

Contribution from external experts

to the *'Better Regulation Action 8: Data standards supporting citizen participation and urban planning'* of the *'Digital transition partnership'*

Foreword

This document has been prepared based on the 05-06-2019 work order from Ecorys, working as secretariat for the digital transition partnership. Building upon the work order, the document consists of four parts:

1. Feedback on the draft Participatory Data Specification (PDS), prepared by the partnership. The draft document as of 11-06-2019 was used as reference
2. Examples of handling participatory and spatial planning data
3. Dealing with the General Data Protection Regulation (GDPR) and the Open Data and Public Sector Information Directive (PSI). PSI was added to the scope of the current review because of its close links to the GDPR, and because of its potential value in the implementation of the PDS.
4. Proposals for implementation of the data specification (PDS)

Overall, we believe that the PDS can contribute to generating new services and innovative approaches to digital participation in the sphere of spatial planning. To make maximum use its potential, more emphasis could be put on structuring the data, noting the overall tendencies in e-governance and co-creation. In relation to implementation of the PDS, the need for structuring also geo-data of the spatial plan emerges, which can prove even more challenging than participatory data. National regulators of spatial planning play a vital role in the implementation of the PDS.

Experts:

Ms Maarja-Leena Saar (e-governance, open data)

Mr Tiit Oidjärv (spatial planning)

1. Comments on the draft PDS (participatory data specification)

1.1. Overall process scheme should be added to the PDS document to make it more graspable for future implementers.

A typical spatial planning process comprises the following phases: 1. Proposal or identified need to initiate a planning process; 2. Decision to initiate a planning process; 3. Plan drafting; 4. Public consultation; 5. Adoption of plan; (6. Implementation of plan). As national spatial planning processes may vary considerably in details, an overall scheme and explanatory links throughout the PDS to overall phases would help national implementers to familiarise the PDS in their national proceedings.

1.2. The draft PDS should be reviewed to cover all data created over a planning cycle to hold potential participatory value - either contained in a PDS-based information system or retrieved from other information systems over APIs.

Obviously, the focus of PDS is on public consultation (phase 4 according to previous paragraph), which in its turn may consist of several rounds of consultations. In addition, data on planning proceedings that is produced during planning proceedings (phases 1, 2, 3 or 5 in previous paragraph) may hold significant value for publicising spatial planning information. For example, a person may have asked to be notified of all spatial plans initiated in a certain area. This information is generated in phase 1 and should be covered in the PDS. Or, statements given by authorities in phase 3 contain information that is significant for public consultations. Covering all the proceedings' data in one standard may prove challenging, since data is created by various authorities, based on their own internal data structure. From the viewpoint of the PDS (or an information system built upon the PDS), the focus should be the readiness of PDS/corresponding IS to accept data from other systems over API(s) (application programming interface). Data generated based on the PDS should not duplicate other data what can be obtained through open APIs.

1.3. Overall data composition illustration should be added.

To make understanding easier of the data produced, PDS needs a simplified scheme on its data structure.

1.4. In the PDS, the term 'project' is better avoided not to confuse with design and construction phase.

In the realm of spatial planning, 'project' usually indicates the phase that succeeds spatial planning. Devising a plan is the phase for setting the rules (for building height, allowed land use, etc.), whereas 'project' denotes the next, permitting/licensing phase: designing etc, according to the rules set in the plan. From the viewpoint of spatial planning practice, it would be misleading to use the term 'project' in the planning phase. Also, if a standard were to be assembled also for permitting proceedings, using a different term would help in differentiating between the phases. The term 'project' could be changed to 'plan', or to a more neutral one, e.g. 'unit'.

1.5. The concept of document versions should be introduced in the PDS. In a 'standard' spatial planning procedure, a single planning document, or set of planning documents is usually worked upon throughout the process. At first, the initial idea or proposal may be made publicly

available (e.g. 'version 0'). An initial planning proposal would be made ('version 1.0') and amended based upon feedback ('version 1.1'). In case of significant changes, a new version altogether might be made ('version 2').

The concept of document versions is widely used in participatory processes to differentiate between initial proposal and updated versions in an evolving process.

1.6. Lists of predefined categories can hold the risk that categories will not represent context of a specific process.

Categorization (e.g. 'opinion type') itself is good practise to systemize numerous feedback but labels should not be defined by PDS, rather be left for the implementer of the PDS.

1.7. Planning area should be added as a field.

Although it is suggested to exclude plans' geospatial data from the scope of PDS, to enable implementation, planning area (polygon) should added in the PDS' "main_project" section (suggested to replace with "main_plan" - see 1.1.). Planning area - together with a plan ID, and complemented by a short description, both already included in the PDS - is one of the principal components of any plan's vital characteristics, whether content-wise or map view. A standardised planning area is also the plan's main link to other geospatial services.

1.8. Status of contributions: official opinion vs "social media like" comment vs contribution from authority.

Runners of official planning proceedings will most likely need to distinguish between contributions of varying status. In the PDS, the field "opinion_type" may need additional attention to correspond to potential users' needs; the classification may face challenges in the implementation phase of the PDS.

Some of the examples why types of opinions need to be present: 1. They may initiate different processes; 2. They may need different kind of authentication - anonymous vs subject electronically identified; 3. Represent single person opinion or platform of a group or offline workshop memo.

1.9. Make sure PDS covers "comments on comments".

Taking from the overall logic of open governance and public participation, the authorities' feedback on the contributions should be considered as valuable as the contributions themselves. Currently, this feedback loops logic seems to be lacking in the PDS and should be added.

2. Examples of handling participatory and spatial planning data

- 2.1. To highlight concrete use cases of participatory and spatial planning data handling is challenging.
Innovative examples and prototypes are produced through hackathon format under Smart City initiatives. More stable governance structures are developed in mature open data ecosystems. Open data ecosystems consist also participatory processes in spatial planning. This sphere is rapidly evolving and internationally recognized mature solutions are still forming and wide spread of adoption is missing.
- 2.2. An example of harmonising geospatial data in spatial planning: maritime spatial planning (MSP). In MSP in the Baltic Sea Region, agreements have been reached on MSP output geospatial data with the help of two international projects (more recent: [Pan Baltic Scope](#); earlier also [Baltic Scope](#)) and the [Helcom-VASAB MSP work group](#). Implementation is still to follow. Takeaways for the PDS: 1. Harmonising geospatial data across countries is challenging due to varying national regulations and practices; 2. Agreements on harmonising were reached due to project requirements and strong leadership on the subject.
- 2.3. Another example from MSP: “[Guide for cross-border spatial data analysis in maritime spatial planning](#)”. In the ongoing Baltic sea MSP project [Plan4Blue](#), WP3 is dedicated to spatial analysis. In the projects’ most recent publication, MSP geospatial data, and up to some extent also geospatial data is analysed.
- 2.4. One of the many examples of decision making platforms is [Consul project](#), what enables voting, collaborative decision making, participatory budgeting and has living open source [developers community](#).
- 2.5. Multilateral organizations have been issuing many suggestions for different key datasets.
Together with these sets often examples of applications, suggestions for technical applications and case studies are provided. All provided examples should be assest critically before using as guidance as they can be at the end of their lifecycle.
Some sets: 1. European Union Public Sector Information Directive - High Value datasets (in development); 2. Global Open Data Index ([GODI 2016/17 Key datasets](#)); 3. Open Data Barometer Leaders Edition 2017 - [Research Handbook](#); 4. State of Open Data 2019 - [Open Data Sectors](#)

3. Dealing with the General Data Protection Regulation (GDPR) and Open Data and Public Sector Information Directive (PSI)

- 3.1. Implementation of GDPR and PSI varies and common/best practises are evolving rapidly.
Both GDPR and PSI directive recently have been implemented on the national level, or are in the process of implementation. National level implementation can lead to different practises regarding evaluation of impact to one's privacy, thus processing of personal data might vary. This will be balanced when standards for High Value Datasets will achieve maturity. Because it is "early days" for the implementation of both GDPR and PSI, best practice is so far impossible to pinpoint.
- 3.2. Categories of High Value Datasets (HVD) in Open Data and Public Sector Information (PSI) Directive were agreed January 2019
The PSI directive is introducing a minimal set of rules to ensure that public sector information can be used outside of that sector. Application of the Directive must fully respect national data protection rules. List of High Value Datasets to be laid down in an implementing act, within a thematic range indicated in an Annex.
List of categories: 1. Geospatial; 2. Earth observation and environment; 3. Meteorological; 4. Statistics; 5. Companies and company ownership; 6. Mobility.
High Value Datasets need to be free of charge and disseminated in machine readable formats through APIs. This process is ongoing and with 2 years timeframe. During this process technical requirements for APIs will be agreed and PDS needs to be reviewed in the future to ensure alignment with PSI directive.
- 3.3. PSI re-use and privacy alignment needs attention until HVDs specifications are set.
Until process of defining HVDs specification is ongoing, following principles can be followed:
1. Informing persons before collecting data is fair processing of data. 2. Privacy statements need to use clear and plain language and notifications should be exhibitly communicating what information will be public while contributors will give input. 3. Contributor needs to express consent with processing and publication of personal data.

4. Proposals for implementation of the PDS

- 4.1. Spatial planning will remain a local issue, making implementation mostly a national business. Motives to foster national implementation have to be identified and highlighted.

Due to the essence of spatial planning, geographical proximity and national borders will define who is likely to have interest, and is likely to be able to have a say in spatial planning matters. A habitant of Funchal, Portugal is not likely to participate in the planning of a new library in Krakow, Poland.

In addition, historically, spatial planning has been regarded a discipline not regulated by the EU, although implications of EU sectoral regulations and initiatives have been shown to impact also the practise of spatial planning. Still, compared to many other activities (e.g. environmental management), national spatial planning has experienced more sovereignty.

Therefore, national interest to implement a unified standard for planning proceedings would have to be based on other motives. These should be identified, and pronounced.

- 4.2. PDS needs national or federal ‘translators’.

As planning regulations and proceedings are very country-specific, PDS would benefit being set into national spatial planning legislation and practise by national coordinators. For instance, these can be national authorities handling spatial planning policy and legislation. This would make it more likely that in a country, PDS is applied in a similar manner.

- 4.3. Most participatory data is produced in local municipalities, usually highly autonomous in designing their proceedings.

Numerically, most of the spatial plans are produced by local municipalities, making them a vital stakeholder in PDS implementation. In countries with strong local municipalities’ unions, these organisations should be consulted to foster the implementation of PDS.

- 4.4. PDS needs a caretaker.

Once finished, the PDS will need updating according to emerging needs. Main focus is the alignment with PSI directive but also other initiatives may arise and technologies emerge.

Caretaker needs to lead consistent communication between the actual implementers of the PDS, promoting spatial planning processes being conducted through digital channels.

- 4.5. ‘Plan ID’ may benefit from a unified format.

In order to fulfil one of its potential benefits - supporting new instruments and consumer products for more effective public participation - the implementation may benefit from a unified pre-defined format for ‘plan ID’ (e.g. LT000000 for Latvian spatial plans).

- 4.6. Stronger linkage between PSI directive HVD technical specifications and PDS can ease implementation of PDS.

The renewed PSI Directive will set the baseline for open data policies across the EU. During the implementation of the renewed PSI directive, member states are bound to look into the subject dealt with in the PDS (in other words: how to create open data in spatial planning proceedings), creating possibilities for wider implementation of the PDS.

- 4.7. Pressure to harmonise spatial plans’ geospatial data will grow, INSPIRE may be able to help. PDS is one side of the coin, while plans’ geospatial data is the other. Therefore, in order to fully utilise the PDS, initiatives to harmonise the plans’ geospatial data intensify. In this, the bodies responsible for the INSPIRE regulation, and the content of the regulation can be used as enablers. Already, plans’ geospatial data is partly incorporated into INSPIRE data sets, although actual planning documents tend to be more complex than the INSPIRE regulations.

- 4.8. National standards (in their own languages) may be a challenge for the implementation of PDS.
- 4.9. PDS could use an introduction
Although a trivial matter, to enable successful implementation, an overview/introduction should be added to the PDS document. This should include information on what the PDS includes, and excludes (e.g. geospatial data); why certain choices have been made, which planning level the PDS applies to, etc.
- 4.10. PDS can potentially cover the whole lifecycle of a building.
When expanded as necessary, PDS could be potentially be used also in other land-based participatory processes.