The gradual shift from flood protection to flood risk management in Europe changed the way riparian floods are approached. Whereas traditional flood protection focuses on dikes and other technical infrastructure to defend and deflect inundations in the floodplains, flood risk management tries to mitigate the negative consequences of flooding by, for example, retaining water in a catchment but also adjusting land uses in vulnerable areas. Such flood risk management basically needs land – sometimes to erect technical structures like dams or polders, sometimes the way the land is used needs to be adjusted. So, flood risk management needs land. This land is often in private ownership.

Germany has experienced a couple of major river flood events in the past decades. Almost all of these events triggered a reform of water law and related legislation, aiming to improve flood risk management. But are the existing instruments to manage land sufficient for the implementation of the identified measures of flood risk management? Important instruments for getting land are, for instance, expropriation (Sec. 71 Federal Water Act), reallocation of rural land (Farmland Consolidation Act), pre-emption rights (Sec. 99a Federal Water Act; Sec. 24 Federal Building Code), acquisition and exchange of land (Sec. 433 ff., 480 Civil Code).

This contribution provides an inventory of the legal instruments available to get land for flood risk management in Germany and assesses how these instruments are used in practice by the respective water authorities at the different levels of implementation. For the analysis, German Federal law as well as selected law of the states are incorporated. The existing instruments are evaluated using juridical analysis and policy analysis to understand the suitability of the formal instruments to foster flood risk management. This desk research is complemented by a series of interviews with water authorities from the local to the state level. Results reveal the strategic way land management instruments are used to manage land for flood risk management in Germany.
SPECIFIC PROBLEMS OF POST-COMMUNIST TRANSFORMATION IN ROMANIA: HOW RESTITUTION POLICIES SHAPED THE PROPERTY RIGHTS AND AFFECTED THE LAND USE POLICY

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In the modern period of Romania it has been found that more and more restrictions have been brought to the property right. In the years of the Communist period, private property was permanently fenced off, and private land ownership almost abolished. The legal effects triggered in 1945 are affecting our society nowadays, with profound and complex effects. The political and social changes that occurred in Romania after the Revolution of December 1989 led the authorities to reconsider the status of state property. However, a successful transition to market economy could not proceed unless property disputes were solved. This article studies the effects of the restitution policies focusing on the difficulties of law property implementation and on the land use policies transformations produced by these reform. In particular the paper examines how the restitutions policies generated the problem of land fragmentation and its consequences on land use policies.
Condominium Apartments as a challenge to urban regeneration: A comparative view of laws and practices

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The extensive knowledge on urban regeneration to date focuses mainly either on owner-occupied or on rental housing. Research has largely ignored situations where the existing housing is in condominiums (or similar coownerships). Yet, such tenure is a major part of housing. In many countries, condominium tenure serves not only the upper middle and rich households, but lower income households as well. Since condominium laws are not as old as private or rental tenure, the need to consider regeneration of such housing has emerged only in recent years, but is now on a steep curve in many regions in the world.

The structure of condominium law makes coowners’ decision making by the owners more difficult. What is the decision-making mode in the growing number of cities where regeneration policies encourage condominium buildings to be demolished and rebuilt with a higher number of units? In this case, must the condominium be legally terminated and another one created? The owners are usually offered a better apartment, and in theory, but not all condominium owners may be interested in such an initiative, for various reasons.

The situations described do not entail the use of expropriation, but do have some kinship to this sensitive area of law. There are major issues of rights and fairness, rules of appraisal, possible displacement (though short-term), new unanticipated costs for maintaining the upgraded housing, and the possibility of “holdouts” who do not want to participate.

The basic rule in most countries is (probably) that all owners must agree to such drastic decisions because they affect the very essence of ownership. However, in response to growing need to regenerate condominium housing, there are recent examples of majorities short of full consensus. The research reported seeks to analyze and evaluate the emerging laws and practices of regarding condominiums in urban regeneration.
In recent years, there is a globally burgeoning interest in planning law, both in practice and in academic research. This inevitably also means control of development (building permits etc.), and reasonably adequate enforcement against illegal (unauthorized, unpermitted) construction or illegal use of land and buildings.

At the same time, there is also growing acknowledgement that major sectors of the population in many countries in the Global South - which constitute the majority of countries the world – will continue to live in housing, work in commerce or in industry, that do not have legal building permits. Can these contrasting trends be reconciled? I title this paper “between informal and illegal” because policymakers, legislators and professionals are increasingly finding it difficult to draw the line between legitimizing informal development, and the importance of the rule of law.

Most research to date has focused on the widespread phenomenon of “informal” construction in developing countries. Very recently, this term is being used by scholars with reference to Global North countries as well, to refer to a plethora of situations of noncompliance, often ad-hoc. The lack of attempts to distinguish conceptually between “informal” and “illegal” in countries where planning laws generally do function reasonably should not be taken lightly: It undermines the very role – or even the validity – of planning law in general.

In this paper, I take on a difficult, and admittedly still rudimentary, task: to try and distinguish contexts or situations where indeed, planning law fails to the extent that noncompliance should be regarded as justifiable. To do so, I first demonstrate the difficulties and elusiveness of making a judgment of when noncompliance merits the term “informal”, thus calling for conceptual criteria. Once the challenges and dilemmas are exposed, the paper proposes six situations – or criterial – when noncompliance may be justifiable. Each is accompanied with real-life examples.

The paper concludes by pointing out the deep shortcomings in the interrelationships between regulatory planning on the one hand, and the grossly unresearched enforcement functions.
Recent Changes in Land Value Capture Tools in the Toronto Region: What are the Impacts?

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With the change in Provincial government in 2018 came several changes in urban policy including changes to the land use planning system. Some of these changes that were brought about with the passing of Bill 108 were to fiscal tools related to land value capture. Three of these tools that have been changed by the new legislation are density bonuses (Section 37 of the Planning Act), Parkland Exactions (Section 42 of the Planning Act), and Development Charges, Impact Fees, (Development Charges Act).

The application of density bonuses had become quite controversial as it was argued that it led to under zoning in order to capture the bonuses and in the City of Toronto politicians were involved in negotiating the contributions required. Consequently, it was argued that the process has become political and the requests for contribution were too large. Parkland exactions require a dedication of 5% of the land being developed or a cash equivalent. In addition, there is an alternative per unit formula that has become controversial. The quantum of development charges has increased over the recent years such that the quantum in some Toronto area jurisdictions is in excess of $100,000 CDN for a single-family detached house.

The changes under the new approach has disbanded section 37, density bonuses, and placed parkland dedication, and some of the development charge components, i.e. those that are related to soft or people related services, under a new tool, Community Amenity Contributions. These contributions, the regulations for which are currently being developed, will be based on the value of the property that is to be developed. The objective is that the new contributions will be revenue neutral for municipalities in terms of the revenue collected for a property under the previous and new tool.

The purpose of this paper is to analyzed the impacts of the new tool in relation to the old tools that reflected a type of exaction, user fee to capture the land value created by public investment in servicing, and a development charge, with what appears to be a type of land value tax. Questions to be addressed will reflect the basis of the calculation that is used in terms of meeting its objective of being revenue neutral, the impact of land values and housing costs, as well as the distributive impacts of the change in land value capture tools.
The Paradox of Multi-Family Housing Boom in Shrinking Serbian Cities: An approach to a Long-term Viability or a Short-term Bubble?

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The majority of Serbian cities have been in the state of socio-economic shrinkage since the intensification of post-socialist transition in the early 2000s. This process has been triggered by the huge transformations at state level. A previously vigilant public apparatus, inherited from socialist era, has been weakened to serve arising private interests during the 2000s. Therefore, anticipated spatial and economic decentralisation has been seen more as the fragmentation of public interest.

This confusing situation has left authorities in Serbian cities to find their ways to function. Urban shrinkage has particularly affected middle-size cities, the main industrial hubs during socialism. The combined difficulties relating their economic decline, population loss, budget cuts and the physical decay of urban stock has urged the authorities to find new approaches. One of the most ones is to artificially support new multi-family residential construction, even with ongoing population decline. This support was enabled by: (1) purposely customised, “pro multi-family-housing” legislative system at national level, (2) housing property market positioned as a “safe haven” in relation to bank savings, (3) local urban planning with loose regulation about zoning and land use, and (4) the plot organisation policy that hinders legal single-family residential development.

The aim of this paper is to adequately illustrate these specific issues that influence the recent boom of multi-family housing. They are first explained in general; regarding the relevant elements of urban planning, legislation and property market. Then, they are examined on the example of six middle size cities in northern Serbia, where their negative socio-economic profile is confronted to the multi-family housing boom. The conclusions from both general analysis and multi-case study imply the final discussion if this model of urban development is sustainable in long term and, if not, what can be done to prevent the bubble effect in housing construction.
Evaluating the English Green Belt as an instrument for the 21st century: a case study of The Wirral

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A strong goal of national planning policy in England is the compact city, delivered through one of the most famous instruments of English planning policy: the green belt, alongside strong rural restraint policies (National Planning Policy Framework, 2019). It aims to curb urban sprawl, preserve the setting of historic towns and regenerate brownfield sites. Added value comes from the green belt’s role as ‘natural capital’, an eco-system for the city (Helm, 2015).

The housing crisis is putting the green belt under threat more than ever before and its original purpose is (sometimes deliberately) misunderstood (Quod report, 2015). There are contradictions in its implementation by central government and local authorities. Green belt principles are set nationally, and its boundaries are established locally, with release allowed under ‘exceptional circumstances’ once all brownfield options have been eliminated. But planning authorities are under pressure from government-set formulae to identify and allocate sufficient land for housing, which often forces green belt release. Inconsistencies emerge on decisions for individual sites after rejection upon appeal.

Developers argue that the green belt is a ‘collection of marginal pieces of land’ without acknowledging that its efficacy in reducing urban sprawl lies in retention of its entirety. Whilst taking up options on land, optimistic for its release, housebuilders also support any model which raises land values through scarcity. Others demand the demise of the green belt as part of a solution to the housing shortage.

There is considerable literature on the London Green Belt. But what of other green belts in England, where pressure for development is much lower? A case-study of The Wirral (highest 10% of the most deprived areas in England) demonstrates the conflicts between government, local authorities, and developers shedding light on the stability of the green belt as a planning policy for the prevention of urban sprawl.
The worldwide debate on urban resilience to climate change has resulted in adapting and testing of various planning instruments enabling the provision of green and blue infrastructure in cities. Mostly, the proposed solutions touch upon the complicated question of property rights, in particular in the process of planning larger urban green areas (parks), when the provision and preparation of appropriate land are problematic due to land fragmentation and complex ownership issues.

In Poland the creation and maintenance of public greenery is statutory municipal responsibility, however till the year 2015 parks were not recognized as public purpose, therefore expropriation was not applicable in the process of land acquisition and municipalities adopted various mechanisms to acquire the land, mostly basing on market-based instruments. This situation changed due to the amendments in the Real Property and Management Act when the parks were granted the status of public purpose. The main intention was to ease and fasten the process of park investments leading to increase of green areas in the cities.

The aim of this paper is to examine the effects of changing the status of parks in urban planning practice after the legal recognition of parks a public purpose.

The authors will focus on larger cities of Poland, in particular, Wroclaw city, and will compare the approaches to parks planning before and after the change of park status. Selected cases will be analyzed with a strong focus on the property ownership structure. We will attempt to answer the question of whether this change had really positively affected green infrastructure planning and in particular, increased the number of new planned public parks.
Globalization including world-wide observed massive migrations (both at international as well as at rural-urban scale) have resulted in many places in appearance of socio-cultural mix not necessarily related to grounded local traditions and next to broad behavioral issues affecting as well urban spaces. This process however results in raising significance of doctrines opposing to it. They are often based on populist slogans and refer to so called “traditional values” using narrow national and patriotic symbolism (e.g. “make America great again” in USA, “getting up from your knees” in Poland).

By limiting the cultural spectrum sensu largo those doctrines influence the creation and use of urban space which – according to them - should correspond to the traditional ideas, emphasize continuity of culture and durability of power which often manifest itself in using traditional forms and monumentalism. These trends can be observed in particular in the debate on symbolic elements in public space (names, monuments).

In recent years in Poland the symbolic dimension of public space and the aspects of its ownership has become not only the subject of public debate, but also the arena of clashes between different political factions, especially when they represent different centers of power. Planning instruments and property rights are often used in this fight and though they should be considered legally acceptable, the question arises as to whether they still fall within the standards of democratic governance.

In this paper the authors will attempt to analyze how planning and property rights instruments are being used in disputes over symbolic shape of public space in Poland and what role the social debate plays in it. As the cases we will use a number of well recognized public spaces in Poland such as Westerplatte, Pilsudskiego Place in Warsaw, Gdańsk Shipyard, the figure of Christ in Świebodzin.
The Alps are a major winter and summer tourism destination and attract both tourists and capital. In Switzerland, especially the second home construction industry thrived over decades in most touristic and alpine municipalities. Additionally, local tourism financing models used the selling of second homes in order to cross-finance commercial accommodations. In the western states of Austria, the restrictive policy towards second homes started in the early 1990s while Switzerland held a national referendum demanding a change in policy to prevent rural sprawl. In both countries a restrictive legal framework now applies to alpine areas.

The paper explores the meaning of exemption clauses in second home regulations and what they mean for the future spatial development. This, using law interpretation as well as case examples with expert interviews analyzing the benefit as well as potential spatially undesirable developments.

The Swiss constitutional provision determines 20% as the maximum percentage of second homes per municipality. Although its wording seems imperative, the ban on second home construction only applies to new building permits. The use of the existing building stock can be easily changed. This is not the case in the western Austrian states at all. Second homes need either an explicit permit or a specific second home zoning. Exceptions exist as well for inherited dwellings. The Swiss legislation additionally introduced the possibility to allow new second homes in buildings that should be preserved even though the municipal share already exceeds 20 per cent. The most dynamic development can be observed in multi-owned-tourism-accommodation (MOTA) models. Since new second homes are forbidden, apartments are often sold leased back and rented out. Regulations in Switzerland and Austria widely allow this model with vague effects that this paper shall explore.
Ownership and lease of agricultural land vs. ownership and lease of commercial buildings

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During a coffee break, a colleague asked why most farmers in Norway don’t lease their agricultural land. Most firms don’t own the buildings they use, they lease their buildings. The main argument for firms to lease rather than to own their buildings is flexibility, because a firm’s need for floor space changes due to changing market conditions. Leasing usually makes it far easier for firms to get the areas they need, whether the need for area increases or diminishes. Another important argument for leasing rather than owning the buildings is less capital tied up in assets that usually provide fewer added values than the firm’s core business do. Could the same line of arguments be applied on agricultural land?

This paper is a comparative case study that examines implications of ownership and lease of agricultural land. Some countries have strong traditions for peasant proprietors or freeholders, while other countries have strong traditions for land owners and tenant farmers. The tenant farmers’ situation in relation to the land owners very much depends on the national institutions; legislation, etc. Ownership of agricultural land usually provides control of the use of the agricultural land, and may also safeguard access to food or other products from the land. Ownership of land also provides collateral security, which makes it possible to borrow money on the land. Borrowing in turn facilitates investments, and investment in turn facilitates economic development. The land owner can in many instances also change the use of land, or transform the land through real estate development. Thus, those who own the land are usually able to accumulate capital, and use the land for activities that might provide far higher return on the investments than farming does. Ownership of land has traditionally also been linked with political rights. Agricultural land, ownership, lease
Unraveling the Self-Made City: The Spatial Impact of Informal Real Estate Markets in Informal Settlements
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Informal real estate markets have developed as a result of deficiencies of formal real estate markets and play a crucial role in providing housing to the urban poor. This study combines an adaptation of Ostrom’s rules with property rights theory. Through this framework, the rules that have developed in the informal real estate, their interaction with the formal real estate market, and the impact of this interaction on urban development in informal settlements are explored.

The research performs an explorative research in the single-case study in Nairobi, Kenya. Data is collected through document analyses, interviews and spatial observations. It is found that although the nature of property rights regimes and land regulations is highly similar, conflicts arise when the two concur as both markets are based on different forms of legitimacy: namely input and output legitimacy. Whereas in the formal market legitimacy is derived from the representative nature of the Kenyan government, in the informal market legitimacy is derived from their ability to provide housing to the urban poor. The findings are then positioned against Lefebvre’s “right to the city” and “right to property”: the formal market sees the informal market as illegitimate because it infringes on the property rights of those who formally own the land, whereas the informal sees the formal market as illegitimate because of its excluding nature, denying their right to the city.

The research opts for further research in the discipline of spatial planning in order to gain a better understanding of how to deal with these different types of legitimacy on a theoretical level.

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This article considers the use of digital processes for the management of land titles in Canada, particularly blockchain technology which is primarily currently being explored for its potential to enable the "almost instant" transfer of property securely. I argue that while blockchain technology provides an attractive option for automating property transactions in a (as far as we can know) secure system, this technology may operate to enclose further systems of digital land records. Building on the work of James Boyle, this is a type of "second enclosure" in which digital records are serving as barriers preventing access to geographic data. Rather than focusing on blockchain as a method for digital automation, it would be worthwhile to consider the complex interplay between land and property information, and privatized digital databases, and to query how they serve the public interest. For better access to geographic and property data that can be used to support land use, I argue that open data is under-utilized. In no small part this is exactly because of the existence of privatized property databases. Searching for data that could be rendered in open data format by government bodies may serve to counteract a land information monopoly and provide access to data in a more equitable manner.

A recent decision from the Supreme Court of Canada (SCC), Keatley Surveying Ltd. v. Teranet Inc. 2019, provides insight to the multiple ways in which geographic data and information is part of a privatized and closed system of land management. In Keatley Surveying the SCC affirmed that property surveys created for purposes of the Ontario property registration system are covered by Crown copyright. The result of this is that the Crown owns and controls these works, rather than the individual surveyors whose work is the foundation of the digital property database. This 2019 SCC decision is the latest decision concerning claim to rights in geographic data that has had the result of securing control of this information in those who control the digital land systems of Ontario. In Ontario, POLARIS – the "Province of Ontario Land Registration System" - is the digital property map and database containing a majority of the properties and title information in Ontario. POLARIS was populated with digitized land ownership records and the creation of geo-coded, digital, property maps. The information contained in POLARIS is accessible to the public at a cost, and in a practical sense is mostly accessible to legal professionals who pay for access through a subscription model. In 2009, Teranet was the subject of an access to information request made by a commercial real estate company. The real estate companies were unsuccessful in their challenge, as the Office of the Information and Privacy Commissioner of Ontario siding with Teranet on the basis of the amount of work and effort expended to create the digital land registry system. As a result of the 2019 SCC decision, property surveys are now securely part of this database.

Geographic information, land data, and property information are all aspects of real estate systems, and with their inclusion in commercialized land systems (like POLARIS) these points of data are now part of an enclosed system. Land is finite, and there is competition to control and exploit it. As we already know potential users of land are often excluded by distance, physical, and legal barrier. Now we are at a point where data also plays into this competition over land. Effective access to land and property data for one user or group of users (such as legal professionals) may lead to significant advantage and, thus, preclude other users from taking action vis-a-vis a parcel of land. Within this system the utility of blockchain is not apparent when the underlying land information is behind a paywall. Logically, Blockchain technologies would be focused on incorporating data points as are contained in POLARIS in Ontario. Instead of creating a digital system that utilizes blockchain technology for land transactions, I am inclined to ask instead, where can the open data about land and property be found and how can it be utilized?
In Poland, the problem of affordable housing is still up-to-date. A new instrument, called a housing investment, facilitating building new housing has been introduced recently. The special Act enacted for the new housing investments and accompanying investments provides, that such investments can be located and build even though they are contrary to the provisions of the existing local spatial plan, as long as such planned investment will be in accordance with the provisions of the Act.

The above mentioned provisions refer to the distance from, for example, the existing bus stop, educational facilities (kindergarten, primary school) and sports and leisure facilities. The Act expresses directly some of the developers’ obligations, which is not foreseen in the general act, namely Spatial planning Act of 2003. One of the developer’s obligation provided in the Act is that if the housing investment is located at a distance that does not meet the distance requirement from educational facilities, this requirement is considered fulfilled if the investor undertakes, with the consent of the commune council expressed in the form of a resolution, to transfer to the commune the amount corresponding to the 5-year cost of providing transport and care during the transport of the child. Other examples of developer’s obligations will be discussed subsequently, taking into account the effectiveness in terms of land use planning goal achievement and its cost-effectiveness.

Additionally, the betterment charges in the above case, in comparison with the general planning law provisions, will be analysed.
Property and spatial planning law issues concerning bees in Poland.

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In 2018, the European Union introduced an almost total ban on the use of neonicotinoids, substances which are most harmful to bees. Unfortunately, the Polish Minister of the Environment, disregarding the opinion of scientists, NGOs and beekeepers, recently began introducing derogations from the ban, condemning millions of bees to contact with harmful substances.

The speech will address the ownership of swarm when it departs from the stem. The relevant provisions of the Civil Code state that up to 3 days from the day of the exclusion, the owner of the swarm may request its release. The current owner loses ownership of the swarm if he has not sought it out within 3 days of cutting. It should be emphasized that the right of the owner to pursue the swarm is calculated not from the date of knowing the swarm's departure, but from the swarm's actual departure from the stem. After that the swarm becomes nobody's; one can take possession of it and become its owner, regardless of whether the swarm has settled in the open air or in a free, unoccupied hive. If the swarm has settled in someone else's unoccupied hive, the owner of the swarm can only demand the return of the swarm for reimbursement (Article 182 § 2 of the Civil Code). If the swarm settled in someone else's occupied hive, then pursuant to art. 182 § 3 of the Civil Code, it becomes the property of the owner of a bee family occupying the beehive, regardless of whether the swarm's owner sought him out before or after 3 days from the day of leaving.

The speech will address the issue of spatial planning law regulations regarding placing hives in cities on the roofs of buildings.
Urban sprawl is often portrayed as a (quasi-)natural process, as inevitable and taking place behind our backs. However, we claim that it is co-produced by government. Governments do not only allow sprawl to happen, they often also incentivise and even design it. Either knowingly or unintentionally. We substantiate this claim by comparing urban development and government institutions in Flanders (Belgium) and the Netherlands, two neighbouring territories, yet very different in the matter under discussion here. Urban development in the Netherlands is considered orderly and compact, in Flanders as haphazard and sprawled. Urban planning, too, could not be more different. Strong national planning and an active land policy characterise Dutch planning, while the opposite applies to Flanders.

Although these images seem largely accurate, we argue that it is very particular government institutions in both countries that (help) create and reproduce urban sprawl.
Challenges to ownership, challenges to habitus: hedge cutting laws in Ireland

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Farmers have a unique connection with the land, and display their farming practices on the landscape. This study takes a Bourdieusian approach, and establishes the features which Irish farmers associate with tidy, ‘good’ farming practices, and the resulting cultural capital invested in the display of them. It is well established that, internationally, farmers recognise displayed tidiness in farming practice as indicative of ‘good’ farming, and this is also true for Irish farmers. The display of tidy practice impacts the perceived positioning of the farmer in the hierarchy of their particular social field, and for many functions as symbolic capital.

Many farmers feel that they are ‘losing control’ over their land, that their ‘ownership’ of land is being challenged, as restrictions on their management of it are imposed by ‘outsiders’. Given that many farmers look at other farmers’ displayed practice in a judgemental manner, it is considered that the imposition of laws which threaten such displays of tidiness may lead to a lack of adherence to the law, and it is suggested that some Irish farmers’ particular passion for tidy hedging is the main reason for the frequency of illegal hedge cutting in Ireland during the period when it is prohibited.

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Short-term rental platforms, especially Airbnb, represent a deep change in the housing sector. Online tools are the visible face of the dynamism and miscegenation of building uses and the concepts of "primary housing", "secondary housing" and "tourist accommodation" are increasingly difficult to trace. Towards the expected profit, the changes in the housing sector are fast, deep and with the tendency to ignore established rules. Is the planning system prepared for this paradigm shift? It then seems important to understand the echo of these changes in the housing sector as well as the role of the public administration, especially considering the threat of an imbalance in the access to affordable housing.

Worldwide, the first attempts at designing regulatory measures to balance short-term rental are far from achieving high levels of compliance. The monitoring and enforcement of the rules drawn up so far entail great difficulties for most of the management entities. With this in mind, this paper focus on the issues related to the practical problems of enforcement of the rules designed for short-term rental. Structured in two chapters, in the first part of the paper we outline the trends of informality in the era of shared economy and, secondly, we address the regulatory strategies adopted and achieved results.

In this context we claim that there must be "social" responsibility in verifying the legality of the accommodation to be leased, as a conscious attitude and respect for the inhabitants of the place of destination.
Design Actions for the Global Gaze: Evolution and Contradictions of Temporary Installations in San Francisco

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This paper questions the extent to which the institutional promotion of alternative, temporary initiative in public space shapes a long-term collaborative process which can be more or less inclusive. In San Francisco, the shift from bottom-up interventions to projects that align to city initiatives linked to long-term planning capital transformations is not unproblematic. The paper centers on the analysis of the case of San Francisco, California, where a recent municipal program called Groundplay presents situations completely or partly transformed into spaces for consumption. Despite the initial success to date of San Francisco’s approach to temporary urban projects, a number of questions remain about their effectiveness, common values, and the role of these actions in context of rapid urban redevelopment.

The results of the research suggest that the temporary use and construction of the built environment have gradually emerged as an urban trope. Processes of investments, displacement and gentrification lurk around the borders of temporary uses and projects unevenly, with both the city and its powerful partners taking advantage of the cultural capital temporariness has in driving urban promotion.
Is vacancy good or bad? A critical planning perspective on the ambivalence of housing vacancy and policy response in contemporary cities

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By placing unoccupied and underused housing stock at the center of the analysis, the paper reviews existing theorizations of vacancy, unpacking the significance, impacts and contradictions of the different patterns of transaction and use that characterize private housing in cities of the so-called Global North. By bridging different debates, disciplinary approaches and topics of concerns, this contribution sheds light on both symbolic and objective circumstances that shape housing vacancy in contemporary cities. It surveys the urban scholarship considering the various policy responses that focus on addressing the ambivalence of underused and unoccupied properties and homes in contexts of growth, shrinkage and decline.

First, it documents the continuities, interruptions and cumulative understandings of the discourse surrounding vacancy. Second, it offers an interpretation of vacancy that centers on current forces, actors, and processes involved. Finally, it establishes a new intellectual point of view, understanding the role of vacancy in the production of social and urban landscapes under different circumstances of growth and decline. The paper will also offer a brief overview of the topic within the Italian context, where an original research on vacancy reveals the spatiality, the boundaries, and the complexity of this urban phenomenon.
The transfer of development rights in the midst of the economic crisis: Potential, innovation and limits in Italy

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The paper deals with the transfer of development rights (TDR) in Italy. It presents a comparative analysis of the TDR programs implemented in the twelve capital cities of the Lombardy region in the past decade. After introducing the international debate on TDR and the distinctive features of the transfer of development rights in Italy, this contribution analyses the specificity of TDR programs in Lombardy. The spread of this planning mechanism is stressed, and seven relevant characterising aspects of TDR programs in Lombardy are highlighted (with reference to: reasons for TDR adoption, designation of sending and receiving areas, allocation rate, destiny of sending areas, mandatory nature of the transfer, market of development rights and role of the public authority). The analysis identifies internal factors (e.g. related to the design of the program) and external factors (e.g. exogenous to the program, such as the condition of the real estate market) for the success of the transfer of development rights in the Lombardy case. It allows us also to enrich (and partially correct) the international debate on the TDR, by considering the diffusion of this planning tool in Italy and its potential.
The many shades of grey urban governance: how illegality shapes urban planning, policy and development

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While illegal practices (e.g. corruption) have been widely investigated in specific sectors, there is still a lack of focus on the specific urban aspects of the illegal. As a consequence, most research on urban planning, policy and development only takes into consideration legal practices and actors, and treats illegal ones as insignificant anomalies, unable to structurally affect the governance of urban space. However, such an approach might be inadequate to explain urban dynamics in contexts where illegality (e.g. corruption and organized crime infiltration) is a structural feature (e.g. several countries in the Global South, the former Soviet bloc and Southern Europe). This paper addresses the role of illegal actors and practices in urban policy, planning and development in the Italian context. The research centres around the analysis of two case studies in the city of Rome (the "Mafia Capitale" investigation about a criminal network that infiltrated the local administration and shaped several urban policies, and the investigation on episodes of corruption related to the project for the new A.S. Roma soccer stadium); it shows how such practices are a structural component of urban governance at the municipal level. The aim of this research is to contribute to the debate on urban governance dynamics, by highlighting the necessity to investigate their "dark side".
Paying for Planning Permission? : Community Benefit Societies and Onshore Wind Energy: a Case Study from the UK Supreme Court

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The Case
This paper explores the case of R(Wright) v Forest of Dean District Council and Resilient Energy, a current UK Supreme Court case.

A community partnership developer sought planning permission for a single, community-scale wind turbine. They proposed to distribute a portion of the profits from the operation of the wind turbine to the local community through a community benefit society fund. The Council granted planning permission, expressly taking into account the proposed fund.

The grant of planning permission was challenged by a claim for judicial review brought by a local resident and was quashed in the High Court on the ground that the Council had unlawfully taken into account a matter which was not a material planning consideration as the proposed fund did not "relate to the character of the use of land" and therefore did not "serve a planning purpose". The Court of Appeal upheld that decision. The UK Supreme Court heard an appeal in July 2019 and judgment is to be handed down imminently.

Issues/Analysis
The cases exposes administrative, legislative and jurisprudential fragmentation in the law relating to planning obligations and land value capture.

At an administrative level, Government policy recommends the establishment of such funds to build local community support. There is also national policy recognition of the importance of allowing communities to have "buy-in" to renewable energy projects. However, UK legislation imposes significant constraints on planning obligations requiring them to be "necessary to make the development acceptable in planning terms". Jurisprudentially, the courts have historically been cautious in respect of financial payments unless there is a direct relationship with the development.

The paper will examine (a) the background to how this institutional fragmentation arose; (b) the court's reasoning and (c) how the Government can now respond.
Challenges in being able to access land in Rural Cork, Ireland

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In rural Ireland, land is a subject of eternal fascination. It is common that locals in a particular area (notably a townland within a parish) know who owns the land, who the land was bought from and who is even most likely to buy it next (usually a farmer with adjoining land).

But who else can afford to buy land?

As is currently the case across Europe, access to land is not easy for many groups in Irish society. The reasons are varied: (i) land is too expensive (€25,000+/hectare, in counties such as Cork); (ii) land rarely goes up for sale (Bogue, 2013), either because older farmers are reluctant to part with the land (Conway, 2019) or because family members prefer to lease out (rather than sell) land they’ve inherited; (iii) the exchange of land is still a very local affair whereby local landowners often have ‘first call’ when the land is put up for sale; (iv) barriers of access, information and networks existing for people from outside rural communities (and for rural people outside of the farming community), and; (v) a general European-wide trend towards the concentration of land in the hands of a smaller group of owners, helped by market forces and encouraged by CAP subsidies (European Economic and Social Committee).

This abstract will seek to examine how rural and legal reforms (The Land Mobility Service, Young Farmers Scheme, Newbie, Share Farming) and adapting property rights can help young farmers, local communities and landless rural residents to have a greater stake in land management (RURALIZATION Project). Proposals examining how older farmers can be incentivised to transfer land to local communities and aspiring farmers will be discussed, as well as the role of land management regarding climate change (IPCC Report, 2019) and rural development (Farrell, 2019).
From Urban Space management within the law to law management within the Urban Space

Ebrahim Dalaei Milan, Reza Kheyroddin, Abdolhadi Daneshpour

Iran University of Science and Technology, Iran, Islamic Republic of

Legal space management provides a model in which the planning and design of spaces are defined within the laws and regulations. That is, the public and private spaces of the city are planned and designed according to these rules.

But this pattern changes as a result of conflicts of interest between Activists in the context of space. In a way, urban management practices define a framework for spaces that laws and regulations are transformed and controlled around this framework. Therefore, this study provides the evolution of the legalization of illegal actions in urban management.

The proposed model focuses on Tehran's urban management from 1996 to 2016. This investigation shows that planning and management of spaces (both private and public) have shifted from Urban Space management within the law to law management within the Urban Space.

This pattern has led to indiscriminate development of the physical system in the public and private spaces of the city. On the one hand, it has deprived residents of property rights, and on the other, it has challenged the public interest of citizens.

The result is unstable income for urban management, increasing the role of actors in space management, breaking the law and regulations, and intensification of conflicts of interest in the context of urban space.
Acquiring land for development has traditionally been through the instrument of land acquisition in India. Until 2013, the Land Acquisition Act, 1894 was the instrument by which the public institution would acquire land from the landowner in exchange for monetary compensation. With the advent of privatization in real estate, compensation comparatively lower than the actual market value of the land led to an amendment in the law. The resultant Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 led to a reduction in forced conversion of land and better resettlement and rehabilitation. Nevertheless, the planning of the acquired land and revenue generation for development has been proven unsustainable, leading to unutilized parcels of developed land and unsatisfied landowners. An alternative method of Land Pooling or 'Town Planning Schemes' (TPS) as described in Gujarat, India has proven effective as it returns land back to the original owners, while promoting development in infrastructure and real estate. Moreover, the TPS model, combined with incentives such as Premium FSI, Transferable development rights and Transit Oriented Development has led to a comparatively higher utilization of land through promotion of vertical development, while respecting the Constitutional Right to Property of the Indian Constitution. Through this paper, a comparison will be drawn between the traditional methods of land acquisition by the Government and TPS. Case studies of Maharashtra and Gujarat will be taken to assess the impact of TPS on the social, economic and environmental value of the land. The paper, moreover, attempts to combine the findings to observe the efficiency of land utilization through TPS when combined with each incentive, proposing suggestions to enhance the same.
Occasionally, property is presented as a balm to the environment: Environmental obliterati

on (the ultimate tragedy of the commons) can be ‘averted by private property, or something formally like it,’ asserted Garrett Hardin in his seminal, yet often misinterpreted article. But Hardin also warned about the pitfalls of private property: ‘Indeed, our particular concept of private property, which deters us from exhausting the positive resources of the earth, favors pollution’ (Hardin 1968: 1245). My paper examines the plausibility of claims made in favor for or against property in the light of sustainable development.

Many definitions of sustainability exist. Three conceptions of sustainability are widely held: Sustainability as environmental efficiency (when a resource use does not waste other resources), environmental justice (when a resource use neither burdens nor benefits anybody unfairly), and environmental recognition (when a resource use acknowledges conflicting interests). Property can be conceived of as private property (when the right to use a resource is restricted to an individual or a group), common property (when the right to use a resource is shared by a community of users), or no property (when nobody is allowed to claim the use of a resource).

Does property in land harm or help the sustainable development and use of natural resources (such as water, soil, air, or biodiversity)? Can we expect private property, common property, or no property in natural resources to result in a more efficient, more just, and more inclusive way? Rather than accepting property in land as ‘neutral,’ in my paper I shall point out the polyrationality – the many meanings and functions – of property in land (B. Davy 2016).
Can land-value capture finance blue-green infrastructure? A feasibility study in Buenos Aires

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This paper makes the case for land value capture as an affordable means to develop blue-green infrastructure in cities with scarce debt capacity. The case of study is the culverted Medrano creek in Buenos Aires, where recurrent floods have showcased the limitations of grey infrastructure to evacuate rain water. Floods have not only caused severe physical disruption and human fatalities, but also exacerbated pollution discharges in La Plata River. Blue-green infrastructure, an alternative model based on natural solutions and provides ecosystem services including the water absorption, biodiversity improvement and leisure spaces. In the global South context, where grey-infrastructure implementation are too expensive for municipalities and require international development loans, blue-green infrastructure relative low cost offers the possibility to be financed via land value capture.

In view of a needed renovation of the drainage system along the Medrano creek, this paper tests the potential for land value capture to absorb the costs of two hydrologic and spatial scenarios: blue-green infrastructure and grey infrastructure. For each scenario, we estimate the capital costs, the expected land price appraisal after construction, and the absorption of costs in property taxes and air right permits. The results show that land value capture cannot absorb the costs of grey infrastructure, however it could cover substantial costs of a hybrid grey and blue-green infrastructure scenario. In this intermediate scenario, the recurrence of flooding would be minimized, ecosystem services would be provided, and external costs would be minimized.

Additionally, the study shows that blue-green infrastructure is premised on the limitation of impervious surfaces. This represents a case for exploration for planning law and land value capture, since new zoning regulation and soft de-ceiling interventions can prove sustainability transitions that are affordable.
Out-of-date buildings in cities: causes, perspectives and strategies concerning obsolescence

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Many policymakers and academics alike consider structurally vacant and abandoned buildings as a unitary public problem that requires direct public intervention. In this paper, we reconsider such position, highlighting that vacancy and abandonment in cities have dynamic features and emerge in profoundly different situations. In both cases a view more focused on buildings “obsolescence” is required. This paper suggests adopting a more dynamic and critical approach in treating vacancy and abandonment as a subject of urban policy intervention by examining the case of building obsolescence. In this perspective, the first section defines different states of buildings, discussing the main causes and possible indicators of obsolescence. The second section examines desirable and possible policies. The third and final section concludes by highlighting the main achievements and open questions. From a methodological point of view, the work is based on an extensive literature review, on official reports and documents of Italian, Dutch, and European public institutions and agencies and interviews with relevant actors. Findings suggest that building obsolescence is not directly linked with time, but rather always dependent on human action (or inaction) and social interactions. Therefore, public authorities cannot intervene directly on vacancy and abandonment problems, but only on the conditions within which urban agents maintain and use property assets.
Does the “right-to-housing” really exist? The social dimension of densification within the existing for-profit rental housing stock in Switzerland

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In Switzerland, municipalities are not allowed to build on greenfield outside existing boundaries anymore due to a new densification objective introduced in the Spatial planning act in 2014. Therefore, housing development increasingly takes place within the existing housing stock, e.g., in the form of total replacement constructions. This procedure creates great challenges for tenants due to higher rents after renewal and corresponding gentrification and social exclusion processes. Families, low-income, old-aged, and migrant households are mainly affected from contract dismissal and displacement after densification work.

In this paper, we aim to explain the relations between densification and the social dimension of housing sustainability within the existing for-profit rental stock. We ask: How is densification of the existing rental stock to be analyzed from the perspective of social sustainability? What strategies and objectives do investors, local tenants’ associations, and local planning authorities follow when densifying existing rental stocks? And how are these results to be interpreted from a social sustainability perspective?

To answer these research questions, we define “the social dimension of housing sustainability” in order to explain the mechanisms between tenants’ social exclusion and densification. We qualitatively analyze the impacts of densification in two Swiss cities confronted with intensive population growth and scarcity of land. We conducted surveys with over 420 households confronted with contract dismissal after densification and 12 expert interviews with institutional investors, local NGOs and public authorities to detect the social dimension of densification. We show that in Switzerland, preserving the social qualities of a city is in acute danger when it comes to competing with short-term economic interests.
Instruments of land policy for affordable housing in Swiss cities under increasing densification pressure

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In Switzerland, municipalities are not allowed to build on greenfield outside existing boundaries anymore due to a newly introduced densification rule in 2014. Therefore, housing development increasingly takes place within the existing housing stock e.g., in the form of total replacement constructions. This procedure, however, creates great challenges for housing affordability due to higher rents after redevelopment and corresponding gentrification and tenants’ social exclusion processes.

In this article, we aim to understand how Swiss municipalities (re)act differently to the social challenges caused by densification. Specifically, we ask: What land policy instruments do cities apply in order to keep housing under increasing densification pressure affordable? What strategies and objectives do investors and local planning authorities follow when using these instruments? And what are the socio-political challenges of the applied instrument’s implementation?

To answer these research questions, we apply a neoinstitutionalist analysis approach in order to understand the mechanisms between rising rents after densification at the local level. Through qualitative and comparative case study analysis, we analyze two suburban cities in Switzerland showing similar characteristics (size, population growth, densification rate) and land policy instruments but different results of housing affordability after densification. Finally, we identify and discuss the reasons for these different outcomes as well as the socio-political challenges of the applied instrument's implementation.
Urban densification in Europe: strategies and challenges of land policy

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After decades of decline as a consequence of suburbanisation and deindustrialisation many European cities are experiencing sustained and rapid population growth (Turok & Mykhnenko 2007). This subsequent increasing demand for housing has resulted in planned and unplanned densification in metropolitan areas. Densification has become a planning strategy in many local authorities as it helps drive population growth within the administrative boundaries and at the same time contributes to policy goals of compact and sustainable urban development. Densification can take a variety of forms. Our focus here is on changes that involve physical work within the existing built-up urban area, while acknowledging that densification can also occur through, for instance, higher occupancy rates (Bibby et al. 2018). We are interested in identifying how urban densification is enabled through land policy instruments in different planning contexts and how different strategies play out in these contexts. We aim to demonstrate the specific challenges of densification strategies both in terms of planning and land policy instruments as well as the outcomes of these strategies. In the light of current urbanisation trends, densification is one of the key challenges if urban sprawl is to be limited. How can planning and land policy instrument support this and what are the caveats to mitigate some of the negative consequences?
The Regeneration of Rural and Suburban Areas along the Lower Danube Riverside between the Prospects of Cultural Tourism and Obstacles in Land Use and Plot Organisation

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Rural areas with towns and small cities as their gravitation centres have been in general decline in Serbia since the fall of socialism in the early 1990s. Socio-economic and demographic problems for these areas already stated during socialism, with deagrarisation and rural exodus due to forced industrialisation and urbanisation. The post-socialist transition has just deepened the gap between them and major urban areas.

However, last years, new prospects have begun to affirmatively change some rural areas in Serbia towards their regeneration. One of them is emerging tourism sector, with a special emphasis on cultural tourism along key tourist corridors. The main of them is certainly the Danube. The recent impact of cultural tourism along the river in Serbia has been especially visible in the lower part of the river, downstream to Belgrade. This part of the riverside is less developed and more rural, but also richer in natural and cultural heritage.

The rise of cultural tourism in Lower Serbian Danube Region has not developed without obstacles. One of them is an inappropriate land use and plot organisation. Land use in rural and suburban areas is generally unorganised and often with illegal construction. The plots are fragmented and without decent infrastructure, they are thereby inadequate for necessary projects to boost cultural tourism. This paper aims to present the current challenges in the development of cultural-tourism facilities relating land use and plot organisation on the example of two different areas in the Danube riverside: a rural area around Golubac Town and suburban area of Smederevo. The paper also explains the recent efforts from national and local level how to deal with these challenges. The final conclusions are therefore oriented to underline if these efforts relating land use and plot organisation can enable the wider regeneration of rural and suburban areas in Serbian Danube riverside.
In the Czech Republic and whole central Europe, forest management is characterized by long forestry tradition focusing mainly on timber production. In the last few years, more and more forests in that area are affected by bark beetle calamity. The amount of harvested wood as a product of salvage logging is still increasing and exceeds the volume of timber from planned harvesting. These problems are also exacerbated by drought and the fact, that the most of the forests are spruce monocultures. Forests are suffering and provisioning of forest ecosystem services is decreasing. Forest ecosystem services are benefits people obtain from forest ecosystems. Among these services are climate regulation, water supply and regulation, timber production or habitat for biodiversity etc.

The aim of this paper is to identify the biggest legal obstacles and issues for alternative forest management in Czechia. The paper focuses on instruments to foster the provisioning of forest ecosystem services. In Czech case study of Land Trust Association Cmelak (non-governmental organization) contribution presents forest community governance on private land and innovative payment instrument for sustainable forest management of non-timber forest. Payment instrument is based on sales of “certificates of patronage” to private donors and purchasing of land for non-maintaining “New Virgin Forest”. The motivation of Cmelak is to demonstrate that multi species forest is profitable alternative to spruce monoculture.

Using focus group and stakeholder and governance analysis methods this paper provides a description of institutional arrangements, configuration of actors and describes conflict between Cmelak and Municipality with extended power – department of hunting protection (on behalf of state governance) and problems with financing of Cmelak’s activities. Paper discusses scaling-up potential of this instrument.
The conventional way of registering and securing land rights is through land adjudication and land registration. Land surveyors and land adjudicators come to the field, or use digital images to locate plots of land and allocate land rights – with or without the participation of the people. This process takes however quite long, and guaranteeing land rights is often expensive. It also relies on an effective and trustworthy administration. Problems with conventional ways of land registration include corruption and bribery. Those with money can pay government officials to acquire land, even though it may not be a legal and legitimate transaction. In addition, often land administration is victim of inefficient work processes, bureaucracy, long delays and often still relying on paper maps and registration. Many maps are outdated and often stored in places which are difficult to protect. Moreover, the processes to update are long and cumbersome and access to the data is difficult. The possible solution is to secure land rights and register land rights with new technologies, such as blockchain. This contribution presents the results of a pilot project Fit4Ghana, based on the use of Blockchain technology for handling land management in Trede, Ghana, which has a system of both customary and statutory land rights, handled by two different authorities. This leads to a lack of transparency in land transactions in customary land, given that there is also no central registry of land records which is immutable and transparent. It provides both the architecture and process flows and a technical proof of concept based on Hyperledger Fabric. This allows all parties to register and manage both statutory and customary lands. The system will mirror the Ghanaian society, preserving century-held traditions while encouraging good, modern governance. This system will lead to immutable buy/sell transactions being stored on the Blockchain.
Because of rural-urban migration the demand for appropriate housing, especially for low-income groups, is increasing. Land use managers often have to deal with such a spatial land use allocation dilemma, namely should one prioritize a housing needs, or protect tenure security. This contribution evaluates the German Städtebauliche Entwicklungsmaßnahme (SEM), an instrument of urban development regulated in §§ 165 of the German Building Code (BauGB). SEM’s are about facilitating large-scale urban development projects for local communities, the acquisition of needed land for the city, and the ability for municipalities to rapidly implement and execute planning for the development area with the necessary infrastructure (for example, streets and squares, day-care centers, schools, green spaces). The specific case under consideration is an SEM plan for the north-east of Munich. The plan foresees the construction of residential buildings for approximately 30,000 residents, especially in lower and middle income categories, in a context whereby there is also an increase of rental prices by 61 %. Although the SEM instrument itself is not new, and the demand for housing in Munich remains extremely high, the SEM for the north-east of Munich has been heavily contested by a group of people and caused a serious polemic between supporters and critics. The plan foresees the expropriation of current land owners and /or the acquisition of land, and a freezing of the land prizes. The debate is at the core of land management: does one favour affordable housing, or does on protect properties and property values. And, does one continue to favour urban land ceiling at the expense of urban green, or should one stimulate making rural regions more attractive to avoid this situation and also to contribute to ever increasing land and housing demand in the urban regions.
How Red-for-Green translates into Land for Flood: An analysis of Dutch land policy, in the realm of Land Value Capture for Flood Risk Mitigation

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This article addresses the role of private property in the process of urban development planning in flood prone areas, exploring its potential to finance Flood Risk Mitigation (FRM) infrastructure through the public capture of a portion of the increased value of land. The focus of this investigation is the evolution of the active land policy in the Netherlands towards the red-for-green principle in the early '90s and its implications in terms of financing FRM, evaluating its potential as an instrumental tool for mainstreaming of Green Infrastructure (GI). More specifically, this article indulges in understanding the legal and institutional framework that has enabled the Dutch developments to adapt the red-for-green principle. Relying on an existing literature review on the evolution of the legal principles and practices surrounding private property in the Netherlands, this research investigates how private property has been governed over the last century, with a focus on flood prone development, while combining such information with the patterns of land distribution amongst private landowners which has enabled practices of land and water management involving land value capture. Additionally, stakeholder analyses using Social-Network Analyses tools is used to explore the stakeholder and institutional arrangements involved in such projects. Preliminary findings are triangulated with various interviews with academics, experts and stakeholder representatives. Finally, this study contributes to the wider body of research on financing Green Infrastructure by combining research on the Dutch Planning practices, law and property rights to feed into the current FRM narrative.
From negative covenants to zoning plan - about the importance of servitudes before and now.

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This paper gives an urban plan-historical view of suburban development and densification in Oslo, Norway over the last 200 years.

In this 200-year perspective, one has moved from a time when private law instruments in the form of negative covenants and other private law agreements were the central instruments until the early 1900s. Subsequently, public administration has increasingly prevailed and a notion emerged that public planning took precedence over private law planning in the form of negative covenants. Where the former private law planning collided with the new public law planning, the servitudes had to give way. The zoning plan itself was thus a sufficient tool. However, somewhere between the Planning and Building Act of 1965 and 1985, there is a change in this preconceived notion and the negative covenants gets a revival. Not as a measure used in planning, but as a possible stop for the development in the densification projects.

The paper focuses on the legal and political instruments that have guided the development and what this has to say for the implementation of today's densification policy.
Asymmetric information in the commercial real estate market is a significant challenge due to illiquidity and heterogeneity. Although evidence demonstrates their overall ineffectiveness and high costs, property brokers and legal structures in general represent interventions to alleviate these problems. To minimise risks and costs, this further aggravates the liquidity problems as majority of commercial real estate buyers are from nearby locales. Information asymmetry on the other hand could be removed if information is available to buyers and sellers in an equivalent way through an open real-estate ecosystem but this requires a complete rethink of the way commercial real estate market operates. Permissionless nature of the blockchain technology offers a potential to generate and encode information in the way that is equivalently available to buyers and sellers, removing the need for brokers as well as legal intermediaries. The aim of this research is thus to investigate codification potential for the commercial real estate investment process. The commercial real estate use case is applied in line with the recent Federal Council Blockchain Law on the classical Mortgage Loan investment product based on the Distributed ledger technology (DLT) for the digitalisation of the commercial real estate which allows Peer-to-Peer (P2P) global investments in Real estate tokens.
The role of development agreements in facilitating the cooperation in planning process in Poland

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This paper addresses the problem of defining the place of urban contracts in the system of spatial planning and the impact such agreements could play in shaping the planning system. The aim is to discuss the challenges in connection to the introduction of the network governance model within the scale of planning practices offered by the planning system in Poland. Changes in planning law of 1994 and 2003 abolished the old plans and introduced the new planning system, which is based, to a great extent, on the administrative permissions allowing urban development without any spatial plans. Between the remnants of hierarchy models and methods of planning and the new market regime, the model of collaboration and cooperation between different actors is necessary, in order to more effectively integrate different dimensions of urban complexity. Some cooperation in achieving the goal of area development based on the administrative law has been practiced for some time already, but recently the new changes in planning law, in the form of an introduction of the urban development contracts, are discussed.

The paper shows current Polish regulations, which allow to negotiate during the development process, especially focuses on new Lex Developer Act from 2018. Further the paper examines effects of such agreements. Finally, the paper discusses the potential role of development agreements in creation of the new planning models and methods in Poland.
Is Land policy neoliberal?

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An active land policy refers to all public decisions and actions aiming to implement politically defined spatial development objectives through changes in the use, distribution and value of land (Hengstermann & Gerber 2015). This definition connects with initial debates on land policy (George 1879, Howard 1898, Bernoulli 1946). In the first half of the 20th century, many cities with a social-democratic government were influenced by these discussions (e.g. "Red Vienna", "Red Zurich", "Red Bologna"). Today’s debates on land policy have a much broader and more hybrid ideological basis. In particular, the call for more proactive forms of planning – which is often perceived as too passive – resonates with broader concerns to make public administrations more "performant". This shift from administration to management can be referred to as new public management (NPM) (Hughes 2003). Interestingly it resonates with land policy because both NPM and land policy share a common understanding for the state’s need to become more proactive in order to improve the performance of spatial planning and city development. Despite evident differences in ideological underpinning, both tend nowadays to be amalgamated in practice.

In this presentation, I show the dual ideological nature of land policy and discuss practical consequences for planners. In a context where land policy is deeply influenced by NPM, should land policy be used to increase global competitiveness and encourage trophy architectural projects, to protect the middle class from speculation – an historical objective of land policy – or to foster social mixing (including poorest segments of the population and immigrants) in cities under pressure from densification? Additional power through smart combination of policy instrument and proactive planning is linked with additional political responsibilities that cannot escape broad democratic debates and confrontation with social sustainability principles.
How to use legislation to facilitate the access to land for farmers? - Polish experience on regulatory measures to restrict the acquisition of agricultural land.

Justyna Goździewicz-Biechońska
Adam Mickiewicz University in Poznań, Poland

As the phenomena such as land concentration, land grabbing and unequal access to agricultural land are the growing issues in Europe, many countries try to adopt regulatory measures to address these challenges and protect their arable land through the effective agricultural land policy. There are various approaches in this regard.

In 2016 Poland introduced restrictions on the purchase of agricultural land. The Agricultural Property Agency has several competences for considerable interference with the agricultural land turnover, too. It forms the policy aimed at influencing the private market in order to support a family-farm-based agricultural model. However it also results in quite far reaching state interventionism in agricultural land transactions. In the 3 years period, the stagnation of agricultural real estate market and a decrease in sale or lease transaction prices have been observed. Restrictions on agricultural land turnover have also affected the land use in cities, since arable land constitutes a significant part of the urban areas in Poland. In 2019 it resulted in the adoption of the amendment to the Act on shaping the agricultural system that liberalizes the rules of trade in agricultural land.

The aim of the study is to examine the concept and the effects of such farmland market regulation measures on the example of Poland. It will also attempt to assess their adequacy to the contemporary problems and challenges of effective agricultural land policy.
Dutch Water Storage Areas: promising, but legally complex

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New flood risks require a new flood risk management approach. Flood defence structures like dikes alone will not be sufficient to keep the Netherlands habitable in the future. Therefore, the focus is on creating more room for water storage and discharge. This has led to a new legal instrument: water storage areas for temporary water storage by the regional water authority on private property. In the event of heavy rainfall the regional water authority intentionally inundates these storage areas under controlled conditions to prevent unintentional and uncontrolled flooding of urbanised areas with a high damage potential. From the perspective of the regional water authority water storage areas may be a relatively cost-effective way to enlarge water storage capacity. However, for the landowner whose land has been designated as water storage area this can have deleterious effects, because he has a legal obligation to tolerate the use of his land by the regional water authority for temporary water storage. Moreover, the landowner could be confronted with public usage restrictions of his land, like building bans or building restrictions because the land is part of a water storage area. Moreover, the designation and regulation of water storage areas from a water management perspective are strongly connected and interrelated with spatial planning policies and decisions of municipalities. Although the legal instrument of the water storage area can be considered as a best practice of Dutch flood risk management, this instrument raises interesting legal questions with regard to infringement of private property and the interrelations between flood risk planning by water authorities and spatial planning by municipalities.
Land use regulation via land value capture instrument - the French case

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Taking the example of a French case, the presentation aims at underlining the difficulties to implement a LVC tax, and the local arrangements which can lead to some gain-gain solutions.

Since 2012, France has implemented a special taxation on new building permits: a development tax (la taxe d'aménagement). The tax has two objectives. First direct objective is to share the cost of public infrastructure being built for the development purpose. The tax is then paid by the building market and private companies. Second is an indirect objective of land regulation and support of affordable housing.

Our research compares the design of the tax and its potential use to capture land value due to public infrastructure with the actual use of the tax on a specific case in Bordeaux. The implementation of the tax for the redevelopment of brownfield illustrates the efficiency of a LVC instrument in terms of land use planning and private public cooperation.

Apart from national documents concerning the design of the tax and statistics on its implementation in France since 2010, our study is based on operational documents from the planners in Bordeaux and financial figures from the city council. We also conducted interviews with several stakeholders of the urban project.

Our study underlines the burden of the tax on the building market which could have a strong eviction effect on the building market. At the scale of real estate developers, it then points out several elements of adjustment which lead to more fair land use, especially the implementation of affordable building’s and housings. Some of them come from the taxation itself; others are due to public-private partnerships developed in Bordeaux. The French experimentation is discussed as an example of the possible paths to regulate without compromising land development for European local authorities when they attempt to capture land value.
Negotiated Planning Agreements in the Turkish Planning System and Their Effects on the Role of Planners

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The use of negotiated planning agreements is a common practice especially in countries such as the United Kingdom, where a discretionary (project-led) planning system is in place. The boost in the use of negotiated agreements and the changes in their nature coincide with the shift in the planning paradigm and the evolving role of planners. Planners assumed the role of technocrats, mediators, and advocates over the lifetime of the profession. With the adoption of neoliberal policies, however, the state increasingly prioritized the interests of private capital, and private developers could exercise further influence on the planning process. Meanwhile, negotiated agreements became an integral part of the planning process, and planners began to serve as facilitators of development.

Against the same economic and political backdrop, negotiable contributions gained popularity in Turkey in the early 2000s with the changing role of the state from “provider based on central taxation to enabler of market processes”. In Turkey, a regulatory (plan-led) planning system is currently in place, and negotiated agreements are not defined in the planning legislation. They function as a ‘workaround’ enabling a certain level of flexibility, and they are also capitalized on as a tool to legitimize and execute development projects that would not be otherwise acceptable under the current planning legislation.

In this respect, this paper outlines the shifts in the planning profession, briefly explains the planning system in Turkey and attempts to shed some light on where negotiated agreements fall in the current planning practice in Turkey and reflects on the role planners assume in the making of negotiated agreements. When doing so, the research makes use of in-depth interviews made with fifteen planners from different sectors (public institutions, private companies, universities, NGOs) and reveals what planners themselves think about the effects of negotiated agreements on their profession.
In many European urban areas there is a great demand for affordable housing in inner cities and its urban fringes. In most urban areas, land prices are currently rising in such a way that it is becoming increasingly difficult to finance residential and commercial area’s needs. At the same time, urban densification and land thrift are policy goals in many countries – though to a different extend and with different approaches. But ultimately, land is under pressure, and thus land policy is high on political agendas in many European countries.

The provision of building land is not only an administrative, but above all a policy issue. Yet in the current debate on building land provision, this political question is often pushed into the background by the discussion about the effectiveness of spatial planning instruments or the acceleration of building site planning procedures. Spatial planning needs to face the political challenges of dealing with land to work a sustainable use of scarce land. This requires a broad debate on instruments of land policy and its strategic use.

This contribution seeks to provide academic evidences based on public policy analysis on the dynamics of land policy by structuring it into three topics (housing, land thrift and densification) and comparing those in eight European countries (AT, BE, CH, CZ, DE, FR, NL, UK). Thereby, the differences in the public framing of the policy problem, the identification of causes, and the definition of an intervention strategy are put central. Methodically, the contribution is based on a modified Delphi method. Selected experts were asked to reflect (in written form) on these land policy topics in their countries. This approach allows a structured academic reflection on triggers and directions of changes in land policies and thus better land policy.
Flood resilience on private property
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Flooding is one of the most expensive climate-related disasters and a threat to urban life. Although increasing investments in flood protection measures, severe flooding events still occur that cause enormous damage, particularly in vulnerable urbanised areas.

Despite considerable efforts in flood risk management over the last few decades, the implementation of resilience measures in urban areas is still in its infancy. This is true in particular for existing built-up areas.

Notwithstanding the fact that measures on individual buildings can have a substantial damage-reducing effect, scholars and practitioners have given little attention to existing privately owned residential houses, which constitute the large majority of buildings, particularly in urban areas.

It is important to discuss the roles and responsibilities of private actors, such as insurance companies, in incentivizing property-level risk reduction measures, as well as the role and responsibilities of homeowners. These roles and responsibilities cannot be seen separated from planning law, which will form the legal basis of many of these measures. At the same time, (private) property rights may not be forgotten. The most promising measures (mobile barriers or backwater valves, but also adapted use of floors (i.e., no vulnerable uses in basements)), directly touch private property and can form an infringement of these rights. From a distributive justice perspective, it is interesting to know how responsible authorities will deal with these infringements.

This presentation will address the challenges that arise when authorities take the possibility of imposing different types of measures on private property into account.
Compulsory cooperation - a tool to support a fair and efficient realization of wind power plants?
Katrine Broch Hauge
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Development of wind power is a very much-debated topic in Norway these days. Thus, an interesting research topic is to address how to deal with complicated and fragmented ownership-structures in areas involved in such developments. In the Norwegian legal context a starting point is the land consolidation’s courts ability to establish compulsory cooperation’s according to the land consolidation act § 3-10 for the purpose of establishment of wind-power plants. My previous research finds that it is demanding for these courts to determine the right level of compensation to the parties involved using this tool aiming to establish hydropower plants. Property structures could be even more complicated when it comes to establishment of wind-power plants. In Norway, large “outfield-areas” are demanded for these kind of projects. Areas generally characterised by their many owners, co-ownerships or unclear ownership structures. These conditions makes the valuation processes even more demanding. The paper will first address fairness and efficiency-questions regarding the valuation of the property and user rights that regularly are part in these cases. Secondly, I ask if the circle of right-holders that are mandatory participants in these arrangements should be extended. The question should be asked in both a fairness and an efficiency perspective. E.g. an outdoor-activity organisation normally wouldn’t have formal property-rights in these areas. Thus, they wouldn’t be part of these legal arrangements, where the parties involved get economic compensation for their rights and/or possibilities to become owners in the new project. My second question is if these compulsory cooperation’s could be a fruitful platform to include stakeholders like this in the property regime aiming to establish wind-power in Norway. Such efforts could support a fair and efficient realization of our common clean energy policy.
Development charge and Spatial justice in Tehran

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Since the 1980s, with the financial independence of municipalities from the central government, the municipal service fees and charges have increasingly been emphasized. This has become a major challenge in large cities, especially in Tehran, which has experienced a rapid population growth due to uneven socio-economic resource distribution in the country. So that, in Tehran urban management system, the approved development plans, in particular land use plans (master and detailed plans), are considered as a means of earning money through a variety of charges, including development charges, illegal construction charges, land use change charges and so on. Considering the non-productive political economy of the country and the importance of construction economy, Tehran, with population of more than 15 million people, is facing increasing demand for residential development. Though, development charges for this increasing trend of construction, could be considered as a source of income for providing amenities and as an opportunity for increasing spatial justice in this large city. This research attempted to determine the real role of development charges in the spatial polarization in Tehran. Applying qualitative and context-based approach in two case studies of residential building developments in northern and southern Tehran, showed that the mechanisms foreseen for collecting the development charges are complex, mechanical, and based on physical factors (e.g. street width, building materials, etc.), while these physical elements are interpreted differently in different neighborhoods. On the other hand, the real estate market in Tehran is so dynamic as from 2017 to 2019, the average housing price in Tehran grew by about 200%, while the development charge mechanism remained unchanged. These two conflicts have exacerbated the spatial polarization in Tehran, rather than the realization of land use plans’ goals.
Secondary homes are popular real estate especially in alpine and coastal touristic regions – for recreational as well as profit-oriented purposes. However, a substantial share of secondary homes in small villages leads to manifold problems, such as a) displacing locals in the long run due to an intensified competition on the land market with rising prices, b) a loss in tax revenue for financing infrastructure or c) underusement of social infrastructure. Policy has acknowledged those problems and developed several approaches to reduce new developments and manage the existing secondary homes stock.

The present paper aims to analyze secondary home policies in three federally organized countries, Austria, Germany and Switzerland, and to compare those policies systematically. Both, the analysis as well as the comparison are based on a public policy analysis model.

The analysis shows that while similar phenomena occur with extensive secondary home development, the policies rely on different logics. In Switzerland, secondary homes are perceived as structural threat for the alpine cultural landscape. Whereas in Austria and Germany, negative effects of secondary homes on the land and housing market are valued as main problem. However, similar interventions are taken – even though on different levels. In Switzerland, a maximum share of secondary homes per municipality has been introduced into constitutional law – thus action is taken on national level. In Austria, especially the alpine states introduced regulations in planning law (in zoning plans; by the need for permits) to restrict new developments and added additional tax obligations for second homes. In Germany, municipalities are made responsible to develop appropriate measures, in particular by applying statutes to contain misappropriation of the housing stock.
Countering Land Grabs in Flanders- a critical-legal- institutionalist approach

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This research kicks off with the statement that the fragmentation of land (horizontal fragmentation) and the unbundling land use rights (vertical fragmentation) has been instrumental as a safety valve against large scale land grabbing in Flanders, i.e. the concentration of land (use rights) in the hands of the few. Nonetheless, landed commons movements are popping up in Flanders, putting the issue of land grab on the research and policy agenda.

In order to tackle the literature gap that land grab remained relatively understudied in the political-economies of highly capitalist developed countries of the Global North, this research turns to a theory of access which is subsequently amended with political-ecology, critical legal studies and critical-institutionalism and the state of the art on landed commons.

Subsequently, applies the analytical framework to two contemporary case studies on land grab (in the vicinity of Leuven and Gent) and the subaltern institutional practices to counter it.

The research objective is a better understanding of the uneven ability to control land, and to deliver a contribution to the body of knowledge on land grab and landed commons.
Regulatory law but discretionary practice - on certainty and flexibility in Norwegian detailed zoning plans
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There is a tendency to distinguish between regulatory and discretionary land-use planning. Norwegian land-use planning is often grouped among the regulatory systems and in a "Nordic group". Regulatory land-use planning is normally based on zoning. In its original form, zoning has often been criticized for being insufficiently flexible. Throughout history, various alternatives have been developed, eg. conditional zoning, form based zoning, performance based zoning, transect zoning, incentive zoning, etc. Common to such alternatives is that they are based on more discretion than traditional zoning. In this way, they contribute to push regulatory land-use planning in a discretionary direction. This paper discusses if, and if so, how such more discretionary instruments have been implemented in Norwegian regulatory planning. The backdrop for the article is the development from publicly-managed and initiated land-use planning to privately initiated and prepared local zoning plans, and the related need that public authorities have for more detailed management of urban development through negotiations and discretion, rather than what traditional zoning provides opportunities for.
Ecology Conservation on Private Lands - A case study of Leopard cats

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As the awareness of environmental protection is gradually rising, the conflicts between development and conservation are becoming more and more frequent. Looking at Taiwan's current major protected areas, most of them are located on public land. While the lower elevation is difficult to be planned because of the more private land. As a result, many habitats in the low elevation mountains cannot be properly protected. And one of Taiwan's endangered animals, Leopard cat, is currently facing this dilemma.

To protect the Leopard cats, the Taiwan government has taken many different methods, but none of them have significant results. They have also been opposed by local residents and many parliamentarians because of the economic benefits brought about by land development. Therefore, the government recently launched The “Leopard cat Payments for environmental services pilot program” which is expected to encourage people to participate in conservation activities through rewards.

This study will explore the reasons that effect farmers’ willingness to protect Leopard cats. Through survey, the relationship between from farmers’ knowledge, attitudes about Leopard cat, place attachment and conservation willingness will be analysed. And the new policy “Leopard cat Payments for environmental services pilot program” is also added to evaluate the acceptance and consideration of the people. The study results will give some policy recommendations, give back to local governments and relevant departments as a reference for future policy adjustments to save Leopard cats from the crisis of extinction. Or to provide a reference for other eco-conservation projects in Taiwan, in order to reduce the conflict between private property rights and eco-conservation.
Flooding is a growing problem given climate change and socio-economic development. This is especially true in urban areas, and as the planning of cities will need to actively take flood risk into account. The active consideration of flood risk in city planning through land-use regulations or zoning policies can reduce flood risk. These planning policies can operate in many ways, the first of which prohibit or regulate construction in high risk areas to limit economic exposure to flooding. The second is by introducing or changing laws to compel the employment of impact reducing measures, altering how people can use their property. The actions undertaken via zoning policies touches upon the intersection of planning, law, and property-rights.

Although planning regulations can reduce risk, they also have adverse impacts on society as they legally abrogate (elements of) property-rights in the targeted area, e.g. the legally prescribed conversion of privately owned industrial property into public parks.

To judge whether proposed zoning or planning policies/laws are a net benefit to society through changing property-rights, they should undergo a societal cost-benefit analysis. However, comprehensive cost-benefit analysis guidelines for planning policies are lacking. We offer guidelines for good practice, e.g. the costs and benefits of risk reduction planning should be assessed at a societal level in order to account for public good features of flood risk reduction, and because costs in one area can be benefits in another. We propose a multi-step process: determine the spatial extent of the zoning policy and how interconnected the zoned area is to other locations; conduct a CBA using an integrated hydro-economic model to investigate if total benefits exceed total costs; conduct a sensitivity analysis of assumptions; conduct a multi-criteria analysis of zoning policy’s normative outcomes. A desirable policy is preferred in both the cost-benefit analysis and multi-criteria analysis.
Implementing “Flood-Managed Aquifer Recharge” as a tool for managing flood risk and improving groundwater resources

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My earlier research has investigated the intersection of groundwater management and land use planning, looking at the connection of two circumstances that may appear unrelated – having too much water, in the form of flooding, and not having enough water, as evidenced by over drafted groundwater. As academics and water management professionals continue to explore the potential for integrating these concerns, increasing attention is being paid to the practice of “Flood-Managed Aquifer Recharge.” As thinking and exploratory practice advance, among the questions that have arisen are the bases for identifying private landowners willing to allow the use of their lands for these practices.

Interest in this methodology, in Australia, the United States, and elsewhere, has to date been primarily on agricultural lands, though its potential in urban areas is recognized, as well. The California Department of Water Resources described the practice in a recent report as, “... an integrated and voluntary resource management strategy that uses flood water resulting from, or in anticipation of, rainfall or snowmelt for groundwater recharge on agricultural lands.”

Recognizing that strategies and their implementation must be appropriate and specific to the location and parties involved, these issues and challenges are among those so far identified:

- Developing effective incentives for property owners (monetary compensation, increased access to water supply, etc.)
- Developing explicit agreements for operations and use of water
- Identifying and implementing appropriate stakeholder engagement strategies

This paper will describe the practice of Flood-MAR to date and address several of the concerns regarding its design and implementation. In particular, it will address incentives for property owner participation and the land use planning, legal, and property rights questions associated with those incentives.
Fast and furious – Chances and risks of speeding up procedures in urban land use planning in Germany

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In many countries, planning law has been amended in order to promote the reuse of existing urban land and limit urban expansion. In Germany, in 2007 a new planning regulation was introduced in the Federal Building Code to make planning processes within an urban context more attractive (cf. § 13a). Through an “accelerated process” time and money should be saved for the creation of building rights through land use plans for redevelopment. However, since the amendment of the Federal Building Code in 2017, this procedure is now also applicable for planning urban expansion in the outer zone (§ 13b). The regulation shall expire on 31 December 2019, however, its prolongation is already discussed. As this question’s the advances towards sustainable urbanisation, we set the changes in planning law against the back drop of case studies to ask for the relevance of the accelerated processes for planning practice and discuss the risks and chances they implicate for sustainable urbanisation. Cases of infill and urban extension in the suburban context of the Munich agglomeration are analysed. We conclude that legal incentives, such as allowing for more flexibility in participation do not show practical relevance. However, the reduced demand for environmental compensation and options to diverge form strategic urban land use plans, show direct relevance for planning praxis and environment. While the case of infill development might be in line with overall societal goals for sustainable urban development, the promotion of urban expansion shows considerable risks. As the cases highlight, long term strategic urban planning can be devaluated, impacts on nature are not assessed comprehensively. The advantages through speeding up procedures originally foreseen for infill development over urban expansion are at stake. On basis of the German case, methodological issues to analyse the practical implications of changes in planning law are discussed.
How the governmental social policy can undermine urban development

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The costs of housing in the Czech Republic have increased in the last year – the increase rate is the highest among European countries. This situation is the result of multiple factors - monetary policy, economic growth, low unemployment and restrictions placed on urban development.

The high costs of housing are burdensome especially for low income groups of the population. The Czech government implements policies aimed at supporting the low-income families to cover the costs of housing. The main instrument is the direct subsidy which covers rent. The adverse effect of this policy is an unprecedented increase of rents typically in the poor districts of some towns.

The aim of the paper is to analyse the effects of the housing policy support in the Czech Republic, with a focus on the adverse effects. The town of Usti nad Labem with its significant share of low-income groups provides an illustrative case study.

The data about the Czech Republic has been collected from standard statistical sources, the data illustrating the situation in Usti nad Labem were obtained from the local government and NGOs providing social services in poor districts in Usti nad Labem. The results of the analysis confirm the overall critical assessment of the state housing policy. The average rent in apartments for low income groups, supported by instruments of social policy, are two times higher than the average local price. This “business with poverty” is subject to criticism for many more years to come; the government has promised to come up with a new legislative proposal to eliminate this business but the state social policy remains rigid – with all of the negative impacts against urban development.
Spatial planning at locations close to railway or highway: challenges to safeguard a healthy urban living environment

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Central question in this paper is the following: How can environmental risks be taken into account in spatial planning regarding development in urban areas with existing environmental problems?

In many urban areas close to the railways and highway in the Netherlands there is a high pressure for spatial development. Real estate values in urban area are very high and there is a rising demand for housing in the cities. Project developers and municipalities are exploring opportunities to develop also the 'last empty space' close to highway and railway. However, the traffic use of these highways and railways generates environmental nuisances, for example: relatively bad air quality, noise and railway vibrations. Spatial planners have to deal with these environmental nuisances and pollution, in order to safeguard a healthy and good living and working environment in the cities.

To illustrate the topic of 'dealing with environmental issues in spatial planning regarding locations with existing environmental problems' the second part of this paper elaborates on a Dutch case: a new policy regarding railway vibrations. In the area close to the railway vibrations can be expected due to the use of the railway by trains. Especially cargo trains may cause vibrations which may affect the real estate and the well-being of the users of this real estate. The owners of houses next to the railway may be afraid that railway vibrations may have a negative impact on the value of their property. Severe vibrations may also cause damage to buildings or may negatively affect the function of the building (for example a concert hall with a subway under the building). Recently a guideline was published in the Netherlands to enhance that railway vibrations are taken into account timely, before planning and building new residential buildings close to the railway.
The Past, Present, and Future of Zoning in Canadian Cities: Some Observations and an Economic Analysis

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An examination of zoning practice in Canadian municipalities reveals two trends. The first, which is not new, is the ever-increasing restrictions on suburban growth. The second, which is just emerging, is the deliberate erosion of (or in the eyes of some, the war against) single-household, detached zoning regulations. Although the ostensibly conflicting objectives of constraining the supply of developable land in the first instance, while increasing supply in the second instance, can easily be attributed to a coherent public policy of achieving a more compact urban form, the reaction of property owners has been mixed, highlighting once more the tension between public and private purposes inherent in land use regulation.

The paper describes the evolution of zoning in Canada and argues that while conceptions of the public interest in regulation have been influenced by developments in economic thought, the private interest asserted has changed very little: nobody (still) likes zoning, but the people. The paper proceeds to analyze a number of recent zoning controversies in Toronto, Edmonton, and Calgary, and to offer tentative predictions in light of recent amendments to municipal enabling legislation in Ontario and Alberta.
Placing 'Developer Contributions' in Northern Ireland planning reform: A neoliberal planning authority in its infancy?

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Northern Ireland underwent a process of Local Government Reform in April 2015, which involved the creation of a new land use planning system. This reconfiguration of local government involved the amalgamation of 26 local councils within 11 local authorities, which assumed an enhanced suite of planning powers; including local development planning, development management and planning enforcement. With these new responsibilities in Belfast City Council (BCC) sought to extend the previously narrow use of value capture policies, with the roll-out of a 'Developer Contribution Framework' (2018) as an extension of its emerging Local Development Plan. This study seeks to gain an insight into this extended policy use.

Using a discursive analysis, coupled with a series of selected discussions, this paper exposes the contestation involved in the policy’s written composition, and how it has been received in the wider planning community. Placing this inquiry within the framework of a neoliberalising planning authority, and within the margins of its current governing, regulatory and policy frameworks, questions are raised regarding the role of this policy in the planning process. Acknowledging a contradiction in what planning would like to do, against what it can do; findings presented here provide interesting considerations of how policy instruments of this kind operate within a neoliberal planning framework. Doubts have been cast surrounding the accountability of the planning authority concerning the allocation of funds raised from the policy, unmasking its fuzzy mechanics post-reform and further questioning its legitimacy in this context. Furthermore, the paper considers the difficulties and limitations which confront Planning authorities constrained by neoliberal governing models. This paper serves as a component of a wider doctoral study concerned with the success and limitations of policies of this kind in a variety of UK and European localities.
How City Council Elections Law Realize the Citizenship rights? Tehran Municipality Council as a Case Study

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Necessary action to achieve Citizenship rights is one of the most important challenges for policymaking in urban communities. The necessity of citizen participation in the process of cities’ spatial development is obvious. Generally, Policy makers and legal authorities of urban community development, Emphasize the presence and role-playing of citizens but the major tools and contexts for realizing participation and ensuring the rights of residents of urban communities, process is not clear. One of the capable communities for review and analysis in this field is the problems of Tehran’s citizens in the process of spatial changes and urban management decisions in Tehran.

Requirements relating to the rights of citizens and residents in the process of city development and urban management decisions have been predicted in city council elections law which going back about 100 years to the time of the Constitutional Revolution in Iran. Municipal and city and village council election law in Iran has evolved and completed during the present century. After the 1979 Islamic Revolution in Iran, parliament election law in generally and city and village council election law in particular, has experienced the most interpretation and completion in the past four decades. With all these developments and reforms in city councils law, still there is a large gap between the voters (citizens) and candidate (city council members). This article will show that the demands of citizens and residents in the process of performance and accountability of the city council members in the context of existing laws and mechanisms is not visible and realizable.

The research method of this article is the content reviews of the city councils law with case study of Tehran. Tehran with more than 8 million people in the legal limits of Tehran municipality has 31 city council members who are elected by the citizens and Tehran's mayor is elected by the City Council. The gap point between citizens and the urban management (municipal administration) is the absence of citizens' constitutional demands realization mechanism and lack of city council and municipality performance evaluation process by citizens in different districts of Tehran. While claims of municipal administration and the city council is, trying to fulfill the role of citizen participation in the process of urban development in Tehran.
How energy grid congestion influences land use management

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PROBLEM
The energy transition has reached a new threshold point where further electrification of our society is challenging the electricity grid. The increase in demand for electricity and the rising decentral generation of electricity are causing grid congestion in certain areas, which means that the maximum grid capacity will be or is already met. This congestion leads to an immediate halt of connecting new energy production facilities respectively energy consumers to the grid. For example, the issue led to a construction stop of solar plants and wind turbines in many Dutch provinces and that of datacenters in the Amsterdam City area.

TOPIC (RESEARCH QUESTION)
The clash for developable space is intensifying since the energy transition has become an urgent societal issue and beholds a major claim on land. Grid congestion in the Netherlands does have an impact on new spatial developments by limiting certain land uses within multiple provinces in the Netherlands. Therefore, it is interesting to study how grid congestion is influencing the traditional clash between land use claims. And if grid development does influence the traditional clash, do less prominent land uses lose even more ground to these new and increasing land use claims? Could grid congestion become a major factor in future land use management?

TOPICS/METHOD / RESEARCH APPROACH
By conducting interviews with government officials and people working at grid management companies and examining 3 case studies from the Netherlands, this contribution discusses the role of grid congestion in the process of land use management and how this issue influences the traditional clash between land use claims.
The myth of the threatening argument – An analysis of the building obligation and the land expropriation in German local newspapers

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This paper looks at the two instruments building obligation (§176 BauGB) and land expropriation (§§ 85 – 112 BauGB). Both instruments are considered as strong instruments which affect private property rights heavily. The building obligation (German: Baugebot) is one of four urban enforcement orders and says that, under some circumstances, private property owners might be forced to build on their property. The land expropriation (German: Städtebauliche Enteignung) allows to take the land owner’s land for a public purpose. The owner must be compensated. Expropriation is a prominent subject in national and international jurisprudence and scientific literature; the building obligation is not.

However, this paper neither looks at the jurisprudence nor at the spatial level. Planners only seldom use these instruments, but they nevertheless talk about them. Both instrument come up in the media quite often. We suppose: Planning authorities mention them in the newspapers to threaten property owners. Perhaps, being reminded that these instruments exist, property owners might be motivated to cooperate.

We analyzed 300 local newspaper articles on the building obligation and expropriation and asked: How often do planning authorities mention that they plan to use the building obligation or the expropriation? (How) do the property owners react to these announcements? As how credible do the authors of the articles interpret this threatening? In which thematic contexts (housing, infrastructure, building ruins) are the instruments mentioned? The paper presents the answers to these questions and shows that the threatening argument is a myth. Planning authorities use the media to threaten private property owners, but mostly the readers of the articles very quickly learn that this is an empty threat.
Access to land for rural regeneration

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Many rural areas are in decline. Although scarcity of land in rural areas appears to be less an issue in rural areas than in urban areas, getting access to land for new rural activities is an issue in many rural communities. Based on initial results of a Horizon 2020 Research and Innovation project RURALIZATION: The opening of rural areas to renew rural generations, jobs and farms (financed by the EU through grant agreement 817642), this paper reflects on the issue of access to land. Next to frameworks of planning and land law, policy and governance frameworks, there are emerging practices of ngos that aim to provide access to land in rural Europe.
The urban infill development measure - concept and findings from a simulation game

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Although there is still considerable potential for internal development in numerous prospering cities and municipalities, for a variety of reasons these cannot be mobilized. If owners are not willing to cooperate, the Building Code (BauGB) currently does not offer an efficient way of mobilizing existing building rights. Within a simulation game, the considerations of the so-called Urban Infill Development Measure (UIDM), an instrument for the mobilizations of dispersed infill development potentials in an area context, were examined.

In the context of the simulation it was shown that an application of the existing instruments of the BauGB to mobilize the still existing inner development potentials is not sufficient and target oriented. In particular, the lack of an implementation oriented instrument with which heterogeneous, small-scale and dispersed potentials can be mobilized across the municipal areas has been identified by the practitioners involved in the simulation. The resulting need for regulation can be covered by the UIDM, since it is an overall measure with a territorial reference, is assertive and implementation oriented.

The aforementioned territorial reference of the UIDM represents an advantage over the already existing instrument of the building requirement, since the territorial approach of the inner development measure makes it easier to prove the public interest of building on several plots of land than with individual plots of land. Thus the application of an UIDM is facilitated in comparison to the building requirement. Nevertheless, the more activated plots there are, the higher the cost of the preliminary investigation, since each activated plot must also be subjected to an individual examination of its objective reasonableness. The UIDM would strengthen the possibilities for cities and communities to act in the area of inner development.
CUTTING BACK ON LAND TAKE. Reducing land consumption in Flanders, Belgium

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Setting limits to additional land take and spatial growth is part of the global sustainable development agenda (SDGs) and the European environmental goals (EU, 2011).

This objective is much discussed and ambitious for the Flemish region since the northern part of Belgium has the highest land take in Europe (33%). Urban sprawl and ribbon development cause high collective costs for society. The Flemish regional government wants to reduce the daily land take from 6 to 7 additional hectares to 0 ha by 2040. The actual rate of land take per capita is double as high as in for instance the German land consumption, although Germany has higher economic growth than nearby Flanders. This PhD research project places the Flemish case in a broader, international perspective and assesses what type of strategies can be used to contain urban development more effectively.

Flanders is an extreme case from which more general lessons can be drawn that are relevant to other European countries. Through a historical study, the political, legal and financial causes of high land consumption in Flanders are analyzed in this project. Especially the zoning plans that cover the entire country since the mid-70s are an underlying cause of high land consumption. These plans contain oversized areas designated for housing, industrial development, recreation and other purposes to the extent that it made the real estate value of buildable land very cheap. Consequently, the abundance of land at low prices has driven the squandering of land. There is still 78,950 hectares of buildable land available within the comprehensive plans; further development of this space would increase the total land take of the Flemish region to a record level of 40%.

Demographic growth is mainly urban whereas these land reserves are located in remote areas. The spatial mismatch between need and supply can only be solved by reducing building land or by transferring building rights. The existing building plots, however, have acquired their real estate value from 1977-1980 without the government capturing any increased value. Nearly half a century later, the government wants to reduce the amount of building land, but generous compensation regulations and the vast scale of downzoning stand in the way.

The relationship between spatial planning, property rights, and real estate value is at the center of a transition towards limited urban growth. A more practical part of the project will be the spatial simulation and feasibility study of no net land take scenarios for Flanders.
Blockchain and Conservation of Architectural Heritage

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Cultivation, elaboration and exportation of tobacco constitute the main characteristic of the historical evolution of the cities of Kavala, Drama and Xanthi, in the Greek Region of East Macedonia and Thrace. The architectural heritage of that era makes up for a crucial element of the local cultural heritage, and its particular characteristics render it unique in a broader area which surpasses the national borders. The crucial changes that occurred at that period, concerning tobacco elaboration and exportation, made these buildings redundant in relation to their functionality and preservation.

The recognition of the importance of this architectural heritage in nowadays, gave birth to recent efforts for an urban regeneration project combining architectural interventions in the buildings, urban design and regeneration of the surrounding areas, and a business plan investigating investment interests for appropriate uses, economic viability of the plan, and sources of finance. The difficulties and obstacles of this attempt are considerable, mainly because of arising disputes about ownership and rights of use, the loss of property archives after the exchange of population between Greece and Turkey at 1923, and the possible falsification of records in times of social and economic turbulence.

An effective tool, which is expected to be essential in tackling the above problems, is Blockchain technology. Firstly, in such jurisdictions which have no or little record of land registration, a well-crafted, and equitable blockchain model can help the communities in need of land registration move forward, and overcome disputes creating delays, tensions, and occasionally, nullifications of plans.

The present paper analyses and pinpoints the difficulties arising from a blurred property situation of these warehouses, and describes how blockchain can overcome such difficulties to reach to an effective urban regeneration project which will grand tobacco warehouses with a significant role in contemporary urban activities.
Building-land market and planning strategies: a sociological inquiry in French rural communities

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Relations between private and public actors within the planning process and the writing of land use bylaw have been studied in urban sociology and sociology of public policy but have shown limited academic attention to rural municipalities. Nonetheless the focus has widened in recent years to include the notion of rural planning (Frank & Reiss, 2014), identifying rural areas specificities: sparsely populated municipalities, strong influence of farmers, weakness of the available expertise, visibility of agricultural and natural surfaces, limited strategies to cope with dispersed urbanisation and proximity between local stakeholders (elected officials, landowners, inhabitants and developers).

This contribution proposes to investigate planning practices in rural municipalities. The field study presented is the rural fringe of the Nantes metropolitan area, a conurbation of the French Atlantic coast marked by a high demographic growth and an important urban sprawl in the last twenty years. The study concerns small municipalities considered as rural in regard of the definition of functional urban areas based on commuting data.

We propose to focus on the interactions between the building-land market and the planning strategies carried by developers and house builders involved in development projects in a panel. We rely on quantitative data of planning permissions, building permits and building land transactions in 80 municipalities, and a qualitative case-studies based on interviews with a panel of developers and houses builders. We explore the interactions between local authorities and private developers that lead to local trade-offs on the urban planning process.
Capturing value for rolling back sprawl. Policy options for linking land rents and de-urbanisation

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Government intervention and academic attention in relation to residential urban sprawl mainly focus on avoiding the further expansion of cities (i.e. limiting urban sprawl). Much-debated measures, for instance, are the definition of urban growth boundaries and the linking of zoning at one location to de-zoning at another. Except for experiences in the different context of shrinking cities, interventions to roll back urban sprawl actively by demolishing existing houses are rarely or not addressed in research and literature. Our contribution aims to explore this option conceptually. Since the physical demolition of houses, without any possibility to rebuild, unavoidably implies a devaluation of the property value, this ambition only seems feasible when owners are compensated for (a part of) the loss in value (and the demolition costs). In order to enable governments to compensate, our contribution will link the reduction of urban sprawl with the concept of land value capturing. Our basic idea is that skimming a part of the land rent at locations where new development possibilities are defined should allow governments to actively create a budgetary stock for the compensation of the loss of value through demolition elsewhere. A targeted exploration of the existing literature on urban sprawl and value capturing will enable us to conceptualize more in detail the different types of potential relations that can exist between the reduction of urban sprawl on the one hand and value-capturing systems on the other hand. The arguments to strengthen one or the other type of relationship and the ways in which it could be operationalized will be elaborated on by looking at various international cases. Based on consulting international land-policy experts, experiences from Finland, Switzerland, Austria, Italy, Flanders, Wallonia and the Netherlands will also be used to illustrate the argument.
As shiny as tower buildings may be today, they age, and blight sets in. As part of this ageing process, they will require maintenance, refurbishment, and modernisation. High rise tower buildings may suffer problems right from their commencement due to building defects, illegal cladding, developer bankruptcy leaving incomplete buildings etc. These buildings can also be hit hard by what insurance calls ‘Acts of God’, such as earthquakes, affording no insurance cover. Tower buildings are sometimes called condominiums or multi-owned developments. In the state of Victoria, Australia, high rise buildings with common property are subject to the Owners Corporations Act 2006 (Vic), and are managed by the building homeowner organisation known as the owners corporation. A property manager may manage the day to day operation and care of the building. An owners corporation building is subject to a variety of insurance requirements from the planning stage through to occupancy. In this paper, we canvas statutory/mandatory insurance requirements, and assess their effectiveness to cover the owners corporation, and lot owners more generally, once something goes wrong with the building. Our observations, including from an analysis of recent Tribunal and Supreme Court cases, are that buildings can no longer rely exclusively on insurance policies for liability cover, but rather, must take mitigation steps to ensure there is money in the kitty for maintenance, and upgrades (sinking funds). The suite of insurance cover is presented in the paper, as it relates to the state of Victoria, Australia.
Property in space – a realm with no annexation, and the place for blockchain

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Australia is ideally located to assist with space services. It has an excellent track record, as was proven by its involvement with the 1969 lunar landing. Space tourism and civilian travel is still a work in progress. More immediate concerns relate to ownership, leaseholds, investment, asset management and risk, insurance, etc. for satellite equipment, and for all space related plant and activities, including property sites on earth, in the air, and in space, which support space services. This infrastructure is the backbone for national security; transportation and logistics companies relying on positioning technologies to track fleets; earth based mining and resources industries which use satellite imagery for exploration; planning earth based infrastructure; connecting rural earth based areas, Asteroid mining; space tourism etc. Space law has traditionally developed as it relates to the various UN treaties. Property rights in relation to real and corporeal property, and chattels, and space, is an area with a dearth of literature. With the growing need for more accurate big data, and satellite capabilities, as well as the risks associated with collisions and space debris, property rights need to be recast in an atmosphere with is very different to earth, but carries some of the same fundamental issues around ownership and use of property, risk and insurance, asset and property management etc. These are tremendous issues to contemplate in this arena, including the situation of property in a context where there is no possibility of fixing the property to any location. Digital titling, perhaps via blockchain technologies, which requires no physical space, may carry some of the solutions for these issues. This paper is exploratory in nature, and strives to contribute to the knowledge base on how to address property rights and interests in outer space.
Urban Fragmentation through the Changes in Legal and Institutional Frameworks of Urban Planning in Turkish Case

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In the last decades, one of the basic discussion topics of planning circles in Turkey is the urban regeneration projects in metropolitan cities. These projects have certainly increased the physical quality of building stock, but not the overall urban quality. In the urban context, they are like “black holes” vacuuming all technical infrastructure, social services, and green areas from the surrounding residential areas. They do not only produce a kind of predetermined insufficiency for their spatial settings but also result in losses of spatial coherence of urban land-uses, weaknesses in urban unities and breaks in public continuities through inconsistency and incongruity. The overall result of them is a kind of urban fragmentation. What is interesting is the fact that this urban fragmentation seems as if it is a consciously-produced phenomenon. Central authorities have supported this process by proposing new legal frameworks and changing the responsibilities of planning institutions, while local authorities have produced suitable spatial settings for these projects. This study aims to explain the process how legal and institutional changes, or namely, fragmentations produce urban fragmentation in Turkish cities and to discuss new ways to prevent all these fragmentations. There are three main parts of the study. The first part is about the periodization of the Turkish case concerning structural changes in legal and institutional frameworks of urban planning. The second part focusses on the last period where urban fragmentation is conceptualized as the result of legal and institutional fragmentation. After defining the recent changes in legal and institutional frameworks, there is a discussion about the negative impacts of these changes on cities and urban planning. The final part includes general strategies to prevent institutional and legal fragmentation for the recovery of the planning system which might be useful for other countries experiencing similar processes.
Taipei, as the capital city of Taiwan, has been in recent years rated as one of the popular cities to travel, work and live. However, this city has also long been criticized for its unattractive man-made landscape, such as under-maintained building façade, barred windows. In addition to these unpleasant scenes, another feature of this city and other major cities in Taiwan as well is the widespread unauthorized building extensions that are often concealed behind those legal parts of the same building. Those popularly observed unauthorized building extensions are, for example, extended balcony, added rooftop penthouse without prior permission from the governments. Despite of the repeated claims by the governments to clean up the city eyesores, there is no sign of the unauthorized building extensions to disappear, not even to decline in number, to say the least.

This paper attempts to provide an explanation of the presence of unauthorized building extensions and the reason why they seem to have largely remained untouched. Reliable official statistics, including aggregate and individual data are collected so as to explore the mechanism behind the visual scenes. Our primary arguments are that local politicians are heavily involved in lobbying against the demolition of those illegal extensions, or at least to postpone it in exchange for votes in election. Moreover, the responsible departments in the city sets a goal of an “optimal” number of unauthorized housing extensions instead of a zero-tolerance policy. The conclusion has therefore seemed to be rather dismal. However, the Act of Governing Condominium Buildings enacted in the mid-1990s, together with the gradual replacement of low-rise by high-rise buildings will to a large extent solve if not eliminate the problems of illegality in buildings.
Examining the Rent Gap and Transaction Costs in Air Rights Markets: A Comparative Analysis of Government Sale of Development Rights Programs in King County, Washington and Tbilisi, Georgia

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Contemporary neoliberal cities commodify air and development rights through a variety of mechanisms to capture land value and respond to private capital’s demand for urban density. This research investigates the equity and efficiency implications of the direct sale of air rights by local governments. Our research adopts two theoretical frameworks rooted in institutional economics: rent gap theories and transaction costs. Recent research rooted in institutional economics finds evidence that air rights markets posit an institutionalized rent gap, in which regimes of local government actors and a limited set of development interests involved in urban redevelopment leverage air rights to create and capture strategic monopoly rent. There is also evidence that transaction costs impact the efficiency and equity of commodified air rights programs, but that these costs vary depending on institutional context and program design.

We investigate the rent gap and transaction costs associated with government sale of air right programs through a comparative analysis of King County, Washington’s transferable development rights program and Tbilisi, Georgia’s K2 density permit program. These programs hail from nations in different states of development in terms of economic liberalization and institutions for spatial planning and private property rights, presenting fertile ground for comparative analysis. Although single-country case studies of commodified air rights programs are widely available, few researchers have addressed these programs from a comparative perspective. Additionally, this research responds to recent calls for comparative research across different market-based mechanisms for the commodification of air rights to better understand processes of urban financialization.

This research analyzes the valuation and legal/policy framing of property rights in these programs, and examines whether—and for whom—commodified air right strategies accrue efficiency and equity costs and benefits. We also assess the way these programs reflect institutional context and consider the implications of our findings for practice.
Energy landscapes. The influence of local anti-wind initiatives on regional planning and state energy policy in Saxony, Germany

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In recent years, landscapes in many countries have been changing due to efforts to fight global warming, specifically the shift towards renewable energies such as wind power. This development has been met by growing opposition from local citizens and their initiatives. There is an ongoing debate about whether and how such protests actually have an impact on the development of energy landscapes. Drawing on the rare case of a state government scaling back ambitious targets for the expansion of renewables, the authors were able to analyse the impact of protests in the context of regional spatial planning and state energy policy-making. Drawing conceptually on the Advocacy Coalition Framework and using the method of Causal-Process Tracing, the qualitative study investigates related interactions and decision-making processes in the federal state of Saxony, Germany, between 2011 – when targets were increased – and 2013 – when targets were scaled back.

The findings show that the protests grew significantly when the regional planning association in charge translated the increased expansion targets for renewables into an increased number of potential wind farm sites. The protests were well-organised and creative. Activists worked through a range of channels across various contexts and several levels of the politico-administrative system, in particular approaching regional spatial planners and a wide range of politicians. In the end, the protests (within a specific constellation of other factors) significantly contributed to the readjustment by the Saxon coalition government of its energy and climate policy and thus to a slowdown of energy-related landscape change. The study confirms that the influence of protesters can greatly exceed the previously studied participation in the planning of sites and the approval process for individual wind farms.
Planning for food systems is a novel issue comparing to land use planning, emerging in cities mainly in recent years for the consideration of public health, social justice and ecological integrity, and is thought to be a path towards sustainable development. Related researches concern about the formation of food policy organizations, finding out that there are both top-down and bottom-up processes promoting the formation which lead to different focus and actions on local food system. Cities are in the center of the topic. Though local food production is mentioned in food policies as well as food distribution, it is mainly detailed in urban areas and the specific challenges in rural areas are frequently overlooked.

Taking agricultural activity into account in planning documents is an issue that has been raised by research on peri-urban and rural land use planning, since planning tools have historically been designed primarily to organize urbanization rather than to preserve agricultural land resources. However, farmland protection and the location characteristic don’t guarantee the emergence of alternative food networks, while effective farmland conservation is not achieved by simply using zoning restrictions.

Although study about agricultural activities in the combination of different policies is still in its infancy, researches related to the topic similarly hold the view that the integration of cross-level and cross-sector policies related to local food systems are inevitable. We propose to explore convergences between land use planning and food planning as a level for rural development through an international state of the art based on references in planning and rural studies.
Towards a general theory of ‘ruling without rules’

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When we think of regulation, generally what we have in mind is a verbal – and preferably written – regulation, such as an article contained in a code. In this regard, there are two aspects that we wish to highlight. First of all, human behaviour can be regulated not only with verbal norms but also with non-verbal norms. A particularly interesting example here is graphical norms, like zoning maps or traffic signs. Other examples are particular gestures (like a traffic policeman’s gesture to stop), sounds (for instance, a referee’s whistle during a football match), lights (such as traffic lights). Secondly, behaviour may even be regulated without any specific rule. Paradoxically, this is perhaps the most widespread case. This paper is dedicated to this fascinating regulatory phenomenon. This phenomenon, which we shall call “ruling without rules” coincides only in part with the celebrated phenomenon of “nudging”. We distinguish between five different ways of “ruling without rules”: (i) ruling with adeontic artifacts; (ii) ruling through behaviour training; (iii) ruling by removing rules; (iv) ruling by providing an example; (v) ruling by mere presence.
Will lighting legal regulations become a recognized part of planning in the future?

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Planning already involves a large variety of issues to which urban dwellers and the users of urban space get accustomed. With regard to safeguarding the quality of life as well as environmental qualities the cities employ more and more regulation. While rules related to buildings parameters, land use, greenery or even the noise have become a global standard, the urban lighting issues still lack specific and well recognized regulations. Regulation gaps leave the room for, often ill-considered, new lighting, revealing discrepancy between the realization and real needs. On the other hand, a sustainable approach to light pollution (that no longer means an increase of the night sky brightness, but also care for the human health and visual comfort) allows the identification of quality criteria for an outdoor lighting. Having mostly positive connotations, artificial lights quickly got us used to the convenience and sense of safety after dark in a freely accessible city space. In turn, excessive amount and careless use of artificial light increasingly become the sources of spatial conflicts and sometimes even the violations of citizens’ rights.

In many countries the light regulations have become an answer to such issues. The attempts to develop legal regulations or local rules on lighting are taking the form of policies, strategies or detailed master plans. Depending on the country and legal system, there are many different practices embedded in various motives: economic, ecological or ordering. However the question arise if those attempts pave way to broadly accepted legal regulations in planning and will be better recognized in future planning practices?

The paper is an attempt to overview the existing approaches to artificial lighting regulations in urban areas in transnational perspective. The authors will pay a special attention to efficiency of adopted regulations and their relation to citizens and property rights.
Putting People at the Centre of Marine Governance

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Once considered a scientific, technocratic process, marine governance has shifted from a top down, state directed process toward a more participatory-based approach. In parallel, there has been increasing acknowledgment of the need to more fully consider the human dimensions of marine and coastal issues, and the role of citizens in delivering the sustainable management and protection of the marine environment. By doing so a more complete understanding of the complex relationship between society and the sea may be achieved. In particular there is an identified role for local coastal communities to become ‘marine citizens’, contribute to the stewardship of the marine and coastal environment, and thus become part of the solution to the ‘marine problem’.

Marine citizenship encapsulates the rights and responsibilities of an individual towards the marine environment, which support the achievement of marine policy objectives at the national level. Research has shown that marine practitioners recognise that higher levels of citizen involvement and citizenship in the management of the marine environment would be of great benefit (for example see McKinley and Fletcher 2011). However questions are raised as to whether existing governing institutions, legal structures, and planning instruments enable this to readily happen.

Using the Irish Sea as a case study, this paper explores the capacity (and willingness) of existing institutional arrangements to engender a society of marine citizens with the capacity to meaningfully engage marine stewardship behaviours. A multi-phased research approach is adopted to critical analyse existing (terrestrial and marine) legislation, legal and policy frameworks and supporting guidance, focusing specifically on themes associated with the human dimensions of marine governance. This evaluation highlights a limited inclusion of marine stewardship. Recommendations are presented, calling for greater recognition and inclusion of marine stewardship within marine policy. This paper contributes to the ongoing dialogue in relation to the rise of marine spatial planning and the evolution of marine legislation and policy across the Irish Sea, and elsewhere.
Explaining market behavior: structure of the property development industry and the consequences for housing development

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The industry structure of property development has slightly gained attention in research, whilst little is known about the relationship between property development and planning (Coiacetto, 2008). This is remarkable since the behavior of developers is of great importance for the actual implementation of housing development and the structure of the industry has far-reaching implications for the implementation of urban planning policies. Neo-classical theories fail, at least to some part, to explain property developers' behavior, since there is a great variety of property developers, each with specific housebuilding behavior. Attempts to explain international differences struggle to combine the fragmented professions in property development and include national institutional influences (Ball, 2002; Guy, 2002).

To address this gap in the literature, a conceptualization of real estate developers is proposed to grasp the great variety of property developers in which houses are built in an international context. The construction process from land ownership to construction and use of real estate is used to structure different types of real estate developers. Subsequently, this conceptualization that theoretically explains real estate developers' behavior is tested in practice, by mapping out the Dutch housing building industry. Afterward, the consequences of the organization of the housebuilding industry for the planning goal of housing development are explored.
How do urban policies affect the ability of property owners to promote murals: a look into Portland, Oregon.

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In recent decades, murals have become a common phenomenon in urban landscapes. They serve as a major avenue for public expressions, reflecting and influencing the city’s social, political, cultural, and aesthetic values. In addition, murals are promoted by many local governments as means to promote urban development and social reconstruction. Because of their artistic character, location, and public exposure, murals incorporate tensions that present challenges to policymakers, owners, and those involved in their creation. For instance, murals are both a public and private phenomenon, situated in the public domain but located on specific properties and created by specific individuals.

Local governments have the difficult task of balancing public and private rights and interests, such as maintaining public order and protecting individual rights and freedoms. But their ability to control murals is a double-edged sword. On the one hand, as the level of control increases, local governments are granted stronger tools to shape their murals to better suit the city’s vision, but on the other hand, this ability may collide with the freedoms of property owners and artists, weakening their ability to promote murals and control their output. In this paper we will examine the case of Portland, were in recent years local government had to re-establish its mural policy, leading the city to reexamine its approach towards murals and the governance of public spaces. By doing so, we will highlight the dilemmas local governments face when promoting mural policy and how mural policies affect the ability of property owners to promote murals.
The just city. Three background issues: institutional justice and spatial justice, social justice and distributive justice, concept of justice and conceptions of justice

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In the fields of planning theory and human geography there is growing discussion of the just city. In order to continue the discussion of the crucial issue of the just city, certain methodological considerations and precautions seem necessary. The paper is focused on three in particular: Firstly, a judgement of (social) justice or injustice applies properly and primarily to public institutions: for example, in our case, to urban institutions. In fact, issues of justice arise when there are organized power structures in need of justification to each person subject to this power. Secondly, issues concerning "who gets what" in urban contexts are important, but they represent only a part – a sub-section – of the broader problem of social justice. In other words: not everything is distributable, or redistributable. Thirdly, invoking the idea of justice is not in itself to assume any critical position with respect to the current urban situation (for example, with respect to urban realities resulting from the so-called "neo-liberal turn"); this can only happen by developing specific substantive conceptions of justice – which will have to confront with other possible alternative conceptions.
Can planning effectively regulate religion? Evidences from Italy North-East.

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Only fifty years ago places of worship were considered assets to be provided to the population. Nevertheless, today public administrations understand them mostly as problems. In absence of coherent polices, doubts on the possibility of living in multicultural and multi-religious environments are often translated in a technical language of planning made of ‘parking lots’ and ‘zoning requirements’.

This paper questions whether the technical language of planning, as well as its tools and procedures, can be expected to be up to the challenge of effectively regulating religious diversity.

The findings, based on six moth field research in North-East Italy, suggest rather the opposite and as currently configured, planning tools risk to favour the creation of a double-track of recognition and legitimacy among religious groups and populations.
Extreme centralization in land use planning: Playing with Supertankers

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Compared with decentralization of planning powers, centralization has not been popular in planning policy in the past few decades. Centralization has become associated with dysfunctional governance, obsolete planning, and unconstitutional and unaccountable policies.

Nevertheless there are cases in which countries have experimented with centralization in order to solve crises and improve the supply of goods and services. This paper focuses on centralization reforms in Israel that were designed to deal with a chronic shortage in housing. Through interviews with experts, and analysis of laws, and related documents, we address several questions. First, what kinds of steps have been taken recently to centralize planning in the Israeli planning system? Second, what were the motivations behind these steps? And last, in what way have these steps reformed planning in Israel, and what were their consequences? We investigate these issues by looking at a newly established national planning committee: the National Committee for Preferred Housing Plans also known as “the Supertanker”. The paper examines the aims and objectives of the legislature in forming the Supertanker, and whether these objectives were fulfilled. The findings show that the new policy arrangement has revamped the planning system, reduced the roles of regional planners, and created a fast track that circumvents older, and slower, planning processes, in an attempt to increase the production of housing units, including affordable apartments.

The findings also suggest that despite public scrutiny, the Supertanker’s performance cannot be judged solely on the grounds of it being undemocratic and environmentally destructive, as there is conflicting evidence about its ability to speed-up plan approval processes, and enlarge the future housing stock.
The feasibility of Public Value Capture depending on its supporting rationale: international comparison

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In the last decades, public bodies do increasingly search for private financing of urban infrastructure and affordable housing by capturing the economic value increase of land and real estate. When trying to capture this value increase, public bodies use Public Value Capture instruments (PVC-tools) that mainly support on two motivating rationales: direct and indirect. Direct PVC-instruments seek to capture economic value increase under the explicit or implicit rationale that this value increase belongs to the community and not to the landowner. This rationale has its roots in many political economists and supports on the neo-classical theory of economic rent, and it addresses more fundamental principles of property rights than indirect PVC-tools. Indirect PVC-instruments are more pragmatic and seek to capture economic value increase under different motivating rationales other than the value increase belonging to the community. The most common one is that landowners and developers should internalize the costs of mitigating the impacts of their building plans, i.e. to pay the public infrastructure and facilities directly or indirectly needed to support the new developed areas.

The author will present the results of international comparative research (Muñoz & V/d Krabben, 2019) to the feasibility of direct and indirect PVC-tools in different legislative frameworks. One first conclusion is that direct PVC-tools seem not to be feasible in ‘conservative’ legal frameworks, for example those of the Netherlands, US, Australia and Chili, where development rights are considered to belong to the ‘bundle of rights’ of landowners. Here only indirect PVC-tools find their way into planning legislation and/or –practice. Despite of this, in some conservative countries (e.g. Chili and US) direct ‘discourses’ in policy and local politics seem to support PVC in practice.

A second conclusion is that although direct PVC-tools are theoretically more feasible in ‘progressive’ legal frameworks (many Latin American and South European countries), practice shows many examples of indirect PVC-tools being there more effective in practice, which suggests a deep resistance against direct rationales despite formal legal prescriptions favoring them.
The quest for certainty vs flexibility in urban planning and its consequences for public value capture in Poland

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There is a discussion about certainty and flexibility in urban planning. However, not much research has been done on the consequences for public value capture, i.e. the level at which public bodies manage to make developers pay for public infrastructure and eventually capture part of the economic value increase.

This paper uses the Polish case to illustrate these consequences. Driven by a ‘quest for certainty’ and guarantee of owners’ rights, the post-communist Polish planning system introduced in 1994 the possibility for municipalities to approve a legally binding land-use plan (‘miejscowy plan zagospodarowania przestrzennego’, MPZP). This plan prescribes all future building possibilities and are usually quite permissive in the sense of allowing various development possibilities. As a consequence, these plans give landowners much certainty about the future building possibilities on their plot. These plans cover nowadays about 30% of all land. In areas not covered by MPZPs, developers can easily obtain ‘ad hoc’ planning permits (decyzja o warunkach zabudowy, DWZ). Although these permits fit more within the flexible ‘development-led’ planning strategy, they have in common with MPZP’s that, by being ‘easy to obtain’, they give landowners much certainty as well about the building possibilities on their plot.

The consequences of this large certainty for landowners have been relevant: despite large increases in housing and office prices since the 1990s, developers in Poland do almost not contribute to public infrastructure, leaving public bodies with the costs of development impacts and offering affordable housing to the increasing number of Poles who can’t afford market prices. This paper includes general figures of the influence of certainty vs flexibility for public value capture, as well as more exhaustive data from the municipality of Radom, in the centre of the country. These data are compared with experiences in other EU countries and serve also to reflect on the relation of the formal institutional design of planning systems (‘plan-led’ vs ‘development-led’) with the degree of certainty and flexibility in practice.
Land markets and informality. Evidence from Loja (Ecuador)

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Access to land has been the fundamental issue of the growing informality and poverty debate in urban areas. For a while formal land markets have been considered as an obstacle to get affordable land for the urban poor. From this point of view, urban poor cannot enter the formal markets and consequently they try to find other ways to own property. However, low accessibility to formal markets has proven to be not a matter of poverty. For classical economics the supply of land depends on the demand (population growth, income, etc.) and the supply of land (restricted by land regulations or by natural obstacles). Empirical studies show that land values are higher in Latin America than in Europe or EEUU, though income is much lower in Latin American countries.

Drawing on data on land values and land regulations from the city of Loja (Ecuador), this paper states that the constant increase in land values is not explained by the demand. With an stable population and stable income, land values keep increasing while land sales have drastically fell down. Land values are extremely high, and only those with higher incomes are willing to pay. The rest of citizens have to go to informal markets. This paper explores the role of land regulations, in particular the regulations behind the supply of urban land in the increase of land values. This paper provides a valuable contribution to understand how land markets operate in Latin America and how the lack of action of local governments in the supply of urban land might be fuelling informal land markets.
Application of Land Readjustment Tool for Upgrading Urban Poor Neighborhood in Downtown Ho Chi Minh City, Vietnam: Ma Lang Case Study

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On the basis of the reality study on the slums Ho Chi Minh city, the research would clarify the subject matter as well as the cause of formation and existence of slums in the city. Since then, the case study will be proposing some solutions to solve, promote transition, gentrification.

The topic shows the situation, the actual state of the problem, the depth of the factors that affect its existence to understand the causes and opinions of low-income people involved and affected.

Based on the results of the study, the proposal proposes measures to promote and implement urban planning and embellishment. Specifically, Land Readjustment projects were learned from countries with similar issues with Vietnam that were implemented and applied. We analyze the elements needed to make the urban embellishment.

The information from the Vietnam is actually provided good for the implementation of the actual content to solve the urban redevelopment problem of developing countries.
Public infrastructure has significant impact on quality of life. As it is contributing to individuals and to the community, one of the questions in this field is from which sources and in which way it should be financed. This topic is perceived from the perspective of an owner of immovable property, investor, and their duties related to process of construction/reconstruction of building. One part of financial support for communal infrastructure in Serbia is collected through contribution for development of construction land. In some cases it is also possible to make an agreement on joint development between investor and local authority. According to Law on Planning and Construction, contribution for development of construction land is the revenue of the local authority and it is used for developing of construction land, acquisition of construction land and construction and maintenance of utility infrastructure. The amount is designated in the decision on the construction permit and it is based on various parameters such as average price per square meter of new dwellings in municipality, surface, purpose of construction and the zone in which is located. Difference made between zones is linked to increased value of property in certain parts, like for property tax. Some constructions are exempted from payment (e.g. facilities for public use in public ownership, manufacturing facilities). In some cases the amount can be reduced. Contribution, which can be significantly high and influence total costs of construction, has to be payed (at least the first installment) before the submission of notification of beginning of construction works. If the investment is not needed for that location (as it is already equipped) it will be used for development in other parts, according to the plan. It is the way of contributing to investment that was already made by the local authority. Research is also focusing on issue of illegal constructions, which is very important for this topic. As they are build without construction permit paying of contribution is avoid. That puts builders in unequal positions and raises various questions, such as who is taking financial burden from which are also benefiting other members of the community. In reverse, high amounts of contribution can have an influence on number of illegal houses.
Flanders experiment with Transferable Development Rights (TDRs) in rolling back overextended development rights: an escape from stinginess or generosity labeling of betterment and worsement reforms?

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Flemish zoning plans from the '70s reflect a rather benevolent attitude towards allowing development in open space and "cemented" a surplus of developable land in Flanders. Recently, however, the Flemish Government announced an ambitious but controversial policy plan to roll back overextended development rights in open space while also increasing densities in cities. Flemish planning law firmly establishes betterment taxes and worsement compensation for changing categories of use (e.g., from farmland to residential area or vice-versa). In view of a politically feasible and socially acceptable execution of the Flemish policy plan, a redesign of these instruments is proposed by the Flemish Government. On the one hand, worsement compensation shall increase; on the other hand, betterment tax will be extended to increases in density (without destination changes). The fundamental choices that need to be made in the ideologically charged discussion about compensation and value capture are, however, controversial. Therefore, the introduction of TDRs is considered as an alternative. TDRs entail a more privatized, adaptive, and market-based approach to the regulation of land use and, therefore, could be less controversial in Flanders. The proposed reforms are very controversial in view of the practice of granting proportionate compensation for use restrictions.

In this paper, I analyze the relevant articles in the Belgian Constitution, the first protocol to the ECHR and the Belgian "principle-of-equality-of-citizens-for-public-charges". Although article 16 of the Belgian Constitution does not require compensation for use restrictions (as opposed to expropriation), the first Protocol to the ECHR prompts the legislator to include proportionate compensation in legislation. Moreover, "the principle of equality of citizens for public charges", which was recently recognized in a consistent line of cases by the Belgian Constitutional Court (2013-2015), increasingly influences the legislative process. This principle means that if no compensation is provided for in legislation, civil courts can still award compensation for injurious but lawful planning decisions. At PLPR 2020, I intend to present internationally relevant lessons from Flanders for proportionality checks in betterment and worsement legislation, as well as TDRs.
Adapting Fastland Zoning for Shifting Coastal Shorelands in the U.S.

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Rising sea levels and increased storminess are shifting ocean coastal shorelands landward and placing them at increased risk from high-energy waves and inundation (Portman, 2016). While planners and lawyers clearly anticipate changing land uses over time through the planning and zoning schemes they promote, they have given less attention to changing land forms over time as a result of natural phenomena. Zoning in the U.S., in particular, has focused conceptually on ‘fastland’ settings since it first appeared in the early 20th Century. Even so, researchers have called for adapting planning and zoning to account for dynamic natural phenomena like flooding and coastal hazards since at least the mid 20th century (e.g., Gray, 1956). Toward that end, planning academics and practitioners today promote a variety of modifications to conventional zoning, such as structural elevation requirements, setbacks from natural features, limits on landscape modifications (e.g., impervious surfaces), and so on (e.g., Beatley et al., 2002; Adrzone and Wyckoff, 2012). Nonetheless, there has been limited empirical work on whether these approaches have been widely adopted, whether they have been effective, or whether they might be improved—especially to account for dynamically shifting landscapes.

For this paper, we address four related research questions:

1) To what extent have coastal localities incorporated shoreland management provisions for hazard mitigation or resource conservation into their zoning codes?

2) Given the uncertainties described, are conventional approaches sufficiently responsive to shoreline dynamics?

3) To the extent not, are there approaches that might be used to adapt conventional zoning in order to better respond to shifting coastal shorelands?

4) To the extent there are, and given current practice, are there likely legal or political barriers to the local adoption of those new zoning approaches?

The focus of this study is on Michigan’s Great Lakes coastal shorelines (Norton et al., 2018). Building on a literature review on planning and zoning for coastal shoreland management, research methods include the collection and systematic content analysis of local plans and zoning codes; surveys of local planners and managers; and stakeholder interviews.
A 2019 pilot study and workshop (set up in preparation of this contribution) in which a number of architects were interviewed, indicates that the professional and social context of architects has changed. This is primarily due to the increasing technical, social and legal complexity of construction projects, and their growing relevance in addressing wicked problems. Whereas architects were once the sole masters of ‘architecture’, they are now expected to collaborate – or share previously exclusive prerogatives – with various parties such as developers, engineers, planners, citizens and climatologists. The American project “Rebuild By Design” is an excellent example: teams of various experts and stakeholders (including architects, planners and citizens) come up with creative solutions to increase the sustainability and resilience of urban areas in New York which were destroyed by hurricane Sandy.

However, this new reality is not sufficiently reflected in our legal frameworks. For example, in some jurisdictions (such as Belgium, France and some U.S. states) there is a so-called “architects monopoly”, awarding the architect a set of exclusive prerogatives and responsibilities. In addition collaborating project partners may encounter new difficulties in determining ownership and liability. Who is the copyright owner of a collective design? How is liability divided among collaborating project partners, if at all? Currently, in addressing these matters, legal frameworks still heavily rely on traditional conceptions of the architectural profession.

In this contribution, I primarily focus on the theoretical underpinnings of these developments and I link to the results of the abovementioned interviews. This is tied to the interrelated concepts of wicked problems, post-professionalism and co-creation. Based on this analysis, I’m reviewing the architect’s position in contemporary construction and the associated (ill-suited) regulatory framework. This theoretical framework will serve as a valuable tool for policymakers, lawyers and – most importantly – collaborating construction partners, including architects.
The Adaptive Law Theory Revisited from a European Perspective: Which Lessons can be Drawn for dealing with Climate Change in a Multilevel Governance Context?

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In the United States, the last decade the so-called “Adaptive Law theory” was developed by several legal scholars (e.g. Arnold, 2018; Arnold & Gunderson 2013). This theory basically explores how law could better contribute to preparing society for radical and disruptive socio-ecological developments, such as climate change. The theory was initiated in the aftermath of Sandy (2012), when experts realized that rebuilding after disasters is largely a legal challenge. Therefore, during the reconstruction process, it was not only important to rethink the use of space, architecture and material infrastructure in order to develop more resilience in view of future catastrophes; also the legal and governance system needed to become more resilient and adaptable. The Adaptive Law theory can amongst others be linked to critical legal theory about deliberative democracy, quality of law-making processes, public participation and the interaction between law and science.

This paper is aimed at examining how the Adaptive Law theory can be integrated in the European urban planning and property law literature and tailored to the European multilevel governance framework. We first explain the main components of the Adaptive Law theory, followed by an explanation why we believe the Adaptive Law theory could possibly contribute to dealing in a more effective way with contemporary wicked problems in Europe. We then explain the relevant European legal and governance framework focusing e.g. on the European Code of Good Administrative Behaviour, the ReNUEAL Model Rules on EU Administrative Procedure, the Commission’s Good Governance White Paper and the European Parliament’s proposal for a Regulation on the Administrative Procedures of the European Union’s institutions, bodies, offices and agencies. As a kind of case study we examine some critical legal and governance problems related to climate change in Belgium in the light of lessons learnt from the Adaptive Law theory.
The Role of Plan Amendments in Planning Law – Comparative analysis: Motivations, interests and implications

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The literature on regulatory planning has long addressed the dual needs to provide flexibility to respond to changing conditions, on one hand, and legal certainty about development outcomes on the other (Mandelker, 1971). Recent works have highlighted the need for flexibility in planning, given that planners face complexity and uncertainty about the future (de Roo and Silva, 2010).

How do planning bodies respond to these needs in practice? Amendments to statutory plans (land use/zoning plans) are a key tool by which responsible authorities can adapt these regulations in response to changing needs. We are undertaking a comparative study of amendments in four jurisdictions to understand the circumstances in which such amendments proceed, the key motivations and interests served. Our methodology involves a review of the legal contexts of each jurisdiction, interviews with planning professionals (public and private sectors), and analysis of past amendments.

Each of the jurisdictions in our study presents a unique perspective: In Israel, the Netherlands and Flanders (Belgium), binding land use plans specify detailed rules for permitted development, including detailed siting, whereas in Victoria (Australia), zoning plans are “hybrid” style, in that they are binding but allow much room for discretion (Booth, 1995). Yet there too, amendments are often used by Victorian authorities, to add restrictions to development in selected areas, and encourage more intensive development in others. Amendments initiated by private landowners are discouraged in Victoria; this is generally not the case in the other three jurisdictions.

Another important difference among the selected jurisdictions is that in Flanders, Israel and the Netherlands, plan amendments have a financial dimension, whereby reductions in development intensity or less lucrative land use (regulatory takings) may encounter claims for compensation – though with different legal rules in each of these countries. By contrast, in Australia there are no such rights (Alterman, 2010). In some situations, this issue presents a barrier to amending plans to respond to new environmental challenges and awareness. Examples are planning for coastal zones, rolling-back of development rights in agricultural areas, and flood management. In addition, in Israel and in some circumstances in Flanders too, where amendments increase the property values, this triggers obligations by landowners to contribute some of the value increase through special levies (Alterman, 2012). In the Netherlands too, although there isn’t an obligatory betterment levy, value capture has become a key aspect of the plan amendment process through the “cost recovery” legal mechanism, often leading to negotiations between public and private landowners.

We will present our findings through a comparative lens and discuss the broader implications of this work.
Old industrial regions are usually perceived as poor and lagging spaces with low economic performance (as regards GDP or unemployment rate). However, by closer observation and precise comparison of towns within such regions, it is possible to identify their considerable heterogeneity in the economic performance. Structural background of these localities seems to be similar; but their adaptability to dynamic social, economic and political structures of higher scales (regional, national, international) may differ. The key for better understanding of these diverse dynamics may be better recognition of the role of locally acting agents. Changes, which they cause in old industrial towns, emerge from a specific combination of their capabilities, skills, motivations and power. Moreover, their capacity to change is further multiplied by their position within horizontal and vertical networks. The agency of these individuals or groups (agents of change) may cause changes of institutions of both formal and informal character and subsequently form a new development path of a given old industrial region. The aim of our paper and one of the goals of the project ‘Agents of change in old-industrial regions in Europe (ACORE)’ is to discuss the extent and limits of human agency to change and re-orientate development trajectories of old industrial towns.
Urban cemetery: What kind of land use is it?

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We perceive cities as outcomes of natural and human processes that have integrated social, economic and environmental diversity (Alnsour, 2016). Cities also compose the main milieu for the improvement of life quality of their citizens, through effective urban services, often based on infrastructure. The fact that in nowadays urban development is very fast and continuous, has made the task of provision of equivalently effective infrastructure, quite a challenge (Alnsour, 2016; Colantoni, Grigoriadis, Saterian., Venanzoni, & Salvati, 2016). Society has built and utilized a variety of services to meet its basic needs (Lauwers, 2015; Colantoni, Grigoriadis, Saterian., Venanzoni, & Salvati, 2016). One of these needs is the management of the dead, which is dealt by cemeteries, as an indispensable human invention (Lauwers, 2015).

Cemeteries represent an essential land use for urban settlements (Coutts, 2011) and therefore, they have to be equipped with the necessary infrastructure. They are usually examined through two different approaches: as a public resource (Kjøller, 2012) and as a problematic land use. The effectiveness of their management through balancing the interactions between the two approaches determines the enhancement of their use value and the reduction of negative impacts (Johnson, 2001).

Contemporary research has dealt with the internal processes of a cemetery, but not as much with its implications/interactions in the broader urban landscape. Cemeteries not only contain multiple competing concepts and functions, but their role in the urban environment is also complex, multifaceted and sometimes confusing (Woodthorpe, 2011).

Several studies have been conducted on the effects of cemeteries on the urban environment, such as conditions of hygiene (World Health Organization - Regional Office for Europe 1998), psychological perceptions (Santarsiero, Minelli, L., Cutilli, D., & Cappiello, G., 2000), social conditions, environmental contamination, and design and aesthetic issues (Coutts, 2011). Visual discomfort, growth of opportunistic businesses, and groundwater pollution are among the most common problems associated with cemeteries (Santarsiero, Minelli, L., Cutilli, D., & Cappiello, G., 2000; Tudor, Ioja, I. C., Hersperger, A., & Patru-Stupariu, I., 2013).

The existence of a cemetery in an area can lead to a decrease in the overall attractiveness of the area. Homes or apartments for sale with views of the cemetery are valued lower than their counterparts on neighboring streets. Thus, the impact of death and the particular cultural environment in which burial takes place have significant spatial effects. These concerns have led to a review of the legal frameworks of cemetery functions and management, not as an unhealthy, land-based and conflicting land use, but as an integral part of the green infrastructure of human settlements. This paper attempts to analyze these new trends, and assess the up-to-now related implementations.
A struggle for land in nature-based solutions for flood risk management: a cross-legislative interdisciplinary perspective

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The concept of nature-based solutions (NBSs) as an alternative to traditional environmental measures have recently spread across various planning tasks, including those related to flood risk management (FRM). Soon, the academic scrutiny and attempts to implement NBSs in FRM have also outlined that issues of land acquisition and willingness of land-owners across different legislative settings to participate are a cornerstone of the success. Various notions of NBSs and barriers to their implementation in such diverse settings are poorly understood, however. In this working paper, we present the current effort to reveal diversity of understandings to NBSs within the Land4Flood network. Focusing on land and human agency in particular, we will use the empirical evidence obtained at group’s interdisciplinary workshop held in 2019 to disentangle conceptualizations of and perceived barriers for NBSs in FRM within the European institutional milieu. Our aim with this paper is to raise a further debate helping to map and eventually reconcile the revealed conceptualizations of NBSs and articulate the key messages for policy-makers, practitioners and land-owners regarding the role of land in NBSs.
An absence of consensus regarding compensation for the loss of private property rights for the public good has resulted in a plethora of approaches to the question of restitution for dispossessed owners. Further, common law and civil code jurisdictions have unsurprisingly applied an apparent divergent range of approaches to restitution resulting in inconsistency and uncertainty in the appropriateness of redress for losses experienced by dispossessed holders of private property rights. Alterman (2010, p. 9) pungently observes that “… researchers everywhere are immersed in their own countries’ laws and policies and lack an external vantage point from which to take a fresh look at their own countries’ land and policies.”

Hence, this paper seeks to critically analyse the treatment of expropriation[1] as adopted by the Australian legislatures which have been founded in the Common Law legal tradition and the Taiwanese polity which follows the Civil Code legal regime, utilising a “systematic comparative analysis” drawing upon Alterman (2010, p.xix) albeit adapted from her comparative perspective on land use regulations and derivative compensation rights therefrom. As part of an analysis of the treatment of compulsory acquisition is how the legal aspects of process intertwine to influence the compensation (economic).

[1] In Australia, the commutation of private property rights by the state is known as “Compulsory Acquisition”
Explaining property tax performance. Evidence from Spain and Ecuador.

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Land valuations and property taxation have proven to be a valuable proxy to understand the confidence levels governments and property owners. Drawing on the concept of reciprocity, this paper compares the level of property tax performance in two countries with two different levels of confidence between government and citizens: Ecuador and in Spain. Reciprocity is a term studied regularly and independently from different disciplines. The concept of reciprocity is still very confusing in the literature. It resembles the concept of conditional cooperation in public goods provision, or the concept of informal institutions as mechanism of expectation coordination, and it is also related to the concept of horizontal and vertical inequity in property taxation. In this paper we will try to set up a clear definition of reciprocity within the realm of property valuation and taxations. To do this, we will show that normative ideas on property valuation and taxations (such as vertical or horizontal equity, or even enforcement mechanisms) are key elements of a reciprocal relationship between government and property tax payers. But at the same time, the existence of these elements may not guarantee better levels of property tax performance. By using data of Spanish and Ecuadorian cadastre (tax rates, land valuations and collected property taxes), we will highlight some of the barriers that might prevent higher levels of property tax performance.
The Entrance of Urban Design Parameters Affecting Urban Aesthetics into the Legal Framework: Istanbul Case

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In the cities, significance of aesthetic control management is gradually growing. One of the most important reasons for this is an increasing effect of the neoliberal economic and market-friendly policies on cities after the 2000s. These policies effects can be easily seen inside the urban fabric with large-scale projects, which are not compatible with the existing urban silhouette. Cities become more and more similar. Especially, the newly built environments whose features have often been criticized for their lack of aesthetic qualities and identity.

Since urban aesthetic is a complex issue that a city should be evaluated beyond its physical characteristics, so, “how it should be controlled and managed?”, is the main question of this research. While the urban aesthetic is defined in the literature as symbolic and formal aesthetic. However, since evaluating symbolic aesthetic needs to personal choices, culture and perception of the aesthetic and so on, the formal aesthetic parameters is the scope of this research.

This study aims to find the roots of the formal aesthetic problem and to discuss their integration into the urban laws and regulations by focusing on Istanbul case where has undergone radical and dramatic restructuring since the beginning of the 2000s under a neoliberal regime. This restructuring has been shaped by a construction boom that depends on the real estate and land markets. Therefore, the factors affecting urban aesthetics in newly built environments in Istanbul need to be determined in order to inform policies that contribute to the improvement of the city’s formal aesthetics. In this study, firstly, formal aesthetic factors are determined according to the literature. Then, how these parameters can be incorporated into the legal sources in the case of Istanbul for creating better aesthetic environments are discussing. Namely, the outputs of this research thought to provide important input for the management of urban aesthetics.
The National Flood Insurance Program: An Incentive to Employ Multiple Regulatory Approaches to Manage Floodplains

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In the United States, the National Flood Insurance Program (NFIP) constitutes the major driver for floodplain management. NFIP, a federal program, incentivizes state and local participation by offering subsidized flood insurance to communities that participate. However, to participate the community must adopt and enforce floodplain management regulations that meet or exceed the minimum NFIP standards and requirements. The minimum requirements consist of provisions that fall within zoning requirements, subdivision regulations, and building codes.

Zoning regulates the use of land and may restrict the location of certain uses. NFIP requirements resemble zoning in that the placement of certain uses in the community, site plan requirements, setbacks, and variances from requirements are addressed. Subdivision ordinances, on the other hand, address the layout of the development, and focus on the provision of infrastructure. Some NFIP requirements mimic zoning by addressing drainage, placement of utilities and setbacks (setbacks may be addressed in zoning and/or subdivision ordinances). Finally, the building code consists of technical requirements for materials, electrical, structural and systems within the structure. NFIP requirements on materials, elevation and structural issues mimic the building code.

The requirements of NFIP participation contemplate employment of various regulatory approaches, the combination of which prevents substantial numbers of human deaths and injuries, as well as an estimated $1 billion in property damage each year. Although the multi-pronged approach proves effective, local governments sometimes struggle to fit the requirements into state enabling authority and local ordinances, which tend to focus on one approach at a time. Improved enabling authority and local ordinances are required to make participation in NFIP easier and more effective for flood-prone communities.
PuVaCa, the obligation to build and the desire to densify: discussion of the revised Swiss Law on Spatial Planning

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Swiss property rights (PRs) are based on a liberal approach derived from Roman law that includes the full ownership ideal (usus, fructus, abusus). PRs are well protected and explicitly mentioned in the Swiss Constitution. For example, there is no expropriation power at the federal level when land uses do not conform the zoning code.

In this general context, the desire to curb urban sprawl has been put on the Swiss political agenda since the early 2000s. To this end, the Swiss Law on Spatial Planning (LSP) was revised in 2012. Two major tasks were introduced: the call to densify and the obligation to build. Following an historical perspective that elicits the changes that occurred between land ownership and spatial planning, this contribution discusses these two tasks in connection to Public Value Capture (PuVaCa) mechanisms and instruments. Even if expectations are high, it seems that the margin of manoeuvre to curb urban sprawl is narrow, especially without jeopardizing property rights. PuVaCa - which cannot be dissociated from the taxation of real estate gains - could even have counterproductive effects. References to both legal geography and examples of implementation of the LSP at the cantonal level will sustain this argument.
Housing and the Urban Cycle: Empirical Evidence from a ‘Southern’ City

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Fluctuations in residential building activity are becoming progressively more intense over time and space in advanced economies and especially in Europe, fueling real estate market segmentation and making the performance of the construction industry increasingly unpredictable. If non-linear urbanization paths are the result of economic downturns consolidating progressively more volatile real estate markets, the present study investigates the impact of recent building cycles on long-term urban expansion in a Mediterranean city (Athens, Greece), using multiple clustering techniques run on a large set of building activity and socio-demographic indicators. Changes over time in building activity were evaluated considering 12 spatially explicit indicators derived from the analysis of building permits released by Greek municipalities between 1990 and 2017. By referring to different analysis’ scales (macro-scale: settlements, meso-scale: buildings, micro-scale: dwellings), indicators allow a comprehensive investigation of multiple dimensions and characteristics of construction markets at four-time intervals of 7 years each (1990–1996, 1997–2003, 2004–2010, 2011–2017). Spatio-temporal variability in building activity was further investigated considering 12 contextual indicators assessing the basic socio-demographic attributes of local municipalities. Cluster analysis allows identification of distinctive, local-scale responses of real estate markets to economic cycles (expansion–stagnation–recession) in both short- and long-term horizons and relate them to the dominant socio-demographic context. Density of new buildings, average floors per new building, density of buildings’ additions and number of building permits per inhabitant were found to be the most sensitive indicators to economic downturns in the study area. Infrastructure-driven development, as a result of the 2004 Olympic Games, has produced relevant short-term alterations in residential construction markets, complicating urbanization trends at the local scale. Multi-scale indicators from building permit records provide a useful insight in the diachronic mechanisms of urban growth, with implications for regional planning and design of sustainable development practices.
Immovable cultural assets constitute common heritage of humanity, and they are among the most important elements of the built environment. The effective protection and transfer of cultural assets to future generations is a public task and a social necessity. Protection of cultural assets requires not only expertise and experience, but also financial sources for realization of conservation actions. Inadequate financial source is one of the major problems in realizing conservation actions which might result in damage or loss of the cultural asset. These costs are borne by owners who are subject to protection decisions on their property, or in cases of publicly owned cultural assets, the cost is covered by public institutions. The main financial source is the money allocated from general governmental budget which is very limited considering the number of cultural assets in Turkey. In 2004, a new property tax is introduced to create a specific fund for conservation actions.

The main focus of the presentation will be on "cultural assets fund" which was introduced as a public value capture instrument to transfer a part of the economic value increase created by urban development into conservation actions. This is a specific fund collected by local government as a part of property taxes to fund conservation actions. All property owners within the province should pay %10 of property taxes to be collected in a separate bank account and be used only for conservation actions within the provincial borders. The main motivation behind this fund was to allocate the cost of conservation actions to whole society and to create social justice. The aim of the presentation is to examine how the fund is collected and allocated, and to evaluate the effectiveness in responsibility sharing among society. After providing a general overview about the legal framework of the fund in the first section, the effectiveness of the fund will be explored in details through case studies.
A tortuous path towards public value capture in spatial planning – Austrian experiences over the past 50 years

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The Austrian spatial planning regime was developed in the 1960/70s acknowledging the necessity for a coordinated spatial development within the national territory. Due to the federal principle legislation and executive powers were distributed among the federal state, the nine states as well as the municipalities leaving the latter in charge of zoning. Quickly a discussion on the usefulness of taxing increasing land values emerged but has not led to a comprehensive framework so far but instead to the establishment of independent measures.

From a constitutional point of view land value capture is perceived arguable by experts but exist in the first place only indirectly by property taxing instruments. Firstly, there is a land tax that stays with municipalities. Secondly, there exists an additional land value fee that has to be paid for zoned but undeveloped land. Additionally, the federal state introduced a general tax in case of a property transaction. It taxes 30% of the sale profit flowing into the national budget. So far a taxation connected to zoning decisions or detailed development plans does not exist. Besides the listed fiscal instruments, site specific planning contracts that oblige developers to pay for public infrastructure were recently introduced in Austria.

The contribution aims to explore the Austrian land taxation and value capture framework by discussing existing instruments in terms of effectiveness, efficiency, justice and legitimacy. The research is based on a descriptive desktop research as well as semi-structured expert interviews with participants from universities, the private research sector as well as public administration. The experts ought to assess the instruments they work with regarding the four parameters to identify the need for adaptations or additional instruments.
Land Policy in Germany: Shifting from a passive to an active strategy?

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Traditionally, land policy in Germany pursues a passive approach of implementing land-use planning. This means that municipalities typically used land readjustment to facilitate land development without actively involving in land markets, as for example typical in the Netherlands or in the Viennese model of land policy. German municipalities only exceptionally purchase land directly to realise a plan. This passive approach to land management has advantages and disadvantages. Compared to active approaches, such as those in the Netherlands for example, passive land policy is less effective and efficient in realising planning goals, but at the same time it is less vulnerable to dynamics such as the recent financial crises.

This is changing, however, as a response to the housing crisis in the last years. German municipalities started to change their strategy of land policy to a more active approach. This is recently manifested by policy recommendations of an experts’ commission on “the Long-term Provision of Building Land and Land Use Policy (Building Land Commission)”. This paper explores how strategies of land policy are changing in German municipalities in practice, based on stakeholder interviews with public authorities and developers. It is shown what a shift from a passive to an active land policy entails on the local level. The results are mirrored to the Dutch active land policy approach. This will contribute to a broader debate on active and passive strategies of land policy.
Here there be dragons: A consideration of water as property in the common law and civil code legal traditions.

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Cross-jurisdictional comparative studies of property rights are remarkably uncommon. Comparative research often has its groundswell in either common law or civil code legal traditions. An exception is environment law, wherein the stark realisation in both legal traditions has been the intent that laws irrespective of the root legal tradition focus on the management and protection of the environment.

This situation has arisen due to pervasive international environmental law such as environmental treaties and bilateral environmental agreements and often ignored Roman Law heritage that both traditions share. A raft of international environmental conventions and treaties has arisen where many have passed into binding principles of international law.

This paper will discuss the convergence of common law and civil law systems notably in environmental law. Water law is within environmental law - a prime example of the increasing convergence. Changes in water law are triggered by changing environmental conditions – foremost climate change.

It will be discussed how such convergence of law – irrespective of genealogy – has also impact in the area of private property rights in water and what this implies for planning with water in different countries. This will reveals increasing similarities in the way in which such property rights are viewed, assessed, and treated in both legislation and administrative processes.
Defining urban green infrastructure role in analysis of climate resiliency in cities based on landscape ecology theories

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Climate change is a globally widespread phenomenon. The urban development and climate change are closely interrelated; cities are exposed to the risk of climate change and as a result, are very vulnerable.

In recent years, to face the challenges caused by the climate change, the concept of climate resilience and specifically, urban ecological resilience, has been introduced. It is important in this study to develop the concept of climate resilience, a subcategory of urban ecological resilience, which is defined as the urban resilience to climate change.

On the other hand, based on recent studies, the urban green infrastructure has an established role as one of the strategies for adapting to climate change and for developing and promoting climate resilience in cities. Given the theoretical gap existing in this field, this question arises: “How and based on which features of the green infrastructure can we assess and analyze the climate resilience in a city?” To answer this question, the landscape ecology principles and relationship between these principles and the green infrastructure in the cities were studied. The relationship was developed in the Yousef Abad neighborhood of Tehran and was qualitatively tested using the aerial images, field surveys and preparation of basic and analytical GIS maps. Finally, the “effective qualities in assessing the climate resilience in cities using the urban green infrastructures based on landscape ecology” were obtained.
Institutional fragmentation and land consolidation in Norway
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While other countries have organized land consolidation activity as part of the administration or as separate commissions, Norway has organized it entirely within the judicial system as the only country in the world. This way of organizing has made the case processing of land consolidation very formal. According to the Land Consolidation Act the land consolidation settlement shall not contravene binding zoning regulations, and the necessary official permits shall be in place when the land consolidation court issues its final ruling. This is often a time-consuming process and sets high standards for coordination between institutions. We will focus on two situations that need a high degree of coordination: 1) project-related land consolidation and 2) comprehensive land consolidation in urban areas.

There are a few project-related land consolidations in Norway. That is land consolidation in conjunction with public and private projects. The most typical is land consolidation in connection with building of motorways. There are even less comprehensive land consolidations in urban areas. We will argue that the institutional fragmentation and the lack of coordination between institutions are the reasons for this. The relationship between the Land Consolidation Act, the Planning and Building Act, and the Cadastral Act is analysed. The respective responsible institutions are the land consolidation court, the municipalities, and the mapping authorities. Comparisons will be drawn to international land consolidation, and especially the German system of Umlegung and Flurbereinigung.
Failure of spatial planning? A case study of spatially growing shrinking city of Ostrava

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Urban shrinkage become a “common” pathway (not only) in post-socialist cities that represent new challenges for traditionally growth-oriented spatial planning. Though in the post-socialist area the situation is even worse due to prevalent weak planning culture and resulting uncoordinated development. The case of the city of Ostrava illustrate all of the challenges for sustainable development of shrinking cities (see Herrmann et al., 2016). But most importantly, the problem of (in)efficient infrastructure operation, and maintenance, in already fragmented urban structure is exacerbated by growing size of urban area (through low intensity land-use) in combination with declining size of population (due to high rate of out-migration). Shrinkage, however, is, on the intra-urban level, spatially differentiated. Population, paradoxically, most intensively decline in the least financially demanding land-uses and grow in the most expensive land-uses for public administration. In context of amount of tax revenue being based on the number of inhabitants, the concurrent demographic shrinkage and described land-use trends constitute a great challenge for city's sustainability. Contribution discuss reasons behind this development, it's implication for the city and potential countermeasures.
The Role of Payments in Planning

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This article works towards improving our understanding of the role and importance of the monetary tools and payments in planning, such as value capture instruments, taxes and fees, and cap-and-trade schemes. The contribution of this research is that it views all types of payments not only as tools intended to facilitate the implementation of plans (e.g. infrastructure development), but above all as a necessary, intrinsic, important and mandatory component of planning. Planning that does not involve monetary tools is not only less efficient, but it is incomplete or truncated. From an economic point of view, the need for planning is linked to market failures and externalities. The role of planning can best be understood in light of Coase's criticisms of the Pigouvian approach to addressing externalities. But when one at least one of the parties in a Coasean bargaining is a collective entity, or comprises multiple providers or multiple victims of externalities, the Coasean approach inevitably involves Pigouvian methods. However, no matter whether Pigouvian or Coasean solutions are relevant under given circumstances, both approaches are associated with payments. Within this theoretical framework, the article identifies the main types of monetary instruments and forms of payment that are applicable in spatial (urban and regional) planning. The article briefly examines current examples from the practice of urban and regional planning and development in Bulgaria and identifies multiple aspects of planning failures (not only poor efficiency), when planning does not use monetary instruments.
Ostrom’s theory in the light of the complex property rights concept

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Elinor Ostrom's influential theory refers to resources owned by groups and communities; so, obviously, these groups and communities are based on common ownership. In general, common ownership is considered as intermediate between private and public. The first theory to investigate this type of ownership is Buchanan's. According to Buchanan's concept, property rights exercised by groups and communities are in fact mixed. If we apply Buchanan's concept to Ostrom's theory, we will find that private property and common property are not opposite and mutually exclusive, but inevitably and intrinsically connected. Thus, common-pool resources are both shared by all members of the group/community and private by their union. On this basis the papers draws some significant conclusions regarding Ostrom's theory. First, as a resource management theory it has a much broader scope than is generally considered. Secondly, by providing for simultaneous exercise both common and private property rights, CPR systems have significant advantages. They ensure sustainable use of resources because the private owner is committed to maintaining the resource, otherwise it will be exhausted and the flow of goods will be lost. Furthermore, CPR groups and communities participate in market transactions. Thus, to survive market competition, they have to be effective and to that end they must continually improve their internal systems of organizational rules.
The Politics and Policy of Inclusionary Zoning

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In many high-cost areas of the United States, the favored mechanism for building affordable housing is “inclusionary zoning” (requiring developers to provide or pay for affordable housing as a condition of approving market-rate development). Inclusionary zoning is mostly ineffective as a policy matter because either it raises the cost of development sufficiently to make the development unprofitable, or, where it works, it provides a small number of subsidized units at the cost of raising the price of market-rate housing, accelerating the gap between the wealthy and the poor. These points have been made before, and debated on empirical grounds. While the wisdom of inclusionary zoning has been debated at length, the policy debates rarely consider the politics of inclusionary zoning -- that is, what are the political incentives that lead policymakers to prefer inclusionary zoning over more effective tools, like reducing zoning restrictions on new development? What role can inclusionary zoning play in reducing opposition to new development? I seek to answer those questions, and place the debate about inclusionary zoning policy into a political context.

Inclusionary zoning policy cannot be considered outside the politics. For example, it may be conceded that inclusionary zoning percentages of 15% or less can be absorbed by a developer without disincentivizing new construction. But the question is: can we expect local governments to actually adopt a feasible inclusionary zoning percentage in light of political incentives? The reality of inclusionary zoning is that the inclusionary percentages always edge higher: if an existing inclusionary zoning law is working, politicians say “let’s make it higher so we get more units.” If the law is not working, politicians say “let’s make it higher so it will work.” At the root of the problem is a distrust of developers and a desire to use inclusionary zoning not to actually acquire more affordable housing, but to discipline and punish developers for the temerity of asking to build more housing. On the other hand, inclusionary zoning can have a positive benefit on homebuilding. Considering the severity of opposition to new housing, and the resistance of many people in the community to how the economics of supply and demand affect housing prices, inclusionary zoning can be an effective way of muting that opposition by linking new market-rate construction (which the community considers undesirable) with new affordable housing (which at least some consider to be desirable). Inclusionary zoning is undoubtedly a “neoliberal” policy in this regard, leveraging the private market for public benefit rather than, say, a more general system of taxation. But considering how strongly residents also resist state and local taxation to finance new housing, inclusionary zoning may be a second-best strategy for getting both market-rate and affordable housing approved.
Choice of municipal ownership strategies in land development process is of importance for executing housing policies. This research studies different municipal ownership models by providing comparative analysis of three German municipalities. Due to decisions and actions based on land policies in the past, these municipalities are now facing problems of rising land prices with different strategies. Megatrend of urbanisation puts pressure on municipalities to grow, and causes affordable housing to be in the reach of even fewer citizens. We study the relationship of different ownership models and housing policies in the selected municipalities. In the early 1990’s, most of the German municipalities privatized in a neoliberal way many of their originally sovereign tasks due to their economic situation, such as waste management, public transport or housing. To balance their economy, they either fostered public-private partnerships, sold a lot of municipal land or even privatized municipal social housing. This lead amongst other impacts to a situation of fragmented ownership in municipalities, causing difficulties in executing efficient housing policy to provide affordable housing. The chosen cases present three models of municipal ownership structure in land development for housing. Berlin for example sold almost their whole municipal housing stock to highest bid while other municipalities, such as Munich privatized their functions by establishing municipally owned companies. In contradiction to privatisation, the city of Ulm kept all their land and housing in its own hands and is now developing land only owned by the municipality. By providing a comparative analysis, we want to contribute to the topical discussion on tackling rising land prices and providing affordable housing. As a result, this study presents the concepts of municipal ownership structures to be used for land development and gives recommendations to further development of urban policy programmes.
Public participation in planning law presents a conundrum to planners, local governments, and potential participants. While there is often ritual obeisance to that participation, there is also substantial skepticism over its legitimacy as it occurs “on the ground.” This paper examines the constitutional and statutory bases for an opportunity to be heard on policy and policy application involving property rights matters in the United States and the realities of public participation, including some grounds for skepticism as to its effectiveness.

The paper uses the Oregon “Citizen Participation” program and the extensive opportunities that state law offers to those who wish to advance or vindicate their property rights under that state’s planning program. The paper concludes that, in Oregon as in most American jurisdictions, laws providing for public participation are generally weak in enforcing the content of local participation programs; however laws that offer standing (especially if they waive or limit appeal fees) can provide assistance to property owners and other participants.

The paper also examines a darker side of public participation – dominance by property owners, as opposed to tenants or others the tendency that older, richer, whiter members of public participation entities to the detriment and marginalization of people of color, businesses, and others – and proposes alternatives to assure ongoing effective public participation that is open to all. I expect this paper will be published later this year.
This paper contrasts mechanisms that deal with requirements that private developers provide affordable housing as part of property development approvals in the United States and England. In particular, the paper explores the legal limitations imposed by constitutions or laws to prevent governmental overreach.

In the United States, where there is no coherent national planning policy, these limitations are either constitutional in nature (most often involving the “Takings Clause” of the Fifth Amendment) or otherwise limited by state statute (for example authorizing, but limiting, so-called “inclusionary zoning” measures). There is a very real possibility that the United States Supreme Court will find that property rights trump housing affordability considerations and strike down the use of inclusionary zoning under the Fifth Amendment and examines possible alternatives.

In England, it is Parliament that provides the limits to these mechanisms, so that it is necessary to pay attention to the policy of the government of the day over property rights considerations. Current policies, applicable to review of local government plans and subsequent actions, are set out for comparison purposes.

The paper, which should be published this fall or winter, concludes that while both American and English policies to provide for affordable housing are the product of shifting justifications and results, the American side is further constrained by uncertain constitutional limitations.
Possibilities and Limits of European Land Policy Instruments in Urban Planning and Land Management – A Systematisation

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Fast growing European cities like Amsterdam, Paris and Stockholm as well as German cities such as Berlin or Munich are increasingly confronted with the shortage of living space. The concentration of population in the metropolitan areas lead to an increase in the per capita consumption of living space and more construction activities combined with the finiteness of the resource "land". As result of the different trends, the municipalities use various formal, informal and fiscal instruments to steer urban and land development in a sustainably way.

On the one hand, there is the development from arable land to building land on the outskirts of cities, which is assigned to the process of urban expansion. On the other hand, the development of inner cities' sites and the intention of closing gaps or converting areas is part of the process of urban regeneration. So, which steering instruments are particularly suitable for both ways of urban development? In addition to legal and physical availability, a comprehensive development right up to the implementation of construction projects plays an important role, i.e. the need of short planning and decision-making processes. What land policy instruments are available in Europe and which ones can be used to implement projects quickly and according to the demand? Further on, which measures are useful for social integrative developments? And how deeply do the instruments interfere with property rights? Here, public value capture instruments like betterment charges or property taxes play an important role and are different in the countries.

The presentation gives an overview about different and common European land policy instruments in urban planning and land management. Furthermore, based on good practice examples the possibilities and limits will be determined and conclusions were draw for European urban developments.
Anchoring of strategic planning of municipalities in the legislative and regulatory framework of the Czech Republic

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Strategic planning and management of the development of municipalities is one of the basic tools of regional development. The aim of the paper is to provide an overview and discussion of the legislative and regulatory framework in which the concept of strategic planning is anchored in the Czech Republic. Strategic planning of municipalities is not explicitly required by legislation in the Czech Republic, but there are regulations that implicitly require support in strategic plans when making decisions. An example is the requirement for the 3E principle - economy, efficiency and effectiveness. To some extent, legislative or regulatory conditions distort the real benefits of the strategic planning concept. At the same time, there is some discrepancy in relation to the concept of spatial planning, where both approaches should be complementary, but in practice there is often a conflict between them. The methods used are research and subsequent synthesis of knowledge. The result is a presentation of the context in which strategic planning is implemented in the Czech Republic.
How institutions are value-laden: the case of heritage conservation in urban development in the Netherlands

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Dutch built heritage conservation policy is gradually changing from a separate ‘domain’ or ‘sector’, that stands opposite to urban development in a ‘zero-sum-game’, towards an endeavor that is integrated in urban planning, cooperatively working towards an overall ‘high spatial quality’ and towards ‘place making’ (Netwerk erfgoed en ruimte 2014, Renes 2016).

The paper describes three developments that are the drivers for this development: 1. the widening scope of what is considered ‘heritage’, as buildings from the 70ties and 80ties, urban structures, large landscape structures, and even social practices become eligible as heritage 2. the growing conviction that the best way to preserve heritage is to make it accommodate a function for which there is societal demand, re-using the buildings. 3. The trend towards a more ‘participative’ way of policy making, that is common to planning and to heritage conservation.

This change in policy does not mean, however, that the institutions of both the field of planning and the field of heritage conservation, follow suit and change immediately in the same way. Discourse and practices, as well as formal rules, are only slowly changing. Using the framework of Ostrom (2005), this paper argues that the developments in policy can and should be considered as an institutional change, in which boundary rules, choice rules, pay-off rules and scope rules are changing (Tennekes&Van Hoorn 2019).

The core of the paper analyses what this institutional change means in terms of the values that are considered to be central to heritage. Developing a new conceptual framework for describing the values that are at stake in heritage conservation, the paper analyses 1. which values are still incorporated in the discourse, practice and institutions that follow the former conflict model of a ‘zero-sum-game’ between urban development and heritage conservation, and 2. which values are to be institutionalized in the new practice that the present policy papers envisage. The research is based on literature research, expert interviews, an analysis of formal policy instruments, and qualitative data from two case studies in residential neighborhoods from the 70ties, in which stakeholders could express through interviews and design which values they perceive in their heritage-to-be.
“Buying the air” – Planning and legal conflicts of the ‘khrushchovka’-project in Moscow

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In February 2017, the Moscow government under major Sergey Sobyanin has launched a new step of program of capital repair for typical apartment houses, so called “Renovation”. The core object of renovation is houses, which were built in the period from 1957 to 1975 and are now in critical or pre-critical condition. These flats were referred to the type of temporary housing with an operational period of 25 years. But the new step of the renovation project now also covers old houses of that type in good condition where the majority of owners voted for their apartments to be demolished. Here, owners are interested in demolishing because the Moscow government promises new flats with bigger space in newly-built estates instead of outdated condominiums.

The objective of the presentation is to highlight the underlying renovation land policies and responsible urban governance decisions before the background of the legal and property structure in Moscow. Here, first results of the case-study on the renovation and demolishing of mass houses will be presented. The project consists of field studies, legal research, property mapping and valuation. According to Russian legislation, only houses in “critical condition” can be demolished. But under the guidelines of this program, houses will be dismantled against the Law and the Constitution of the Russian Federation. Generally, all Soviet housing in Moscow had been privatized over the past 25 years, but only about 5% of such properties could legalize a plot under an apartment house. Currently, blockchain initiatives aim to speed up the property registration process, in collaboration with the ROSREESTR state cadaster. The project consisted of about 350,000 apartments with a total area of 16,000,000m², from which about 1,000,000 people will move into new buildings until 2032. Most importantly, there is a danger of losing the right to social housing.
Determinants of urban land supply. Evidence from Spain.

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The supply of urban land is a controversial issue in all planning systems around the world. Empirical studies tend to suggest that there is a causal relationship between levels of planning stringency and land values. In order to shed more light on this issue, we will look at the urban land supply from the motivations of local authorities when supplying urban land. The aim of this paper is twofold. The first goal is to examine in a comparative perspective the way land supply is set up in Spain. The Spanish planning system has some characteristics that differ, on average, from the rest of EU-countries. In particular, concepts such as developable land or vacant land are widely used in Spain, but they can be very misleading for an international audience. The second goal is to examine two main imperatives governing land use decisions made by local authorities, Molotch’s ‘growth machine’ hypothesis, and Fischel’s ‘homevoter behavior’ hypothesis. Preliminary results show that Molotch’s hypothesis might be influencing local government decisions in shrinking regions. Shrinking municipalities tend to supply larger amounts of urban land than growing municipalities, which tend to be more restrictive. In this case, Fischel’s hypothesis seems to better describe the behaviour of growing municipalities. In addition, the paper seeks to explain why the Spanish planning system attributes can be exacerbating the impact of both hypothesis on land use decisions. We also point out that these results have a non neglected role in our understanding of the relationship between land-use regulations and land values. Namely, we could consider stringent or lax land regulations a symptom, rather than a cause, of growing or declining land rents.
In Turkey, the Reconstruction Law no. 3194 that came into force in 1985 has ensured the delegation of the planning authority from the central government to the local government on the one hand and empowered central government units to use their planning authority by leaving an open door to special-purpose laws on the other. The effects of the latter have increased more over time. When the Reconstruction Law no. 3194 came into force, there were only four special purposed laws in force. Their numbers have increased in time more and more.

In the Turkish planning system, special purposed laws cause to three problems. First is the appearance of fragmentation in urban space. This situation prevents from an integrated planning in urban areas. Second is the disintegration of planning powers in urban areas. In Turkish planning system, there are a lot of institutions that have planning power. Each uses their planning authority in different ways and purposes. Third is that the scope of the special purposed laws have been evolved from protection into use. In 2011, with the establishment of Ministry of Environment and Urbanisation, some of the planning powers are gathered in the Ministry. However, efforts to consolidate planning powers in the Ministry have not solved the fragmented structure in urban space. The aim of the paper attemps to examine the change of special purposed laws in time and their effects into Turkish Planning System. After obtaining the findings, with three different scenarios, future of special purposed laws in the planning system is discussed.
Economic viability of flood polder use along the River Tisza

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The River Tisza is the second biggest river in Hungary that carries the waters of the eastern ranges of the Carpathian Mountains toward the Danube. Between 1998-2010 six major floods occurred on this river that forced the flood defence organisation of the country to rethink the prevailing dike based defence strategy.

A polder development program was initiated. These are newly built polders (six already built, six in planning phase) that are connected to the river through floodgates. Their function is to cut the peak of the flood wave. To cut exactly the peak is a complex hydro engineering question, but the policy-development side and the economic background of storage space provision and the related economic decision support of the defence operation is instructive in its own right.

All six polders along the Tisza are large, each has a size of 20-60 km² and their territory is mostly private land.

When the flood gates need to be opened and the area inside the polder is flooded, the state has to reimburse the damage. The economic viability of the polder operation depends on the balance of the avoided risk, the net change in the cost of the defence operation and the damage compensation in the polder.

In the context of a system-operation development project that aims to use the flood-peak polders in a coordinated way as an integral part of the flood defence work, an economic decision support module was also developed. Based on this work an insight to the economic backgrounds of polder based defence and a deeper understanding of the underlying connections can be demonstrated in the conference.

Decision makers of flood defence now realize they face a new challenge: how to influence land use to mitigate risk, but this time it is a core flood defence effectiveness issue, not a less transparent catchment planning process. Concluding land use change agreements with owners of the land within the polders could further reduce damage compensation payments in case of being flooded, generate benefits via improved ecosystem services and at the same time spread some of the flood defense costs through the years, thereby avoiding sudden financing burdens.
Certain flexibilities in Land-use Plans

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The trade-off between flexibility and legal certainty is inherent in every planning system. This trade-off is especially apparent within a land-use plan. Flexibility and legal certainty are often seen as communicating vessels: the demise of one leads to an increase in the other. Within land-use plans, however, the connection between the two is more subtle. For a land-use plan, the choice between being specific or open, and rigid or adaptable, determine the amount of flexibility. With these choices a land-use plan can increase its flexibility without decreasing legal certainty. Within reason the legal certainty can even benefit from more flexibility. However, current academic literature lacks a structured way to analyse flexibility contained within a land-use plan. Such a method is necessary for analysing and comparing different land-use plans. This paper will provide such a method and analyse one hundred different land-use plans in the Netherlands on their flexibility. It will show that different planning instruments within land-use plans are not diversely used in most cases. And that the way land-use plans allow different activities seems to be the same over most land-use plans. The rules are general instead of area specific. This is in contrast to planning needs from citizens, companies and other institutions whom often ask for specific, tailor made, regulations. In regards to the trade-off between flexibility and legal certainty it is believed that a more specific and conscious way of regulating could improve our understanding of coping with the trade-off between flexibility and legal certainty. The research provides insight into the complex trade-off between flexibility and legal certainty and presents an assessing tool which can be used for further academic research.
Municipal planning for sustainable cities in South Africa: perspectives from the Gauteng City Region

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The significance of cities as drivers of the sustainable development agenda received its strongest recognition to date with the adoption of, the UN 2030 Agenda for Sustainable Development in 2015, and the UN Habitat III New Urban Agenda in 2016. These international policy instruments frame the context in terms of which urban sustainability must be pursued across the globe.

Several scholars maintain that planning law and policy has a specific role to play in addressing the challenges that cities face, and in guiding them towards a more sustainable development trajectory. Notably, South Africa’s planning law system has recently been transformed by a new planning law framework. In contrast with the pre-1994 legislation, the country’s new framework legislation for planning prioritises the transformation of South Africa’s cities into more efficient, equal, resilient and sustainable spaces. While much research pertaining to South Africa’s apartheid planning history and its shaping of cities has been disseminated over the years, significant enquiry remains necessary to better comprehend and apply the country’s new planning system. This is particularly true in the context of municipal planning and rapid urbanisation, and the extent of local government’s legal responsibilities and authority for planning to promote sustainability in their areas of jurisdiction. This research critically questions the extent to which municipal planning law and policy promotes sustainable cities in South Africa. The Gauteng City Region is employed as a case study to illustrate the role and function of municipal planning law and policy in promoting sustainable cities in the country’s smallest yet most urban province. Specific emphasis is placed on the planning law and policy instruments of three municipalities in the Province, namely the City of Johannesburg Metropolitan Municipality; the Emfuleni Local Municipality; and the Sedibeng District Municipality. Each of the municipalities, despite their differences in size, face unique sustainability challenges.
Munich’s developer obligations as a legal transplant to the Czech institutional context

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Many wealthy cities, such as Munich (Germany), have developed own comprehensive policies of land value capturing in the past. It seems that the Eastern European countries, including the Czech Republic, need to catch up and implement such strategies to find new resources for their public infrastructure provision. The Czech Republic is now in the phase of evaluating different models of value capturing and seeking the best models for being introduced there. One of the considered models to be implemented primarily in expanding wealthy cities is also the Munich model, considered within Germany as one of the best models of their local value capturing policies for its transparency, equal conditions towards developers and the complexity of purposes of value capturing including social housing.

Complex insight into the impacts of Munich’s developer obligations model is missing, however. Our study brings more in-depth insight into the views of key local stakeholders on the effects of this policy. Key stakeholders include developers, public officials, politicians, professional public and NGOs.

The methodological approach is based on semi-structured interviews with key stakeholders from Munich, where there is already a 25-year experience with the policy, and Prague, with virtually none value capturing policy experience yet.

Following issues are studied: (i) impact on efficient allocation of land among various uses; (ii) the effectiveness of this policy to achieve its goals; (iii) its impacts on the issues of justice and legitimacy. We were particularly interested in tracing differences between the views of these two groups of stakeholders which could show the differences of attitudes based on the different starting point of experience with this instrument as well as different institutional, particularly cultural context. An instrument possibly successful in one institutional arrangement may fail to be legitimised as a legal transplant in another, albeit close, institutional context.
Informal Housing Typologies of the Upper Classes in Bogota, Colombia

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Housing informality seems to be present everywhere regardless of economic and social conditions. However, research about the presence of this phenomenon beyond non-poor contexts is still scarce. Although housing informality in Colombia is widespread throughout the country, literature is almost exclusively focused on describing the production of urban space for the most vulnerable. Meanwhile, informal housing construction has been steadily expanding in privileged contexts. This article describes the phenomenon of informal housing units for the upper classes in the eastern hills of Bogota. This protected area has been affected by the presence of upscale developments in recent times. While academic studies have put the spotlight on describing and analyzing informality of the urban poor, the presence of this condition in upper classes has been almost completely overlooked. This article aimed to fill this literature gap by having two main objectives, the first one was to identify the location and patterns of growth of this phenomenon by using GIS and cadastral data within the boundaries of the eastern hills. The second aim was to classify the identified informal units in several typological categories. Two analytical typologies were identified, they represented different growing patterns: by attachment among neighboring settlements or by occupying completely new areas. Ultimately, urban form and growing patterns match strategies that are almost exclusively available to upper classes. These tactics allow them to hide and merge to prevent enforcement from planning authorities. The two typologies represent a close relation between urban form and function that is enabling the spread of upper-class informality in several locations of the eastern hills.
Public entities viewpoint: defense against compensation for zoning restrictions under Polish law

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While spatial planning is essential, it also leads unavoidably to important conflicts. On one side there is public, general, interest, on the other side there is private, individual, interest. A land use plan might declare certain land uses as admissible while others as non-admissible. The most basic example is a land use plan declaring a real property as constructible or as non-constructible.

In general, no fault can be assigned to any owner for the adopted spatial planning restrictions. As a rule such restrictions constitute a lawful measure – an owner cannot invalidate them in court. Therefore, owners seek to get compensation.

According to Polish law the scope of responsibility is broad – compensation for zoning restrictions is due in huge number of cases. The question arises – could public entities lawfully defend themselves against these claims? What are the exceptions when compensation is not due? Is there any favorable case law overturning certain law provisions? Answer to this question is enshrined in regulations concerning compensation for zoning restrictions as well as case law.

The author deals professionally with rules governing compensation for zoning restrictions in Polish law. The presentation will represent public interest point of view, it will build upon case studies as well as recent adjustments introduced in Polish law, that constituted important changes in the subject. The underlying aim of the presentation is to discuss what are favorable (for public interest) ways to shape responsibility for zoning restrictions. The subject has high practical relevance. Its underlying questions are: financial stability of public entities, effectiveness of land use planning. Based on regulations concerning compensation for zoning restrictions these questions are dealt with on everyday bases all over Poland, but also in many other countries of the world.
Fuzzy Polish polders: weak legal conditions and untapped potential
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Polders are well known measures in flood risk management which provide several flood protection functions in various land use conditions while not excluding intense residential, agricultural and industrial land use. They rely on existing complex system processes of nature (such as its ability to regulate water flows) to safeguard and enhance the water storage potential of landscape, soil and aquifers by restoring and maintaining ecosystems, natural characteristics of water courses and by using natural processes mimicking ecological ones. Natural origin of polders is usually complemented by grey infrastructure what raises flood-protection abilities of this measure.

Despite their benefits polders potential is not used. Actual establishment and managing of polders in Poland face the following several difficulties:

1. Ambiguity of formal regulation. The only one formal definition of polder relates only to flood protection polders what affects problems in compensations for losses caused during flood events. Indemnities concerns only landowner that properties are located on flood protective polder, while polders rarely fulfil only one function.

2. Intensive development. Multifunctionality of polders leads to intensive settlement and increase of proportion of residential areas in general land use structure. That leads to social conflicts related to flood protection function of polders.

3. Lack of land use policy. There is no formal regulation of land use structure within polders. This issue relates to the first one (1) – lack of formal regulation does not enforce regulation in case of land use policy and leads to the (2).

All of above leads to the present situation in Poland where huge potential to flood protection, agricultural production intensification, recreation and landscape and geodiversity protection is untapped. The paper underlines the benefits of polders as flood protection measure and points out the problems related to this issue.
Value capture has been discussed in Germany for more than 60 years. The idea is to “capture” unearned increments in land value arising from the designation of land for profitable uses. Already in the run-up to the introduction of today’s national planning law in 1960, the implementation was considered. In the 1970s and 1990s, too, legislative initiatives were launched. None of these initiatives, however, succeeded. The presentation will describe the discussion. It is interesting to see, that while value capture was never adopted as a general principle it nonetheless exists at least in some situations. And more, the adoption of value capture as a general principle could be regarded as the logical next step in the development of German planning law.

But this does not answer the question for the merits of this instrument. Whether the concept of value capture should be pursued depends on various factors. What is the purpose value capture? In the early discussion value capture was seen as an instrument to finance the community. Today, however, the discussion concentrates on other purposes. The development of urban infrastructure – technical (e.g. streets, sewers, public transport), social (eg. schools, hospitals, services for the elderly), and cultural (eg. concert halls, libraries) – leads to an unearned increases in the value of the land. It seems unfair that the land owners profit from those increases while the costs of creating them are covered by the community.

While it is easy to make a case that the property owners should contribute to the costs of infrastructure it is more difficult to decide whether value capture would be the right instrument. If value capture is not used retroactively, than it applies only to situations in which the municipalities designate new areas for development. Property with already existing building rights would be left out. This is not only true for areas with existing plans. Under § 34 of the Federal Building Code lots in already built up areas can be developed even in the absence of a plan. Those developments account for more than 50% of all residential development in many municipalities. Although they weigh heavy on the infrastructure they would not be covered by a value capture scheme that is triggered by the designation of land for development.

Since the effectiveness of value capture is under doubt the discussion concentrates on other instruments. One instrument that turned out to be effective are urban development contracts. It can be shown that the legislative history of urban development contracts is closely tied to the goal of value capture. Besides the pursuance of other development goals urban development contracts allow for the recovery of infrastructure costs. One prominent example is SoBoN (Sozialgerechte Bodennutzung – “Socially Just Land Use”) a program used by the city of Munich. This program is regarded to be very successful. It allows to capture up to two thirds of the increase in land value. One idea is to widen the scope of those development contracts and extend their application.

Another idea would be to transform the system of property taxes to a scheme in which the amount of taxes paid is based on the value of the land and it allowable uses. The preconditions for this discussion are given, since the existing system of property taxes in Germany was declared unconstitutional what gives room for the discussion of new approaches.
The increase in population brought a growing pressure (demand) on lands, and arouse the need for creating appropriate protection of ‘open spaces’. The decision what are the most effective planning tools for protecting the ‘open space’ is highly complicated. It involves aspects such as planning policy, planning culture and availability as well as the effectiveness of less formal tools. Walking trails are part of such ‘open spaces’. National trails (NT) are specific genre of walking trails and leisure activities. They do not necessarily have extraordinary quality in each of their sections. However, their importance is in their extremely long continuance, sometimes from one side of the country to the other, and their suitability for hikers. NT paths typically contain a mixture of nature, geography, culture, history, ideology and even ‘national’ values. NT pass through different kinds of areas and uses, while creating diverse and complex interfaces with their surroundings. All these aspects, have raised policy questions as to the appropriate planning tools for creating and protecting them.

While in some countries NT are part of formal planning legislation and hence protected, this is not the case in Israel. The current study presents the Israel National Trail (INT) as an informal fragile planning phenomenon, while analyzing the planning situation, in face of the existing challenges for the open space in Israel.

Our study includes four parts. The first, will discuss planning options for protecting NT and open spaces; the second, will present international comparison regarding tools for defining and protecting NTs; the third will provide INT planning history; while the forth will suggest the most relevant tool and draw some conclusions.

Our preliminary conclusion is that the informal planning policy used to define the INT needs to be re-examined and replaced by a formal planning framework, whose details will be discussed.
After the separation of the island in 1974, property and property rights have been a controversial issue in Cyprus, especially recently with the reunification efforts of the island. Since 1974 the majority of the Turkish minority and expat population have been vastly developing the land that is originally owned by the Greek Cypriots. The majority of the expats however that either purchased property or developed property are delayed in receiving a title deed for their properties because of the intense bureaucratic procedures of the Turkish Cyprus government. Consequently, they are in fear of losing their property in case of unification or a legal action (i.e. Oram case). Out-dated land registration system that is not sufficiently operating and the acceleration of land development, will inevitably cause future conflicts over “who owns the property or the land”. Land registration systems are costly to establish and it is unlikely that such a system will be established in Cyprus in the near future. One possible solution for the recording of real estate foreign investments, as well as land use interest, is to rely on new blockchain technologies as an immutable providence database, thereby providing some temporary relief for expat land developers during this transitional period until a final solution on the Cyprus issue.
Minding the Federal Estate? The role of local planning in Federal Agency Decision Making.

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Across the federal agencies of the United States, a variety of policy and management decisions encourage and require that the agency take into account local planning decisions. They further require that the decision process take into those plans in the final agency decision, and some deference is given in statute to those plans.

In this paper we explore the role that local planning agencies and the local planning documents they create are used in federal agency decision making. We focus our examination on the rural county planning agencies in western United States and use comparative cases from the United States Bureau of Land Management and the United States Forest Service in our exploration. Using a process tracing approach, we explore the decision process in both agencies, and review how those processes engage with local planning documents as they make management decisions.

We find that role of local plans varies by agency, the content of the plans, the comprehensiveness of those plans with regard to the policy or management area under consideration. We further find that local planning entities who craft plans with the engagement of the federal agencies as one of their planning goals are more likely to be given deference in the federal decision process. This deference occurs only when those plans are consistent with the policy goals of the agency. In short we find that local plans sometimes able to cause marginal changes to agency decisions, but that ability is conditioned on content of the local plans.
Washington County, Utah has been one of the fastest growing counties in the nation. It is not surprising then, that land management issues are of top priority in the county and have been for many years. Rapid growth in the new millennium has created critical land management needs, placing significant pressure on county, state and federal officials to effectively manage expansion issues. In 2006, former Senator Robert Bennett, (R-Utah) and then Congressman Jim Matheson, (D-Utah) took the lead on the issue and developed legislation that would re-designate many portions of the county to allow for growth and also designate portions for preservation, attempting to solve a long-term issue that had plagued planes, developers, and others in the County.

This study examines the process which led to the construction and ultimate passage of the Washington County Growth and Conservation Act of 2008. The legislation was a unique product of collective action. Employing stakeholders at various levels, the Utah delegation compiled a bill that offered incentives for all and as such, the legislation enjoyed a broad base of support. By fostering negotiation among them, the political actors were able to resolve expansion issues while also advancing the respective interests of the stakeholder parties in one singular piece of legislation.

The unconventional manner by which the bill was crafted, the circumstances that gave the effort momentum and the trade-offs that made passage possible make the chronicle worthy of examination for a number of reasons. The collaborative method used has binary potential—it could alter the way that public policy is formed or simply serve as a relic, documenting a perfect storm of circumstances that ended in success.
We’re not doomed after all! Planning responses to the Hardin’s ‘tragedy of the commons’

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The market failure may be regarded as the prime rationale for undertaking spatial planning and land management by public bodies (Lai 2011). Its reasons are enrooted in specific features of subjects and objects of economic exchange. The focus of this paper are features of economic exchange objects as determinants of free market spatial development’s failure, i.e. non-excludability, non-rivalry, scarcity, non-multiplicability, necessity. All objects of economic exchange (called ‘economic goods’) may be regarded as some kind of resources and utilities. It will be argued that specific features of economic exchange objects may be distinguished in case of utilities only. Identification of such features enables to determine whether distinct economic ‘goods’ may be regarded as private, public (Pigou 1932), merit (Sloman 2001), club (Batina & Ihoti 2005) or common (Ostrom 1990) ones.

In the land-use case, spatial resources (e.g. land) and their range of utilities (i.e. their possible uses) are traditionally distinguished in the process of planning. Such a distinction is necessary to answer the question, which of the utilities of spatial resources are difficult to be provided by free market, thus should be objects of planning care?

The presented conceptualisation will be used to predict possible spatial development scenarios to occur after the Hardin’s (1968) ‘tragedy of the commons’. Land privatisation, land-use change and planned urban development cases will be described and assessed on economic criteria. Relevant economic theories as Pareto (1894) and Kaldor-Hicks (Hicks 1939) optima as well as Nash (1950) equilibrium will be applied to depict related planning and land management dilemmas. Conclusions drawn will be used as a basis to formulate recommendations for planning and land policy aimed at alleviating market failures. They may further be used as theoretical assessment framework of planning policies and instruments.
Urban megaprojects as instruments of urban development and governance

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The paper explores the land-use planning and governance of the urban megaprojects (UMPs) as instruments of post-industrial urban development towards the real estate financialization, on the example of Belgrade Waterfront Project. Bearing in mind their substantial impacts, UMPs often attract high-end market, public and political interests. UMPs are result of decision-making by different policy-makers and stakeholders that are market-derived and supported by different public and development policies. UMPs are increasingly becoming mighty instruments of smart urban transformation, city re-imaging and one of the key constituent structures of the smart city, i.e. the conversion of sustainable integrated urban development into the smart city concept. They are a product of high technology, extreme engineering, ICT, architectural design with the smart “iconic” and energy-efficient buildings. The paper emphasizes that UMPs are the strong instruments of global economic development in the smart cities, especially in real estate sector and hi-tech urban infrastructure. Here will be analyzed a global features of UMPs as well as key challenges (regulatory, institutional, financial, governance). Various aspects of UMPs make them extremely complex: huge size, sometimes unpredictable outcomes and diverse multi-scale impacts. Their implementation is often accompanied by undesired conflicts in governance arena.

The role of the UMPs in the development of smart cities is growing. The paper indicates a new phenomena -“zero-friction” society with the aim of global development relying on UMPs in the smart cities digital multiverse. It is emphasized that urban development are influenced by different approaches related to planning and governance system for the large development projects (UMPs). Complexity of UMPs require new approaches in decision-making, planning and governance. They should be based and adapted to the integrated, inclusive and sustainable perspectives. Some recommendations for the further research and improvement of UMPs governance in the cities, especially more innovative urban land tools, will be highlighted.
The paper first investigates how Chinese government used land to finance urbanization and economic structural change. It summarizes the political, legal and public finance institutions allowing land finance to happen in China. Then it reviews the debate of the contribution and risks of land finance. Even the debate over equality and efficiency is inconclusive at the moment, reform is urgently needed considering land revenue will be decreased and infrastructure maintenance has been increasing with China’s continue urbanization. Central government has long been noticing these problems and implemented various policies to constrain local governments’ land use behavior. But they failed. Last, I use the divergence of social costs and private costs of land development explains local governments’ strong incentives to overcome central constraints.

Second part empirically tests whether a land development quota trade market could be a solution. Based on China’s first land development quota market in Chongqing, this paper identifies why the quota market failed to correct the problems of mismatch and information asymmetry under administrative allocation approach. It concludes with policy suggestions.
Community Transformation and Dissolution in Israel's Cooperative Villages: The role of property rights in community resilience

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Human communities are unstable by nature, alternately facing success and challenges. In recent years, rural communities have faced crises, as they increasingly lose population and traditional agricultural landscapes. The discourse on this complex trend has primarily focused on the advantages and disadvantages: On one hand, the industrialization of agriculture has led to the decline of the family farm, the abandonment of settlements and disappearance of communities. On the other hand, there are environmental benefits and possibilities inherent in this trend, including the opportunity to reduce the land required for agriculture in favor of open space. (Robson & Berkes, 2011)

This rural crisis is present also in Israel, although in other forms than in rural areas in other countries. Whereas in most other advanced-economy countries rural land is privately owned, in Israel, it is nationally owned and all rural villages are highly regulated. In this paper, we will analyze the special role of land policy and property rights as factors in the capacity of communities to meet crises and transform into new formats. Israel is unique in that there are hardly any recent cases of abandonment of villages, due to the country’s tiny size and high growth rate. The distance to urban centers often enables commuting. When crises occur, they are therefore more based on social processes rather than economics-driven. Most of the villages are voluntary cooperative communities unique to Israel - the “Moshav” and the “Kibbutz”. However, these communities are also organizational bodies with many layers of state regulation, due to state land ownership. Thus, they cannot just dissolve on their own without losing major personal and collective assets. Therefore, the community and its resilience have a greater significance than villages elsewhere (Russell et al., 2011).

Our research sets out through an examination of how the various state institutions have dealt with the crises experienced by cooperative communities, especially with regard to property rights in the rural sector. It is evident that the main planning tool implemented is the revolution of the cooperative community into a suburban-like community. We hypothesize that the state's response to community crises or transformations is one-dimensional and does not differentiate between the different types of communities and the variety of trajectories of change. There is a need to explore communities’ response to the policies and planning measures proposed or implemented.

This study will first develop a conceptual framework for analyzing differing spatial, land policy and community-based processes created by different types of crises in different types of communities. We will try to offer a new set of land and planning policies based on analysis of the views of a variety of stakeholders, as well as the views about desirable solutions to emerge through consultations with local residents.