing the appeal. The process of changing a zoning plan requires resources from the municipality as well as the party planning to develop the area. When individuals then appeals the plan with the only objective of delaying the process, society and the developer will suffer losses in time, money and resources. Still, the appellant can appeal several times without any repercussion, delaying the process in some cases up to several years.

Arguments are also raised against the proposition concerning that in order to make the process easier and simplified; the routines within the municipal departments could be changes and not the legislation. Thereby, the unproductive lead times in queue at the different departments can be reduced.

7.2 The concept of a mixed use city

The result has been analyzed and the outcome regarding the mixed use city varies between the interviewees. It was challenging to get a comprehensive view and locate the most essential parts of what a mixed use city is and what factors that is included in the concept. We can state that all of the interviewees' answers could be related back to the literature that was studied.

We have made an attempt to depict different essential functions of the mixed use city, see figure 10. The figure is presented as a circle with different layers with the most important functions in the middle.



Figure 10: Elements of the mixed use city

The middle layer consists of the living city, what can be described as the nerve of a mixed use city. In together the interviews indicate that there must always some sort of human activity in a mixed use city. As such the interviewees contrast the ideal of a mixed use city with the creation of ghost cities. The functions that were presented could be interpreted in the manner that it indicated that the interviewees viewed the mixed use city as a living city. The three definitions regarding the mixed use city together with Howard and Jacobs idealistic ideas does also imply that the objective is to create a city with activity so therefore we can state that it is of most importance to create a living city. Our view and conclusion is that if all the functions presented in figure 10 are present in an urban development project, the result will automatically be a living city.

All of the interviewees agree that the mixed use city should contain housing with different tenures. We can assume that different tenures are helping to create a mixture of different kinds of people which is an important factor in order to create an urban sprawl in the mixed use city.

The third layer is workplaces. The interviewees were discussing that workplaces is a good complement to the housing areas and should be a part of the mixed use city. One can state that some sort of complement is required to create a flow of people also during office hours.

In addition commercial spaces are seen as important for a mixed use city. In order to create more flow to the mixed use city some sort of commercial spaces are required. However, the interviewees have different opinions of what these spaces would consist of, but one can clearly state that commercial spaces are an essential part of the mixed use city.

The fifth layer consists of public transportation. The importance of connecting different areas with each other, and that everyone has the possibility to take part of the mixed use city is seen as essential.

Lastly the sixth layer that is needed to create a mixed use city is recreation. The interviewees imply that the citizens in the mixed use city are in need of recreational areas. Although this could also be a question depending on what perspective the mixed use city is viewed upon.

The majority of the interviewees visualize the mixed use city in a broader perspective. Opinions weather which perspective that is most suitable or not is still unclear. In some way arguments presented by the interviewees regarding both perspectives seems to be reasonable, and it is difficult to find a clear and unison recipe of how the mixed use city should be constructed. In our opinion the mixed use city can be viewed in both perspectives given that the prerequisites in figure 10 are met.

7.3 Legislation changes effect on the mixed use city

All of the interviewees believe that the changes are positive for the planning process. Although they do not think that it would lead to any overall improvements to the urban development process.

The majority of the interviewees stated that the municipal property provider seem to lack the resources required to produce housing in relation to the increased demand. And so, the private companies should have a larger part of the urban development in order to produce housing and other essential parts of the urban environment. It would therefore also be interesting to investigate if the division between both parties now are sustainable for the continuous development of the mixed use city or not.

PBL can ease the process for development through regulations and steer the development through the different regulatory documents. And by such actions decide how land and water areas regulated by the documents should be used, although, it does not necessarily provide for the mixed use city by regulating the market because it could slow down the building pace and delay the development of the mixed use city. Jacobs (2005) states that the planning and building laws only reduce the organic development of the city. But by increasing flexibility, the organic development can increase by more easily adapting for instance zoning plans for new circumstances and purposes.

The changes are perceived as positive by the interviewed practitioners in that they are seen to possibly affect flexibility, transparency and construction pace, which can benefit the creation of the mixed use city in relation to theory. However, since the changes by the interviewees are not expected to have a noteworthy impact on the overall urban development process, they are also seen to not have a significant impact on the development of the mixed use city. Similarly to the opinions of the changes, which are overall positive, the

assessment of their effect on the mixed use city is positive. But their positivity does not necessarily have to imply any impact on the whole.

The construction pace can in relation to literature benefit in the creation of meeting people's new needs. The market can therefore faster adapt to new circumstances and needs of people. By increasing the construction pace the demand for more housing can be met. In addition individuals may have increased opportunities to move within the city depending on their needs and desires. This in return can increase diversity with more socio-economic diversity and less segregation which all are positive aspects of the mixed use city.

By achieving a more transparent market the democratic processes will benefit the citizens and give them the opportunity to be a part of and aware of the development of the city. And since they live in the city, they shall also be able to develop it in relation to the principle of proportionality, where all public and individual interests should be equally balanced so that land and water areas are sustainably used and developed for the benefit of the citizens.

Although positive effects in relation to the mixed use city can be noticed, the overall picture based on the interviews still point towards a limited effect in the creation of the mixed use city. For instance, the director of the municipal property managements stated that PBL has no impact on what is planned to be build, and that it could only ease the process. The head of the legal department continued with scepticism on the changes, and stated in a report that "*The planning process will not likely take less time. The government has suffered a major defeat in parliament, and the need for reform still remains*" (Boberg, 2014). So, even though the changes are slightly positive, the effect is expected to be minor in terms of nurturing a mixed use city development.

The group of interviewees represents private, municipal, legal and academic parties with interests in urban development. The numbers of interviewees are however not large enough to ensure general results.

8 Conclusion

Changes are necessary in order to increase the housing stock and meet the desired objective of 426 000 new homes until 2020. The suggested legislation changes analyzed from the proposition 2013/14:126 is expected to provide overall positive effects to the parts that are changed. The changes are however, based on this study, not expected to provide a simplified planning process.

After analyzing the mixed use city concept the general understanding is that there is no unified recipe for how it should be developed. Six factors are nevertheless seen as prominent and essential parts if the mixed use city shall be realized. These are the existence of; housing, workplaces, commercial spaces, public transportation and recreation areas. These five factors in together also result in a sixth factor, that of a living city, which is seen as the objective of a mixed use city.

The six investigated legislation changes have been analyzed if they will benefit in the creation of the mixed use city. The overall attitude towards the changes is among the interviewees perceived as mostly positive. Positive effects forwarded are increased flexibility, transparency and construction pace, which is seen as beneficial for the development of the mixed use city and also something forwarded in literature. Because it may provide a dynamic development with faster and easier adaption to new circumstances, needs and desires from the citizens, and developed based on democratic ruling.

Although positive attitudes the impact from the legal changes on the mixed use city are perceived as very limited. The changes are considered to only affect minor parts of the development process, and so also the mixed use city development. Therefore, the changes are not expected to have a visible impact on the development of the mixed use city.

To better reach a simplified planning process, and thus also to develop a mixed use city, the suggestion is to not only perform changes to smaller parts of the planning process but to investigate the larger issues such as the appeal process and the municipal lead times. And by such procedure not only polish the existing planning process but actually reshape larger troubling parts of it.

9 References

The references are divided into categories of literature, web sources and oral sources.

9.1 Literature

Bellander, G. (2005) *Blandstaden: ett planeringskoncept för en hållbar bebyggelseutveckling?* Karlskrona: Boverket.

Boberg, S. (2014) *En enklare planprocess, en ifrågasatt proposition – analys.* Stockholm: Jpinfonet

Boklund, S. (2011). *Planprocessen - Tidsåtgång och särskilt upprättade dokument.* Stockholm: Kungliga tekniska högskolan. (Master thesis within the institution of Real Estate and Construction Management)

Boverket (2009) *Huvudmannaskap för allmän plats – En fråga om rådighet över mark och finansiering.* Karlskrona. Boverket

Bryman, A. (2007) *Samhällsvetenskapliga metoder*, Upplaga 1:4. Hungary: Liber AB.

Civilutskottet (2014) *Civilutskottets betänkande 2013/14:CU31.* Vällingby: Elanders

Djus, E. (2014) *Effektivisering av planprocessen - med utgångspunkt i plan- och bygglagstiftningen.* Lund: Lunds tekniska högskola. (Master thesis within the institution of Real Estate Management, Department of Technology and Society)

Ekberg, E. (2014) Regeringen föreslår förenklingar i planprocessen. *Fastighetssverige.* (2014-02-13)

Grant, J. (2002) Mixed use in theory and practice: Canadian experience with implementing a planning principle. *Journal of the American Planning Association*, vol. 68:1, p. 71-84.

Göteborgs Stad (2015d) *Ordbok för stadsutvecklare.* Göteborg: Frank and Earnest.

Hoppenbrouwera, E & Louw, E. (2007). Mixed use development: Theory and practice in Amsterdam's Eastern Docklands. *European Planning Studies* . 3 (1), 967-983

Howard, E. (1898/1902). *Garden Cities of To-Morrow.* Cambridge: MIT Press

Jacobs, J. (2005). *Den amerikanska storstadens liv och förfall.* Göteborg: Daidalos.

Kalbro, T & Lindgren, E. (2010) *Markexploatering.* Stockholm: Norstedts Juridik AB

Montgomery, J. (2007) Making a city: urbanity, vitality and urban design. *Journal of urban design*. Vol. 3, nr. 1, p. 93-116.

Pirhonen, A. (2004) Sub-urban Challenge, Urban Intensity and Housing Diversity. Ed 7. Stockholm: Sveriges arkitekter.

SFS 1986:223 (1986) Förvaltningslagen. Stockholm. Justitiedepartementet.

SFS 1998:808 (1998) Miljöbalken. Stockholm Justitiedepartementet.

SFS 2010:900 (2011) *Plan- och Bygglagen*. Stockholm. Justitiedepartementet.

SFS 2014:899 (2014) *Lag om riktlinjer för kommunala markanvisningar*. Stockholm: Justitiedepartementet.

SFS 2014:900 (2014) *Plan- och Bygglagen*. Stockholm. Justitiedepartementet.

9.2 Web sources

Attefall, S. (2014) Regeringen föreslår enklare planprocess och effektivare plangenomförande för bostadsbyggande. *Regeringskansliet*.
<http://goo.gl/inB9WH> (2015-03-15)

Bengtsson, M & Underskog, T. (2015) Exploateringsavtal samt genomförandeavtal och markanvisning. *Advokatfirman Åberg & Co*.
<http://goo.gl/AIR1qH> (2015-03-15)

Boberg, S. (2011) Det kommunala planmonopolet och proportionalitetsprincipen. *Jpifonet*. <http://goo.gl/sLMFf0> (2015-02-02)

Boverket (2015) PBL Kunskapsbank – en handbok om plan- och bygglagen. *Boverket* <http://goo.gl/SmmWq7> (2015-01-28)

Bostads AB Poseidon (2014) Om Poseidon, *Bostads AB Poseidon*
<http://goo.gl/Vl9Yks> (2015-03-20)

Gårdstensbostäder (2014) Gårdstensbostäder. *Gårdstensbostäder*
<http://goo.gl/4VNfqq> (2015-03-11)

Göteborg Stad (2014a) Stadsbyggnadskontoret. *Göteborg Stad*.
<http://goo.gl/3VXThg> (2015-03-11)

Göteborgs Stad (2014b) Översiktsplan för Göteborg. *Göteborg Stad*.
<http://goo.gl/tqyJnl> (2015-03-11)
Göteborgs Stad (2014c) Lokalförvaltningen, *Göteborgs Stad*.
<http://goo.gl/UZuAQP> (2015-03-12)

Johansson, L.-L. (2014) Lagändringar som rör mark och exploateringsfrågor. Länsstyrelsen. <http://goo.gl/3LCv7y> (2015-03-02)

Jörnmark, J. (2014) Om Jan Jörnmark. *Jörnmark*. <http://goo.gl/AN28sE> (2015-05-30)

Lijankoski, U. (2011) *Jamförelse och diskussion om Jane Jacobs och Ebenzer Howard*. Stadsplanering <http://goo.gl/8GMiKl> (2015-02-28)

Proposition 1994/95:230 (1995) *Kommunal översiktsplanering enligt plan. Och bygglagen, m.m.* Stockholm: Socialdepartementet. <http://goo.gl/6cY6nn> (2015-02-12)

Proposition 2009/10:170 (2010) *En enklare plan- och bygglag*. Stockholm: Socialdepartementet. <http://goo.gl/QH0raQ> (2015-02-11)

Proposition 2013/14:126 (2014) *En enklare planprocess*. Stockholm: Socialdepartementet. <http://goo.gl/XHMXqb> (2015-01-15)

Regeringskansliet (2014) Regeringen föreslår enklare planprocess och effektivare plangenomförande för bostadsbyggande. *Regeringskansliet* <http://goo.gl/pqj91U> (2015-01-20)

Riksdagen (2014) Civilutskottets verksamhet riksmötet 2013/14. *Sveriges Riksdag*. <http://goo.gl/f4Z37f> (2015-02-20)

Wallenstam AB (2014) Om oss. *Wallenstam AB*. <https://goo.gl/UdQFbM> (2015-03-11)

Älvstranden utveckling AB (2015) Älvstranden utveckling AB. *Älvstranden utveckling*. <http://goo.gl/PytlFT> (2015-03-11)

9.3 Personal communication

Blixt, M. (Head of urban development, Älvstranden utveckling AB) interviewed 2015-04-16

Boberg, S. (2015) *PBL-ändringar 2014-2015*. Internal document. Göteborg Stad.

Boberg, S. (Head of legal department, Stadsbyggnadskontoret) interviewed 2015-03-09

Jörnmark, J. (Associate professor in economic history, Gothenburg school of economics) interviewed 2015-04-10

Nicklasson, J. (Technical manager, Poseidon AB) interviewed the 2015-03-03

Nilsson, R. (Director of the municipal property management, Lokalförvaltningen) interviewed the 2015-02-17

Pirosanto, M. (President, Gårdstensbostäder AB) interviewed 2015-03-11

Svensson, Y. (2014) *En föränderlig PBL- kulturvärden, buller och enklare planprocesser*. October 7th, 2014, Stockholm.

Wilén, A. (2014) Bostadsprojekt 14–18 - Underlag till beslut om ny Affärsplan. Internal document Wallenstam.

Wilén, A. (Project Developer, Wallenstam AB) interviewed the 2015-02-02

Appendix 1– Illustration over the historical changes to the procedures in the planning process

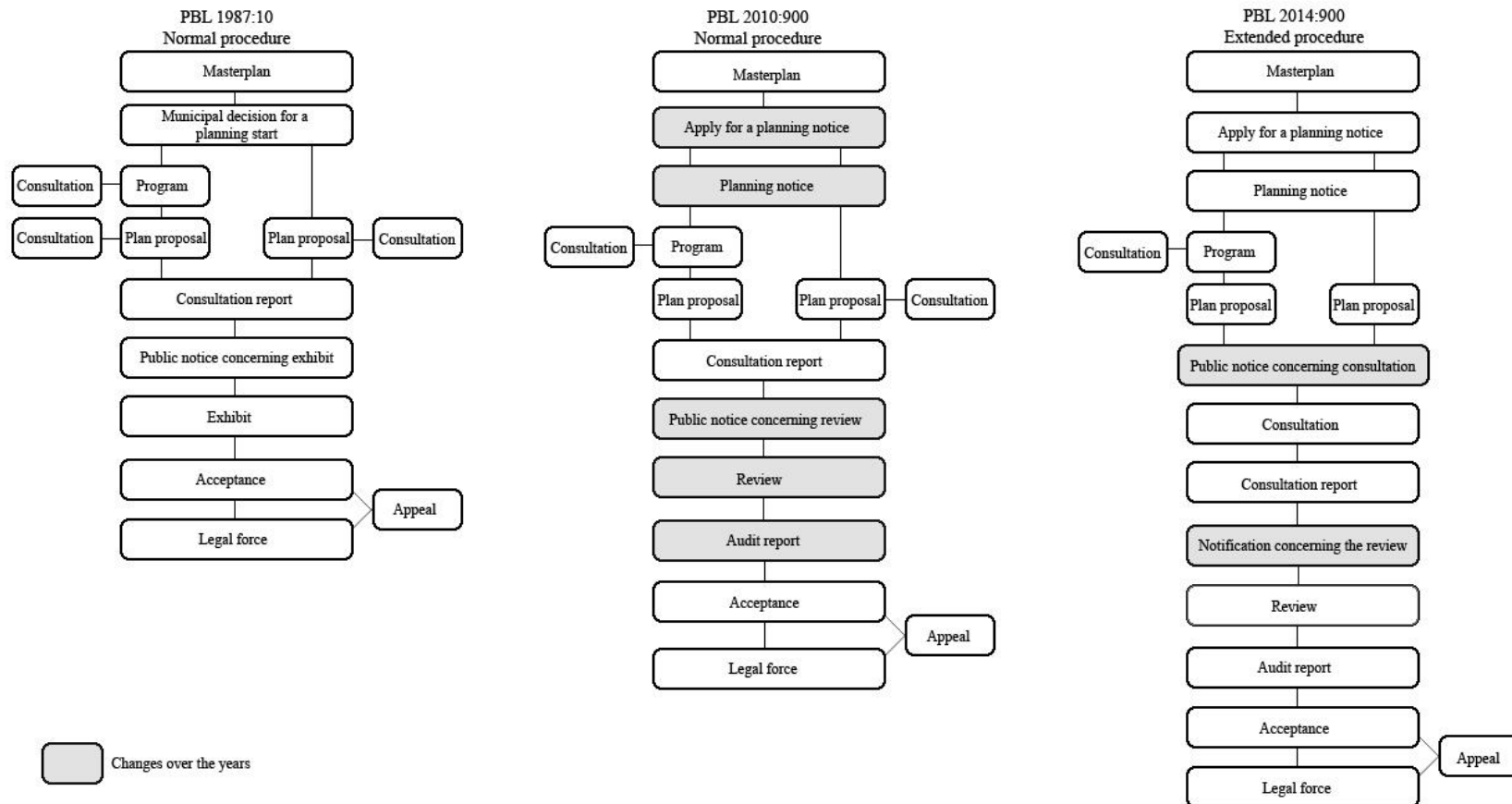


Figure 9: An illustration over how the plan procedures has developed over three different legal changes

Previous planning processes

In order to grasp the complexity of the planning process and the changes made to it, illustrations along with shorter remarks have been assembled for the previous planning processes, which have been derived from previous law text and research within the field. Noteworthy is that the procedures and/or parts of the scheme may overlap, similarly to the new planning process, thus in reality the process may look different.

Planning process from 2010

This procedure is called the Normal procedure, which is similar to the new planning process called the extended procedure

1. Begin the plan process

If either an exploiter or a municipal department intends to take an action which will result in a zoning plan that is either adopted, amended or repealed or that the area regulations are amended or terminated may apply for a zoning plan notice by the municipality, to find out if they intend to launch a plan for the area (SFS 2010:900. 5 ch. 2 §). Similarly to the new law, the municipality has four months to decide whether to change the zoning plan or not, and thus provide the requesting with the decision (SFS 2010:900. 5 ch. 4 §).

2. Program

If the municipality decides that a program is necessary to ease the works in the process, one should be provided by them (SFS 2010:900. 5 ch. 10 §). Also, if the intended works are estimated to cause environmental effects, an environmental impact assessment shall be provided as well (SFS 2010:900. 4 ch. 34 §).

3. Consultation

Once, and if, a program is developed, a consultation is held between all involved parties in order to receive remarks regarding the project.

4. Plan proposal

The municipality sends a proposal of the plan to real estate owners and essential municipal departments.

5. Consultation

Once again, a consultation is held of the proposed changes along with remarks.

6. Consultation report

All remarks are gathered and answered, although no changes are required in alignment to the remarks (SFS 2010:900. 5 ch. 11-17 §)

7. Public notice concerning review

Once the consultation is complete, the municipality must announce its proposed zoning and allow it to be examined during a review duration of at least 3 weeks, can however be shorter in all parties agrees. The public notice shall also be posted on the municipal bulletin board or local newspaper, with all essential information of the project (SFS 2010:900. 5 ch. 18 §).

8. Audit report

9. The municipality compiles the remarks and presents how and which remarks they have accounted for and which they have not in an audit report (SFS 2010:900. 5 ch. 23 & 24 §).

10. Acceptance

A zoning plan shall be adopted by the city council, although the council may authorize the assignment to the building committee to adopt a plan that is not of greater importance or principal significance. The acceptance shall then be communicated to the public and authorities (SFS 2010:900. 5 ch. 27 §).

11. Appeal

During three weeks after the announcement, the once who wrote remarks during the consultation has the opportunity to appeal the decision to the county administrative board (SFS 2010:900. 13 ch.).

12. Legal force

If no one appeals before the three weeks is out or if the county administrative board chooses to not to take account of an appeal or the appeal is decided in court the new zoning plan gains legal force (SFS 2010:900. 5 ch. 32 §).

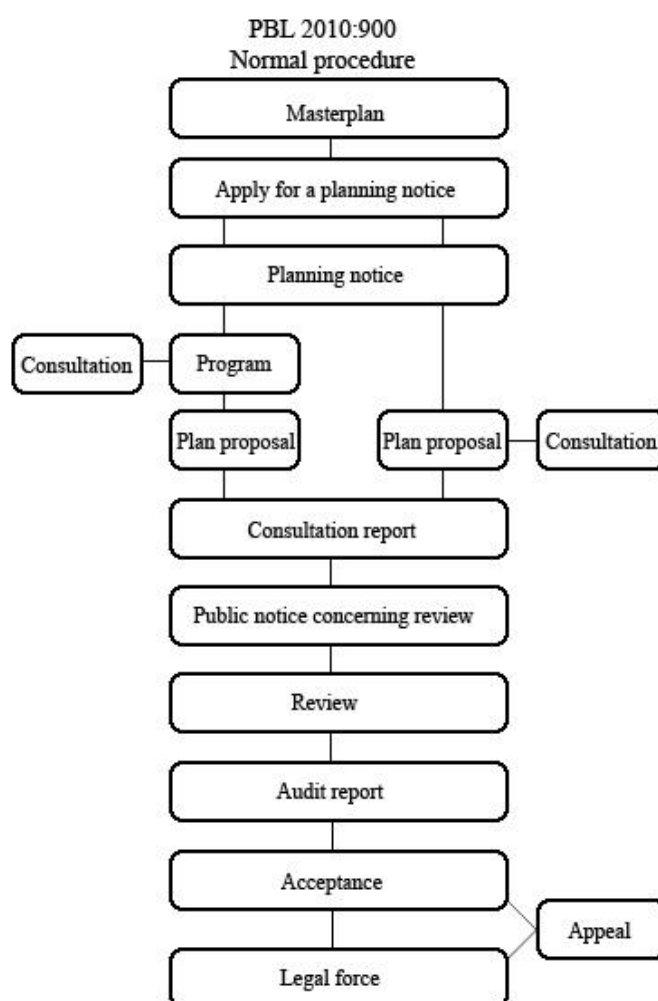


Figure 10: Planning procedure from PBL 2010:900

Planning process from 1987

This procedure is called the Normal procedure, which is similar to the new planning process called the extended procedure.

1. Municipal decision to begin the plan process

In earlier years when the law was settled, the production of the build environment was driven by municipal planning. However, as the market changed towards a more demand driven environment the forces driven the development became more privatized. Thus the law was created with the intention that mostly the municipality brought forth zoning plan changes. Thus, if private firm ought to seek a planning notice the municipality was not obligated to give a reason for not developing the existing plan (Djus, E. 2014).

2. Program

When developing a new zoning plan, a program should be used to ease the process if not deemed unnecessary (SFS 1987:10 5 ch. 18 §). Likewise, if the new plan is assessed as having environmental effects as stated in Miljöbalken, an environmental impact assessment should be established (Miljöbalken 1998:808. 6 ch. 11 §).

3. Consultation

When the program is approved, a consultation is to be held in order for private and municipal stakeholders to influence and give remarks on the program (SFS 1987:10. 5 ch. 20 §).

4. Plan proposal

The proposed zoning plan is to be showcased for at least three weeks by the municipality (SFS 1987:10. 5 ch.).

5. Consultation

In PBL 1987 both the program and the plan proposal had separate consultation, which were later changed into only one combined for PBL 2010 and latter. Same paragraphs apply here as for the other consultation (Djus, E. 2014).

6. Consultation report

All remarks are gathered and answered, although no changes are required in alignment to the remarks (SFS 1987:10. 5 ch. 11-17 §).

7. Public notice concerning the exhibit

At least one week before the zoning plan is to be showcased for the second time during the so called the exhibit, an announcement should be stated on the municipal bulletin board and in a local newspaper (SFS 1987:10. 5 ch. 24 §).

8. Exhibit

The proposal is showcased for the public and authorities (SFS 1987:10. 5 ch.).

9. Audit

After the showcase, the municipality is to assemble all written remarks that has been made during the showcase, which they have taken account for and which they have not, and attach the document along with all other acts (SFS 1987:10. 5 ch. 27 §).

10. Acceptance

The new plan is accepted or rejected by the city council or if the plan is of smaller significance the either the municipal executives or the building committee can be given the right to adopt the plan (SFS 1987:10 5 ch.).

11. Appeal

Similarly to today's law, there is a right to appeal the decision within three weeks after the announcement. Although only the once who wrote remarks during the exhibit has the right to appeal the decision to the county administrative board (SFS 1987:10 13 ch. 30 §).

12. Legal force

The new zoning plan gains legal force.

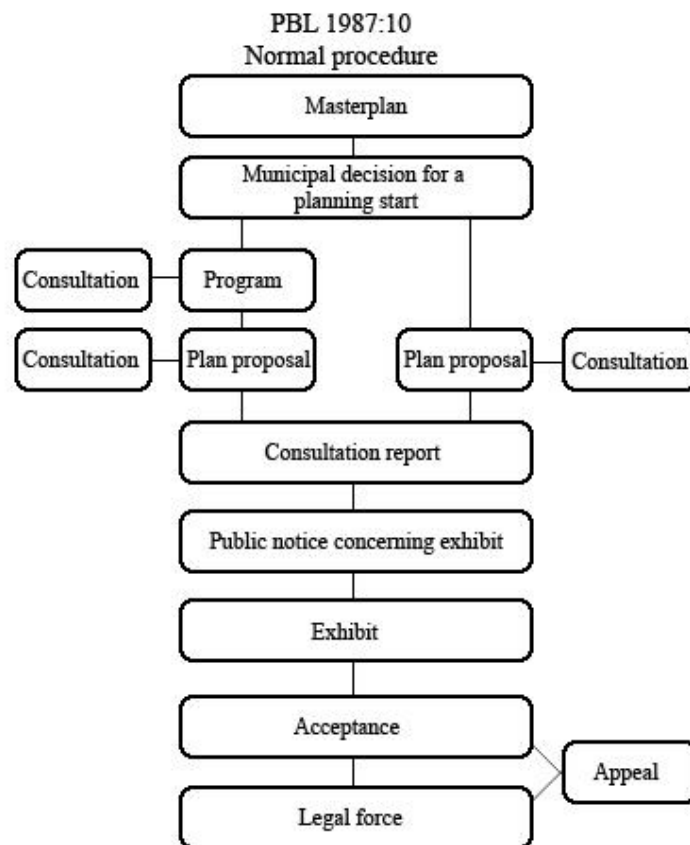


Figure 11: Planning procedure from PBL 1987:10

Appendix 2 – The legal changes in Swedish

Table 7: Description of legislation changes in Swedish (Proposition 2013/14:126, 2013)

Legal change	Description of legislation changes
1	Förfarandet för att upphäva detaljplaner och förlänga genomförandetiden förenklas (SFS 2014:900. 5 ch. 38b and 38a§).
2	Kommuner kommer numera inte kunna ställa egna tekniska krav på exploatören, t.ex. när det gäller energi eller tillgänglighet. Om kommunen ställer sådana krav är de utan verkan. Istället gäller nationella regler from boverket och plan- och bygglagen.
3	Bestämmelser införs som ställer krav på att kommunerna ska ha riktlinjer för markanvisningar och exploateringsavtal så att alla exploatörer behandlas lika och materialet blir mer transparent. Vidare måste riktlinjerna ange kommunens utgångspunkter och mål när avtal ska ingås kring genomförandet av detaljplaner.
4	Det införs bestämmelser om vad som får regleras i ett exploateringsavtal. Därmed blir det tydligare vad som gäller. Ett exploateringsavtal får till exempel inte innehålla åtagande för en byggherre att bekosta byggnader för vård, utbildning eller omsorg.
5	Regeringen föreslår att avståendeförordnaden slutar att gälla efter 2018.
6	Regeringen föreslår att bestämmelser om arkitektonisk eller estetisk utformning ska upphöra att gälla efter den så kallade genomförandetiden gått ut.

Table 8: Description of rejected legislation changes in Swedish (Proposition 2013/14:126, 2013)

Proposed Legal change	Description of rejected legislation changes
7	Fler detaljplaner ska kunna antas av Kommunstyrelsen och Byggnadsnämnden istället för Kommunfullmäktige
8	I det nya förfarandet kan man kapa samrådsretsens deltagare om det inte är uppenbart nödvändigt för andra parter att vara med.