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Public Roads and Readjustments of Real Properties and Private Access Roads [1]. A Case Study of Planning Procedures.

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Abstract. *The article reports planning procedures and methods used in public road (highway) planning in Finland. Procedures are examined from the real property owners' point of view, but also as means of conflict management and resolution. A pilot case is used to analyse the phenomenon.*

In the case, planning would affect the real property owners' access to the public road. Thus, the shaping of private road readjustments and reallocations of land (real estate planning) constituted an essential part of the planning. Real property owners, design consultants, the Finnish Road Administration and the National Land Survey of Finland drew up the plan. This was done in the course of several public hearings.

The planning procedures broadly followed Habermas's theory of communicative action, his general presuppositions of good communication. The case indicates that real estate planning and road planning can be connected with success. Real property owners felt that they had good potential for influencing the planning. Conflict management and resolution was commonly successful.

In general it is good to begin planning of a public road by analysing the planning history of the road. This should be done especially from the viewpoint of the real property owners. Concerning the planning in the beginning, the aims of the participants, the nature of the conflicts involved and the adversaries in the conflicts should be clarified. This would help in selecting the planning method or methods best suited to the cases at hand.

Keywords. *Private road readjustment, reallocation of land, road planning, public road (highway), conflict management and resolution.*

[1] 'Private road' signifies here both private road with right-of-way situated on another owner's real property and owner's own private road, also with their interactions to the public roads. (Maantielaki [Highways Act] 503/2005, section 15).

1 Introduction

The article reports a case study of planning methods and procedures. The planning in question comprises readjustments of private roads and reallocation of land. In this case the need for these actions is triggered off by the construction of public roads. These roads tend to cut through the landscape with no, or very little, regard to the existing layout of real property conditions and structure; real property units of any kind; dwellings, as well as farms, and forest properties, property boundaries, private (access) roads to farms, dwellings etc., the drainage systems, and so on. Acquisition of land for the public road, by buying/selling, as well as by expropriation and the consequent assessment of compensations are also often parts of the whole scheme. This phenomenon is well known in many countries. The article represents a contribution to the understanding of (possible) solutions of the problems related to the planning for reconstruction of viable real property conditions.

Planning can be seen as a socio-technical phenomenon. There are particular standards and tools to draw up the technical plan as well as procedures how to work together when planning. In the latter case communication is the central point. Here we focus on these sociological aspects. So, in planning there is a question of conflicting aims of the parties. Good planning aims at establishing a consensus. Thus, planning procedures should be viewed as tools for conflict management and resolution.

The article presents procedures by which the authorities, consultants and real property owners[2] can participate in and exert influence on public road planning. A central part of the case study is to clarify the real property owner's experiences with the procedures used.

2 Institutional framework, procedures and actors in a road project in Finland

The Finnish Road Administration (Finnra) has the responsibility for public road projects[3]. It commissions external parties, mainly private companies, to carry out the actual planning[4] work. And private entrepreneurs construct these roads.

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[2] Hallintolaki [Administrative Procedure Act] 434/2003, section 11: A person has standing as a party to an administrative matter where his/her rights, interests or obligations are affected by the matter. Real property owners are typically involved as parties in a road planning project.

[3] Planning, construction and maintenance of roads (definition based on the Maantielaki [Highways Act] 503/2005, section 9).

[4] Road planning is one part of land use planning. Road planning has preliminary engineering plan and final engineering plan phases. They shall be based on the plan with legal consequences enacted in the Land Use and Building Act (Maankäyttö- ja rakennuslaki 132/1999, MRL). The regional plan is a strategic plan upon which practically oriented master plans and town plans are based (Hallituksen esitys [Government bill] 101/1998, sections 2 and 3). Not all master plans have legal consequences, but part of them have. The Regional Council is responsible for the regional plan and the municipality for the master and town plans. In the plans the location of the road and its relationship to other land uses

(www.tiehallinto.fi.) The Land management implementation of a plan is conducted in a cadastral survey (expropriation) by the surveying authorities of the National Land Survey of Finland (the NLS). After the implementation Finnra shall pay compensations to the real property owners. The NLS and its surveyors have had nothing to do with the road planning. So the planner of a road has drafted proposals for private road readjustments and reallocation of land (real estate planning) without reference to experts from the NLS.[5] The need to plan these arrangements in this stage is due to the circumstance that interactions of private roads are confirmed with the admission of the plan. Real property owners and others concerned shall have the possibility of participating in the preparatory planning work. They must also have the possibility to assess impacts of the plan. They shall also have the right to address their opinion about the plan in writing or orally. (Maantielaki [the Highways Act], 27 §)

After planning the project must wait until receiving financing for the construction. Finnra may next send an application for a cadastral survey to the NLS. So the land management implementation is done after the planning stage.

A surveyor and two trustees make the decisions at cadastral survey meetings with all parties convened. The land required for building the road is purchased, and the rights of way, e.g. for private roads, are established. Compensations for land, for private road readjustments and for land exchanges are determined ex officio[6]. Finnra can also acquire road areas by separate agreements (Kotilainen 2003, 99–102). In those cases compensation matters need not to be decided in the survey. Only very limited private road readjustments and land exchanges can be made in the implementation stage. (Chapters 2, 3 and 5 of Kiinteistönmuodostamislaki [the Real Estate Formation Act] 554/1995; Chapter 5 of Maantielaki [the Highways Act]) It is commonly known that there is no time for planning extensive readjustments in this stage.

Legislation enables project-related land consolidation, which is also a survey proceeding. It can be pending already with the planning stage. (KIVA 2007, MTL Section 63) With the proceeding it is possible to implement more extensive land reallotments and private road readjustments than with the road survey. However, the use of this proceeding has been unusual (More about reasons, see Komppa 2007, 83–89).

As we have seen above (also Kotilainen 2004, 7) land management procedures

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is determined. (MTL Sections 2, 16, 17)

5 Although the NLS is generally responsible for private road readjustments and land exchanges for the purpose of improving potential for real estate development (Laki Maanmittauslaitoksesta [Act on the National Land Survey of Finland] 505/1991, section 2).

6 Surveyor and trustees shall examine that every real property has the rights of way it needs and that there will not remain any fragmented parcels beside the road. Land exchanges in larger extent can be done only if the parties make agreements (or in land consolidation).

in road projects include real estate planning. Until now land divisions[7] have been carried out without sufficiently considering the areas beyond the road area. Now the Highways Act stipulates that the impact of a road project on land division must be assessed. This is an improvement, but not enough. Surveying expertise is needed at this stage.

Planning could also be carried out without the real property owners having an opportunity to participate. Letters of invitation to the hearings are not sent to all real properties (owners). There are public notices in newspapers. This method is in use even though there are digital registries of real property owners and their addresses in Finland. (Final engineering plan 1999, 14–48; Kotilainen 2003, 78, 110).

Finnra has recently introduced overtaking-lane roads with median barriers. The intention is to improve traffic safety. In order to reduce the volume of local traffic Finnra has also entered into experimental cooperation with the NLS in the planning stage. The aim is improve the land division through private road readjustments and reallocation of land. (Final report 2005; Finnra S 12, 9–16) This article represents a pilot case study concerning these new co-operative procedures.

3 Methodology and theories

This is a case study. The present author studied planning reports of the case. Also, the author participated in road project meetings, attended public hearings and made notes. This was done in order to elucidate the planning procedures. Observations were used as well as a means to establish the aims of the real property owners and authorities. Questionnaires and interviews were employed to ascertain the real property owners' experiences.

This study emphasises the experiences of real property owners. From that point of view the theoretical frame of the study is discourse analysis.[8] When clarifying the real property owners' experiences there is a need for rich information. When the intention is to analyse at the same time how the plan shall shape up in the hearings, discourse analysis is a good frame. You can get deep knowledge of social situations.[9] The researcher is both an insider and an outsider at the same time. This may be a disadvantage, if the researcher does not realise that he or

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[7] Land division includes the cadastral structure and road and drainage networks (Hyvönen 2001, 295).

[8] In discourse analysis social reality is generated through use of language and other semantic activities such as texts (Potter & Wetherell 1987, 1–7). In the observations there were used features of conversation analysis. Different levels of speech manners (lexical choice, turn design, sequence organization, overall structural organization) were analysed to support the frame of discourse analysis. (Heritage 1997, Jokinen & Juhila & Suoninen 1999, 101–124)

[9] In the study social constructivism is used as a frame of knowledge formation. So interpretations are made in the context of the prevailing circumstances. (Berger & Luckmann 1966) The truthfulness of the information is insignificant, because all information affects.

she is making interpretations. The researcher shall be self-reflective. Presenting qualitative research-findings is a demanding task. There are plenty of texts, which all shall influence the interpretations. Therefore, the questionnaire responses are here presented partly in the form of direct quotes. The research findings are valid in this case but must be carefully analysed before assuming they are valid in general.

Although the research method is partly sociological (including social psychology), the research falls within the scope of land management[10].

3.1 Conflicts – and conflict theories used in the study

A conflict is a process in which one party considers that another party opposes or negatively influences the achievement of the aims of the first party (Wall & Callister 1995, 517[11]). A land management conflict can be seen as a legal, mostly location-specific conflict between two or more real property owners or between a real property owner and another party. Figure 1 shows the process as a conflict cycle.

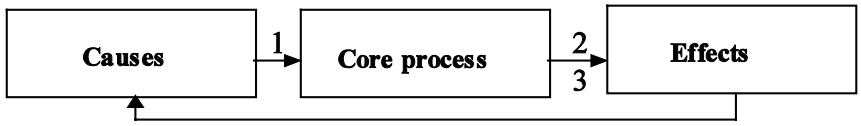

***Figure 1**. Conflict cycle (based on: Wall & Callister 1995, 516).*

The conflict process includes actors, their aims and interactions in a specific context. (Wall & Callister 1995, 16) Commonly all these macro and micro level factors should be studied in land use conflicts. (Peltonen & Villanen 2004, 14; 19–20) Because a land management conflict with road planning is always a part of the land use change situation, all the factors listed above are also considered in the present study. The leading principle here is in the micro level.

Conflict resolution is a process aimed at reconciling, according to some set of rules, conflicting aims. Here it is defined so that, after resolution, there is no conflict left. So conflict is not necessary at the end by using the official decision of an authority, court or arbitrator (adjudication). Conflict management improves communication between the parties so that controversies can be discussed constructively. (Daniels & Walker 2001, 35)

Conflicts can be classified into conflicts of interest, of value and of knowledge[12]. In fact these conflicts usually coexist and are connected. (Peltonen

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[10] According to Sevatdal (2002), surveyors themselves should conduct sociological studies concerning land management so that these studies would translate into practical applications.

[11] Wall and Callister have analysed many different definitions of the word “conflict”. This is the combination of those different definitions.

[12] A conflict of interest is a controversy between actors competing for the same financial, social, cultural or aesthetic resources. It can be resolved through negotiations and compromises. A conflict of values involves the fundamental values of individuals.

& Villanen 2004, 21) The classification has been used here as an analysis tool to find out how conflict management and conflict resolution succeeded in the case.

3.2 Planning – and planning theories used in the study

Road planning[13] may involve acquisition of basic information, drawing up plans, planning communication and also the making of official and unofficial decisions (Leskinen & Paldanius 1995, 9). This article does not discuss the official decision making after planning.

Behind the planning provisions of the Land Use and Building Act 132/1999 there has been seen Habermas's theory of communicative action (Häkli 2002, 110–124). Because road planning is a part of urban and regional planning (Maantielaki [the Highways Act] 3 §, 17 §), the same theory should be applied. Here we want to know if the planning method used was communicative or not. So we need knowledge of the theory of communicative action and some of other planning theories.

In rational planning (more Alexander 1984) facts are separated from values. Planning is expert-driven. The principal method used is quantitative cost-benefit analysis. The idea is that planning and implementation are separable activities (Taylor 1998, 113). In incremental planning (more Lindblom 1959), partial problems are solved one at a time, in small pieces. In planning by learning, the emphasis is on how reality is generated by the interaction of consciousness and external states of affairs. A cross-discipline approach and civic participation are important. (Leskinen 1994) The results can be seen after a long time. Communicative planning emphasizes verbal interaction. People affected by the planning participate in it, and authorities are involved. That is why it can be said that in this method planning is not separated from implementation. (Taylor 1998, 122–125, Sairinen 1994, 40–47)

The theory of communicative action focuses on meanings and collectivism. The meaning of action is manifested as speech, behind which is an aim (telos). The functioning of a public body must be based on communication through which consensus can be achieved. There are four general presuppositions of good communication. Speech must be comprehensible (its meaning is intelligible to the parties) and factually true (based on facts). It must also be sincere and morally justified (be legitimate in the norm-context of the parties). (Habermas 1984, 8–12;

Therefore it is difficult to resolve. Communicative planning is employed to manage it. A conflict of knowledge arises because of misunderstanding, insufficient information or irreconcilable views (Note that a conflict of interest may be disguised as one of knowledge by a choice of presentational viewpoint, a process known as "framing"). Parties need to find a common interpretation framework. Various types of conflicts need various solutions. (Dietz etc. 1989; Amy 1987, 177; Peltonen & Villanen 2004, 21–25) It is to note that communication is general and negotiation a specific kind of communication. So an effective communicator is not necessary an effective negotiator. (Taylor 1998, 122)

[13] Planning can be defined as an action to interpret different alternatives (Luukkanen 1994, 68–69) or as a preparatory process for decision-making (Tiihonen & Tiihonen 1990, 24).

286, Taylor 1998, 122–125) Even though pure communicative planning can in practice never be achieved, the basis of the theory is considered fundamentally sound (Peltonen & Villanen 2004, 16–17).[14]

However, Mattila (Mattila 2003) criticises the theory of communicative action. Argumentation-based theory is insufficient, because it ignores aesthetic, non-verbal expertise[15]. Mattila emphasizes just use of the hidden knowledge of planners. Instead of that Nonaka and Konno base their SECI-model[16] ("tacit knowledge" model) on the individuality of participants. These remarks are interesting in this connection.

4 Preparation of the final engineering plan in Leppävirta

The case study involves a section of Road 5 between Leppävirta and Palokangas in central Finland. The highway belongs to the Trans-European Network and is up for inclusion in the Finnish trunk road network (LVM 48/2005 [Ministry of Transport and Communications], 7). So it is a significant highway.

The road was built in the 1960's and has been subsequently improved. The geometry of the road still does not fulfil the standards of a major highway. (Planning material of the road) Numerous earlier planning reviews have been conducted on the road. With them the real property owners have had the opportunity of participating. (Table 1)

Table 1. *Earlier planning reviews on the section of road between Leppävirta and Palokangas (Planning material of the road).*

Date	Type of planning review	Discussions with real property owners	Did the discussions have an effect?
1970s	Private road readjustment	Yes	Not known
1994	Private road intersection study	Yes	Yes
1994	Overtaking lane study	No	–
1996	Needs analysis of the road	Yes	Yes
1999	Road type studies	No	–
2000	Draft final engineering plan	Yes	Yes

[14] Forester adapted the theory of communicative action to planning. Mutual understanding among participants requires that speech is comprehensible, sincere, legitimate and accurate (truth). (Forester 1989, 137–145) These factors are closely related to those of Habermas.

[15] Thinking is based on Dewey's (1922; 1934) pragmatic philosophy.

[16] Knowledge merges from the interaction of explicit and silent tacit knowledge. Parts of the process are socialization, externalisation, combination and internalisation. Socialization comes about through living and experiencing things together. Externalisation translates tacit knowledge into verbal concepts, for instance by using symbols, metaphors or visualization. The result of this stage is knowledge that is easy to understand. In combination, the knowledge becomes more complexly expressed. This is done through systematisation and distribution of knowledge in the collective. In this stage the basis of agreement is formulated. Internalisation translates newly created knowledge into everyday practice, tacit knowledge. (Nonaka 1994, Nonaka & Konno 1998) Behind this theory there is Polanyi's (1958) thoughts.

4.1 The pilot project and area of planning

In the case area a pilot project of final engineering plan was conducted. It started in 2003 and ended in 2005. The pilot project group included representatives of Finnra, of the NLS and of the planning consultants. The goal was collaborative planning with good communication. The NLS was responsible for organizing public hearings. It also provided land management expertise. Although the final engineering plan was the responsibility of Finnra, the planning consultants had a significant influence on the procedures employed.

The road concerned 53 at-grade intersections of private access roads. The "impact area" of the road was delineated so as to include all real properties with private access roads. Thus the impact area contained 150 dwellings, summer cottages, agricultural properties and forest properties, with 193 real property owners in total. There were 11 active farms in the area, with 100 hectares of fields in total. Some farms had leased land parcels as far as 10 km from their main farmhouse. The placement of the fields was such that it was estimated that large reallocation of land would probably not be possible. (Planning material of the road)

4.1.1 Preparing the final engineering plan

The planning was done mainly in public hearings. Real property owners, representatives of Finnra, the NLS and the planning consultants were present. A representative of the local authority was also present in two hearings. In connection with the hearings two field checks were carried out.

The first two public hearings where held on March 30 and 31, 2004. The real property owners had been invited by letter to attend either on the first or second day. A public notice had been issued in two local newspapers. 80 real property owners attended the hearings. Journalists were also present.

At the beginning the purpose of the plan and planning method were described. The general aim was to improve safety by converting the road section into an overtaking-lane road with median barriers. Maps in the draft final engineering plan were displayed on the walls of the venue. On the tables there were also cadastral maps and maps showing parcels of units of use[17]. The participants congregated in small groups of 5 to 10 persons. They engaged in a lively discussion on the private road arrangements and reallocations of land. Even the lengths of the overtaking lanes were under active discussions. New solutions were mooted. The pilot project group later on observed that the real property owners had contributed constructive ideas. They also seemed to appreciate traffic safety on the road.

At these hearings, the author outlined the conducting of a questionnaire study to the real property owners. Responses could be given anonymously. The author also theme interviewed real property owners as they were leaving the hearing. Most of them wanted to be in on the study also in the future. They wished to

[17] A 'unit of use' is an economic entity consisting of one or more parcels of real property such as cadastral units (Kiinteistöarviointisanasto [Real estate evaluation glossary] 1986, 24).

receive a paper questionnaire. (Loppuraportti [Final report] 2005)

The second public hearing was on June 11, 2004. The real property owners who would be affected by changes had been invited with personal letters to the hearing. Again, a public notice was published in the newspapers. A total of 44 real property owners attended; some of them had not attended the earlier hearings. There were once again active discussions. The author distributed a semi-structured questionnaire to the real property owners. (Afterwards another kind of questionnaire was mailed to those who had not attended the hearings. More details on the questionnaires in section 5.1)

The third hearing was held on March 1, 2005. Respecting the wishes of several questionnaire respondents it was held in the evening. (Earlier hearings had been in the daytime.) It was announced in newspapers. Those real property owners who would be affected by the changes had been invited by letter.

Altogether 35 real property owners attended this hearing. The technical changes were introduced. These originated from the road being upgraded to the standards of the trunk road network. Again, the discussion was lively, and new solutions were found.

4.1.2 Realization of proposals and conclusions of the project group

The plan contains 9.8 km of public highway with three overtaking lanes, four intersection bridges, two waterway bridges, 0.6 km of parallel roads and one at-grade intersection with a private access road; also, 6.7 km of private roads and 9.4 km of pedestrian and bicycle ways. (Planning material of the road)

The private road readjustments changed, in particular, as the plan evolved. Passing places will be laid out on parallel roads. The proposed non-vehicular traffic paths shall be moved away from yards. Noise barriers were designed to shelter the yards. The overtaking lanes with median barriers will be extended. Underpasses were proposed to shorten distances required for detour. The requests for land purchases can probably be granted in the future. But all requests regarding bus stops could not be granted and not all garden plants can be preserved. (Loppuraportti [Final report] 2005)

A planner who had been involved in planning reviews for many years observed that in the hearings there had been much more interaction than before. This kind of cooperation should be continued. These new procedures could also reduce the number of appeals later on. The local newspaper reported that the participants had also been greatly satisfied with the procedures. (Planning material of the road)

5 Research results

5.1 Summary of written research materials

The written research material consists of the basic information questionnaire and questionnaires for the attendees and the non-attendees. All questionnaires were semi-structured. Thus the respondents could also answer in free form. All questionnaires had structured questions about the respondent's background. Special questions of each questionnaire are described in the following paragraphs.

The basic information questionnaire was used to establish real property owners' interests in private road readjustments and reallocation of land. At the beginning of the pilot project this questionnaire was mailed to every real property owner. This resulted in the owners of several properties receiving several copies of the questionnaire.

The questionnaire for the attendees included questions about the importance of the road project. Also the respondents' views on the road project, whether good or bad, where asked. The main questions concerned the organization of the hearings and the attendees' potential for influence. There was also a question of respondent's earlier activity in the case. The need for experts from the NLS to be present in the hearings was inquired. At the end the respondents could describe the hearings by their own accounts.

The questionnaire for the non-attendees inquired about the importance of the road project. The reasons for not participating were also inquired. The respondents could express their opinion on how to change the organizing of the planning projects so that they would be able to participate in the future.

The basic information questionnaire and the questionnaires for the attendees and the non-attendees have an overlap of nine respondents. Figure 2 shows combination of all basic information of the research. The responses included 57 comments and 7 drawings.

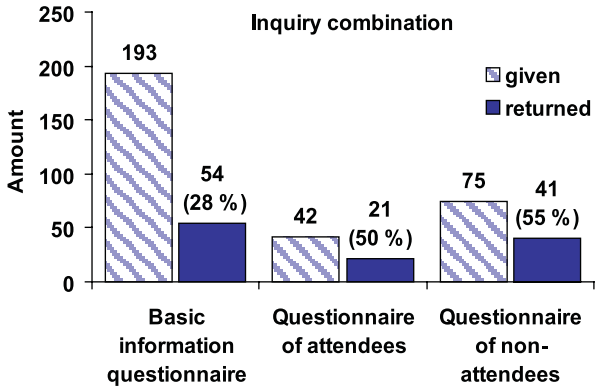

Figure 2. *Combination of written research material (response percentages in parentheses).*

5.2 Themes of discourse and aims of real property owners

In the planning discourse the themes covered were traffic, livelihood, increased environmental impacts and the various compensations (based on the observations and the above mentioned questionnaire responses). Using these themes, the author analysed the aims of the real property owners and Finnra. These aims should influence the real property owners' and Finnra's actions, and so the success of the project as a whole.

Improving traffic safety was an aim shared by almost all. This theme was emphasised because of the serious bus accidents, which had recently happened in

Finland[18].

Some respondents considered that their aim was to secure their livelihood (see the following accounts).

"We put up three plank fences for the horses on the other side of the stable yard… and the lowest is used by riders from time to time. I would hope of course that my fields would not have to be split, because the horses graze there and we get feed from there… Horse owners visit our stables daily to ride or to care for their horses…"

"The previous owners gave us the final engineering plan, showing an underpass and bus stops very near us. It was a very good plan, but in this new one the bus stops and the underpass are no longer there. I work in Leppävirta and commute by bus every day, and so does the lady from Z farm…"

"We can't accept a plan where road access to our place would be hundreds of metres away. It would increase our snow-ploughing costs considerably, because we have to be at work by seven (the husband) and eight (the wife)."

"I have a 25-tonne roller that I transport on a platform trailer between the hall and workplaces. An oil truck delivers oil twice a month. There are six summer cottages on Jänkä island, and the road is kept open all winter…"

Farmers were not particularly concerned about how the road project would affect their livelihood. Their average age was over 50. Few could even say whether there would be agriculture on their farms after 10 to 15 years in the future. Their life situation seems to have influenced their responses.

"Then there's this visual screen. It would suit us to have a light construction, not really a noise barrier. The main thing is that it should shield the yard from prying eyes. I drew a few pictures of what it could look like."

"I am a keen gardener and would like to keep the yard of my childhood home looking nice. The municipal landscape architect has said that the Leppävirta showcase begins at Z… I would like to keep the landscape nice and neat."

Preserving an enjoyable living environment was important for the participants (as also shown by the above accounts). Observations show that the participants thought that increases in noise and dust and uglification of the landscape would decrease enjoyability. One aim was to improve leisure activities (see the accounts below).

"How much further the distance to the underpass will be, for instance, is of no great importance to us… On the contrary, the bicycle paths will make it safe to cycle…"

"The surface quality of the connecting roads should be good enough to enable the use of bicycles and roller skates."

In one case, there was an underlying old conflict (see the account below). It had nothing to do with this road planning. In the case, the aim of the real property

[18] 23 young people had been killed in the bus accident in Konginkangas.

owner was to win that dispute.

"Some 28.5 years ago…the municipal board unanimously decided to request the Kuopio district office of the Roads and Waterways Administration to study whether it would be possible to build parallel connecting roads on both sides of Road 5 from an underpass connecting the lands of X... The tunnel was required for moving cattle to the other side of the road and back. But it was never used for this purpose. It must have been 10 years when there was no ski track (through the tunnel) at all. And then, suddenly, this winter the public ski track / path was laid down slap through my yard, about 10 m from the wall of my house without me being asked or even notified. I am 101 per cent sure that this was done completely on purpose... If Z considers that a right of way 50 metres from the wall of his house is in his yard, then how on earth would a right of way 10 metres from the wall of my house not be in my yard?"

Table 2 summarizes the aims of the real property owners. It shall also show the nature of the conflict inherent in each aim and the counterparty in each conflict. It is based on the respondents' writings on the basic information questionnaire and the questionnaire for the attendees. Observations at the hearings and the project group meetings support the classifications done. The nature of each conflict/ counterparty came up by the observations in the hearings and in the project group meetings.

Table 2. *Aims of real property owners, nature of conflicts and counterparties.*

Aim of real property owner, number of times cited in the questionnaires	**Nature of conflict / counterparty**
Increasing traffic safety, 20	No conflict, shared aim
Protecting enjoyable living environment, 12	Conflict of value / Finnra
Controlling expenses arising from the maintenance of private roads, 7	Conflict of interest / Finnra and other real property owners
Protecting livelihoods in their present form, 6	Conflict of interest and of value / Finnra
Ensuring receipt of compensation for land loss and other losses, 4	Conflict of interest / Finnra
Improving opportunities for leisure activities, 3	Conflict of interest / Finnra
Solving other conflicts, 1	Conflict of value / other parties

5.3 The planning method as conflict management and resolution

The written responses, the interview answers and the results of the observations are analysed in the next paragraphs. The analysis is done from the conflict management and resolution point of view. The conclusions are presented at the end of the chapter.

The material shows that both the real property owners who attended the hearings and those who did not, considered the road project good and important. The responses point out that the owners of summer cottages along private roads

particularly noted that the plan improved during the hearings. The new procedures thus appear to have improved the planning of private road readjustments. The public hearings were considered good. The presence of experts from the NLS was considered necessary. 95% of all respondents found that they had received enough information and had had enough opportunity for negotiation and discussion. The causes of non-attendance were found out. The hearings had been held at inconvenient times. In some cases a representative had been in the hearings instead of the real property owner. (Loppuraportti [Final report] 2005). The responses were commonly positive. This is partly due to the fact that the respondents had also had the opportunity to participate in the planning in the earlier planning reviews.

The basic elements of communicative planning (section 5.4) were in use in the hearings. The respondents told that businesslike attitudes, good responses to questions, smooth cooperation with the authorities and a commonly democratic process were in use. These opinions point to the fact-based and morally justified argumentation. In small groups, speech also became sincere. Written comments in the questionnaires of the attendees and observations support the conjecture that the participants were able to exert sufficient influence. The participants appeared to achieve consensus.

Technical terms were translated in the conversations so that everyone could understand the discussions. The dialogues were such that in turns all could present their points of view. After that they could get answers to their questions. The case was then discussed. The planner summed up conclusions at the end of each case. In the dialogues the authorities and the planner were cautious and behaved in a conciliatory and non-bureaucratic fashion. Also the real property owners had conciliatory attitudes (except the real property owner mentioned in point 5.2). Only three respondents considered that communication was unsatisfactory (accounts below).

"We waited for the 'chairman' to open this 'public hearing' and explain what it was all about. We were puzzled at what the issue was and what we were meant to be discussing. They did answer questions readily. Some gathered in small groups to talk, while others waited for the hearing to 'begin'. When it turned out that there was to be nothing 'official', a part of the audience left."

"At the hearing on April 30, 2004, the information presented was adequate, but because of the large number of participants it was difficult to explore my personal concerns. The hearing on June 11, 2004 was less hectic, and the discussion was on an individual level suitable for me... The requests that I submitted in writing (on March 30) were not commented on; evidently they were not worth mentioning. The discussion was based on facts."

"The hearings were very good in general. The only bad thing so far is that the presentations and comments of the participants were not made known to all those present. In that sense, it felt like having a bag over one's head or plugs in one's ears."

The above shows that there was ongoing contrary discourse about the planning method. So the situation calls for further analysis. The first account

shows that the procedures used were culturally strange to those who had not been present in the first hearing. The new procedures were explained only in the first hearing, not later on. These people thought that the hearing should be official. In observations it became apparent that some thought that the NLS should be present in the role of reliable authority.

The pilot project plan focuses on the strategies of the authorities. Not even the final report details the impacts of the plan on individual properties (Planning material of the road, Loppuraportti [Final report] 2005). Observations show that details raised at the hearings themselves were addressed. But written requests submitted in advance were not. The project management and the real property owners seem to have had a different conception of knowledge. The project management (responsible for new procedures, documentation and decisions) was pursuing their strategies. It had quite a good view of the pilot case in general. But it had no comprehensive view of what the real property owners needed to know.

The respondents who had not attended the hearings did not see any conflicts in the matter. One would have assumed that had there been significant conflicts, the totally passive real property owners would have taken up contact.

The procedures, the subject of the planning and the situation made it possible to manage conflicts of interest and conflicts of value. The conflicts of interest were resolved by discussions and negotiations. For managing the conflicts of value there were discussions, sometimes even person-to-person. Furthermore, the discussion of the unrelated old conflict came to an end. This was due to the fact that the troublemaker got no one to argue with him. The participants showed by their behaviour that it was not morally justified to discuss this unrelated dispute in this arena. (This was a good "rule of the game".)

We may therefore describe this as quite successful conflict management and resolution[19]. Only some conflict of knowledge remained. Compensation matters are treated later through agreements or in the survey proceedings. So the road project conflict as a whole has not yet been resolved. Table 3 shows a summary of the factors describing the subject of planning and the planning situation.

Table 3. *Factors describing the subject of planning and the planning situation.*

Factor
* The real property owners had had the opportunity to influence the planning at earlier stages of road reviews. They have become accustomed to doing so.
* This was a road planning scenario, which was still open to influence.
* The planning mainly involved private road readjustments.
* The real property owners and the authorities had partly shared aims.
* Discussion of an unrelated conflict at the public hearings ran out into the sand.

[19] The final engineering plan had not yet been approved on March 23, 2007 for financial reasons. But there had not been any conflicts about it after the formal planning stage. No appeals are to be expected when it will be approved – probably in 2008 (Särkkä 2007).

5.4 Planning theories and the case

The planning method employed at the public hearings was based on Habermas's theory of communicative action. Maps and drawings played a part in the hearings. This means that aesthetic and artistic design was involved (cf. Mattila, section 3.2).

It emerged that real property owners had taken action at their own initiative outside the public hearings. Comments such as *"We thought we'd call a meeting of the road maintenance association to talk things over"* or *"Word will get around"* were heard in the interviews. This indicates that the real property owners discussed the planning when they met each other for other reasons. This demonstrates the importance of the social network in the area. Also this seems to have enabled the use of tacit knowledge (cf. Nonaka & Kanno, section 3.2).

The rational planning method of real estate planning (which favours cost-benefit analyses) here met the communicative method of road planning. The communicative method worked well. The differences in approach were apparent at project group meetings when analyses and documentation were discussed.

In road planning, communicative planning must be linked to describing property-specific impacts. Various documentation materials should be rendered into simple language. These simplified documents should be available with discussions in the public hearings. Table 4 shows a summary of the factors describing the planning method in the hearings.

Table 4. *Factors describing the planning method in the public hearings.*

Factor
* Planning was conducted collectively, in small groups.
* Discussions in the small groups were informal and understandable language was used.
* Planning was conducted at several consecutive hearings (iteratively).
* Participants had immediate and true potential for influencing and realizing their aims.
* The authorities acted justifiably in cooperation with one another and with the real property owners.
* All the necessary information and authority was available at the hearings.

6 Conclusions

The case study indicates that real estate planning and road planning can be connected with success, and in such a way that surveying expertise is present at this stage. The authorities concerned were content with the new procedures. And above all, the real property owners generally felt that the planning was successful. They appeared satisfied with the extent of their actual potential for achieving their aims. Because of personal letters of invitation they also had an actual possibility to participate. Technical aspects of the road design were the only matters that limited the real property owners' decision-making – when regarding private road readjustments.

The plan was formulated with four discourses. These were traffic, livelihood, increased environmental impacts and the various compensations. So, compensation matters were one of the discourse themes. It seems that real property owners

thought that planning and compensation matters were a part of the same road conflict.

Interest conflicts could be resolved and value conflicts managed with the help of the collaborative communicative planning method. A road project nearly always creates a conflict between real property owners and the authorities. Conflicts may also arise between the real property owners themselves. The communicative collaborative planning method (with aesthetic and artistic elements) is suitable for a project aimed at bettering traffic safety. It is also good when the project involves private road readjustments. It may be generally applicable to projects, which are important for real property owners. In these cases the project should be at such a stage that the real property owners could have real influence on the plan. If the aims of the participants largely coincide or if consensus can be promoted, the method will be even more successful.

A conflict of knowledge may exist between project management and real property owners. Improving documentation and presentations would help the situation.

There may also be a conflict of knowledge between the authorities – due to professional framework thinking. In order to prevent this, the authorities should enter into cooperation right at the beginning of a project. In this case they should have enough time to find a common interpretation framework.

The results indicate that it is good to begin planning of a road by analysing the planning history of the road from the viewpoint of the real property owners. At the beginning of the planning it is also important to clarify the aims of the participants, the nature of the conflicts involved and the counterparties in such conflicts. The results help in selecting the planning method or methods best suited to the case at hand.

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