

Collaboration in the Brownfield Regeneration Process – Legally Binding or Informal Approach?

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1 ABSTRACT

The research subject is the analysis of the possible ways to achieve stakeholder compliance in the brownfield regeneration process. The aim of the paper is to show urban planning mechanisms that are used for the establishment of cooperation between different stakeholders involved in brownfield regeneration. It is important to explain the possible ways of collaboration between different institutions, but also between different sectors (public, private and civil society). In the very beginning of the paper, the current trends in the brownfield regeneration are shown, both in developed and post-socialist countries. However, the rest of the text relates to the topic of brownfield regeneration in Central European states. Precisely, the overview of the institutional aspect of brownfield regeneration within the planning system in the Czech Republic and Hungary is indicated. The determination of the responsible institutions for the brownfield regeneration process is of particular importance. Also, it is significant to examine if the collaboration is prescribed by the main laws in the field of spatial planning or not. However, the focus of research concerns the collaborative procedures to achieve the successful regeneration of brownfields. Those results stem from the analysis of the brownfield sites examples. Namely, the first example relates to the regeneration of military complex in the Czech town of Uherske Hradiste, while the second case indicates the regeneration of unhygienic settlement in Budapest. The final section of the paper systemizes the experiences from the developing countries in terms of collaborative procedures in brownfield regeneration process. This provides insight into the possible general model of brownfield regeneration.

2 INTRODUCTION

Brownfield redevelopment is defined as a redevelopment of „any land or premises which has previously been used or developed and is not currently fully in use, although it may be partially occupied or utilized, (...) and which may also be vacant, derelict or contaminated” (Alker et al., 2000: 49). Also, brownfield regeneration can be described as one of the mechanisms for sustainable development (Dorsey, 2003; Grimski & Ferber, 2001), which is specific due to its complexity. Namely, brownfield regeneration involves different instruments – planning, social, economic, political, environmental, etc. Thus the main challenge in such a process is to achieve successful collaboration between different sectors (private, public and civil society), on the one side, as well as between various institutions (within public sector), on the other.

Since the 1980s brownfield regeneration has become a central topic in the most important international documents (RESCUE, 2004; CABERNET, 2009; Stanilov, 2007). This especially relates to urban practice in North America (U.S. and Canada) as well as Western Europe. However, the new millennium trend of sustainable regeneration has also spread to the so-called transition countries. Nevertheless, the mentioned countries tend to integrate European models of urban transformation. Since they established market economies, these countries have become open to global influences and foreign direct investment. According to the views of certain authors, cities have fallen under the simultaneous influence of the local system of social transformation as well as global processes, which created a specific ‚post-socialist’ context of urban restructuring (Stanilov, 2007). This is particularly done by the creation and adoption of many local planning documents, which were prepared on the base of western experience.

The issue of the collaboration among various actors in the brownfield regeneration process is considered to be complex, because it is often very difficult to examine and define the interests of different stakeholders. This problem is present even in the developed countries as evidenced by the studies where brownfield regeneration is seen as a specific urban process due to a large number of participants (Dixon & Doak, 2005; Dixon et al., 2008). Communication, understanding and trust among stakeholders are the key goals in brownfield regeneration process. According to the research studies in developing countries, there are two main obstacles to brownfield regeneration. The first one concerns the land ownership, while the second one

relates to the interest compliance and coordination of participants in such a process (Garb & Jackson, 2006: 276; Stanilov, 2007; Zeković, 2007).

The main research hypothesis is that brownfield regeneration process should be placed within the collaborative planning paradigm, i.e. within the context of multiple stakeholders and their often contradictory interests, where the final aim of such collaboration is a consensus building and solution achievement. The aim of the research is to assess the nature and the extent of collaboration in the brownfield regeneration process within the selected cases.

3 REGULATIVE FRAMEWORK OF BROWNFIELD REGENERATION

In the following part of the paper the main institutions – their roles and responsibilities, on different government levels (national, regional and local) will be shown. Also, it is interesting to notice the level of mutual collaboration in order to formulate brownfield regeneration policies. Beside this, the main legislative documents in regard with the brownfield regeneration will be mentioned. In fact, it is important to notice if the collaboration in such complex planning processes is prescribed by the law or not.

3.1 The Czech Republic

As the most important actors in the process of brownfield regeneration in the Czech Republic, the following institutions under the jurisdiction of public administration can be distinguished: the Ministry of Regional Development, National Property Fund – a state agency responsible for the privatization process which after the year 2005 was transformed into the Ministry of Finance, the Ministry of Environment, CzechInvest – a government agency to promote investment in brownfield regeneration projects and the Ministry of Finance (Garb & Jackson, 2010). The review is given in the Table 1 below.

Institution	Functions and Responsibilities
Ministry of Regional Development	<ul style="list-style-type: none"> • Its role is to provide support to cities and regions in better understanding of the problem as well as the greater cooperation with the stakeholders involved in the process of brownfield regeneration. • Although this ministry does not have all the necessary information regarding the mentioned problem, it can choose outside consultants, with the possible including of foreign experts as well. • It is closely linked with the local government in terms of technical training and preparation for participation in the brownfield regeneration process. • It has the important role in formulating and adopting the Planning and Construction Law.
National Property Fund	<ul style="list-style-type: none"> • It was founded for the necessity of introducing the guarantees to potential private investors during the regeneration of brownfields that carry not only financial but also environmental risk. • Its role is to provide financial cover for brownfield clean-up costs that were found to be contaminated during the regeneration process. • The key to the success of this organization lies in the accurate re-allocation of money, as well as the exploitation of financial resources only for the brownfield regeneration and not for other state projects.
Ministry of Finance	<ul style="list-style-type: none"> • It is a key stakeholder in the brownfield regeneration. Firstly, the budget for the process initiation must be approved by this Ministry. Secondly, many aspects of brownfield programs, as well as the legislative reforms directly fall under its jurisdiction. • It has the ability to strategically act on the long-term costs of deferred problems.
Ministry of Environment	<ul style="list-style-type: none"> • It acts as a technical consultant and supervisor for the National Property Fund. • As the orientation of the Ministry of Environment is primarily focused on meeting environmental demands, the lack of economic pragmatism can make the rigorous standards for environmental protection counter-productive.
CzechInvest	<ul style="list-style-type: none"> • The success of this agency is primarily based on technical assistance from the European Union in terms of cooperation with European development agencies, and financial support as well.¹ • During the years CzechInvest was on the way to become national brownfield support agency, due to its skills and awareness regarding brownfields. • Its main task is not only to make an inventory of the brownfields of industrial origin, but to rethink their use in broader urban context, i.e. offer back brownfields to the market.
Regional Development Agency	<ul style="list-style-type: none"> • Its function is the regional information system coordination. • Urban planners here have a role in preparing the register of brownfield sites and its update. • The experts represent the key stakeholders who participate in a timely providing of information about all data related to brownfields and to all stakeholders in the brownfield regeneration process. • Also, regional authorities are in charge of preparing development strategies, compiling planning documents and policies, and, finally, using the brownfield priorities in structural funding.
Local government	<ul style="list-style-type: none"> • The power of this government is guaranteed by the law. • The national Czech government has an active role in providing mechanisms for direct communication between local governments and citizens.

Table 1 – Institutional framework for brownfields in the Czech Republic. (Source: Prepared by author according to Garb & Jackson 2010, 2006, 2001)

¹ CzechInvest has been awarded with 3 million euro for the three brownfield regeneration projects in the Czech Republic (Garb & Jackson, 2001).

Collaboration and joint decision-making on spatial development guidelines is stipulated by the Planning and Construction Law (183/2006Sb). Specifically, planning on the basis of an agreement between the parties (primarily public and private sector) implies in particular at the local planning level. According to the same law, institutional collaboration is needed between the local and regional level planning (PLUREL, 2010). Therefore, it is considered that an appropriate institutional framework exists, but the cooperation of different sectors is required. This would contribute to the effective brownfield regeneration.

3.2 Hungary

When it comes to the topic of brownfield regeneration, several important institutions on the different levels can be outlined (Table 2). Although some experts agree that there is no guiding strategy for the mentioned urban problem at the national level (Foldi, 2006; Kauko, 2010), the activities of some institutions will be mentioned here.

Institution	Functions and Responsibilities
Hungarian National Development Agency	<ul style="list-style-type: none"> It is the state agency responsible for the supervision of the „New Hungarian Development Plan” (NHDP) implementation. Its main role is to collaborate with the representatives of national government, regional development agencies and expert institutions (Hungarian Academy of Sciences and numerous scientific institutes).
National Development Council	<ul style="list-style-type: none"> Its main role is to coordinate all the sectors in the field of spatial planning at the national level It has the important role in monitoring and evaluation of development policies implementation.
Ministry of Interior – Department for Regional Development and Construction	<ul style="list-style-type: none"> It has the important role in formulating and adopting the Act on the Formation and Protection of the Built Environment. It is responsible for the preparation of the Law on Spatial Planning.
Regional Development Council	<ul style="list-style-type: none"> Its role is to monitor calls for application for the action period of NHDP and then to evaluate the follow-up applications. The crucial significance of this authority lies in its function of a mediator. On the one hand, RDA forward information to the Hungarian National Development Agency and, on the other, it is the institution with decision-making competences toward local government.
Metropolitan Government of Budapest	<ul style="list-style-type: none"> All the urban regeneration programmes are under the jurisdiction of the chief architect’s department within the mayor’s office of the municipality of Budapest.

Table 2 – Institutional framework for brownfields in Hungary. (Source: Prepared by author according to Grisel & van de Waart, 2011; Riez & Salamin; 2010)

Collaboration of institutions that are responsible for the physical development of Hungary is regulated by the Act on the Formation and Protection of the Built Environment only for different sectors at the local level. According to the same document, the local government is responsible for the involvement of local stakeholders in the formulation of urban development policies (Pallai, 2008). Also, one of the priorities in the document „Medium-Term Urban Development Programme of Budapest – The Podmaniczky Programme 2005-2013” is the cooperation of private and public sector at the local level (The Municipality of Budapest, 2005).

4 COLLABORATIVE PROCEDURES FOR SUCCESSFUL BROWNFIELD REGENERATION

The collaborative procedures for successful brownfield regeneration are going to be presented and examined on the two selected case studies. The methodology used for the determination of the nature of collaboration and its extent within the cases is based on the semi-structured interviews (Bičan, 2012; Molnár, 2012; Alföldi, 2012) conducted among the selected actors who were directly in charge of the preparation (planning) phase of brownfield regeneration process. The structure of the interview as well as the section of the article that follows consists of several parts:

- Major stakeholders who have contributed to the project initiation;
- Planning experts in this project – their actions, organization and project management;
- Negotiation process and decision-making procedures in the specific project;
- Identifying the ways to conflict resolution.

4.1 The Czech case – Ex-military complex, Uherske Hradiste

Czech case study for the analysis of the nature of collaboration during brownfield regeneration process is ex-military complex located 500 m east of the historic centre of the city Uherske Hradiste.² Location of the former military complex occupies an area of about 17 hectares, which is, on the one side, bounded with the river Morava, and, on the other, with industrial zone. So, this site is a buffer zone between the old town and the industrial area (Bergatt Jackson, 2012).

Initiation of brownfield regeneration process. Although the idea of the regeneration of a given military complex appeared earlier, formal conditions for it have been created during the year 2000 due to the army transformation. In 2001 the official decision of the Ministry of Defense was made according to which the military complex location was no longer needed by the army, and, therefore, could be transformed with a different purpose. The location is then assigned to the city government. At the beginning this was seen as gift of the Czech army, but over a longer period of time the responsibility of local government for the military complex increased. The interviewee emphasized the advantage of the period in which the planning process started, since the beginning of the millennium was marked by „economic growth, the possibility of co-financing by EU funds, cooperation with the scientific community – the newly established state and private universities, as well as the interest of the private sector to new, mostly commercial, zones” (Bičan, 2012). Therefore, the role of planning experts within the local government from the very beginning was not only related to urban development, but also to the strategic planning of the site.

The organization and management of the planning process. In 2003 city administration department for spatial development prepared the first urban location study for the military complex („Land-use study of former military district in Uherske Hradiste”). It served as a basis for future discussions and amendments in accordance with the demands and needs of different stakeholders. In fact, this study was a joint effort by local experts and external consultants – represented by the experts from the planning sector of regional government. This was the typical „form of vertical collaboration, necessary for the regeneration of large brownfield sites in the city central core” (Bičan, 2012). After the public debate within the local government, the study was approved by the City Council. As the local government had to conform to the demands of future financiers (private investors, EU funds, state budget, Zlin region), it was necessary to monitor the planning process and the compliance of future proposals with the existing urban concept. Specifically, in order to control the progressive transformation of former military complex, the city government has established the so-called Management Commission. At the head of the four-member group was mayor, while the rest were directors of different departments of local administration. The mentioned urban concept was first updated in 2004 after the adoption of a tender for a strategic partner in a commercial zone. The decision on financial support for the construction of educational zones from EU funds and budget of the Czech Republic was made next year. Therefore in 2005 original concept underwent additional changes (especially to the educational zones for compliance with the requirements of the EU as a funder). This document was then presented to the public in the form of exhibitions organized by local government, where they could hear the comments of the local community. The final version of the document entitled „Study of the conversion of a military complex in Uherske Hradiste – 3 Update” was adopted in 2007.

Negotiation process and decision-making procedures. Although the Management Commission was responsible for planning process organization, it should be noted that a strategic approach was applied in order to effectively promote brownfield regeneration in the local market. Specifically, all the decisions were made by the Mayor, but on the basis of expert knowledge (local and external experts) in the field of spatial development as well as economy, given that the concept should attract public donations and European regional development fund. In addition to this, from the very beginning direct negotiations were conducted with interested investors. The interviewee particularly stressed the importance of their early involvement in the planning process. In fact „the harmonization of the interests of the public and private sector was the basis not only for the subsequent planning phases, but the financial support of investors in the very beginning accelerated the regeneration process, i.e. the implementation of the concept” (Bičan, 2012). It is also important to note that, due to the successiveness of planning and construction phases for specific zones

² The city of Uherske Hradiste is located in the Zlin region, i.e. in the vicinity of the eastern state border. It has quite good position to two European capitals – Vienna and Bratislava, but the major infrastructure corridors are underused.

across the entire site, the Management Commission throughout the period „was open to new suggestions and solutions” (Bičan, 2012).

Conflict resolution. Among the mentioned stakeholders in the planning process, most conflicts have emerged between local government, which, on the one hand, was weighing the preservation of public interest „without radical modification of the given complex” and, on the other side, private investors whose goal was to “build as much as possible” (Bičan, 2012). However, due to the „pragmatic approach” of the mayor during the negotiation with investors, the so-called ‘win-win’ solution was achieved. Also, it should be stressed that local governments and private investors were not the only participants in a given process. In fact, applying for European funds implied certain ways of organizing processes (in terms of time limits), but also in terms of conditioning and limiting the domination of only one stakeholder. Therefore it can be concluded that „well-planned and prepared approach to regeneration has created clear and less risky conditions for the arrival of new investors and their activities and investments“ (Bičan, 2012).

4.2 The Hungarian case – Ex-unhygienic settlement, Budapest

The selected case study from Hungary is the area of the former unhygienic (Roma) settlement called Corvin (Corvin-Szigony). The site is located within the wider centre of Budapest city, and belongs to VIII district named Jozsefvaros (Józsefváros). Corwin covers a territory of 22 hectares and has an excellent strategic position. In fact, the location is well connected to the central city core, it is close to two subway-stations, and also belongs to the corridor route that leads to the airport. On the site there were a total of 1100 social housing units in extremely poor building condition, 800 of which were unacceptable for living.

Initiation of brownfield regeneration process. The regeneration of Corvin site was initiated by the district authority. The reasons for this were numerous, such as ghettoization, dilapidated infrastructure networks, poor building stock, etc. However, having in mind the advantage of this location (its central position in Budapest), district administration decided to initiate the brownfield regeneration process whose “goal was not just to improve the building stock, but also economic, social, and cultural benefit” (Alföldi, 2012). Therefore investors should be included in the process, but also it was important to keep most of the original population (if not at the site, then in the VIII or surrounding districts). However, the initial status of the site was unenviable. A third of the Corvin population was members of the Roma community. In addition to this, at the beginning of regeneration process, private sector representatives were not reliable partners for collaboration. In fact, none of the investors has been able to financially support regeneration in accordance with the original decision of the district to keep the majority of the local population on the site. Only in 2004 the company called Futureal, the largest residential construction contractor in Hungary, managed to buy the site. This emphasizes that from the very beginning, “the most important roles in the planning stages of brownfield regeneration were awarded to public sector” (Molnár, 2012).

The organization and management of the planning process. In 1997 district authority founded Rév8, the Agency for Rehabilitation and Urban Development, which had the role of “expert branch” of local government in the process of Corvin location regeneration (Molnár, 2012). It should be emphasized that the importance of this agency was not only reflected in the technical expertise (the formulation of strategies and policies in urban development, management planning process, development of a plan), but also in an intense mediating the communication between other stakeholders, particularly investors, as well as the local community. The agency was comprised of an interdisciplinary team of highly educated experts (sociologists, geographers, spatial planners, architects). Their task took place on two levels. In addition to the detailed analysis of the social structure of population and the identification of their needs, the detailed analysis of the current building stock state was conducted. The main disadvantage of such an approach related to the long time required for the analysis of about 2500 households, but the advantage of this approach was invaluable. In fact, in this way the interests of those social groups with very low power compared to other stakeholders were protected. Practically, with some benefits from district authority, local people were able to obtain housing unit at the same location (Corvin) or to choose another apartment in the same or neighbouring districts without any financial compensation. Bearing in mind that the original construction stock was of very poor quality, this move of district authority was considered “socially acceptable compromise” (Alföldi, 2012). In the later stages of the planning process, the significant role of the agency Rév8 was reflected in the inclusion of external expertise – representatives of Hungarian and foreign universities. Also, at the request of

investors, the planning process involved both domestic as well as international experts from different fields (architects, experts in real estate, tourism and communications).

Negotiation process and decision-making procedures. Rév8 agency had a key expert position and, what is more important for the complex developmental processes, its representatives were the epitome of mediation and facilitation skills among different stakeholders. However, the decision-making was not within the jurisdiction of the agency, but within the district office called Corvin office. The main role of this office was the control of the agency Rév8, and the control of limits for each phase of the site regeneration. Specifically, at each stage of a complex process, proposals and measures formulated by Rév8 were forwarded to district administration through this office. Although originally Rév8 agency was formed jointly by the district administration, and the administration of the city of Budapest, in the later stages of regeneration process, communication with the metropolitan administration was not intensive. The reason for the lack of vertical collaboration is reflected in the fact that “the mayor did not understand the need for the regeneration of a given location” (Molnár, 2012). However, in addition to negotiating with the local community, the most important role of the agency Rév8 was the mediation between district administration and the private sector – company Futureal. According to the original regulatory district plan from 2002 only residential purposes were prescribed. But in 2005, due to the demands of investors, the plan changed with the aim of increasing mixed-use areas. Local authority of VIII district also showed good negotiation skills with private investor. Although part of the original plan had to be revised due to the requirements of investors, this was actually a reward for a very risky investment, not only financially, but also in political terms. In addition, the investor agreed to the achievement of social benefits (construction of schools and health centres in relation to the planned population, employment of local people in the process of demolition and construction of the building stock, planning of public open space). In addition to expert input, significant negotiations were held with local residents who had been constantly kept informed about new proposals for developing the plan. This form of negotiation was conducted within the agency Rév8 office, within the territory Corvin location, which “is very informal form of communication during the planning process for Hungarian standards” (Alföldi, 2012).

Conflict resolution. The major conflicts during the planning process appeared between district government and the metropolitan administration of Budapest, which resulted in changes to previously established developmental priorities. Namely, the original concept of brownfield regeneration was conceived as a public-private partnership which, with the same investment fund, should involve private sector, local government, as well as the administration of Budapest. Disregarding this rule led to the need for increasing the housing stock on the site. The administration of Budapest donated only 15 percent of the total investment, as opposed to the originally intended one third. District government was not able to fund the remaining 15 percent, so this shortcoming was compensated by increasing the number of housing units compared to originally planned number. However, as the agency Rév8 sought sustainable solution in economic and in social terms, the quality of public space was certainly a priority. Therefore, the realization of the necessary capacity was provided by adding another floor, and not, for example by construction of new facilities (Molnár, 2012). One of the conflicts that arose during the planning phase of brownfield regeneration was the resistance of a number of local people to being moved the site. However, the interviewees submitted that this resignation was the result of political manipulation, because it was inspired by print media, but did not reflect the true attitude of the local population (Molnár, 2012).

5 CONCLUSION

The previous analysis both on macro-level, i.e. regulative framework (institutions and documents regarding brownfield regeneration) and on micro-level, i.e. case study (collaboration in the concrete process of brownfield regeneration) is the sound base for formulating the general conclusions about the nature of stakeholder collaboration in the mentioned process. To be more precise, it is interesting to observe if the collaboration was legally binding or it was a kind of a more informal approach.

When it comes to the Czech Republic, active participation of the city government in the process of brownfield regeneration caused the necessity of finding new approaches to the management process, as well as new methods of obtaining investment (from various sectors). This had the overall impact on the unconventional way of planning and outcome of the planning process. However, as the collaboration in the planning process was required by the law (Planning and Construction Law), we have to stress that the final

document was not the result of only informal forms of cooperation (Bičan, 2012). Namely, the urban study was made in accordance with the mandatory documents at higher levels of planning – “Spatial development policies” (national level) and “Spatial Development Principles of Zlin region”. Besides, the formulation urban study was in accordance with the requirements of several different sectors at the national level (which operated in the form of external consultants). In addition to this vertical collaboration, there was also intensive collaboration on a horizontal level between experts in various fields. Interviewee estimated this as a “necessary and very inspiring” (Bičan, 2012).

However, something that makes the regeneration process of a given military complex different to other examples of brownfield regeneration was a way of formulating planning instruments and their character. In fact, it was a “constant process of brainstorming between local government and stakeholders” (Bičan, 2012). So, the process was not accompanied by workshops, roundtables and other forms of collaboration at a steady pace, but the ability to opt for new ideas lasted throughout the whole process of regeneration, thanks to its parallel organization of the different phases (planning and implementation). The result of this planning process was the formulation of urban studies as a final document, i.e. the base for later construction. Although according to the law these studies are not binding, in a given planning process they turned out to be the best solution, for several reasons:

- The study, as opposed to planning documents, is not approved by the administrative body;
- The study does not require a long period of time or a large cash outlay required for its development;
- The study is not "rigid" document and, if necessary, it can be simply changed, which is especially suited private sector.

From the Hungarian case study, we can draw several conclusions. Even though public-private partnerships are prescribed on the local planning level (especially within the “Integrated Urban Development Strategy”) as the preferred mechanism for collaboration within the complex developmental process, in planning practice there are very few examples where the mentioned guidelines take effect. However, a public-private partnership in the process of Corvin location regeneration is one of the “most successful examples of long-term cooperation between the public and private sectors, and as such it is recognized at European level” (Molnár, 2012).

Firstly, something that makes the public-private partnership in the Corvin case different to other similar examples is the fact that the key role of the planning process was entrusted to an independent expert agency Rév8 who mediated between both sectors (public and private). This kind of planning process organization was for the first time in Hungarian urban planning practice implemented at the site Corvin, and since then it has been used in other similar cases (Alföldi, 2012). The special value of this approach is seen in the fact that “urban planning is understood as a management process, and not a rigid adherence to the planning basis” (Alföldi, 2012). The specificity of stakeholder collaboration is their common pursuit of sustainable vision of site development (in economic, social, and cultural terms), as well as of including a number of other stakeholders, which are important for different aspects of the planning process. Thus, graduate students from Harvard University participated in the formulation of the planning concept in accordance with determined vision and development objectives formulated at the beginning of the planning phase on the basis of consensus among relevant stakeholders. Local community was not active in the creative sense, but they had economic benefits. Namely, one of the conditions of district authority was the creation of new jobs while promoting employment of the original inhabitants of the Corvin location.

Also, what makes this case specific in terms of collaboration is the cooperation with civil society. The role of this sector in formulating brownfield regeneration policies is often limited, and decisions are made without public debate (Keresztély & Scott, 2012). However, the case of Corvin regeneration was different. Namely, the investor interests were not achieved at the expense of the interests of the local community. The local population succeeded to preserve local values through an organization called Grund. Namely, a former gathering place of local people was recognized as a local cultural value and, with the involvement of local community and agency Rév8, it was accepted by investors as a carrier of identity of Corvin site.

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