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ID: 9235
Session 8.1: Developer obligations and value capture 2

Biodiversity net gain as a developer obligation

Sina Shahab[1], Fabian Wenner[2]

Without policy intervention, property developments often lead to a loss or reduction of biodiversity by reducing the amount of available habitat for species and disrupting important ecological processes. Given the importance of biodiversity in the provision of essential ecosystem services, along with its socio-economic and recreational values, the Sustainable Development Goal (SDG) 15 of the 2030 Agenda for Sustainable Development is devoted to halting biodiversity loss. To achieve this goal, several countries including Germany and the UK have implemented no net loss (NNL) biodiversity policies (Bull & Strange, 2018; Milner-Gulland et al., 2021). These policies seek to achieve a balance between development and conservation by designing measures that ensure the biodiversity loss resulting from developments is offset by equivalent gains either on-site or off-site, notwithstanding the difficulties in quantifying habitat biodiversity value. While NNL biodiversity policies can theoretically reduce the adverse effects of development on biodiversity, their implementation in practice is challenging, thus they are subject to regular policy changes. The UK's Environment Bill 2021 includes a Biodiversity Net Gain (BNG) scheme, which means that, from November 2023, provision for gains in biological diversity will be a condition of planning permission in England (Part 6). The objective is that developments in England contribute to improving habitat biodiversity value by at least 10% of pre-development values. This is a major development, as it aims to achieve 'net gain', instead of 'net loss', whilst linking it to developer obligations. The mandatory BNG requirement also includes market-based instruments, for example where developers are unable to meet biodiversity obligations themselves, they may have the options of purchasing 'biodiversity units' or making a payment to the council or a third party (e.g., habitat bank), which is then liable for delivering biodiversity gains elsewhere. Despite the differences in the planning systems, a similar regulation is in place in Germany since the early 2000s. Previous research has extensively discussed the theoretical and empirical aspects of offsetting schemes and their policy effectiveness in various contexts. However, there has been little research concerning BNG as a developer obligation, and how it can be integrated into planning permission and development viability processes. Through investigating planning applications submitted to local authorities in the UK and Germany that have been pioneers in implementing BNG or BNG-equivalent policies, this study aims to address the following questions: how does introducing BNG affect negotiations between planners and developers? How does BNG sit within the broader planning gain and value capturing policy instruments? How does introducing BNG influence other planning priorities, e.g., housing provision?

[1]School of Geography and Planning, Cardiff; shahabs@cardiff.ac.uk
[2]Technical University of Munich; f.wenner@tum.de

ID: 9236

Session 2.1: Zoning and public policy

Construction land in Serbia – the right of use or ownership right?

Sofija Nikolić Popadić[1]

The rights that an individual could have on construction land in Serbia have changed throughout history. One of the changes that had a significant impact on rights over construction land and urban planning was the transfer of construction land from private into social and state ownership since the middle of the twentieth century. It was no longer possible to have private ownership of construction land in cities. That new system created the situation in which construction land could not independently be the subject of the legal transfer. Instead of private ownership, persons could have the right of use. Municipalities were responsible for the allocation of undeveloped construction land for use - for construction. However, the building/house built on that land could be privately owned. It was possible to transfer the right of use together with the transfer of ownership right on the building located on that construction land (e.g. through a sales contract). In the paper, we analyze the difficulties and problems that existed in that system. The process of converting the right of use into the right of ownership has started in 2009. It was stipulated that the persons who are the owners of the building/house become the owners of the land on which it is located. Although this process should have been completed according to the law, the results of our research show that it is not yet finished. There are still construction plots on which the right of use has been registered in the real estate cadastre, which creates various problems in practice, such as restrictions on the sale of construction land. The paper identifies and analyzes problems related to the right of use and proposes solutions to overcome the existing situation. Currently, the process of amending and supplementing the Law on Planning and Construction, which regulates the issue, is in progress, which will be a special focus of the paper. We will analyze the proposed changes and the potential effects of their application in practice.

Keywords: construction land, ownership, right of use, cadastre, conversion

[1]Institute of Social Sciences; snikolic@idn.org.rs

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Session 4.2: Developer obligations and value capture 1

Capturing or compensating? Discourse analysis on added value capture's legitimacy comparing civil code vs. common law country

Heather Ritchie[1], **Linda McElduff**[2], **Andreas Hengstermann**[3]

The development of land leads to immense increases in land value. Frequently, there are calls for this revenue to be used to enable planning gain or for the general public budget. This can be achieved through the use of added value capture: a policy approach rooted in the notion that public action should generate public benefit. In the planning literature, it is hypothesized that the successful introduction and implementation of added value capture depends on the way it is legitimised. Acceptance of the instrument is higher if it is justified with pragmatic advantages; capturing it for the 'greater good', such as financing local social infrastructure. If, on the other hand, arguments of justice are referred to (compensating the "unearned increment"), acceptance is lower as the direct added value for the public is not perceived. The existence and application of the instrument thus depend on legitimation, which makes analysing the legitimizing arguments interesting also for countries that have not (yet) introduced the instrument. However, studies on the legitimacy are rare. Furthermore, differences in legitimacy with regard to different legal traditions (common-law vs. civil code countries) are not adequately considered in existing studies.

The aim of this paper is to identify patterns of legitimation across different legal traditions. Switzerland and the UK are selected as two countries that differ in terms of planning systems (plan-led vs. development-led systems) and legal tradition (civil code vs. common-law country), but (unlike most countries) they have experience with added value capture. Discourse analysis is used to analyse key documents to determine how the instrument used in each country is legitimised officially and the extent of variation across the different legal traditions.

[1]Queen's University Belfast; heather.ritchie@qub.ac.uk
[2]Ulster University; l.mcelduff@ulster.ac.uk
[3]Norwegian University of Life Sciences; andreas.hengstermann@nmbu.no

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Session 4.4: Densification 3: Vertical densification

The Road to Density: Public amenities in mixed use environments

Nir Mualam[1], David Max[2]

One method of increasing urban population density is to weave a variety of uses, infrastructure, and amenities in compact development. Mixing private and public uses on one plot, let alone in a vertical environment, presents numerous obstacles. This type of mixed-use projects is extremely difficult to build, finance, and operate. This article examines Tel Aviv's current efforts to reach higher densities by embedding public institutions and infrastructure within primarily private construction. We review the nature and scope of this phenomenon during the last two decades, as well as its prospects and outcomes. According to the findings, the city pushed public-private partnerships that allowed it to situate public amenities closer to residential, commercial, and office structures. It has set aside 60 sites for such mixed-use construction, while foregoing the "normal" path of establishing public institutions on separate plots. This tendency is expected to continue as land becomes scarce and requires more intensive redevelopment.

[1]Technion - Israel Institute of Technology; nirm@technion.ac.il
[2]Technion - Israel Institute of Technology; davidmax613@gmail.com

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Session 8.2: Sustainable policy and climate adaptation

Cleansing greenwashing in planning and property development

Rebecca Leshinsky[1]

Municipalities and planning schemes require certain ESD standards prior to the issue of planning permits. Developers, superannuation funds, financiers, and other property investment professionals are under pressure to deliver high level sustainable and energy efficient outputs, that support climate change mitigation and adaptation. The must be balanced with what the built environment projects can achieve and afford. Too many times, such promises cannot be fulfilled. Legally this leads to misleading and deceptive conduct/advertising. This presentation explores three recent Australian legal cases where the federal corporation regulator, the Australian Securities and Investment Commission, pursued corporations who made puffed up ESD promises that amounted to greenwashing. Greenwashing is the practice of misrepresenting the extent to which a financial product or investment strategy is environmentally friendly, sustainable, or ethical. Greenwashing was first raised in 1986 by activist Jay Westerveld, when hotels commenced asking guests to reuse towels, claiming that it was a company water conservation strategy, when, in fact, the act was designed as a costsaving measure (de Freitas Neto et al. (2020). The presentation raises greenwashing in the context of land use planning and development in times when consumer confidence with promises about ESD outcomes is being challenged due to greenwashing.

[1]The Royal Melbourne Institute of Technology; rebecca.leshinsky@rmit.edu.au

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Session 3.1: Urban sprawl, no net land take and land consumption

Land take for urban development in Germany: Current situation and options for improvement

Andreas Hendricks[1], Markus Schaffert[2]

Due to its significant environmental, social, and economic consequences, reducing land take is in line with the United Nations' Sustainable Development Goals (SDG) 11 and 15, which call for sustainable and resilient human settlements, and halting and reversing land degradation. In our presentation, we show how difficult it is in practice to achieve the political goals for reducing land take in Germany, such as the 30-hectare target.

Since the 1950s, it has been common municipal practice in the old federal states to designate and develop more and more building areas for residential or commercial purposes. In rural Germany, the development of new building areas is often decoupled from actual demographic needs and has become an actively used instrument in the "battle for residents".

We assume that municipalities are more likely to engage with (and question) the impacts of land take, if the negative consequences and causes are made visible and visually tangible to them. We use geospatial information to this end.

After becoming aware of the problem, work can be started on its solution. For this purpose, the first step is to determine the need for living space. Important parameters are the average household size and the demand for living space per capita. In addition, the housing market should be monitored for submarkets.

On the other hand, inner development potentials and the possibilities for their mobilization are to be explored. By comparing these potentials with the demand, substantial results are obtained regarding the need for further development of building land.

In addition, inter-municipal cooperation can help to prevent unnecessary development of building land. Alternatively, a quota system would be conceivable in which the municipalities are allocated certain quotas by regulation or tradable land certificates.

[1]University of the Bundeswehr Munich; andreas.hendricks@unibw.de
[2]University of Applied Sciences Mainz; markus.schaffert@hs-mainz.de

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Session 4.4: Densification 3: Vertical densification

Socializing on Rooftops - A comprehensive review of publicly accessible rooftops policy in dense cities

Gilat Lovinger[1], Nir Mualam[2]

According to UN data, the world's population is becoming increasingly urban with more people occupying densely populated cities. As a consequence, urban denizens may be forced to congregate in new, vertical spaces, in complex buildings with multiple uses and functions. Simultaneously some cities are adopting a growing number of elevated public and semi-public spaces on structures (EPSOS) that enable planners to increase urban density. However, these places can become neglected and hidden from the eyes of city dwellers. The focus of this paper is on these elevated open spaces in Israeli cities, that are available for public to use. According to exploratory interviews with experts, many of these do not exhaust their ability to contain human activity.

In this paper we showcase an exploratory study that focuses on the elusive nature of EPSOS: conceptually, physically, visually, legally, and publicly. The study identifies common EPSOS typologies in various cities and the terminology used by experts, statutory and policy documents to describe the phenomenon. We map the challenges and opportunities of roofs and elevated areas to become part of a network of public open spaces, and review some policies that are adopted to facilitate the creation and management of these spaces.

[1]Technion - Israel Institute of Technology; gilat_usa@hotmail.com
[2]Technion - Israel Institute of Technology; nirm@technion.ac.il

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Session 3.2: Historic development between the relation of state and landowner

State planning in the United States: the next century

Edward Sullivan[1], Caleb Huegel[2]

Formal planning and land use regulation in America began with the adoption of the New York City Zoning Resolution of 1916, focusing on regulation and not involving formal planning. That model was used in the formulation of two model acts provided by the federal government for states to use or not. Most states followed the zoning model act and many used the planning model act; however, in the first half century it was land use regulation, rather than planning, that was deemed essential. Under this general template, regulation did not require planning, nor did states retain any control over the power delegated to local governments. The courts resolved disputes, but there was no legislative policy direction.

Some states departed from this model, including Hawai'i and California, but the state that followed a wholly different path was Oregon, adopting an entirely different model that: 1. Required land use regulations to be consistent with separately adopted plans; 2. Established a state planning agency with extensive powers to assure state interests were met in local and regional plans and land use regulations; 3. Established state standards for local and regional plans; 4. Required all levels of government actions to be consistent with those plans; 5. Established processes for review of plans and land use regulations for consistency with state standards; 6. Provided for review of most local and regional land use decisions by an administrative agency, rather than the courts.

After a review of this system and its history, the paper focuses on three aspects of the state's effort that have had a degree of success, i.e., public participation, the planning process, and urbanization, and provides recommendations for program improvement.

[1]Portland State University; esulliva@gmail.com
[2]Clackamas County; cjnhuegel@gmail.com

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Session 2.3: Water

Towards Institutional Integration in Shared Seas: A study of the Irish Sea

Linda McElduff[1], **Heather Ritchie**[2]

Governing shared seas is challenging. Decisions about the distribution of coastal and maritime uses involves complex interactions between actors and institutions that are embedded in different legal and legislative approaches, cultural and administrative procedures, and property rights regimes. Marine Spatial Planning (MSP) practice is evolving towards fostering integration between sectoral agencies, regulatory bodies, and stakeholders. This is increasingly lauded, yet, despite some successes and global aspirations to realise improved management of our seas, challenges remain to the delivery of MSP in practice. In particular, a lack of institutional integration across marine borders and subsequent disputes over legal rights and ownership exist in many shared seas across the world, including the Irish Sea.

Though geographically small, the Irish Sea has a complex governance and property rights regime. For example, marine and coastal activities and uses are governed by various EU Directives and international conventions, four separate pieces of primary legislation, and five different MSP approaches and plans. These 'first generation' marine plans are criticised for being too strategic, too ambiguous and limited in impact. Undefined borders and ongoing disputes regarding ownership rights of the seabed prevail, negatively impacting some activities (e.g. marine renewable energy) and representing a significant barrier to the sustainability of the marine area.

Applying an innovative evaluative framework, this paper undertakes a comparative study of how transboundary issues are variously dealt with in marine legislation, plans and policies across the Irish Sea. Findings from semi-structured interviews with key actors across the Irish Sea further illuminate the issues and opportunities for effective transboundary MSP. The findings highlight a lack of transparency and meaningful commitment to tackling transboundary marine issues in a coherent and integrated manner, and evidence of political and institutional inertia. Lessons for advancing institutional integration in the Irish Sea, and elsewhere, are put forward.

[1]Ulster University; l.mcelduff@ulster.ac.uk

[2]Queen's University Belfast; heather.ritchie@qub.ac.uk

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Session 3.2: Historic development between the relation of state and landowner

Policies for land and property: The German land question in light of 50 years of urban development reports

Ben Davy[1], **Thomas Hartmann**[2]

Land policies pronounce public policy interventions regarding land uses. Land policies are influenced by the policymakers' interpretations of the policy problem (Hartmann & Gerber, 2018, pp. 3–4). The specific interpretation of the policy problem should correspond with the policy intervention in regulating property in land. The interpretations may change over time and in different contexts, so that land policies need to be adapted accordingly.

The German federal government regularly issues urban development reports to the parliament. The government uses its reports to promulgate land policy objectives and prepare amendments to planning, housing, and environmental law. The reports have presented "land" with varying meanings: as an economic resource for housing, a natural resource under threat from land conversion and pollution, or a common resource that the public may enjoy. The government propagated variations of the German policy problem as vehicle of political discourse. Whereas the reports address "land" ambitiously and creatively, property in land is treated more cautiously.

We explore plural meanings of land and property in Germany by analysing 50 years of urban development reports. The "morphological analysis" of ideologies (Freeden 2013), serves as an analytical framework to reveal ideologies with which the government addresses policies for land and property.

[1]University of Johannesburg; benjamin.davy@udo.edu
[2]Technical University of Dortmund; thomas.hartmann@tu-dortmund.de

ID: 9265

Session 1.2: Special Session 3: Planning theory 1

Faces of land policy: visualizing collective memory through art

Ben Davy[1]

Since 2005, I have designed 14 posters (called Faces of Land Policy) each year as decoration for the Faculty Lounge of the School of Spatial Planning, TU Dortmund University. The top half of each poster (size: A0 = 1 sqm) is a snapshot I took during the previous year. Most of the photographs are street scenes in places I visited for an AESOP congress, PLPR conference, or research trip. Some photographs, of course, I took in Dortmund or Bielefeld, my cities of residence as migrant worker. The bottom half of each poster is a colored square and a quote. The quotes are from articles or books that I read or re-read during the previous year. The posters are a kind of diary reminding me of field trips and reading pleasure. The posters visualize a collective memory of land policy through art. Students and staff passing through the Dortmund Faculty Lounge sometimes purposefully studied the posters, others rushed by, but – considering the size – could not completely ignore the artwork. Why artwork? I do not consider myself as an artist, but the posters certainly are not science. They remind viewers in a haphazard fashion of what prominent or arcane voices over the centuries – our collective memory – said about land policy, land use planning, property and other topics related to land. One series was dedicated to Mahatma Gandhi's The Talisman; another to Encounters in Planning Thoughts, a collection of autobiographical essays from key thinkers in spatial planning, edited by Beatrix Haselsberger. The 2023 series (currently on display at the Chair of Regional Planning, TU Wien) comprises several posters dealing with rights of Nature and land ethics. In my presentation, I shall discuss the concept of visualizing collective memory of land policy through art.

[1]University of Johannesburg; benjamin.davy@udo.edu

ID: 9266

Session 6.2: Institutional analysis

The institutional resource regime in informal cities: spatial planning, public policies, and customary property rights on access to public spaces

Philipa Birago Akuoko[1]

The scholarship on spatial planning, access, and property right in sub-Saharan Africa persistently calls for current strategies of land tenure to reconfigure what is referred to as customary law with statutory laws in the broader institutional analysis. Informality, a major component of sub-Saharan cities is under siege as state and local governments attempt to evict, displace, and relocate informal workers from city centres through public policies with urban redevelopment agenda. However, these workers, demonstrate their agency through a multitude of institutions to remain in the urban fabric. We explore the dynamics of public space governance in Ghanaian cities to answer the question; What are the institutions governing public space use and access in informal cities? Through a mix of qualitative methods, we conceptualise public space as a resource and adopt a new institutionalist approach to understand the rules shaping urban (re)development in public spaces of two Ghanaian cities; both formal (state laws emanating from colonial legacies) and informal (traditional and customary laws indigenous to the people). Building on this approach, we consider that actors strategically influence the institutions to determine their room for manoeuvre. Subsequently, we adapt the institutional resource regime framework to analyse which actors, employ which institutions to determine the use and management of public spaces in Ghanaian cities and explore the roles actors play in the sustainable use and management of public spaces. Our findings reveal that planning and policy making in global south cities are problematic because informal institutions are not absorbed into mainstream planning. We propose that when informal institutions and actors interact in public spaces, localised regulatory arrangements are developed and these when incorporated into planning policies would lead to sustainable public space governance.

[1]University of Bern; philipa.akuoko@unibe.ch

ID: 9270

Session 5.4: Special Session 1: Property and tenancy matters

My property, your home: rent control, eviction control, and the constitutional limits to post-socialist regulated tenancies in Croatia.

Hano Ernst[1]

This presentation looks at the controversial developments in Croatian housing law that recently culminated after decades of conflict between property owners and tenants protected under the Tenancy Act of 1996. The problem stems from failed post-socialist restitution and housing policies. Immediately after WWII socialist law instituted requisitions of privately owned units via compulsory leases. In the subsequent reforms after 1974 these tenancies were converted into socialist tenancies even though such tenancies were dismissed as incompatible with private property and reserved for public housing. In the 1990s transitional period, socialist tenancy rights were abolished, and most tenants were granted purchase rights over socially owned units but socialist tenancies in privately owned units, as well as such tenancies in previously confiscated units subject to in-kind restitution were converted to tenancies subject to strict rent and eviction controls. This legislation was successfully challenged under the ECHR in *Statileo v. Croatia*, and subsequently amended in 2018 so as to remove existing rent and eviction controls. Two years later, these amendments were struck down by the Croatian Constitutional Court as violating the tenants' right to respect for home, yet the Government has not put forward a new bill to date, hence, the problem remains unsolved.

The presentation discusses the complexities of constitutional review of rent regulation in Croatia, particularly the limits of governmental interference via rent and eviction controls in a broad perspective and suggests that the current situation should be addressed on a more general level, not confined to the small category of currently protected tenants. Both rent control and eviction control are ubiquitous in comparative western jurisdictions. In the well-known example of rent stabilization in NYC, severe restrictions on landlords ' property have consistently been held as compliant with the Fifth Amendment as permissible land use regulation (as opposed to per se physical takings or regulatory takings). The presentation discusses the development of constitutional review of rent regulation before the U.S. high courts, including the arguments in *Community Housing Improvement Program v. City of New York*, a new petition pending before SCOTUS since May 2023 that challenges NY's Rent Stabilization Law, and goes on to compare and contrast these arguments against those presented by the ECHR and the Croatian Constitutional Court in analogous cases.

[1]University of Zagreb; hanoernst@gmail.com

ID: 9279

Session 4.3: Special Session 4: Aspiration vs delivery 1

Non-conforming or illegal dwellings? How the negative framing of enforcement policies eroded public support for strategic planning in Flanders

Tristan Claus[1], **Hans Leinfelder**[2]

As a result of the first Belgian Planning Act in 1962, territory-wide national land use plans were introduced as a legal framework for the assessment of planning permit applications. Immediately two critical issues arose. First, the rushed implementation of these national land use plans resulted in the zoning of thousands of existing dwellings in non-residential zones, giving them the label 'nonconforming'. Obtaining a planning permit for renovating, reconstructing, or expanding these dwellings became more difficult. Second, because of a lack of an energetic enforcement policy, the Planning Act failed simultaneously to halt the development, without planning permit, of additional dwellings in non-residential zones. This led to a second category of dwellings that were not only nonconforming but also inherently illegal.

In 1980, planning policy became the competence of federal Belgium's sub-national governments, including Flanders. The 1995 Flemish government sought to address the issues of non-conformity through rezoning of the legal non-conforming dwellings, if they were located well, and ordering the demolition of the illegal ones. However, unforeseen was the extensive media coverage on the demolition of the illegal dwellings, which often blurred the distinction between the solution-oriented policy for non-conforming on the one hand and the restrictive enforcement approach of illegal dwellings on the other hand. This paper presents an analysis of press articles, news broadcasts, and parliamentary reports spanning 1995-2001 to illustrate how this framing eroded public support for a planning approach of the non-conforming dwellings in Flanders completely. Indeed, as landowners increasingly feared the demolition of their dwellings because of this media framing, a generic regulatory solution emerged in 2001 that bypassed the planning approach. Interviews conducted with ministers, members of cabinet, members of parliament, mayors, and government officials from that era also shed light on how this framing had repercussions on these legislative decisions.

[1]KU Leuven Department of Architecture; tristan.claus@kuleuven.be
[2]KU Leuven Department of Architecture; hans.leinfelder@kuleuven.be

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Session 6.3: Special Session 4: Aspiration vs delivery 3

When the exception becomes the rule… Analysing dispensations in the Norwegian planning system

Kristine Lien Skog[1], Andreas Hengstermann[2]

Within national acts, abstract and general rules are codified that are intended to minimise conflicts in society. However, even in established legal systems, not every conceivable special situation can be anticipated, which is why the law allows exceptions for justified individual cases. In the Norwegian planning system, it can be observed that these exceptions (called "dispensations") have now become excessive, resulting in high consumption of resources by the planning authorities and the stakeholders involved.

On behalf of the Norwegian Ministry of Local Government and Regional Development, this study carries out an analysis of which characteristics of planning processes, adopted area plans and the processing of dispensation applications can help to explain the extent of dispensations.

Seven municipalities were selected to participate in a four-step research approach: 1) Focus group meetings with selected experts, 2) quantitative analysis of all dispensations within these municipalities, 3) in-depth case study analysis of selected dispensations (granted in 2020-2021), and 4) recommendation discussions with stakeholders from the municipalities and the ministry.

This study shows an even distribution of applications for dispensation throughout the territories. However, a large part of the zoning plans from which dispensation is sought was adopted before the reform of the National Planning and Building Act of 2008 came into force. Furthermore, a very high approval rate (ca. 90%). However, most decisions are insufficiently justified.

The in-depth survey and interviews show that the municipalities should consider a change of plan as an alternative to dispensations. The municipalities indicated that old or too detailed plans create many challenges, and it is desirable to review plans in the municipalities with a view to revision. However, due to a lack of resources and capacity, this approach is not followed. Moreover, the lack of collaboration between the building regulation department (“byggesak”) and the planning department (“planleggingskontoret”) led to inefficient and inconsistent processes both for development and follow-up on plans.

In response, the study proposes a series of measures aimed at reducing occurrences of dispensations, including improved guidance from ministry supervisors, the establishment of a state fund for municipal plan revisions, and the creation of a national guide and template for exemption processing. These measures collectively aim to foster more efficient planning processes, greater predictability for stakeholders, and alignment with legislative intent, ultimately contributing to a more sustainable and well-informed land use paradigm.

Keywords: Planning Law, Norway, planning permissions, dispensations

[1]Norwegian University of Life Sciences; kristine.lien.skog@nmbu.no
[2]Norwegian University of Life Sciences; andreas.hengstermann@nmbu.no

ID: 9285

Session 6.3: Special Session 4: Aspiration vs delivery 3

The demolished pub that quickly flipped heritage protection law in the state of Victoria, Australia

Rebecca Leshinsky[1], Rhett English[2]

To protect built environment cultural heritage, strong compliance and enforcement is necessary. Most cities across the globe have poor regulation for maintenance, compliance, and enforcement of the preservation of historical buildings. In the state of Victoria, Australia, protection of European cultural heritage primarily falls under the jurisdiction of land use planning and development. For too long, this has been an area lacking strong enforcement to deter rouge behaviour such as the abrupt and illegal destruction, over the weekend of 15 and 16 October 2016, of the Corkman Irish Pub. This iconic Melbourne public bar, also known as the Carlton Inn Pub, was constructed in 1856, and carried significant European cultural heritage. Unfortunately, the property was not listed on the Heritage Register and had never been nominated for protection. However, Heritage Victoria took the view that the site had subsurface archaeological potential, perhaps related to recently removed buildings and outbuildings, including a possible stable, or potentially to earlier buildings that were on the site. The demolition of the pub stirred immense public consciousness, and realisation how quickly important heritage building stock can be erased instantaneously from history. Consequently, there was a push for urgent regulatory reform and a call for the Government to implement rigorous crossover legislative changes to the Heritage Act 2017 (Vic), based partly on what is not included within the Planning and Environment 1987 (Vic). The paper will discuss in the state of Victoria, the lack of adequate and respectful European cultural heritage protection, prior to 2017. Then, it will showcase the impact of the illegal demolition of the Carlton Inn, and outline how this shock demolition spurred the community to call for more effective and stronger heritage enforcement law. The paper concludes with a critical assessment of the current model of heritage compliance and enforcement law. It will explain why this new model offers world best practice regulation learnings for Aboriginal and other first nations cultural heritage, as well as for other cultural heritage protection, including mandatory rectification processes, all highly relevant learnings for comparative global cities.

Keywords: Planning. Heritage. Built environment. Enforcement.

[1]The Royal Melbourne Institute of Technology; rebecca.leshinsky@rmit.edu.au

[2]Rhett.English@darebin.vic.gov.au

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Session 7.2: Instruments of land policy

Transformation of land readjustment in Korea: A legal analysis on the exchange of rights and collective replotting

Jinwon Jeon[1]

Land Readjustment (LR), also known as land pooling or land consolidation, has been employed as a method of urban planning and development in numerous nations for nearly a century. Due to the fact that LR does not involve expropriation, it can be a feasible alternative for developing and renewing urban space even in highly urbanized countries. However, LR cannot function as an effective policy tool for urban renewal or high-density development if it stays limited to the mass production of tiny parcels. Based on the experiences of several nations, it has been noted that conventional LR is disadvantageous for built-up areas, and in some nations, it has resulted in replotted land being left underdeveloped and vacant for an extended period. This paper investigates and analyses the application of LR in Korea as a technique for overcoming these constraints. Reconstruction and redevelopment projects that transform LR by exchanging building to building have been actively implemented in densely populated metropolitan areas in Korea. In addition, traditional LR is being actively altered and used to produce large sites and promote apartment complex construction. This paper aims to provide Korea's trends for comparative research on LR by analysing the characters and prerequisites that have made this transformation possible. Keywords: Land Readjustment, Land Pooling, Land Consolidation, Urban Redevelopment, Urban Renewal, Exchange of Rights, Conversion of Rights

[1] Yulchon LLC; jinwonjeon@yulchon.com

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Session 4.4: Densification 3: Vertical densification

Urban underground spaces and property rights a global perspective and lessons for developing countries like India for planning sustainable compact cities

Jayeshkumar Maheshkumar Bhagwat[1], **Srajati Tiwari**[2]

The development of underground spaces has been driven by technological innovations and visionary design concepts. Advanced excavation techniques, structural engineering, and ventilation systems have enabled the creation of habitable and functional underground environments. These spaces now extend beyond mere utility tunnels to include shopping malls, museums, and subterranean parks, reflecting human adaptability in harnessing hidden potential. The comprehensive legislation is crucial to clearly define property rights, land use regulations, and environmental safeguards for underground spaces. Collaboration among government bodies, property developers, and environmental experts is essential for effective regulation. Continued technological advancements in excavation and maintenance ensure safety, sustainability, and cost-effectiveness. Public awareness and engagement are also vital to ensure that underground spaces are designed and utilized for the greater community's benefit.

The paper examines the dynamic evolution of property rights in urban underground spaces, with a specific focus on India, against the backdrop of global urbanization challenges. It traces the historical progression of landownership, underscores the growing need for underground spaces, and highlights the transformative journey of these concealed realms in terms of property rights. Landownership has significantly evolved due to shifting economic, social, and technological factors. Escalating urban populations has intensified the demand for land, necessitating the exploration of unconventional spaces. Underground areas, once overlooked, have become essential for accommodating diverse urban functions, such as transportation networks, storage facilities, and even residential units. This shift has triggered a fundamental change in urban planning, emphasizing the untapped potential below ground.

The significance of underground spaces is expanding, which emphasizes the need for comprehensive regulatory frameworks, ongoing technological innovation, and active public participation to realize their full potential and support resilient urban ecosystems for promoting sustainable compact cities. Consequently, the research particularly focuses on global perspective and impart policy approaches for developing countries like India in the context of problems related to global urbanization and seeks to comprehend the continually evolving development of property rights in urban underground spaces.

Keywords: Space Ownership, Urban Underground Spaces, Sustainable Compact Cities, Property Rights.

[1]School of Planning and Architecture, Vijayawada; bjayesh@spav.ac.in

[2]School of Planning and Architecture, Vijayawada; srajatitiwari4022@gmail.com

ID: 9295

Session 1.1: Planning law reforms

The impacts of case law and legal advice on the planning practice of the ministry of housing and local government in the United Kingdom between 1951 – 1970

Oliver Carr[1]

The impacts of case law on the conceptual evolution of planning practice are important to the fields of administrative law and planning, yet they remain under-examined in the literature of both fields. The purpose of this paper is to elucidate the interconnectivity between the practices of planning practitioners and the lawyers who advise them on emerging case law in the common law jurisdiction of England and Wales. The research in this paper supports the thesis that planning law is not the neutral arbiter of planning practice it has traditionally been seen as in academic literature, and by legal and planning practitioners. Rather, planning case law has a role in shaping the decisions of planners, and indeed in the built environment itself. This paper is based on archival and documentary research conducted in the National Archives of the United Kingdom, specifically on correspondence in the form of memoranda and legal advice notes between planning practitioners at the Ministry of Housing and Local Government (1951 – 1970), and Ministerial lawyers advising the planners on how to adapt their practices following court judgements on points of planning law. The paper endeavours to establish that the legal advice represents a crossover point between legal and planning practice and goes on to examine whether the judges deciding the legal cases, and the planning practitioners responding to the legal advice engaged in the same crossover between these fields. The research reported in this paper investigates these factors within the context of the United Kingdom. As the birthplace of one of the first national land use planning regulatory systems, a contextual study of the evolution of the 'British' system whilst it was still in its nascency has relevance beyond the United Kingdom, as that system would in turn influence approaches to planning adopted elsewhere around the world.

[1]University College London; oliver.carr.15@ucl.ac.uk

ID: 9303

Session 2.2: Special Session 3: Planning theory 2

Property rights for progressive planning in the U.S.: Constructing the missing pieces of the puzzle

Harvey Jacobs[1]

In the mid 1960s Paul Davidoff introduced a new approach to planning which decentered the expert, promoted community and citizen participation, and advocated a plurality of views in plan making. This evolved into Progressive Planning by increasingly drawing on the structural, institutional, and historical analyses of critical (i.e. left-leaning) social science and law. Progressive Planning – an approach focused on social justice outcomes from the planning process – offered contributions to many of the substantive areas of planning practice, e.g. housing, community development, transportation, economic development. But progressive planning often stumbled when it had to offer a programmatic approach to land use and environmental planning. Progressive planning viewed the 20th century history of land use planning as facilitating social, economic and racial exclusion, and advancing the interests of the dominant social, economic, and racial class. Yet the majority of U.S. planners work in land use and environmental planning related areas. Not having a progressive position on land use – including property rights – prevents progressive planning from engaging with this majority, and offering them creative (and progressive) alternatives for professional practice. This presentation details the dilemma of contemporary progressive planning in the U.S. vis-a-vis property rights, land use, and environmental management, situates this dilemma in the convoluted 20th century history of land use planning, and offers forth a set of principles for beginning to construct a progressive position. I argue that progressive planning needs to affirm both a right to property and a right to local control. While these are both understandably problematic for progressive planning, I argue that there is little alternative to progressive property and progressive localism if progressive planning is to extend its outreach to the mainstream of planning practice.

[1] jacobs.harvey.m@gmail.com

ID: 9305

Session 5.4: Special Session 1: Property and tenancy matters

Shared Equity Homeownership in Korea: Analysis of the First Public Programs

Joon Tae Park[1]

Korea's public housing policy has reached a turning point, with an emphasis on alternative housing tenure types. Based on the notion of intermediate housing, three homeownership programs—land lease housing for sale, profit-sharing housing for sale, and accumulated equity housing for sale—have been introduced. The high competition rates shown in these recent projects have proven the demand for these new intermediate or transitional homeownership programs. However, to avoid further trial and error, there is a need for rich discussions on what should be the founding principles and methods of implementation of these new homeownership programs.

This study analyses Korea's new homeownership programs based on the shared equity homeownership (SEH) models. To provide grounds for the evaluation, multiple literature and statistical data were explored. In turn, the principles and methodologies of the SEH models were derived, and the three homeownership programs were explained including their history and individual projects. As a result of the analysis, it was difficult to conclude that the three homeownership programs have adopted the principles and methodologies of the SEH models. To sustain the supply of affordable housing and to improve the lives of the homeowners who live within them, lessons from the SEH models should be taken into account.

[1]Lee & Ko; joontae.park@leeko.com

ID: 9318

Session 3.2: Historic development between the relation of state and landowner

Policy papers in the planning process

Havatzelet Yahel[1], Rachel Katoshevski[2]

The use of "Policy Papers" within the planning process is not new. Such mechanism was traditionally used for various reasons: to offer guidance in the interpretation and understanding of legislation, add background information, survey solutions to a defined problem, add detail to a proposed regulation, determine significant aspects that filled the gap between comprehensive un-detailed master plans and detailed local plans along with additional planning aspects, and more. However, at the same time, they may also be used, and miss-use, to avoid regular processes, by enabling through the backdoor actions that were not officially or consume more time otherwise.

In 2005 the Israeli National Planning Committee approved The Comprehensive National Master Plan for Construction, Development, and Conservation (INP35), which for the first time indicated the use of "Policy Papers" as an integral part of statutory planning. Although this was a new development, it was based on tradition of using Policy Papers in Israel. While use of policy papers overcomes some pitfalls in the planning process, at the same time the public is less involved and only exposed to the final planning product. Hence the planning ideology that developed mainly since WW2 of diversity in planning and the importance of receiving input from the public, is set aside to a great extent.

While studying the roots and development of Policy Papers in planning in Israel and other states, the research offers an analysis of the implementations of the tool. Furthermore, it discusses its advantages and potential pitfalls, while focusing on its effect on transparency and negating opportunities for public participation. In addition, it asks whether Policy Papers in their current manifestations signal a setback from the planning approaches towards more efficient and professional ones? To conclude, we offer a set of guidelines, along with ideas for further research

[1]Ben-Gurion University of the Negev; yahelh@bgu.ac.il

[2]Ben-Gurion University of the Negev; krachel@post.bgu.ac.il

ID: 9323

Session 4.2: Developer obligations and value capture 1

Land value capture and the paradox of distributive justice

Maya Ashkenazi[1], Rachelle Alterman[2]

Land value capture has become an almost consensual concept. Even the OECD has devoted an entire project to this concept and set of instruments (OECD 2022). However, the OECD project and much of academic research are still at the descriptive stage of the instruments and how (or whether) they work. The proposed research puts on critical glasses.

One of the key issues for evaluation revolves around distributive justice: Indeed, the very rationale for any LVC instrument is one form of distributive justice: Those who benefit from the "unearned increment" in land values may, or even should, be asked to share some of the added value with the public. The built-in paradox is, that this definition of distributive justice might compete the definition of "the public" that benefits. The inherent problem with land-based value capture is that it reflects property values, and these necessarily differ by location and consequently, across socio-economic groups.

In this study we focus on Israel, which is one of the world's most intensive laboratory for multiple LVC instruments, each functioning at high volume (Alterman and Mualam 2023). Among the instruments is a betterment levy. National legislation requires capturing 50% of the increment in land value due to planning decisions. The entire income enters the municipal budget and is earmarked for financing development costs across the municipality. This means that the proceeds are not expected to be in nexus to the development that generated them.

Sounds like perfect distributive justice? Yes, potentially, at the municipal level. But if one looks across municipalities, the paradox becomes apparent. This research analyses the betterment revenues across Israeli municipalities and over time. Statistical analysis will attempt to identify variables hypothesized to be linked with differences in revenues. The findings will address the different definitions of distributive justice according to socio economic and related variables. This aspect of LVC has not yet been raised as a policy determinant and has implications for planning law and practice.

[1]Technion - Israel Institute of Technology; maya@mashlaw.co.il

[2]Technion-Israel Institute of Technology; alterman@technion.ac.il

ID: 9343

Session 7.1: Special Session 2: Land policies in Europe 2

Why is there no affordable housing in Norra Djurgårdsstaden, Stockholm?

Anna Granath Hansson[1]

Based on a long tradition of municipal land purchases, today 70-80 percent of housing development in Stockholm takes place on land allocated by the city. Originally, land purchases aimed at steering city development and creating better conditions for new affordable housing. Today, the steering component is the main driving force in continued land acquisition, while the affordable housing component has gradually been translated into rental housing irrespective of rent level in line with the Swedish unitary housing tradition emphasizing 'good housing for all' without any social housing or other solutions that prioritize lower income households. Although affordable housing and social mix are pointed out as important public goals in the municipal plan, rents in new housing are set according to a system meant to encourage new construction and are unaffordable to the larger share of the population.

As many other cities, Stockholm aims to densify the city. Several larger city developments have or are being realized on brownfield sites. The Norra Djurgårdsstaden development area is situated between the most expensive housing area of the country, close to the city centre and still bordering Sweden's only national park located in a city. The city has very high ambitions when it comes to environmental sustainability and design. Land prices do not allow for affordable housing and is not required by the city. As the project has evolved, critic has arisen that the area is only accessible to higher income households in contrast to city policy goals. As the city has both a planning monopoly and owns the land, it is claimed that there should be room to steer towards affordable housing should there be a wish to do so. However, so far, there has been a reluctance to introduce affordable housing schemes as it is deemed politically sensitive, complicated and potentially inefficient. Potential tools to introduce affordable housing in otherwise market-rate housing areas are tested on a very small scale in less attractive parts of the city.

This chapter explains the incentives of the city to avoid fulfilling its own policy goals, linking it to planning and land use on the one hand and housing and fiscal policy on the other hand, showing how the municipality has triple roles as authority, owner and developer which are difficult to balance. Stockholm's choice not to pursue its policy for affordable housing and social mix in new housing areas can be studied in a multitude of Swedish municipalities. Attempts to introduce such policy have had little success, based on similar situations and use of policy tools as in Stockholm.

[1]Nordregio; anna.granath.hansson@nordregio.org

ID: 9346

Session 8.2: Sustainable policy and climate adaptation

Implementing the concept of Albergo Diffuso through urban planning: the case of "venac" historic core in Sombor, Serbia

Branislav Antonić[1], Dragana Siljanović Kozoderović[2], Alaeksandra Djukić[3], Jelena Marić[4]

'Albergo Diffuso' is an innovative concept in urban planning and design, where a hotel is dispersed through urban fabric, usually occupying several historic buildings under one ownership in a smaller community – village, town or small city. In this way, Albergo Diffuso enables their guests to easily participate in local urban life. The roots of the concept are were related to the urban decline of small historic settlements in Italy in the late 20th century. Hence, this concept belongs to international efforts to regenerate small shrinking cities as a new normality in urbanisation. However, two concepts – Albergo Diffuso and shrinking cities – have not been adequately interlinked; usually the physical aspect ('design') of Albergo Diffuso has been in spotlight. The other important issues, such as the adaptations of local urban planning and regulative documents and their impact on local property market have not been properly considered.

This is the presentation of one such attempt in the City of Sombor in northwestern Serbia. Sombor 'old town', known as "Venac/Coronet", is under state protection as the best-preserved core of any medium sized city at national level. Nevertheless, the relative isolation of Sombor from major communication corridors has caused its significant economical and demographic shrinkage last decades. The recent development of cultural tourism along the nearby Danube has slowed this process, but it has also imposed new challenges for the urban heritage of Sombor, such as a collision between developing property market and the aforementioned protective measures for local heritage. One of the efforts of local authorities to mediate this is to create a new urban plan for "Venac", where local urban experts propose innovative measures, including regulations for Albergo Diffuso projects. The aim is to explain work on this plan and expected effects on urban development and local property market. The Sombor case is even more important, as it can be a national pilot to address sustainable tourism development in shrinking cities.

Key words: Albergo Duffuso, old town, shrinking cities, urban planning, urban regeneration, land-use regulation

[1]University of Belgrade; antonic83@gmail.com
[2]"Prostor" Public Enterprise Sombor; siljanovic@yahoo.com
[3]University of Belgrade; adjukic@afrodita.rcub.bg.ac.rs
[4]University of Belgrade; jelena.maric1989@yahoo.com

ID: 9348

Session 5.1: Special Session 2: Land policies in Europe 1

Land Policy in Germany – The struggle between private property rights and public interest

Fabian Wenner[1], **Thomas Hartmann**[2]

Despite the existence of a wide array of legal instruments in the "toolbox" of special urban planning legislation, land policy in Germany is struggling to achieve the policy goals set by the national Government. The national objectives to build 400.000 housing units per year and at the same time reduce land consumption to 30 hectares per day call for strong land policy interventions to activate building land reserves in the existing urban realm (densification). Yet, plots of land remain un- or underused. In Germany, land policy emerges at the intersections of several public policies, foremost related to the building sector, but also sectoral planning, environmental law, as well as taxation law. Such land policy influences the relation between private property rights and the general public interest by impacting the allocation and distribution of land and the benefits generated by it.
This contribution reflects upon the case of Burgwall 21 in the city of Dortmund to illustrate how land policy in Germany frames and influences the relation between public planning and property rights in practice, asking why a plot of land with high development potential and economic value in an integrated urban location, can remain un(der)developed for decades. Analytically it explores the perspective on land as a resource, land policy actors and instruments of land policy in Germany. In conclusion, four strategies of land policy for the city of Dortmund are discussed to activate building land potentials, using the differentiation of active, passive, reactive and protective land policy. It also highlights potential changes in the legal framework that could improve coherence and effectiveness of land policy in Germany. This contributes to the international debate on land policies in Europe.

[1]Technical University of Munich; f.wenner@tum.de
[2]Technical University of Dortmund; thomas.hartmann@tu-dortmund.de

ID: 9351

Session 3.3: Energy policies

Spatial dilemmas: conflicts of land use for renewable energy development.

Mark Koelman[1], Thomas Hartmann[2], Tejo Spit[3]

The fundamental changes of energy systems together with incidental challenges of the energy transition are and will continually affect our daily lives. Further increase of energy usage and accompanied expansion of energy systems will significantly increase the need for land. While producing the same amount of electricity, renewable energy generation through wind or solar power require up to 100 times more land than natural gas plants. On top of that, to manage the volatile influx of renewable energy from decentral sources, batteries and other storage systems need additional land to be developed on. The effects of this increasing need for land remains partly neglected in the academic debate. For example, the use of private property are affected by the increased need of land for renewable energy development, which leads to opposition. This opposition results into land use conflicts towards renewable energy developments. The still strong sectoral focused planning approach does not sufficient address the uses of private property. As a result, both renewable energy development goals and the usage of private property are put under pressure by the lack of integration of planning and renewable energy development, which leads to increasing development time and overspent budgets. What land use policy solutions are available to address land use conflicts for renewable energy developments? This study offers new insights based on contemporary empirical research on multiple case studies of renewable energy policy implementation and development in the Netherlands. It also elaborates on how land use conflicts that emerge from renewable energy developments affect land and private property uses. Theoretical underpinning of the research resides in conformance and performance literature, the planning triangle, and theories on pluralism. The impact on property requires land use policies that are able to mobilise and address private use and disposal rights when developing renewable energy projects.

[1]Utrecht University; m.koelman@uu.nl

[2]Technical University of Dortmund; thomas.hartmann@tu-dortmund.de

[3] Utrecht University; t.j.m.spit@uu.nl

ID: 9352

Session 3.3: Energy policies

Decentralized renewable energy generation & disadvantaged communities removing barriers for successful and extensive implementation

Ravit Hananel[1]

Decentralized generation of renewable energy, such as through rooftop PV on residential and commercial buildings, is an essential component of many countries' plans of meeting their energy and climate targets, including Israel. In Israel, in particular, previous studies have shown decentralized generation can generate substantial amounts of energy in proximity to where demand for power is concentrated, reducing pressure on the grid.

However, in practice, the widespread installation of decentralized generation may face multiple challenges, both on the government side and the consumer side. Research in other countries, as well as our preliminary analyses of Israeli data, show that these barriers are often particularly strong in low-income communities. In these communities, residents may not be aware of the economic opportunities inherent in decentralized generation, have the means or confidence to commit or to obtain the necessary finance, be distrustful of government and be reluctant to make the needed investments. If generation remains restricted to affluent communities, decentralized generation will not be able to meet its potential for both renewable energy generation, as well as to become a tool for closing, rather than expanding income gaps and for promoting economic equality. Such gaps can also result in socially and politically polarized positions on renewable energy policies.

In this research, we will conduct a systematic analysis of the main factors that inhibit interest in decentralized generation in low-income communities, including in the Arab and the Haredi sectors, based on both existing government data and new primary data we will collect in these communities. We will use the data to propose policy tools for government, industry and community partners to implement in order to overcome the barriers, and design pilot field studies to evaluate their effectiveness. Our study will support government efforts to design am equitable, just renewable energy policy.

[1]Tel Aviv University; hananelr@tauex.tau.ac.il

INTERNATIONAL ACADEMIC ASSOCIATION on PLANNING, LAW, AND PROPERTY RIGHTS

ID: 9355
Session 9.1: Special Session 2: Land policies in Europe 3

Land policy in Norway - A case study of sustainable urban Development in Mindemyren, Bergen

Terje Holsen[1], Andreas Hengstermann[2], Helen Elisabeth Elvestad[3]

In Norway, "land policy", understood as the formal national policy on land use for the promotion of the common interests of the nation (translated: realpolitik), is closely intertwined with the principles of sustainable urban development, emphasising densification, multifunctional land-use, and the transformation of brownfield areas. This understanding of land policy emerged as a significant shift in the early 1990s when urban planning transitioned from focusing on designing urban expansions (in particular on green fields) to encouraging more efficient use of urban land resources and reducing urban sprawl. The rationale for the novel approach was to stop and reverse the development of increasing per capita encroachment on natural resources through densification. Furthermore, it was emphasised that densification could reduce the demand for care-based transport. Therefore, efficient environmentally-sustainable transport networks have been the central narrative and driver of Norwegian land policy. Although more central in the current Norwegian land policy discourse, neither social nor economic sustainability was a part of the argument when densification was introduced as land policy. In this chapter, we will explore the unique characteristics of Norwegian land policy, highlighting the institutional challenges of a planning system aimed at promoting proscriptive strategic land-use planning while simultaneously developing increasingly detailed prescriptive requirements for the content of the plans. To illustrate, we present the case of Mindemyren in Bergen. This former low intensity industrial and warehouse area in the southern part of Norway's second-largest city is being transformed into a mixed-use urban area, predominantly based on the development of owner-occupied housing. However, the Norwegian planning system and its difficulty in synchronising legally binding land-use plans on three different levels presents challenges. The case study highlights the limited manoeuvrability of planning authorities, as many spatial decisions are predetermined by the constraints of various sector policies, such as integration of a light rail system, fast bike tracks, and a motorway. The case of Mindemyren in Bergen underscores the challenges faced by planning authorities in balancing various sector policies while striving for sustainable urban development. Understanding the nuances of Norwegian land policy is essential for addressing the complex issues of urbanisation, transportation, and environmental sustainability in contemporary cities.

[1]Norwegian University of Life Sciences; terje.holsen@nmbu.no
[2]Norwegian University of Life Sciences; andreas.hengstermann@nmbu.no
[3]Norwegian University of Life Sciences; helen.elvestad@nmbu.no

ID: 9356

Session 5.3: Special Session 4: Aspiration vs delivery 2

Planning by deviation: accountability in the new Planning and Environment Act in the Netherlands

Willem Korthals Altes[1]

In the Netherlands, there is a long tradition of, on the one side, a formal emphasis on binding plans, and, on the other side, a practice in which new development takes place based on discretionary decisions. Binding plans usually prescribe the current situation, which means that owners have legal certainty on continuing land use, but planning authorities must take a discretionary decision to change the plan to accommodate novel uses of land. As plans have often been considered to be too sluggish to be changed in such a situation, there is an extensive tradition of more flexible decision making for which legal proceedings have changed over time. In the novel all-in-one Planning and Environment Act (in force from January 1st 2024) yet another form has been found to accommodate this flexible way of facilitating new land uses, which makes a fit to this tradition. The current paper reviews the literature on previous practices, explains why this dichotomy of legal certainty over current use and discretionary decision-making is almost inevitable in the Netherlands' context, and reviews the process towards the Planning and Environment Act from the perspective of organising accountability for planning decisions. Accountability is seen as a relationship between decisionmakers and specific audiences. Specific emphasis will be on the accountability to the council as the people's representative.

[1]Technische Universiteit Delft; w.k.korthalsaltes@tudelft.nl

ID: 9358

Session 2.4: Densification 1: Suburban densification

The right of the strongest? Property rights of small landowners in densification projects

Josje Bouwmeester[1], Denis Ay[2], Jean-David Gerber[3], Thomas Hartman[4]

One of the biggest difficulties in implementing densification objectives is that planning policies often do not have sufficient coercive power to restrict property rights, for example, in the case of landowners resisting the implementation of land use plans. This results in an incoherence between property rights and the planning policy regime. Planning increasingly takes place on the project level to overcome these challenges, allowing planning authorities and landowners to renegotiate the terms and conditions of densification projects. The question, however, remains how the property rights regime influences these negotiations. In this contribution, a case study of two projects in Thun (Switzerland) and Utrecht (Netherlands) aims to shed light on the institutional property rights regime through which actors govern densification projects. We look at how negotiations on the project level help (or not) to improve coherence between planning policies and property rights, overcome lock-in situations, and contribute to successfully implement densification objectives. The two case studies show that landowners and neighbouring property owners hold "veto" powers within the planning process, therefore significantly influencing the implementation and outcomes of densification projects. Surprisingly, it is found that in both countries, local authorities as well as larger developers, see strong property rights used by (smaller) actors as an impediment to the effective implementation of large densification projects. In both projects, it is argued by these actors that to achieve densification objectives successfully, the rights of these small "veto" players need to be restricted. In the Dutch case, the municipality actively restricts the rights of small landowners within the boundaries of the project using expropriation. The contribution sheds light on the difficulty of balancing private and public interests in densification projects and critically questions whether the strength of property rights of small landowners should be limited to secure socially sustainable densification.

[1]Universität Bern; josje.bouwmeester@unibe.ch
[2]Universität Bern; deniz.ay@unibe.ch
[3]Universität Bern; jean-david.gerber@unibe.ch
[4]Technical University of Dortmund; thomas.hartmann@tu-dortmund.de

ID: 9359

Session 5.3: Special Session 4: Aspiration vs delivery 2

Flexibility versus certainty: mediating post-consent change in large infrastructure projects in the UK

Hannah Hickman[1], Aidan While[2]

The UK's planning system has been defined by a near constant debate about the balance it affords between discretion, flexibility, and certainty in decision making. In practice, discretion has been a key characteristic of post-consent planning, with developments allowed to vary, often quite considerably, from their original permissions. Whilst post-consent flexibility can – in theory – be an important tool for achieving positive planning outcomes, the reality is that flexibility can lead to diminished outcomes in development quality.

In contrast, the 2008 Planning Act brought into expedite the consenting of Nationally Significant Infrastructure Projects (NSIPs) in England that conform with identified national priorities, intentionally limited the opportunity for post-consent change, in order to provide greater certainty for stakeholders and to support delivery. This marked a significant shift in English practice. Yet increasingly, questions are being asked about whether the quest for speed of, and certainty in, decision making, and limited flexibility for post-consent change, are achieving their intended outcomes, particularly in relation to project delivery.

Drawing on extensive empirical research of NSIP project delivery in England, this paper explores how post-consent flexibility has been mediated within this new system. In so doing, this paper makes a distinctive contribution to literature on strategic infrastructure planning. More widely, the paper opens-up the under-researched issue of the impact of planning and permitting frameworks on project implementation. Moreover, by exploring the interplay between discretion, flexibility and certainty in this post-consent planning space, it concludes that in the case of strategic infrastructure projects, increased flexibility for post-consent change may be both necessary and justifiable to achieve positive planning outcomes, which exists in stark contrast to the operation of discretion elsewhere in the system.

[1]University of the West of England; hannah.hickman@uwe.ac.uk
[2]University of Sheffield; a.h.while@sheffield.ac.uk

ID: 9360

Session 6.1: Transport and mobility in functional spaces

Institutional barriers to urban design outcomes of transit-oriented development in Guangzhou, China: A transaction costs perspective

Dongsheng He[1]

Transit-oriented development (TOD) is a common planning concept when creating rail transit systems, and the key issue is to integrate transit systems with nearby land use planning. Following the successful experience in Hong Kong, mainland China has implemented the TOD concept and the common form is Rail plus Property (R + P), referring to building property above the metro depot. Land development in R + P follows three key institutional arrangements, including state-led land acquisition system, state-initiated land use planning, and state-monopolized land use allocation and transfer. The state-dominated land development bears high transaction costs in the land development process. This paper aims to illuminate how state-led land development of metro depots hinders urban design outcomes of R + P, based on Guangzhou New Town TOD projects. Although property development above the metro depot follows a market-based approach, the state-led land development has high transaction costs that undermine TOD outcomes. The specific institutional constraints include 1) Unclear de jure land property rights of metro depot parcels undermine the incentives of district government 2) The top-down land use planning reflects the visions of the municipal and district government, while largely neglecting the market demands 3) Rigid regulation on metro depot parcel size discourages the integration with nearby areas. This paper suggests that a more market-oriented land development approach is required to improve the urban design outcomes of TOD in China.
Keywords: transit-oriented development, Rail plus Property, transaction costs, property rights, China

[1]University of Hong Kong; hedsh3@connect.hku.hk

ID: 9362
Session 2.3: Water

Dealing with downzoning of land after pluvial floods

Peter Davids[1]

On July 8th 2021, the local government of Bad Neuenahr agreed with the development of a new housing project, and it sold the land to a project developer. Nine days later followed the devastating floods in the Ahr valley. Also Bad Neuenahr was hit, including the land for the property developments.
Nevertheless, both the city and the project developer stick to the initiated plans. The building plan was adopted by the city without flood protection plan. Improving the flood protection of the building plan is costly, and is a responsibility for the project developer. However, the project developer is not willing to spend these costs on flood protection voluntarily as the plans were already confirmed by the city.
So, there is a lock-in: without any change, new building blocks tend to be constructed in this flood prone area, shifting the risk of flood damage to the future homeowners. This raises questions on who is responsible for this 'plan damage', and if and how subsequent downzoning can be compensated.
While the timing of recent events seems unique, future climate change is likely to lead to more frequent plan damage. Therefore, it becomes essential to question if landowners can lose building rights due to the impacts of flood risk. In the case study presented here: can the local government of Bad Neuenahr reconsider the agreement? Moreover, understanding the legal and financial mechanisms behind plan damage, including potential financial compensation, is crucial for planners in times of a changing climate. In contrast to this case study, in Königswinter the recent flood history resulted in downzoning of flood risk zones and therewith to immediate cancellation of building plans in flood risk zones.
Using these case studies in Bad Neuenahr and Königswinter as a starting point, this contribution will investigate the tension between the embedded (economic) growth for real estate in spatial plans and the need for precautionary action for flood risks. Therefore, this contribution will analyse actors, institutions and mechanisms that construct the locked-in setting and identify the levers to move away from this lock-in.

[1]Technical University of Dortmund; peter.davids@udo.edu

ID: 9365

Session 7.1: Special Session 2: Land policies in Europe 2

Land policy in Switzerland: A revival?

Jessica Verheij[1], Andreas Hengstermann[2], Jean-David Gerber[3]

Given its federal structure and the historic origins of land-use planning in Switzerland, the Swiss planning system does not provide a uniform understanding of what land policy entails. Generally, it is to be understood as a strategy to overcome the limitations of land-use or spatial planning, as legally defined through the Swiss Spatial Planning Act of 1979. To illustrate the strategic application of land policy and its potential to achieve policy goals, we present the case study of the development of a large greenfield area located in the city of Bern. Through ownership by both the municipal and cantonal governments and the use of public-law instruments such as the municipal zoning plan and long-term ground leases, the city of Bern has been successful in enabling large-scale housing development on the land. The case study shows how the municipality devised a strategy of active land policy to achieve the desired outcome by making clever use of federal planning instruments. Moreover, the case illustrates the role of key actors in land policy in Switzerland, namely the cantonal and municipal governments as well as Bern's civic corporation, which constitutes one of the largest and most powerful landowners in the city. Finally, the case allows for analyzing the use of long-term ground-leases to for-profit and non-profit housing developers, as instrument to control housing supply and rental prices both now and in the future. Hence, our case-study shows how municipal governments in Switzerland can potentially control and steer urban development within a system of well-protected property rights and limited competences of spatial planning.

[1]University of Bern; jessica.verheij@unibe.ch
[2]Norwegian University of Life Science; andreas.hengstermann@nmbu.no
[3]University of Bern; jean-david.gerber@unibe.ch

ID: 9370

Session 2.4: Densification 1: Suburban densification

Densifying Suburbia? How the institutional landscapes determine suburban densification in England

Mark Smith[1], Richard Dunning[2], Sebastian Dembski[3], Tatiana Moteira de Souza[4], Marta Meschini[5]

Urban densification offers a route for developing more sustainable places by repurposing underused land and property (Hartmann et al., 2023). While there has been much interest in densification of inner cities (particularly regenerating derelict sites), densification of suburbia remains under researched and yet has considerable potential to deliver sustainable forms of development (Dembski et al., 2020). This suburban densification often occurs in an absence of planning policy and is not a purely technocratic urban planning activity (Dunning et al., 2020), determined instead by a range of powerful political and institutional elements which influence and inform actions of planners, developers and landowners (Gerber & Debrunner, 2022). This paper reports the outcome of Fuzzy Cognitive Mapping (FCM) exercises with planners, developers, etc to establish why suburban densification has not been more extensive across England during this last decade. Here, we identify the institutional elements involved and determine their relationship to one another (both positive and negative). We found the pathway to suburban densification to be perceived as a complex web of multi-faceted processes, including the financing, marketing and development economics of small-scale suburban development, the inherent difficulties of obtaining planning permission in a discretionary system and the challenges of land assembly and acquisition associated with fragmented land ownership.

[1]University of Liverpool; Mark.Smith@liverpool.ac.uk
[2]University of Liverpool; rjdunn@liverpool.ac.uk
[3]University of Liverpool; sebastian.dembski@liverpool.ac.uk
[4]University of Liverpool; t.moreira-de-souza@liverpool.ac.uk
[5]University of Liverpool; M.Meschini@liverpool.ac.uk

ID: 9372
Session 8.1: Developer obligations and value capture 2

The opportunities and dangers of agreements between developers and participants

Fred Hobma[1]

The conference presentation reports on the results of a study of innovations in participatory processes in urban development projects (Verheul, Heurkens and Hobma, 2021).
The study took place because new Dutch legislation (Environment and Planning Act 2024) requires applications for building permits to be accompanied by a report on participation. What is new is that the participation must be organised by the private developer and not the government. This raises questions about the opportunities and dangers of agreements between developers and local residents that may result from privately organised participation.
Methods: (1) A literature review identified shifts that occurred in the past decades in thinking about participation. As a result of increasing space for the market, private parties are expected to play a greater role in organising participation. (2) Case-law analysis revealed the legal scope of participation processes: participation processes need not necessarily result in agreements between developer and local residents. (3) Case study analysis showed the contents of agreements between developers and participants in the period prior to the entry into force of the new law in January 2024.
When a developer interacts with neighbourhood residents because of participation, the need to enter into contracts (agreements) with each other can easily arise from this. There are five reasons why the developer would want to conclude agreements with community participants. We can see these reasons as 'opportunities' of contracts between developers and participants. 1: To create transparency in the development process An agreement makes clear what actions follow from the participation of residents, entrepreneurs or civil society groups on the development of the environment (Stapper, 2020). 2: As an accountability mechanism in this case, an agreement holds means to monitor the progress of the development and the agreements made. In this way, the neighbourhood residents can hold the developer accountable for the promises made and the developer can demonstrate that he takes the agreements seriously; they are a kind of governance tools (Stapper 2020). 3: From 'entrepreneurial logic' or 'socialisation' In these trends, the government steps back and assumes that social groups look after their interests themselves. According to this 'logic', the neighbourhood is expected not to depend on the government for advocacy, but to take action itself. This enhances the potential of agreements between developers and the surrounding area. Participants thus become stakeholders in addressing societal problems. 4: As an explicit awareness of public values by the private party/parties for the developer, an agreement emphasises a focus on public values. This is important if a developer can contribute better or more efficiently to public values than the municipal government. For example, a site may experience major parking congestion. In the partial redevelopment of the site, a new parking garage for offices (possibly only in the evenings) can also become advantageously accessible to current residents in the area. This can be stipulated in an agreement. 5: As proof of neighbourhood support Sometimes municipalities require that - before cooperating administratively with the project - developers demonstrate support from the surrounding area for the project. How proof of support from the surrounding area is provided is up to the developer. An agreement between developer and environment is an ideal means of demonstrating such support. A developer, when entering into an agreement on wishes and demands expressed by the surrounding area, can demand a quid pro quo in the agreement in return. Here we turn to the 'dangers' of contracts between developers and participants. For example, that the surrounding area does not take action

[1]Delft University of Technology; f.a.m.hobma@tudelft.nl

against the building project, involving the public, press or political representatives. Another quid pro quo is that the surrounding area or individuals refrain from objecting and appealing against administrative decisions of the municipality. Objection and appeal procedures are a risk factor for developers, can be time-consuming and costly, and the outcome is uncertain. Local residents can also declare that they will refrain from submitting claims for loss compensation (planning damage). Possibly, the agreement contains a penalty clause: if, contrary to the agreement, an objection or appeal is nevertheless lodged or a request for loss compensation is made, that party will owe a penalty to the other party. This type of agreement is sometimes considered ethically unacceptable, which is expressed by the use of the term 'silence clause'. Nevertheless, it is an open secret that agreements are sometimes reached between developers and objectors that waive going to court in exchange for money. In the Netherlands, agreements between developers and neighbourhood community are scarce, but in the United States, for example, it is different. There, such agreements are known as Community Benefit Agreements. These cover a multitude of topics (Musil, 2014). The agreements encountered in the United States contain all kinds of elements that in the Netherlands the government takes on. Although there are good reasons for growth of developer-community agreements, given the difference in views on the role of government, it is not obvious that they will have the same scope as in the United States. However, the US example does show what the 'maximum' content of developer community agreements can be. In that sense, it can serve as a catalogue of topics for agreements.

We can argue that openly formed contracts can provide an additional incentive for private parties to also secure community participation and public values. This is an opportunity of agreements between developers and participants. However, there is also another side - the danger - which is that developers demand a quid pro quo consisting of the absence of protests or lawsuits. Participants will have to deal with this tension.

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Session 2.3: Water

Mitigation of concurrent flood and drought risks through land modifications: Potential and perspectives of land users

Lenka Slavikova[1]

Modifications to land can serve to jointly reduce risks of floods and droughts to people and to ecosystems. Whether land modifications are implemented will depend on the willingness and ability of a diversity of actors. This article reviews the state of knowledge on land modification use in areas exposed to dual hydrologic risks and the land owners, managers, and users who directly make decisions about action on lands they control. The review presents a typology of land modifications and explains how land modifications interact with the hydrological cycle to reduce risks. It then addresses the roles and perspectives of the land owners, managers, and users undertaking land modifications, summarizing theories explaining motivations for, as well as barriers to and enablers of, land modification implementation. The analysis reveals geographical differences in narratives on land modifications as well as knowledge gaps regarding variation across actors and types of land modifications.

Keywords; land modifications, climate change adaptation, floods, droughts, concurrent risks, motivations, land users

[1]Jan Evangelista Purkyně University; lenka.slavikova@ujep.cz

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Session 2.2: Special Session 3: Planning theory 2

Disentangling the overused and somewhat confusing notion of "commons". Three different forms of commonality

Stefano Moroni[1]

The term "commons" is used with increasing frequency in the public debate and scientific literature in various fields (including urban studies and planning theory). However, this term is often ambiguous and used to denote quite different things. Obviously, any concept, and therefore also the concept of "commons", does not have an "essence". Clear definitions do not serve to capture what something is in itself, but only to rigorously specify what use is made of a given expression. In other words, linguistic precision is not a value in itself, but becomes necessary when misunderstandings can arise – as happens in the case under discussion. This paper critically revisits the notion itself of "commons". It distinguishes three different (and incompatible) meanings of the term "commons": (i) commons as nobody's resources (as in Garrett Hardin's famous article); (ii) commons as some people's resources (more precisely, of a group) (as in Elinor Ostrom's celebrated works); (iii) commons as everybody's resources (as in Ugo Mattei's influential contributions). The overall aim is not simply to distinguish different uses of the term; it is also to clarify the real scope and meaning of each definition of it – such as the one proposed by Elinor Ostrom, which is too often inappropriately invoked. In conclusion, some terms are more fortunate than others: they are rhetorically attractive, appear at the right time, etc. However, once the "emerging" phase has passed, they must be clearly and unambiguously defined and delimited. To recast the discourse in more rigorous terms, one could even do without the term "commons" altogether.

[1]Politecnico Di Milano, DASTU; stefano.moroni@polimi.it

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Session 8.1: Developer obligations and value capture 2

How did competition among public actors for windfalls shape land value capture practices? A case study of Chengdu transit-oriented development

Jinshuo Wang[1], Guibo Sun[2]

Land value capture (LVC) instruments have been developed to capture the value increases associated with metro railway infrastructure in China. While existing literature focuses on the instruments and facilitating factors for LVC practices, there is limited knowledge regarding how competition among public authorities and transit agencies would shape LVC practices. Our paper presented a detailed study of the Chengdu case, where diverse LVC instruments have been developed to finance the rapid expansion of the metro system. This expansion created substantial financial pressures on public actors, who sought LVCs. Based on policy document analysis, 19 in-depth interviews and 2 case studies, our findings indicate that LVC in Chengdu experienced three stages, namely transit agency-led transit-oriented development (TOD) projects, joint venture TOD projects incorporating district governments, and TOD projects involving property developers. In these stages, the ambiguity in public land ownership and fragmented planning power distributed between municipal and district governments led to fierce competition: The municipal government, district governments, and transit agencies as public actors aimed to capture transit-related value increase, but they pursued divergent objectives. They leveraged their power over land management and planning rights at their jurisdiction, extracting land value increases and expanding property developments. However, there were a lack of coordination frameworks, land use plan inconsistencies, and limited property development and management capacity. These public actors used public land ownership and planning power to compete for market premiums and prioritised short-term windfalls from land leasing instead of any long-term land value increases. This competition led to subpar TOD projects, such as the lack of land and transport integration, and uncoordinated land development patterns in Chengdu in the past decade. Our findings contribute to understanding the roles of planning and land ownership in LVC dynamics and provide insights into TOD practices in developing cities and elsewhere.

[1]The University of Hong Kong; jinshuo@hku.hk
[2]The University of Hong Kong; gbsun@hku.hk

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Session 1.4: Bottom-up land policy

Collective action dilemmas of sustainable environmental management: A case study on land marketization in rural China

Lin Zhuo[1], Yinuo Zhuo[2], Walter Timo de Vries[3], Zhihang Liu[4], Hanye Sun[5]

Sustainable environmental management encompasses not only technical aspects but also the capacity and inclination for collective action. Using semi-structured interview data and social network analysis, this paper evaluates the intrinsic relationship between three elements of social capital (norms, communication networks, and trustworthiness) and their effects on collective action, in the context of the marketization of rural collectively-owned operating construction land (COCL) in Dingluan Town, Henan Province, China. The results reveal that villagers possess a superficial understanding of compensation schemes at the normative-level analysis, impeding effective collective decision-making. Communication network analysis exposes strong ties that may impede collective action if only information flows within villages. In contrast, weak ties serve as vital bridges promoting marketization. Additionally, we observe that groups with strong ties rely more on key actors for accurate calls to action, underscoring the importance of trustworthiness. More importantly, the results point to three dilemmas regarding land marketization in rural China: cognitive bias of norms, challenges in expressing stakeholders' demands, and crisis of trust among key actors. We further highlight trust as a potent means of breakthrough to address these dilemmas rooted in normative, communicative, and trust-related aspects that present formidable challenges to collective action. These results provide important insights for trust-building strategies for researchers and policy promoters to solve the collective action dilemma in environmental management.

Keywords: Collective action dilemma; social capital; trust; sustainable environmental management; land marketization

[1]Technical University of Munich; lin.zhou@tum.de
[2]zhouyn@pku.edu.cn
[3]Technical University of Munich; wt.de-vries@tum.de
[4]Technical University of Munich; zhihang.liu@tum.de
[5]hanyue.sun1007@gmail.com

ID: 9382

Session 9.1: Special Session 2: Land policies in Europe 3

Less regulation - more conflicts: The consequences of the lack of detailed planning in the Czech Republic

Eliška Vejchodská[1]

Prague, the capital of the Czech Republic, faces low housing affordability, fuelling one of its most contentious political debates. Paradoxically, in some areas already saturated with shopping opportunities, developers sometimes push new retail development instead of building new housing units. This study focuses on a specific conflict-ridden site in close proximity to the Botanical Garden of Prague, a site of city-wide importance. This unique site could be a candidate for new housing development. However, the landowner vehemently advocates for the construction of a large retail complex, resembling a hypermarket. This vision stands in stark contrast to the aspirations of local politicians and the public, who favour alternative development approaches, many of which prioritize housing. Regrettably, this conflict was not resolved for years, resulting in the prolonged underdevelopment of the site, enormous financial and transactional costs for all stakeholders embroiled in the dispute including public administration entities, which have been entangled in the conflict throughout the approval process. This case study seeks to unravel the genesis of such enduring conflicts within the institutional setting of the planning process in the Czech Republic lacking the detailed planning phase. These questions hold critical significance for Czech land use planning, as conflicts of this nature prompted the enactment of a new Czech planning law in 2021, aimed at expediting the approval process.

[1]Charles University in Prague; eliska.vejchodska@fsv.cuni.cz

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Session 5.2: Land market and ownership data

Monitoring and restricting ownership on real property to support national security: An overview of the regulatory landscape in Northern Europe

Kirsikka Riekkinen[1], Pauliina Krigsholm[2], Olga Penkkilä[3]

As the global geopolitical situation has been changing rapidly, also the public and political debates about the need to monitor and restrict ownership on real property to support national security have increased in number. This holds especially in the Northern European context. In Finland, for example, legal amendments have been made recently to accommodate new monitoring and restrictive instruments in the law. However, the academic discussion has thus far mainly focused on the economic effects of foreign entities buying infrastructure, while the range of legal instruments in place to monitor or restrict the ownership right has not been examined in detail. The aim of this research is to map the current regulatory landscape regarding the monitoring and restricting real estate ownership and its transaction. The theoretical framework of the study builds on the legal cadastral domain model (LCDM) on public regulations on the subject and object of property ownership. By using the recent amendments in the Finnish legislation as a reference point for the essential requirements for legal monitoring or restrictive tools, we then analyse the current landscape of available tools in four case countries from Northern Europe. The data for case studies was collected via online questionnaires and analysed through the lens of the adapted LCDM framework. The results show that there are various types of legal instruments for monitoring and restricting ownership right, and that national security is just one reason for implementing these tools. The results also show that while there exist several different monitoring and restricting tools, most of them are used because of the object of ownership and less because of the owner.

[1]Aalto University School of Engineering; kirsikka.riekkinen@aalto.fi
[2]Aalto University School of Engineering; pauliina.krigsholm@aalto.fi
[3]olga.penkkila@aalto.fi

ID: 9384

Session 1.3: Regulations for green cities

Trees, climate change, regulatory takings, and unconstitutional conditions

Richard Norton[1]

Trees and forests are vital components of terrestrial ecosystems and community wellbeing. Conserving them is increasingly imperative to both mitigate and adapt to climate change. Local tree protection ordinances that regulate trees on private property have become common, and they will likely become more so in response to climate change. Such ordinances typically constrain the removal of mature trees, or they require property owners to mitigate tree removal by replanting trees or paying fees into tree replanting funds. As the prevalence and stringency of such ordinances grow, the pushback from property owners will increase as well. That pushback happened recently in response to a tree protection ordinance administered by a township in Michigan, USA. Two adjacent property owners alleged in federal and state court, respectively, that the ordinance effected a special kind of a regulatory taking under U.S. constitutional law, one premised on the unconstitutional conditions doctrine. The township lost in both cases, voiding its efforts to mitigate the substantial loss of trees. This paper presents the two legal cases together as a single case study, focusing on the township's design, administration, and legal defense of its ordinance, both to illustrate the regulatory takings and unconstitutional conditions doctrines as applied to tree and other natural features protection ordinances, and to provide guidance for ensuring that such ordinances are both effective and legally defensible moving forward.

[1]University of Michigan--Ann Arbor; rknorton@umich.edu

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Session 1.2: Special Session 3: Planning theory 1

Bringing 'Property' on the 2020s-planner's-agenda: It's not yet set in stone!

Gabriela Debrunner[1]

This paper argues that the question of property and landownership is the most fundamental to planning. Notions of property, property rights and duties, their allocation, and distribution are at the centre of current political, economic, and socio-environmental debates throughout the world. These issues are evident not only in global urbanization and resource scarcity struggles, but also, for example, in the acute geopolitical difficulties of Russia and Eastern Europe, where conflicts over property rights, and their control over land have resulted in actions of war and suffering for millions of people. Even though property scholars from different fields e.g., political philosophy, law, or urban economics have been aware of the importance of property to planning for centuries, during the past decade [2010– 2020], the critical conceptual voices and debates around property for planning professions have increasingly lost track. Therefore, the goal of this paper is not to reflect on the concept of property as an intellectual or cognitive status, but rather to systematically investigate the evolution of property as a legal concept, and how it has chronologically been amended over time by different actors and interest groups involved. Such work has an empirical component, explaining why certain property conceptions, rights, and duties came into being at a particular time and place. To do so, I employed a qualitative participatory observative travelling approach in which I spent 17 months in total visiting and traveling to the places, the cities, and the sites of historical, political, or socio-environmental relevance to understand the evolution of property rights and structures for our contemporary handling of them. Results majorly contribute to the "property-oriented-turn" (Jacobs & Paulsen, 2009) in land use policy calling for mainstream urban planning to reopen the controversial land question and its diverse political economic implications: these issues are evident not only in natural resource scarcity struggles (e.g., of land, energy, climate adaptation), but also to analyze and to understand the diverse socio-economic and political power imbalances attached to it.

Keywords: Property, property rights, legal philosophy, political economy

[1]ETH Zürich Institute for Spatial and Landscape Development; gdebrunner@ethz.ch

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Session 7.3: Special Session 1: Land scarcity and housing

Urban transformation, flexible planning, and temporary use – A new symbiosis to effectively deal with scarcity of land and affordable housing? Experiences from Switzerland

Gabriella Debrunner[1], **Lidija Honegger**[2]

For many years, residential temporary use – herein referring to an interim form of housing, deviating from their legally-binding permanent use, taking place in buildings or on land prior to demolition, reconstruction, or change of land use (Bosetti & Colthorpe, 2018) – has been utilised by municipal planners as an informal planning instrument to reactivate urban brownfields (Castells, 1983; Bishop & Williams, 2012). Temporary use has, however, recently changed its strategic function from being a catalyst for revitalization to testing new uses (Galdini, 2019), particularly in cities with high population growth, density dynamics, and housing shortages. Residential temporary use approaches (i.e. such as container or DIYliving in tiny houses) are increasingly applied by city councils and municipal planning authorities to transform industrial areas into mixed-use housing zones (Honeck, 2017), providing a flexible planning solution to cope with affordable housing and land scarcity (Debrunner & Gerber, 2021).

In this paper, we investigate the following questions: (1) How do municipal planning authorities apply temporary use as an approach to deal with scarcity of land and housing? (2) What actors are involved, and what strategies and objectives do they follow? (3) What challenges and recommendations result for sustainable land use and housing policy?

To answer these research questions, we follow a qualitative case study approach of the City of Kloten, Steinacker – a 50ha transformation area owned by approximately 35 landowners. This example stands representative for 122 industrial zones in Switzerland that are aimed to be transformed into mixed-use housing. Results help us to reflect on effective land use planning approaches through the adaptation of flexible planning instruments, notably temporary use. We discuss the results in comparison with international case studies e.g., London, Amsterdam, Helsinki, to elucidate prerequisites encompassing legal, planning, procedural, and other dimensions that must be satisfied to enable a sustainable transformation from an industrial zone to a mixed-use area.

Keywords: Temporary use; flexible planning; land use policy; affordable housing

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[1]ETH Zürich Institute for Spatial and Landscape Development; gdebrunner@ethz.ch

[2]ETH Zürich Institute for Spatial and Landscape Development; lidija.honegger@ethz.ch

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Session 5.1: Special Session 2: Land policies in Europe 1

Who owns the land, owns its future? Formal instruments in informal practices in Dutch land development

Edwin Buitelaar[1]

In the Netherlands, the land-use plan is the legally binding document in which spatial decisions are formalized, on the basis of which planning permissions are granted or rejected. Although a cornerstone in the planning process, this document follows and formalizes decisions by stakeholders, rather than that it guides them. Landowners put pressure on the planning process to get land rezoned. The aim of this paper is to unravel how that process works in the case of land development in the Netherlands, in such a way that it can be compared to others countries. The book project that this paper is part of employs a framework in which the interplay between actors, resources, and institutions can disentangled. We use the case of Rijnenburg (Utrecht), a large and contentious greenfield site, as an illustration of the framework.

[1]Utrecht University; e.buitelaar@uu.nl

ID: 9388

Session 2.2: Special Session 3: Planning theory 2

The property right to voice

Avital Margalit[1], **Shai Stern**[2]

The theory of property as a bundle of rights gives us both an accurate description of currently recognized property rights and an opportunity to further develop our understanding of their nature and properties. The aim of this paper is to highlight an existing right within the bundle – the property right holder's right to voice- that while its current manifestation is widely discussed somewhat surprisingly it did not receive sufficient theoretical attention. This paper puts the right to voice in the centre of scholarly attention.

When local government decide to expropriate your property, when your neighbour applies for a permit to build a thirty-story building in an adjacent plot, when your neighbours oppose the opening of a shelter for battered women and this social endeavour is close to your heart or when a newly proposed land use plan undermine historical preservation– does the fact that one is a property owner should affects the manner in which one makes her voice? Should it be heard differently? Should it matter more in decision making?

The paper first identifies the place and role of voice among the bundle of rights, and then delineates the fine line between merely exercising one's freedom of expression and utilizing the right to voice as a property right holder. The main part of the paper aims at discussing the intricate matrix of variables that should be taken into account when determining whether, when and how should the property right to voice be executed. Among the many relevant variables special attention would be given to the nature of one's property right (e.g.- an owner vs. a renter), uses of property (housing, commercial, public purposes), magnitude of place (mega cities, big cities, towns and villages), location (e.g.- down town v. residential area), community ties and demographic variables.

[1]Sapir College; tali1807@gmail.com
[2]Bar Ilan University; shai.stern@biu.ac.il

ID: 9389

Session 8.3: Urban transformation

Co-ownership of building land and legalization of illegally built objects - Constitutional aspect

Nataša Rajić[1]

Act on Legalization of Objects, adopted in 2015 and amended twice - in 2018 and 2023, is the last legislative attempt made for the purpose of dealing with the problem of illegal building in the Republic of Serbia. However, from the constitutional point of view, special attention has been given to a provision of this Act whose unconstitutionality has been declared by the Constitutional Court. This provision was related to the legalization of object in case of co-ownership of the building land on which the (illegally built) object had been built. The basic legislative rule in this case has been prescribed in a following manner – the written consent of all co-owners of the land must be submitted as a proof in the procedure of legalization of the object. However, disputed provision expressed the clear exemption of this rule - the consent of co-owner of the land "will be considered as a given" in case he/she knew or could have known about the building of the object, but did not express his/her disagreement in that time. Consequently, no written consent of co-owners should have been submitted in the procedure of legalization of object in this case.

The Constitutional Court found the disputed provision not in accordance with constitutionally guaranteed property right for the following reasons. The disputed provision represents the basis for the depriving of property right on the land, based on the presumption of renunciation of this right in favour of the illegal builder, by non-expression of disagreement (Decision IУз-316/2015 issued in 2020). Additionally, the Constitutional Court clearly indicated that the same legislative provision in this matter had already been declared unconstitutional by its previous decision (Decision IУз-295/2009 issued in 2012). Therefore, the re-entry of unconstitutional provision into the legal system obviously put into question the integrity of the Constitutional Court as well as the generally binding effect of its decisions.

[1]University of Novi Sad; rajic.natasa@yahoo.com

ID: 9391

Session 7.1: Special Session 2: Land policies in Europe 2

Affordable housing in spite of limited land resources: land policy strategies in Austria

Arthur Schindelegger[1], Walter Seher[2]

Austria is for the most part an alpine country with very limited land resources available for housing. This scarcity in combination with a dysfunctional land market and a strong interest in development for commercial usage leads to comparatively high land prices. Therefore, the typically urban phenomenon of too little affordable dwellings is a pressing issue in many alpine areas. Land policy is in this context typically understood as a strategy to correct the land market and achieve the overall political goal of enabling young people to stay in their home valleys. Municipalities have to establish approaches combining different land policy instruments to actually be able and provide affordable housing.

The research takes a close look in the actual understanding and application of land policy instruments in the municipality of Sölden/Tyrol, a leading winter tourism destination in Austria. Land ownership is concentrated there in the hands of local farmer families that have great influence on decision making for development. There is also no well-established land market, as there is a very limited supply that is by far exceeded by the demand. To be able to provide under this framework conditions affordable housing for young local families, the municipality (i) bought strategically agricultural land, (ii) carried out a land readjustment scheme and (iii) made sure that a non-profit housing association would develop the area. Accompanying measures were the construction of a rockfall protection dam and the overall infrastructural development of the area. Thereby, the municipality was able to satisfy the immediate housing demand at affordable prices.

The case represents a long-term strategic approach of land purchases and the combination of different land policy instruments to solve immediate housing problems in unfavorable framework conditions. Even though the legislative framework differs in the single states, essential learnings can be drawn from this case.

[1]University of Natural Resources and Life Sciences (BOKU); arthur.schindelegger@boku.ac.at
[2]University of Natural Resources and Life Sciences (BOKU); walter.seher@boku.ac.at

ID: 9393

Session 5.1: Special Session 2: Land policies in Europe 1

Land Policy in Belgium: How to limit land take in a "landowners' paradise"?

Jean-Marie Halleux[1], Hans Leinfelder[2]

Two main characteristics are prerequisites to apprehend how land policy and spatial planning operate in Belgium. The first relates to a cultural and political context where the planning tradition is weak, in particular compared to the main neighbouring countries (The Netherlands, Germany and France). In Belgium, the balance between individual property rights and collectively desired land uses has historically been favourable to landowners (Halleux et al., 2012). This is why, as opposed to the Netherlands being qualified as a "planners' paradise", Belgium can be described as a "landowners' paradise" (Shahab et al., 2021).

The second characteristic of the Belgian situation is that the country is now a federal state where spatial planning, including land policy, is the unique official responsibility of four federated entities: the Brussels-Capital Region, the Flemish Region, the Walloon Region and the German-speaking Community. In view of this, it can be considered that four distinct planning systems (co)exist in Belgium (Halleux & Lacoere, 2023). Even though, those four planning systems actually originate from a common matrix that was set up in the 1960s, by the then competent national government. It is in the 1980s that the planning systems of the federated entities started to diverge, with the evolution of the Belgian institutional system from a unitary state to a federal state.

In this contribution, we will focus on both, Dutch-speaking Flanders and French-speaking Wallonia. Our choice is not only justified by the fact that those two entities represent 97% of the national territories, but also by the fact that they are the most concerned with the issue of land take that we have chosen to focus on. More precisely, in this contribution, we will use two case studies in the Flemish city of Ghent to achieve two objectives. The first objective is to depict how the planning system in Flanders designs solutions to meet the objective of land take limitation. In parallel, the second objective is to compare the Flemish attempts with the different attempts that are envisaged in Wallonia to meet the same objective. The structure of our presentation will follow the general proposal: (1) Short description of the understanding(s) of the term "land policy" in your country.

(2) Description of the general situation, spatial context and the actual conflict/tension (what is the land use problem? How does it fit the context of the country´s spatial development?)

(3) Public and private actors relevant in your case (who owns this premises? which public autorities are involved? which other private actors play a role, like banks, neighbours, etc.)

(4) Public policies & Institutions (What are the regulations that influence how this plot is / can be used? Are there further regulations that influence the land value? Is there any influence on ownership / distribution of this plot of land?)

(5) Reflections (To what extent is this case representative for the land policy in your country? How does the case reflect the overall policy debate in your country? Think of the property rights and the public policy intervention).

[1]University of Liege; Jean-Marie.Halleux@uliege.be

[2]KU Leuven - P.PIL Research Group; hans.leinfelder@kuleuven.be

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Session 3.4: Densification 2: Strategies

Current use and potential role of information steering in promoting urban densification

Hanna Kuivalainen[1], Heidi Falkenbach[2], Tuulia Puustinen[3], Pauliina Krigsholm[4]

Lately, information steering has gained popularity as a policy instrument especially in some policy fields. However, it remains greatly understudied in the context of land policy. One of the most prevailing goals in western land policy strategies is promoting urban densification. Still, the actual implementation of densification remains challenging with the traditional policy instruments, which have been mostly of the regulative type. There is a need to explore the potential of diversifying the current land policy toolbox to fit the changing needs. The aim of this paper is to bring clarity to the use of information steering as a land policy instrument in the context of urban densification by creating an overview of the ways and the level of coordination in which it is currently applied. This is done by analyzing semi-structured expert interviews of land-use officials of the 15 most zoning-intensive municipalities of Finland, as well as the municipalities' websites and other possible communication channels. Preliminary results show that there is great variety in how intentionally municipalities apply information steering – it is often not seen as an actual land policy instrument but applied unconsciously and in an ad-hoc manner. The lack of systematicity poses a challenge to the legitimacy of decision-making: in contrast to regulatory or economic instruments, information steering does not always require policy decisions, but the varying practices are often controlled individual officials. As instrument choice is at the heart of policymaking, the differences in instrument use reflect the underlying motives behind the policy-maker's instrument choice and the level of commitment to the policy decision.

[1]Aalto University; hanna.e.kuivalainen@aalto.fi
[2]Aalto University; heidi.falkenbach@aalto.fi
[3]Aalto University; tuulia.puustinen@aalto.fi
[4]Aalto University; pauliina.krigsholm@aalto.fi

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Session 3.1: Urban sprawl, no net land take and land consumption

Agricultural land consumption under agricultural zoning: issues, measurement and characterization in France

Camille Le Bivic[1], Nicolas Agresti[2], Christophe Brun[3], Loic Jegouzo[4]

Agricultural areas are decreasing in Europe (EEA, 2019). The objective of limiting agricultural land consumption for urbanization is the target of public policies and spatial planning instruments (EU "Soil Strategy for 2030", 2021). However, the consumption of agricultural land by non-agricultural uses under agricultural zoning is not well examined and understood (Verhoeve et al., 2015).

In France, the consumption of agricultural land for leisure, hobby horses, storage or in anticipation of urban development is neither planned nor measured, let alone compensated for. Yet the way in which agricultural areas are managed and controlled can help or hinder food sovereignty, access to land for the new generation of farmers (Korthals Altes et al., 2020), the management of conflicts and competitions over land-use (IPCC, 2019) or the management of flood risks (Potočki et al., 2023). How measure and characterize the consumption of agricultural land by non-agricultural uses in agricultural zones? How do local 'land systems' and regulation processes in agricultural zones influence the loss of agricultural land?

This study aims to quantify and qualify the consumption of agricultural land for non-agricultural uses in France. It seeks to describe land systems that are subject to this unplanned land use change. Our quantitative analysis is based on an original dataset covering all agricultural land sales between 2011 and 2021 at national level. Outcomes are discussed and refined through interviews with ten technical managers involved at regional level (NUTS 1) in the regulation of and access to the agricultural land market, in the five French regions significantly affected by the phenomenon: Auvergne-Rhône-Alpes, Nouvelle-Aquitaine, Normandy, Occitania, Provence-Alpes-Côte d'Azur. At national level, the results show that in recent years, the amount of land sold for non-agricultural purposes in agricultural zones of land-use plans has been increasing and is approaching the amount of land sold for urban development (around 20,000 hectares/year). Moreover, the supra-local areas concerned are those facing 'land-take' by urban development, but also large neighbouring areas that are generally seen as less subject to farmland pressure. This contribution will provide insights on land transaction types characterized by areas, landowners, rural lease, farms and land management instruments that hinder or contribute to the preservation of agricultural land.

[1]Fédération Nationale des Safer; camille.lebivic@safer.fr
[2]Fédération Nationale des Safer; nicolas.agresti@safer.fr
[3]Fédération Nationale des Safer; christophe.brun@safer.fr
[4]Fédération Nationale des Safer; loic.jegouzo@safer.fr

ID: 9399

Session 3.4: Densification 2: Strategies

Densification or enclosure of urban space? Governing urban sustainability through land politics

Jessica Verheij[1]

While cities worldwide aim for more sustainable urban development, the implementation of these sustainability plans often falls behind. As over the last decades, urban land and real-estate are increasingly functioning as investments assets and spaces of capital accumulation, high land prices and the need for high-risk investments have complicated the implementation of urban sustainability policies. The aim of this article is to show how the political processes embedded in land valuation, densification, and landownership unfold in a brownfield development in a mid-sized town in the Netherlands, making visible how and why the outcome of the development has been shaped by financial interests. In particular, the article aims to show how the urban green spaces within the brownfield development are produced and designed based on a logic of enclosure and profit-maximization (Hodkinson, 2012). I apply an analytical approach based on the Institutional Resource Regime to illustrate how the mechanisms related to landownership, public policy, and actor constellations shape the governance of urban sustainability in densification projects (Gerber et al., 2009). Based on the case-study, I show the mechanisms that hinder full implementation of policy goals, including the continuous adaptation of the rules of the game by private actors. The development of privately-owned homes with large gardens is favoured over the provision of public goods. The case therefore presents housing affordability and urban greening as two deeply intertwined processes within the context of 'green growth' (Garcia-Lamarca et al., 2019). Analysing these processes, I aim to demonstrate how the land politics of a mid-sized municipality in the Netherlands weakened the implementation of urban sustainability.

[1]University of Bern; jessica.verheij@unibe.ch

ID: 9402

Session 6.4: Special Session 1: Housing alternatives

Housing as commons? A scoping review (1990-2023)

Adrien Olivier Theodore Guisan[1]

Initially restricted to the analysis of institutional arrangements regulating the use of common-pool resources (CPRs), the conceptual scope of the commons was considerably extended over the last decades. Translated to the housing field, the notion of commons is used to frame a wide range of phenomena, from the management of collective amenities in multi-owned housing, co-housing, and cooperative housing projects, to various forms of informal settlements and squatting movements. This heterogeneity results in a "fuzzy" concept with no clear boundaries, and ambiguity on its use as a conceptual tool or a normative ideal. Based on systematic retrieval and screening methods, this scoping review synthetizes the available literature (1990-2023) to clarify how the concept of commons is applied in housing research. In the first step, the various uses, definitions and applications of the concept of 'commons' among the main corpus are analyzed and mapped using descriptive statistics, bibliometric analysis and narrative synthesis. In the second step, sub-corpuses are identified and reviewed to synthesize the available evidence on the effects of commons arrangements on three salient housing characteristics identified within the corpus: (i) affordability, (ii) inclusivity, and (iii) sustainability. This review contributes to the conceptual development and clarification of the burgeoning commons' literature on housing.

[1]University of Bern; adrien.guisan@unibe.ch

ID: 9405

Session 1.4: Bottom-up land policy

Unpacking Community Participation in Slum Resettlement Projects in Indonesiat

Farida Khuril Maula[1]

Local governments in Indonesia have implemented two different approaches to slum rese7lement projects, namely top-down and bo7om-up approaches. The top-down approach focuses on achieving the physical requirements of the rese7lement project, and it does not consider residents' needs and priorities in terms of social and economic. Some literature argued that not involving the community will quicken the planning and implementation of the project. In contrast, the bo7om-up approach a7empts to address the failures of the top-down approach by gathering the community's opinions while facilitating their direct participation in slum rese7lement projects. Critics arise because the authorities still direct the participation process. After all, they can define who will participate in the project. Under these two approaches emerged civic initiatives and the concept of self-governance from the community members. These initiatives have a common goal to bridge the communication between local government and residents and to voice residents' needs and opinions regarding the slum rese7lement project. In the process of self-governance, citizens and other non-governmental agents take the lead. Research on the emergence of civic initiatives and self-governance in the slum rese7lement project is still limited, particularly in countries located in the Global South. Understanding the process of self-governance in the slum rese7lement projects is essential to recognize the initiatives that emerge from the community. Thus, this research aims to explore how the local government in two different approaches to slum rese7lement projects embrace (or respond to) the emergence of self-governance in the community to accomplish positive impacts for society. A case study method will be used to explain how the community participated in the slum rese7lement project under these two approaches and how their participation shapes the planning process of slum resettlement projects.

[1]University of Liverpool; farida.maula@liverpool.ac.uk

ID: 9409

Session 2.1: Zoning and public policy

Strawberry fields forever? Observations about developments in the law of zoning and restrictive covenants

Eran Kaplinsky[1]

Both restrictive covenants and statutory land use controls have come to prominence in North America during the 20th century, and both have a checkered history. They have long been used to conserve local amenities, significant landscapes, and ecosystem services, but have also been used perniciously for exclusionary practices, limiting access to land ownership and housing opportunities based on socioeconomic status, religion, or race. Most recently Canadian municipalities began rewriting their zoning codes to accommodate a greater range of uses and densities to promote affordability and more sustainable land use patterns. In several major cities there are no longer residential districts exclusively reserved for single detached dwellings, and some provincial governments have abolished single family zoning altogether. In Alberta, zoning reforms are confounded in areas governed by covenants dating as far back as 1912. Developers continue to attach restrictive covenants in new neighbourhoods, and in several mature neighbourhoods, new initiatives have been announced to introduce private covenants in order to maintain the status quo. This article explores the relationship between zoning and covenants and discusses the courts' evolving approach to resolving conflicts between restrictive covenants and restrictive land use controls that apply to the same property. The article examines specific instruments in Calgary and Edmonton and discusses a potential change in attitude toward large-scale restrictive covenants that impede municipal policies. The paper argues that while municipalities are naturally suspicious of private covenants, zoning and covenants are substitutes and can promote private or public interests. The article concludes by cautioning against undermining the durability of covenants given their increasingly important role in supporting land trusts and private conservation.

[1]University of Alberta; eran.kaplinsky@ualberta.ca

ID: 9411

Session 4.3: Special Session 4: Aspiration vs delivery 1

Winners or losers: Assessing the implementation of large-scale local zoning plans on spatial development in Poland

Piotr Kryczka[1], **Magdalena Belof**[2]

Poland, since the political transformation (1989), the responsibility for local spatial policy has been solely in the hands of local municipalities. In response to the incredibly dynamic investment processes after transformation and in the hope of an influx of funds from the EU, the local governments have been very generous in offering investment opportunities in plans, especially for residential purposes. To this end, plans were converting valuable agricultural and open land into investment areas on a large scale. Globally, Poland's zoning plans far surpass anticipated future needs, providing potential living spaces for 59 million people, even though these plans only cover 31.4% of the country's total land area (Śleszyński&Kukułowicz, 2021).

We aim to analyse the implementation stage of plans, made by urban municipalities, which offered large territories for housing uses. The objective is to evaluate if and to what extent the municipalities derive benefits from imposing such large-scale plans or rather their ambitions to create comprehensive urban environment remain unrealistic. We would also study whether large plans help in the holistic shaping of spatial landscape or – in contrast – they foster the spatial entropy.

In this research, we will combine three methodological approaches: legal analysis, statistical analysis and empirical qualitative research. In the initial phase, we will examine the existing legal instruments in urban planning in Poland, which form the basis for investment processes, with a special focus on the implementation power of local zoning plans. Subsequently, we will employ statistical analysis to identify medium-sized towns with a local zoning plan coverage of at least 90%, with a particular focus on residential land uses. We will focus on plans that remain valid, but were enacted not later than 2014 to ensure a proper perspective for the evaluation of implementation process. Next, via empirical analysis, we will assess the implementation stage and will investigate objective reasons of the plan execution. We will deepen our findings by interviews with municipal office holders and professionals who are responsible for urban planning and policy enforcement.

The authors expect that findings unveil problems and barriers in implementation of the large-scale urban local zoning plans and let answering the question if under what conditions they have a capacity to shape a high-quality urban environment. Additionally, municipalities confront restricted implementation mechanisms, thereby diminishing the significance of these plans in comparison to non-planning initiatives. This research also highlights the pivotal role of stakeholders such as developers, administrators, communities, and activists in the planning and implementation processes. Ultimately, it underscores the imperative for a comprehensive reassessment of planning processes and tools to foster more sustainable urban development in Poland.

Keywords: development, local planning, land speculation, operational town planning, spatial entropy

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[1]University of Wrocław; piotr.kryczka@uwr.edu.pl

[2]Wroclaw University of Science and Technology; magdalena.belof@pwr.edu.pl

ID: 9412

Session 1.3: Regulations for green cities

Navigating the Legal landscape of eco-accounting: A decision tree for conservation compensation - findings from the research Project DB-Save

Laura Mato Julcamoro[1], Jan Schmid[2], Hans-Joachim Linke[3]

The eco-account is of particular importance for the realization of compensation measures under nature conservation law, as it enables a temporal and spatial separation of the compensation from the intervention. Thus, it shortens the planning and implementation process of large infrastructure measures, such as the construction or expansion of railroads. Depending on specific regulations of each German federal state, compensation measures can be carried out in advance. If a return on value points is granted and booked into an eco-account, the area required for nature conservation measures can be significantly reduced. The area requirement resulting from other necessary compensation measures, such as species protection or Natura 2000, must also be considered when deciding whether an area should be used for an advanced compensation measure. In the given case, it must be examined whether such special compensation measures should also be carried out on the area under consideration as well as whether and how combinations of several compensation measures are possible on this area. To make these complex boundary conditions manageable, a decision support tool in form of a decision tree was developed in this research project. The decision tree can be used to assess a potential site area and decide whether and how advanced compensation measures under nature conservation law can be realised there, and finally determine the possible outcomes. This decision tree is the first guideline for the German Railway (Deutsche Bahn) that helps navigating through the legal environment of nature conservation compensation. It serves as the foundation for a standardised application for this compensation instrument. With the help of this decision tree along with other measurements mentioned in this paper, the efficiency of time, land use and cost increased.

[1]Technical University of Darmstadt; laura.mato_julcamoro@tu-darmstadt.de
[2]Technical University of Darmstadt; jan.schmid@tu-darmstadt.de
[3]Technical University of Darmstadt; hans-joachim.linke@tu-darmstadt.de

ID: 9413

Session 2.1: Zoning and public policy

Facilitating the regulation of street vending from the bottom up: Does zoning matter?

Hafi Munirwan[1]

Street vending in public spaces is an informal activity that is all too common in virtual all cities of the Global South. While it creates benefits such as employment opportunities and affordable goods and services, it also creates issues such as disturbing traffic, pedestrian flow and city orderliness, degrading environment and public utilities qualities. So far, increasing efforts are being made by municipalities to regulate street vending. While in the past street vending is seen as form of urban disorder and being banned, currently, the rise of democracy and the introduction of inclusive city policies have led to a shifting regulation that is more tolerant toward street vending activity. The New Urban Agenda also mentions that informal activities such as street vending should be recognised in policy making. Besides, there is an increasing promotion of self-organisation in the planning literature (Rauws, 2016; Zhang et al. 2015; Moroni et al. 2020). This paper then looks at the interface of regulation and self-organisation. This paper examines the regulation of street vending in Bandung, Indonesia, that implement street vending zoning policy. This study explore how zoning policy affects the way of government engages with street vendors and the way street vendors self-organise their activity. Data is derived from ethnography and interview with government staffs, street vendors, and citizens' representatives. The study finds that zoning has enabled street vendors in areas where vending is permitted to initiate and self-organise in a way that is connected with formal institutions, where they become legitimate to initiate and readjust their activity to comply with some restrictions and gain benefit of being recognised as formal activities. The study also finds that zoning is seen as problematic by local municipalities because street vendors in the permitted area use it as a legitimation to self-organise in a way that is disconnected from formal institutions and ignores some restrictions made by government.

[1]University of Liverpool; hafi.munirwan@liverpool.ac.uk

ID: 9415

Session 3.4: Densification 2: Strategies

Addressing trade-offs in densification through strategic use of contractual agreements: The case of Finnish land use agreements

Pauliina Krigsholm[1], Tuulia Puustinen[2], Heidi Falkenbach[3]

Implementation of densification is a complex process that creates both positive and negative impacts to a development site and its surroundings. Different actors, such as local authorities and landowners, pursue their own goals in the process and settle the division of planning-related gains and costs before the actual implementation. In Finland, this division is primarily determined through a contractual agreement called a land use agreement. While land use agreements work as a direct land value capture mechanism for the public, their terms and conditions often go far beyond the sum and payment schedule of the land development fee. Local authorities can, for example, include terms on affordable housing division, housing tenure mix, or building energy-efficiency, or they can provide economic incentives for urban densification in form of discounts on the land development fee. The land use agreement becomes, then, a powerful means for a local authority to prioritize and advance different public goals and to manage externalities caused by the development. This paper demonstrates what kind of strategies local authorities employ in contractual agreements in the context of densification. The analysis draws upon interviews with municipal officials in 14 Finnish cities that account for most densification activities in Finland. We find that in general local authorities approach contractual negotiations holistically and aim to negotiate a set of terms and conditions that as combined steer and/or oblige the new development toward desired outcomes. There is, however, variation in which terms and conditions are stressed and prioritized over others when necessary. The results shed light on the ways in which the often-unavoidable trade-offs in densification are handled in practice through contractual agreements at local government level.

[1]Aalto University; pauliina.krigsholm@aalto.fi
[2]Aalto University; tuulia.puustinen@aalto.fi
[3]Aalto University; heidi.falkenbach@aalto.fi

INTERNATIONAL ACADEMIC ASSOCIATION on PLANNING, LAW, AND PROPERTY RIGHTS

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Session 4.1: Special Session 2: Land policies

Land administration reform in Greece during the sovereign debt crisis 2009 to 2018: A case of competing frames

Evangelia Balla[1], **Jaap Zevenbergen**[2], **Mafalda Ana Madureira**[3]

A policy problem is a social and political construct articulating values and facts. It is usually defined as a gap between an existing and a normatively valued situation to be bridged by government action. Public policy reforms are deliberate government efforts to effect change in a policy domain and deliver public goods to citizens, such as education, healthcare, pension system, or land tenure security. Public policies are typically developed and enacted within policy domain-specific subsystems of many actors. The actors have specific perceptions of the substantive characteristics of a policy problem.

Land administration is a multi-disciplined process to manage spatial and legal data about land to improve tenure security. Current land administration literature needs an in-depth study of how the diverse actors interact in a state-led land administration reform, specifically in times of financial duress and external pressure due to policy conditionality. We contribute to existing research on how actors interact in land policy reform processes by exploring the Hellenic Land Administration Reform (HLAR), which poses a rich empirical setting to observe the interactions of domestic and foreign actors in a large-scale state-led land administration reform, contributing to the relevant scholarly literature on land administration. Greece initiated a state-led land administration reform in the mid-1990s, the HLAR, which aimed to replace the existing land registry systems with the Hellenic Cadastre System (HCS) to increase legal certainty on land tenure. We ask how the main actors understood the problem and what must be done. We adopt a qualitative approach informed by expert interviews with actors involved in the HLAR reform. Preliminary findings show that the actors had competing views about the reform's main policy thrust and the means to implement the reform most effectively and efficiently.

[1] University of Twente, Urban and Regional Planning and Geoinformation Management; e.balla@utwente.nl

[2] University of Twente, Urban and Regional Planning and Geoinformation Management

[3] University of Twente, Urban and Regional Planning and Geoinformation Management

ID: 9418

Session 1.4: Bottom-up land policy

Public participation in Swedish planning: Where does fit in a legal context?

Anna Hrdlicka[1]

Public participation in planning is prevalent in many countries. The development can be said to have started with Jane Jacobs and her groundbreaking work on citizen involvement in urban renewal, during the 1960ies. However, the most cited figure in this field, still mentioned today, is Sherryl Arnstein, whose article "A Ladder of Citizen Participation" is cited over 30 000 times (until Sept. 2023) article in the subject. Arnstein's thoughts on the distribution of power also underpin the work on citizen participation in planning in most Swedish municipalities addressing this issue. In Sweden, the question of "influence and impact" in planning has been discussed since the 1970s. With the introduction of the reformed Planning and Building Act in 1987, there is an increased opportunity for citizens to engage in planning. The question is whether the ambitions of "influence and impact" are being realized in the way the legislator intended. In a study of 79 (out of a total of 290) Swedish municipalities, it can be noted that many municipalities engage in dialogue during the detailed planning phase. Few of these municipalities have a clear answer as to why they do it or how the results should be implemented in practical planning. In interviews with politicians and officials, different attitudes towards early public participation in the planning process are revealed. Politicians are cautiously positive, while resistance from the bureaucratic side is more pronounced. The study also includes document analysis of which municipal documents support civic participation in each respective municipality. The study highlights issues such as the absence of guiding documents and structured processes for citizen participation and, dialogue and the lack of concrete legal support for early-stage civic participation in the Swedish Planning and Building Act. This issue is not unique to Sweden but can be discussed in a Nordic context

[1] Royal Institute of Technology, Stockholm Sweden hrdlicka@kth.se

ID: 9419

Session 9.1: Special Session 2: Land policies in Europe 3

Land policy in Poland. Evolution of the liberalization of urban policy-making and planning

Małgorzata Barbara Havel[1], Tomaz Zaborowski[2]

The research reflects on Polish land policy by analysing the process of transformation of an office park in Warsaw. Constructed in the 1990s Empark Mokotów Business Park used to be the largest office park in Poland. Due to the development of new, higher-quality office spaces in Warsaw, and the current, post-COVID downfall of the office real estate market, the owner of the office park decided to partly demolish the outdated park and redevelop the site to create a mixed-use housing estate. The binding land-use plan, however, allowed at that piece of land commercial and office buildings only. Therefore, the developer had to apply a bypass of the main planning system offered by a Special Housing Act that enables to obtain a building permission even if a housing development proposal does not fulfil conditions established by the binding land-use plan. Nevertheless, the Special Housing Act requires that the development meets certain criteria of equipment with public infrastructure that may provoke negotiations with the municipality regarding its provision by the developer. The case gives rise to analyse Polish land policy from three points of view: policy goals, actors, and institutions involved. The case of Empark Mokotów Business Park is an example of an application of a reactive land policy established by the Special Housing Act. It illustrates an evolution of the liberalization of urban policymaking and planning in Poland. The post-communist period has been characterized by far-reaching liberalization of spatial planning and a lack of coherent land policy. In recent years the state has attempted to react on problems generated by that liberalization.

[1]Politechnika Warszawska, Wydział Geodezji i Kartografii; malgorzata.havel@pw.edu.pl
[2]University of Warsaw, Faculty of Geography and Regional Studies; t.zaborowski@uw.edu.pl

ID: 9420

Session 7.2: Instruments of land policy

It's all in the contract—Or is it? Analysing contract design in urban redevelopment

Martijn van den Hurk[1], Tuna Tasan-Kok[2]

The assessment of rising property values and the resultant urge to capture some (or most) of the presumed unearned increment in values has always exposed land use planners and legislators to an arguably flawed but longstanding premise. In 1942, the report of the UK Expert Committee on Compensation and Betterment (known also as the "Uthwatt report") triggered a raft of other subsequent European attempts at betterment recoupment (or value capture) arising from increased development potential through planning permission. In this paper, the authors posit that examples from Australia and Taiwan reveal an underlying flaw in the premise that increased development potential or even just basic uplift in zoning necessarily results in rising property values. Understandably, the increasing shortfall in financial capacity of state, regional and local governments in many developed countries in Europe (and elsewhere) to fund even basic ecosystem services in urban and peri-urban areas has led to a reconsideration of value capture as a market-based land-use tool. However, the paper observes that increased development potential or dramatic rezoning to another land use does not necessarily result in rising property values. Such administrative actions by government do not in themselves create increased value but rely on the concomitant input of entrepreneurial capital and obviously labour. Land use planners may be unaware of the suitability of certain land for increased development potential believing that mere identification of land for enhancement will necessarily result in investment notably by private actors. Such actions are obviously flawed and can result in a misallocation of scarce public resources and imprudent private investment.

The authors also posit there is an absence of methodological discourse between property rights holders, land use planners and legislators, and the legitimate expectations of the community as regard increasing property values and subsequent value capture to fund the provision of a range of ecosystem services. While many in the community on both sides of the debate are calling for a transparent set of value capture outcomes to set the precedents for the future, the likelihood of successful current attempts may be questionable. Directions for future efforts towards resolution of this problem are canvassed including issues at the heart of property, land use planning law and practice. To attempt a solution without dealing with all of these issues is to risk perpetuating the hiatus.

Keywords: Betterment, eco-system services, valuation law and practice, worsenment, zoning

[1]Utrecht University; m.h.h.vandenhurk@uu

[2]University of Amsterdam; m.t.tasankok@uva.nl

ID: 9421

Session 3.3: Energy policies

Institutional bricolage in action: Removing legal barriers to residential decarbonization planning in Oregon (USA) municipalities

Christy Anderson Brekken[1]

Decarbonization requires reducing residential natural gas use, first by prohibiting expansion of gas infrastructure. However, dominant legal and property rights institutions can be a barrier before planning can begin. In the United States, state and local governments regulate residential development and gas distribution infrastructure, with municipalities granting utility use of the local public right-of-way. Historically, municipalities and utilities negotiate a franchise agreement—a contract whereby utilities gain access to the right-of-way for a term of 10 years or more in exchange for fees and conditions. A typical franchise agreement can be a barrier to decarbonization laws, as terms can be construed to prohibit municipal regulation of gas system expansion during the franchise term. Licensing ordinances can replace franchise agreements as the dominant legal and property rights institution, enabling local decarbonization efforts. A licensing ordinance is an exercise of municipal government authority to regulate private use of public property, serving the same purpose as a franchise agreement while avoiding utility negotiating power and contractual rights. A public records review of six Oregon cities revealed broad motivations for licensing ordinance adoption: harmonizing with federal telecommunications utility regulation, fair compensation for use of public property, increasing city revenue, reducing city costs, acting in the public interest and with public participation, retaining city authority over the right-of-way, creating uniformity with ability to tailor terms to specific circumstances, flexibility to enact new regulations, and maintaining relationships with utilities. These findings suggest that more cities may adopt licensing ordinances for these benefits and as a step toward reforming land use development codes to limit gas system expansion. Licensing ordinances in Oregon are an example of institutional "bricolage," building new multifunctional institutions from existing arrangements and authorities. What started as a response to pre-emption of local regulation of telecommunications utilities may now be a necessary tool to facilitate decarbonization by restoring public authority over utility systems

[1] Oregon State University, Applied Economics; christy.anderson.brekken@oregonstate.edu

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ID: 9422

Session 4.3: Special Session 4: Aspiration vs delivery 1

Encouraging bottom-up regeneration: lax zoning regulations and flexible building rights

Nurit Alfasi[1] **Rachel Katoshevski**[2]

Seeing urban regeneration as a continuous activity for healthy, sustainable urbanism challenges frameworks. Such a challenge, for example, is faced by Israel, which meets the urgent need to rehabilitate its older, modernist-style neighborhoods. These neighborhoods were subjected to strict land-use regulations safeguarding the uniform facades and apartment types. With about 500,000 small residential units built by the state in the 1950s and 1960s, the anti-adaptive urban structure requires intense governmental intervention, often in the form of razing and rebuilding whole neighborhoods (Cozzolino, 2020; Alfasi et al., 2020). However, such projects have negative effects on homeowners, renters and surroundings and do not fit current visions of ongoing regeneration. An alternative to this method may be found in an unintended experiment conducted in a few neighborhoods in Tel Aviv. In 1988, the municipal government enacted a local plan allowing homeowners living in row houses in Ramat Aviv, a relatively wealthy social environment near Tel Aviv University, to expand their apartments individually, regardless of the neighbors' behavior. As this plan substantially violated the strict regulation, it was criticized for turning these already unattractive housing types into slums. However, Ramat Aviv was already attractive, allowing homeowners to develop dull housing into diverse living solutions. The successful bottom-up regeneration encouraged the municipality to expand the experiments to nearby neighborhoods of similar housing types. Our research expands on the gradual development and enhancement of regulation and building rights were allocation, comparing Ramat Aviv to initially similar neighborhoods outside Tel Aviv. The research shows that the challenge remains to expand this successful regulation tool to socially and spatially weaker places and bring them the message of bottom-up regeneration.

[1]Ben-Gurion University of the Negev; nurital@bgu.ac.il
[2]Ben-Gurion University of the Negev; krachel@post.bgu.ac.il

ID: 9423

Session 9.3: Commons and decommodification

Greening Cities: On the transformative role of planning for the commons

Samuel Agyekum[1]

The growing scientific evidence of the collective environmental and social value of green spaces has made it one of the most sought-after cl imate adaptive interventions in the urbanising world. Despite the immense contribution to resolving burgeoning socio-environmental problems, the creation and maintenance of green spaces face fierce land use competition; in which capitalist (for-profit) urban development often prevails. New voices initiatives -conceptualised as the new/urban commons - that acknowledge humanity's dependence on these resources are emerging to enact new forms of sociopolitical arrangements to 1) protect and 2) reclaim these resources (Colding etal., 2013; Follmann & Viehoff, 2015; Huron, 2015). While studies are proliferating in this direction, a clear understanding of how these initiatives emerge, organise, govern, and perpetuate in varying socio-political contexts is lacking. These research gaps stem partly from uneven geographical attention in the commons literature, namely an overwhelming number of case studies in industrialized economies in the global North. In response, th is study seeks to empirically analyse different socio-political (planning) contexts of Ghana where there is a mix of neoliberal policies and strong customary institutions): to know the extent to which land use planning (and other public policies), property rights and customary institutions promote collective institutional arrangements in governing urban green commons. This will be approached through policy and qualitative content analysis methods. The research will, therefore, contribute, through the lens of planning and urban commons, to increase knowledge regarding the promotion of urban greens in urban areas with complex property arrangements.

[1] University of Bern; samuel.agyekum@unibe.ch

ID: 9426

Session 7.1: Special Session 2: Land policies in Europe 2

Land of plenty? France's late shift towards no net land take in the light of complex local land policy practices

Sonia Guelton[1] **Camille Le Bivic**[2], **Mathias Jehling**[3]

Land Policy in France is understood as a range of ambitious goals and means. It embraces land use regulation including public land management to reach several social purposes. Elected and technical officials in municipalities have a large power through applying land policies via land use plans and property taxes management, development via building permit control and public projects. Up to the 2020's in several peripheral and rural areas under metropolitan influence, land policies were rather soft, with few public projects and spontaneous private projects permitted under an "open window" procedure. The increasing awareness of land as a scarce resource brought the necessity to better control land take. Hence, it became complex to meet this goal and make land available for (affordable) housing. This raises the question on local practices by authorities and private actors to facilitate development in peri-urban areas while mitigating two contradicting claims by land policy? We apply a neo-institutionalist framework and the concepts of "institutional arrangements" referring to specificities of contexts and assets and actors. The method combines document analyses and qualitative analysis of interviews. The document analysis is based on French local plans and public decisions. The qualitative analysis is based on a secondary analysis of empirical material of 35 interviews of municipal elected officials, intermunicipal technical officials, urban developers and builders conducted previously by the authors. We focus on a sample of representative municipalities in the periphery of the Greater Paris region. The cases reflect situations found in most large metropoles in France, with housing pressure, but also a reduction in available land. Our study's findings shed light on the general conflict in French land policy, where the implementation of sustainability ambition translated in national policies goals is limited by strategies and practices of local public and private actors. The conflicts emerge between private residential projects on agricultural land and municipal strategies to preserve this land and maintain infrastructure costs low. Through these conflicts, the study shows how local authorities develop practices to make use of regulatory instruments for their objectives and to negotiate with private actors.

[1]Université Paris-Est, Paris Lab'Urba; guelton@u-pec.fr
[2]Fédération Nationale des Safer; camille.lebivic@safer.fr
[3]Leibniz Institute of Ecological Urban and Regional Development (IOER); m.jehling@ioer.de

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Session 9.3: Commons and decommodification

Reconnecting urban commons and planning: Towards a new urban governance for sustainable resource management

Tianzhu Liu[1]

This paper explores relations between urban commons and planning. Urban commons refer to an urban-related resource system that is self-governed by a community of users, e.g., community food gardens and housing cooperatives. With the self-governance alternative to state- or market management, urban commons is considered to have the potential to contribute to decommodification and strong sustainability. In the urban context, commons cannot be isolated from the state-defined formal institutions. Planning, as an essential institution that affects resource use, shares many other focuses with urban commons (e.g., social justice, environmental sustainability, and urban governance). Understanding the relations between planning and urban commons will contribute to comprehending how the later could be better maintained, developed, and foster a stronger impact. We mobilize the Institutional Resource Regime framework to understand such relations. Three elements are significant: planning (as public policy), property rights, and urban commons (a community's self-governance of urban resources). Although their studies have already widely explored relations between planning and property rights, and between property rights and commons, relations between planning and commons remain to be further understood. This paper builds on reviewing commons-associated planning literature and aims to propose a conceptual framework to the intricate interplay between planning and urban commons. We first tease out the different connotations of "commons" addressed in planning literature, as well as finding connections between them. Then we narrow to urban commons as self-governed resources, and identify (1) from a historical view, how modern planning with a neoliberal orientation worked as a process that diminishes commons, (2) how planning affects urban commons by exercising regulatory authorities on resources, and (3) how urban commons reshapes planning through commoners' strategies. The analysis is closely associated with property rights and draws specific attention to the effects of diversified property rights systems in the Global South and North.

[1]University of Bern; tianzhu.liu@unibe.ch

ID: 9429

Session 8.2: Sustainable policy and climate adaptation

Land and property typologies for NbS measures in climate change adaptation

Marion Wallner[1], Arthur Schindelegger[2] & Thomas Thaler[3]

Nature based solutions (NbS) are widely seen as effective solutions in reaching different societal goals, such as disaster risk management, improving biodiversity and for meeting adaptations needs indispensable in light of climate change. Typically, they are described to have lower costs for maintenance in comparison to grey solutions but at the same time NbS need more land to be effective. Land and the rights to it become therefore increasingly debated. A key reason is the need of private-owned land. A major challenge for NbS implementers is the right way to approach land owners for negotiations and prepare accordingly. The paper aims to develop land and property typologies for sites possibly suitable for NbS measures to: (i) be able to identify auspicious parcels and (ii) as a mean to prepare communication strategies. This is based on the understanding that land has both: (i) a physical dimension connected with the actual use and directly generated earnings and (ii) secondary attributes (public/private property, ownership, lease, etc.) that determine the longer-term use strategy and perspective of users. The research is based on a co-created mixed-method approach. The first step includes a GIS catchment-wide analysis to identify potential areas for the implementation of NbS. The second step is a document assessment to identify the different ownership in of the potential implementation areas. As third step, the research conducts a series of semi-structure interviews with policy makers, experts and private land-owners about the acceptance and implementation of the NbS. Nevertheless, the whole process is embedded within a cocreation process with private-land owners, experts and policy makers to encourage learning and identify different needs and interests on an iterative approach. The expected outcome of the study will help any NbS implementers to combine technically identified possible locations for NbS with these typologies of land and property and inform their priorities for action.

[1]University of Natural Resources and Life Sciences (BOKU; marion.wallner@boku.ac.at
[2]University of Natural Resources and Life Sciences (BOKU); arthur.schindelegger@boku.ac.at
[3]University of Natural Resources and Life Sciences (BOKU); thomas.thaler@boku.ac.at

ID: 9430

Session 1.3: Regulations for green cities

Urban densification and retention of existing trees on private land: Legal challenges in mechanisms of sticks and carrots

Yifat Holzman-Gazit[1], **Eran Kaplinsky**[2]

Trees on private land comprise nearly or over 50% of the total number of trees in many cities around the world, including, for example, Toronto, London, and Tel-Aviv. In the U.S., the Forest Service has just announced over $1 billion in grants to plant and maintain trees, combat extreme heat and climate change, and improve access to nature in cities, towns, and suburbs where more than 84% of Americans live, work, and play. The contribution of private trees to urban canopy cover targets – a proxy for important ecosystem services – is often higher compared with street trees, since trees on residential properties in mature neighbourhoods tend to be large and healthy. The loss of mature trees is detrimental to human health and resilience of urban forests and its impact is felt for decades. Consequently, an environmental policy that aims to minimize the impacts of urban densification should emphasize efforts to retain existing trees. In this research, we analyse the legal challenges embedded in the mechanisms of regulation (sticks) and incentives (carrots) that are currently in use or under proposal for enhancing tree retention on private property. The literature emphasizes public education, community support, political will, accurate tree inventories, and appropriate budgets and enforcement as prerequisites to minimize the loss of trees on private properties. Policymakers, however, must also contend with legal constraints, which are specific to each jurisdiction but remain understudied. The paper focuses largely on US, Canada and Australia and examines from a legal point of view the mechanisms of tree ordinances and land use regulations as well as more innovative tools such as conservation easements, bonusing and urban greening factors.

[1] College of Management; h1yifat@colman.ac.il
[2] University of Alberta; eran.kaplinsky@ualberta.ca

ID: 9432

Session 4.1: Special Session 2: Land policies

Land policy in Victoria: opinions and barriers to local governments implementing an active land policy

Alistair Dunlop[1], Thomas Hartmann[2], Cameron Murray[3]

In Australia, the Victorian Labor government introduced a rate cap on local governments in 2016. This cap limited the ability of local government to raise funds, yet they remain pressured to increase expenditure on infrastructure and service provision to meet planning objectives. In addition, local governments are seeking to become involved in affordable housing provision and to distribute development gains more equitably. Active land policy is a way to respond to these issues, however, it is rarely used by local governments in Victoria. Why? By contrast, local governments in the Netherlands regularly use active land policy to directly manage land development to meet spatial planning objectives and earn additional revenue. This study explores the opinions and barriers to implementing active land policy in Victorian local governments. A theory of institutions – New Institutionalism – helps uncover the barriers that affect its implementation and better understand the choices for and against certain strategies of land policy. A series of 13 expert interviews from across the planning and development industry, including the former Planning Minister of Victoria, unveil a number of institutional and ideological barriers that inhibit a more active approach to development. The qualitative analysis reveals five barriers, including 1) the existing work paradigm, 2) countervailing views on active land policy, 3) housing supply as a private, not social good, 4) a lack of political legitimacy for active land policy, and 5) only conditional public and political support for active land policy. Despite these barriers, interviewees identified a growing public and political appetite for local governments to be directly engaged in land development.

[1]Technical University of Dortmundalistairdunlopa@gmail.com
[2]Technical University of Dortmund; thomas.hartmann@tu-dortmund.de
[3] ckmurray@gmail.com

ID: 9433

Session 1.4: Bottom-up land policy

Community Land Trusts (CLT) as tool to reduce gentrification in marginalized settlements

Rebecca James[1]

Community Land Trusts (CLTs) are a unique approach to land management, rooted in principles of community empowerment, social justice, and sustainable development. CLTs provide an alternative to common property ownership models, promoting affordable housing and equitable land use. With the origins of CLTs and most of the current CLTs existing in countries of the Global North, more specifically the United States, the present research intends to focus on the applicability of CLTs to further regions worldwide, especially in marginalized settings. Marginalized settlements may include informal settlements, slums, favelas, indigenous communities and more.

The research intends to answer if and if yes, to what extent, CLTs serve as a tool to reduce gentrification processes in marginalized settlements. In order to address this research question, the research follows four steps: (1) a profound literature analysis on the concept of CLTs and an analysis of the historic development of CLTs in the Global North, (2) research on the legal requirements of possible establishments of CLTs, social and socio-economic conflicts, as well as spatial and political conditions of an exemplary city in a country of the Global South, (3) interactive process with stakeholders and experts, for example through interviews and community workshops to determine solutions, and (4) develop policy recommendations and guidelines for action together with and for political actors, citizens, citizen representatives, and non-profit organizations.

This paper focuses on the first step (1) of the research, in which results of the literature review examine CLTs in the context of property rights and urban planning.

The goal is not only to explore the applicability of the concept of CLTs in specific settings and in the context of high social inequality, but ideally also to draw attention to this issue and possible solutions.

[1]Technical University of Darmstadt; rebecca.james@tu-darmstadt.de

ID: 9440

Session 5.2: Land market and ownership data

Property rights regimes across Europe - A comparative survey-based overview

Sonia Guelton[1], Malgorzata Barbara Havel[2], Andreas Hengstermann[3], Nikos Karadimitriou[4], Sina Shahab[5], Vida Maliene[6], Müge Tunaer[7]

Property rights are recognised to play an increasing role in addressing pressing policy challenges (Needham 2006; Davy 2012), such as climate change (van Straalen / Hartmann / Sheehan 2018), reduction of land take (Lacoere / Leinfelder 2023), or affordable housing (Debrunner / Hartmann 2020). Especially land use policies have to comply with the understanding and practice of property rights if it is to have a chance of implementation. However, there exists a notable shortage of comprehensive knowledge regarding the social understanding of property rights in land across different countries and their property rights regime: 'the set of economic and social relations defining the position of each individual with respect to the utilisation of scarce resources' (Furubotn and Pejovich 1972, p. 1139). This study aims to bridge this knowledge gap by presenting a survey-based overview of property rights regimes across Europe providing an overview that will help policy decision-makers at a time when new policies are to be designed all over Europe. Taking advantage of a European network of leading land and property experts, we have conducted a survey inquiring about the legal, political and historical characteristics of the national property regime in 25 countries, including EU member states and some non-member states. Both post-socialistic countries in Central and Eastern Europe and Mediterranean and Northwestern states are represented. Methodically, the survey is based on the approach of Cultural Comparative Law (Zweigert / Kötz 1998). It pursues a cultural interpretation of the law related to the respective historical, political and social context (Michaelis 2012) – in contrast to a black lefer-understanding of legal texts. The method involves three essential analytical steps. First, the actual political subject is defined – in our case the property rights regime to land. Second, the respective national laws that influence this subject are identified. In the present study, this varies from country to country. Thirdly, the results are contextualised by several cultural frameworks. This study therefore also addresses philosophy, history and land market conditions. The result is a multi-layered consideration of the regime of property rights which structure the possibility to implement a land use policy. In several countries the considerations of absolute property rights will not be discussed nor restricted by any regulation or by very few collective considerations, while in other case some public interest will lead to many direct contributions or indirect constraints or obligations.

[1] Université Paris-Est, Paris; gueltonu-pec.fr
[2] Warsaw University of Technology, Warsaw; malgorzata.havel@pw.edu.pl
[3] Norwegian University of Life Sciences (NMBU); andreas.hengstermann@nmbu.no
[4] Bartlett School of Planning, London; n.karadimitriou@ucl.ac.uk
[5] School of Geography and Planning, Cardiff; shahabs@cardiff.ac.uk
[6] John Moores University, Liverpool V.Maliene@ljmu.ac.uk
[7] Dokuz Eylul Universitesi, İzmir; muge.tunaer@deu.edu.tr

ID: 9441

Session 5.2: Land market and ownership data

Transparency of land ownership in Europe - Understanding differences and their implications for land policy

Katharina Künzel[1], Cornelia Roboger[2]

Land policy aims to change the behaviour of landowners through public policy interventions in order to pursue societal and political objectives and work towards a sustainable use of land. To achieve this, land policy needs reliable and transparent data on the current state and development of land ownership. Land ownership transparency is thus essential for effective, efficient, democratically legitimate, and just intervention in the allocation and distribution of land. Land market transparency describes the public availability of information on the land markets, transactions, and the property owners themselves. Such transparency varies across European countries. While the overall land market transparency has significantly increased in recent years, particularly the accessibility of ownership data remains a challenge. The differences within Europe are remarkable given that there are European regulations on data transparency. While issues concerning transparency of ownership data are often viewed as merely technical or legal issues, the diverse situations in European countries indicate that technical and legal reasons cannot fully explain the diversity. The decision of which data is collected and in which way it is made publicly available is ultimately a political decision. It involves balancing between public and private interests in land and thus different interpretations of the relation between these interests. Based on a qualitative research design the contribution examines the reasons for the variations in land ownership transparency in different European countries. This international perspective allows for a better understanding and structured reflection of the political balancing act of private and public interests in land and thus contributes to the ongoing debate on strategies of land policy.

[1]Technical University of Dortmund; katharina.kuenzel@tu-dortmund.de
[2]Technical University of Dortmund; cornelia.roboger@tu-dortmunde.de

ID: 9443

Session 8.3: Urban transformation

Land policy for junk property - Strategies of German municipalities

Astrid Maurer[1]

Many European cities face a massive shortage of housing, while at the same time the designation of new building land shall be minimized to reduce land consumption. In this context, it is a problem if land is not used as efficiently as possible. Many German cities experience (volitional) vacancies, misuse of buildings or unused building potentials. Junk properties are a special category of inefficiently used land. Problem properties are real estates that with substantially maintenance backlog, negligence, or inappropriate use (BBSR 2020; MHKBG 2019). Some German cities develop intervention strategies to deal with such junk properties and improve and provide sufficient housing. This paper explores such municipal strategies. To understand the different policy arrangements and approaches, it is important to understand different interventions. Therefore two explorative case studies are used: Hagen and Halle in Westphalia. Both cities pursue different strategies and use different interventions, whose peculiarities lie not only in the range, of the chosen land policy instruments, but also in their combination. In a first step, which is based in the policy arrangement approach, it is analyzed how junk properties are discussed and monitored, who are the relevant actors, what are rules and which resources are available for strategies. As a result, effective intervention strategies of municipalities are reflected also in terms of their efficiency, legitimacy and equity. The question of how the respective property rights are dealt with in this entire context is particularly interesting.

Key words: land policy, housing market, junk property, property rights, action strategies, land management instruments

[1] Technical University of Dortmund; astrid.maurer@tu-dortmund.de

ID: 9444

Session 5.1: Special Session 2: Land policies in Europe 1

Seeking land for housing in an increasingly complex planning system

Janet Askew[1]

Across Europe, different countries have their own terms for the implementation of policy regarding the use of land. Whilst sometimes translated as 'land policy', there is no statutory use of this term in England. Policy concerning the use of land is delivered via a variety of laws, statutory instruments, environmental and planning policies at national, regional, sub-regional and local levels, sectoral policies, and regulations. In England, to deliver changes in land use, to allow for property rights to be exercised within the law, to understand how the economy of land valuation works, can best be explained by investigating how planning permission is obtained for a large-scale housing development. Spatial planning in England is subject to a different set of laws and rules than those found in other European countries, utilising an adaptive, indicative system. How does the privilege of discretion (without any legally binding plans) operate in practice to confront this century's challenges of complexity and uncertainty in the use and abuse of land?

The relationship between national and local policies and the granting of planning permission is examined in a complex case study of largescale housing provision. Located in the Wirral, a small peninsula in the north-west of England, the study illustrates the debate and challenge of providing housing in an area of extremes of poverty and wealth. Despite the reliance by government on the private sector to provide housing, it is widely acknowledged that the market has failed to deliver affordable housing, leading to a severe shortage. This is demonstrated very well in the Wirral where there is no shortage of brownfield land, yet demand is high to build on green field land in direct conflict with national policy on green belt, upon which remain strong restrictions. The case study demonstrates how these conflicts are managed through 'land policy' in England.

[1]European Council of Spatial Planning (ECTP-CEU); janetaskew@townplanning.eu

ID: 9447

Session 9.2: (Dis-)Order of the city

Why do Germans not own, but rent? Explanations from the perspective of property as a bundle of rights

Michael Kolocek[1]

Over the past 50 years, there have been several programs to increase the home ownership rate in Germany, particularly for middle- and low-income families. Nevertheless, Germany is still a country of renters, with less than 50% of the population living in home ownership. Homeownership rates are higher in rural and lower in urban areas.

The paper discusses why so many people in Germany prefer to live in rented housing rather than private home ownership. Therefore, I consider property as a bundle of rights (Penner 1996) – and obligations. Article 14 "The Right to Property" of the German Basic Law for instance, does not distinguish between property in the hand of natural persons and property in the hands of a housing company that owns many thousands of apartments. However, in the everyday life of planners, there is a huge difference between these two types.

This paper looks at the current German discourse on housing and property rights and discusses two examples that have received considerable attention in both media and academia: I first present the "Deutsche Wohnen enteignen"("expropriate the housing developer Deutsche Wohnen") debate from Berlin as an example of property in the hands of one single developer. Second, I discuss Airbnb as an example of ownership in the hands of many private persons. Both examples challenge planners in different ways when thinking about how to solve housing affordability problems. I show that the concept of property as a bundle of rights, though more than a hundred years old, can still be helpful in this context: For scholars and for planners.

[1]ILS - Dortmund, Urban Social Space; michael.kolocek@ils-forschung.de

ID: 9449

Session 3.1: Urban sprawl, no net land take and land consumption

National introduction of no net land take. A first status of five pioneering countries seeking to reduce their land take.

Peter Lacoere[1], Antoine Decoville[2], Remi Delattre[3], Romain Melot[4], Jean-Marie Halleux[5], Detlef Grimski[6], Martin Schamann[7]

Ongoing land take, or the conversion of natural and agricultural land into artificial surfaces, is a spatial evolution that comes with far-reaching environmental consequences, globally and in Europe (EEA, 2019). Therefore, the European Commission has called for 'No Net Land Take' (NNLT) by 2050, implying that no more land is taken than is compensated for elsewhere by land restoration (EC, 2011 and 2021). Although the EC introduced its non-binding land policy more than a decade ago and the NNLT goal is rapidly gaining importance within Europe's land policy, only five member states have actually taken their first steps towards the national adoption of the NNLT target (Belgium, Luxembourg, France, Germany, Austria). The transfer from the common EU policy to the specific national planning systems inevitably encounters obstacles that may be similar across member states or rather unique to one country in particular. Obviously, the fundamental paradigm shift of land neutrality requires more protective and bounding planning in the coming decades. Setting limits to development and property rights can be a major obstacle in pursuing NNLT. In this first analysis conducted, the agenda setting, the underlying discourse, and the reduction trajectory across the five participating countries are investigated and compared in both quantitative and qualitative comparisons. How did the objective emerge nationally, are the national ambitions comparable, and what planning strategy and type of planning instruments do these countries put forward to actually achieve the spatial state of NNLT? Moreover, will the reduction strategy developed be sufficient? The approaches of the five European forerunners appear to be very different in terms of strategy and instruments. This paper provides insight and a better understanding of the challenges European countries face when they wish to implement this environmental objective nationally.

[1]HOGENT peter.lacoere@hogent.be
[2]antoine.decoville@liser.lu
[3]remi.delattre@alumni.univ-avignon.fr
[4]National Research Institute for Agriculture, Food and Environment; romain.melot@inrae.fr
[5]University of Liege; Jean-Marie.Halleux@uliege.be
[6]detlef.grimski@uba.de
[7]m.u.schamann@aon.at

ID: 9450

Session 7.3: Special Session 1: Land scarcity and housing

Politicizing land for housing – The impotence of political positions on municipal land policy

Brendan Eisenhut[1]

In 2021, the German government passed a law on the activation of building land. It adapts land policy instruments to make them more effective. This law was the result of a major political and social debate about the housing shortage in Germany. Building land became the subject of political debates and disputes. This contribution explores how normative perspectives on land influenced the new planning legislation and how this ultimately is translated and received in planning practice. Three analytical steps have been undertaken: First, the normative positions on land and property of different political parties at the federal level were identified. This was based on a public policy field analysis combined with a content analysis of the parties' electoral platforms for the 2017 and 2021 federal elections. In addition, 22 municipal land use models were analysed with respect to the choice of land policy objectives and instruments. This analysis is linked to the policy orientation of city councils and mayors. The results of these two steps are then fed into a survey of planning authorities within the municipalities. The influence of the Building Land Mobilization Act on the actions of planning as well as the choice of certain instruments of the German Planning Act (Baugesetzbuch) are explored. The study shows that normative values at the federal level are not transferred to the municipal level. While normative positions on land and property can clearly be identified and distinguished at the federal level, the distinction between the individual normative imprints becomes blurred at the level of municipal building land models. In the municipal planning authorities, pragmatic and location-specific decision-making seem to prevail. Thus, it is no longer clear which "particular" normativity characterizes municipal action. Rather, the previously given heterogeneous normativity becomes a transformed homogeneous entity.

[1]Technische Universität Dortmund; brendan.eisenhut@tu-dortmund.de

ID: 9451

Session 6.1: Transport and mobility in functional spaces

Spatial planning and local authorities' role in territorial governance: Analysing metropolitan development in Romania

Dana Alexandru[1], Daiana Vesmas[2]

In various European countries, the metropolitan area seems to be a successful model that goes beyond formal administrative jurisdictions. They operate at different scales for different purposes and include many planning initiatives to strengthen the polycentric attributes of regions. The research paper suggests that Romania has approached the logic of metropolitan development in a gradual manner. This was due to a variety of factors such as limited resources, lack of political will, or a lack of consensus on the best approach to take. The aim of the paper is to analyse how local authorities' role is approached under the assumption of growing local communities and significant urban sprawl. This research paper outline the impact of decentralization and globalization on local economies and the need for new strategies to build competitive, sustainable, and inclusive urban territories. The paper examines the challenges faced by metropolitan development in Romania and identify the types of administrative arrangements needed to effectively manage territorial planning and improve the delivery and quality of public services. The research also points out the importance of governance, which is not specific to the Romanian context, but rather a global concern in the current scenario.

[1]Lucian Blaga University of Sibiu; dana.alexandru.g@gmail.com
[2]Lucian Blaga University of Sibiu: daiana.vesmas@ulbsibiu.ro

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Session 2.4: Densification 1: Suburban densification

Municipal strategies of suburban densification: Balancing planning objectives and property rights

Cornelia Roboger[1]

Many European countries face challenges with the implementation of densification. Hurdles to sustainable densification include the risk of overdevelopment or further increasing the already difficult situation of inequality in access and quality of housing. While debates on densification often focus on urban densification, the densification of suburban areas presents both, a special opportunity and a major challenge. On one hand, planning regulations in suburban areas oftentimes lead to low-density buildings with huge potential to accommodate more housing by activating empty plots of land, adding new buildings, or intensifying the use of the existing housing. On the other hand, densifying suburban areas faces many hurdles. Ownership of land is often fragmented, with a large number of individual landowners. Furthermore, residents in suburban areas tend to be more resistant to densification, as they prefer to maintain low density and associated qualities. When dealing with these challenges, a well-considered strategy by the municipality to implement suburban densification projects is particularly important. Yet, very different strategies are pursued in practice – sometimes even within the same municipality. This contribution uses a qualitative research design to explore the strategies of municipalities for suburban densification in Germany. By engaging with different municipal departments that influence densification policies and practises, the study aims to gain insight into their perspectives on suburban densification, the elements they consider most important, and their approaches to handling densification and its challenges. The findings highlight considerable variation in how municipalities perceive the necessity and right approach of suburban densification. Furthermore, a deficiency of instruments and their applicability is highlighted across the different municipalities. This research seeks to contribute to a better understanding of municipal approaches and sustainable strategies for suburban densification, and it reveals how different municipalities interpret the relation between planning objectives and property rights.

[1]Technical University of Dortmund; cornelia.roboger@tu-dortmunde.de

ID: 9453

Session 6.2: Institutional analysis

The central-local legal framework, governance deficit and, municipal activism in Israel

Orit Shohet Radom[1] **Gila Menahem**[2]**, Assaf Meydani**[3]

The legislative framework in Israel places many limitations on the activity of local authorities with regard to planning, transportation, education, and more. However, there is significant variance in the ways local authorities in Israel shape/design local policy as well as in the policies' outputs. The study examines whether and what enables local authorities in Israel to develop their unique policies and what characteristics of the legislative framework enable this. The study points out the limitations of local government regulation, the areas of non-regulation and their explanatory variables, and suggests examining whether the legal framework in Israel creates a "governance deficit" or "governability" with regard to local authorities.

The study develops the concept of "Municipal Activism", which is defined as actions taken by a local authority within the directives of the central government, and despite limitations arising from the legal structure. It examines "Municipal Activism" as ranging on a scale from strong to weak municipal activism depending on the degree of its oppositional actions with regard to government regulation and directives. The study claims that municipal activism develops within the framework of New Localism that emerged in Israel as the central government transferred responsibilities for delivering services to the local authorities while not encoring this in required legal steps. Thus municipal activism is a way of acting in a situation of governance deficit, as local leadership struggles to supply various public services to their population. Furthermore, the study attempts to answer the question: what explains the variance in Municipal Activism between local authorities. We suggest that one explanatory variable is the culture defined as "alternative politics" that characterizes Israeli politics as a version of local government's "voice" (quasi-exit) in face of in ability of the central government to supply local government demands of public goods. We claim that the confluence of governance deficit , alternative politics and municipal activism shape the way public service are delivered and the gaps between local leadership aspirations and policy outputs are addressed.

[1]Tel Aviv University; nurital@bgu.ac.il orit.shohet@gmail.com
[2]Tel Aviv University; gilamen@tauex.tau.ac.il
[3]The Academic College of Tel-Aviv Yaffo; assafmei@mta.ac.il

ID: 9454

Session 7.2: Instruments of land policy

An approach for assessing the comprehensiveness of land policy instrument toolbox

Tuulia Puustinen[1], Eero Valtonen[2], Paulina Krigsholm[3], Heidi Falkenbach[4]

Sustainable urban development requires effective and legitimate land policies. Lack of suitable land policy instruments can, however, hinder the design of such policies. To detect deficiencies in the repertory of available land policy instruments from which the local governments (i.e., municipalities) can choose the policy instruments, it is necessary to build system-level understanding of this repertory, or what we call a land policy instrument toolbox. Drawing from the literature on both policy design and land policy, this paper develops a conceptual approach for assessing the comprehensiveness of the toolbox. The comprehensiveness of the toolbox is determined here by the degree to which it allows land policy actors to respond to different land policy conflicts through appropriate policy instruments or instrument mixes in varying local contexts. Land policy operates in an environment in which several stakeholders have potentially conflicting interests concerning land development. To advance the selected policy objectives, the policy must respond to the interest conflicts. In addition, as land policy instruments can range from direct interventions to ownership rights to voluntary-based actions, it is necessary to conceptualize what type of instruments are expected to be found in a land policy toolbox. Furthermore, the extent to which instruments work in practice and under different local contexts is an essential question when designing land policy. Building from above, we propose an approach that includes three conceptual elements: 1) conflict-solving ability of land policy instruments, 2) range of land policy instruments and 3) the applicability of land policy instruments. We test and illustrate how the developed approach works in practice by applying it in assessing the comprehensiveness of the land policy instrument toolbox in promoting the land policy objective of residential densification. We draw evidence from 30 Finnish municipalities.

[1]Aalto University; tuulia.puustinen@aalto.fi
[2]The University of Manchester; eero.valtonen@manchester.ac.uk
[3]Aalto University; pauliina.krigsholm@aalto.fi
[4]Aalto University; heidi.falkenbach@aalto.fi

ID: 9455

Session 6.1: Transport and mobility in functional spaces

Be careful what you wish for

Knut Boge[1]

The Americans have a saying, be careful what you wish for – because you may get it. In Norway from July 1st , 1994, planning of public roads funded by the government (highways) became governed by the 1985 Planning and Building Act. Since the 1824 Road Act came into force, planning of highways had been governed by different versions of the Road Act. Since the middle of the 19th Century, the Norwegian parliament Stortinget has approved construction of each new section of a highway, and it is also Stortinget that has to approve appropriations or other ways of funding new highway sections. The 1994 reform was a substantial institutional change, and as discussed by among others North (1990, 2005), the institutional configurations are of great importance because institutions establish the rules of the game. The rules of the game in turn influences the actors' behaviour.

In this paper, highways are understood as the public road system's main arteries, namely the main roads between the regions, within the most densely populated areas and to and from Norway. Almost half of Norway's current highways such as among others E6, E10, E14, E16, E18, E39, E75 and E105 are defined as European roads and are thus part of the Trans-European Transport Network (TEN-T). Highways are of great importance among others for transport economy, the trade and industry's competitiveness, road safety and for the environment, particularly for those living near crowded highways. Planning and construction of highways are also of great importance for land use, particularly protection of possible arable land. In Norway, protection of arable land is of great importance, because only a few per cent of the area consists of arable land.

Since the 19th century, the Norwegian Public Roads Administration (NPRA) has made numerous plans for new highways. However, many of these plans have never materialised or been completed. In 1971 Stortinget approved the first version of the Norwegian Road Plan, Norway's master plan for modern highways. The Norwegian Road Plan is updated every fourth year, and each update is subject to Stortinget's approval. However, inclusion of a new highway section or upgrading of an existing highway section in Norwegian Road Plan is only a necessary but not a sufficient condition for construction of a new or updating of an existing highway section. Until July 1994, NPRA governed planning of new highways and upgrading of existing highways. Based on NPRA's plans for the highway sections in question and the involved County Councils' approval, the Ministry of Transport and Communication updated the new version of the Norwegian Road Plan, which was and still is subject to Stortinget's approval. However, Norwegian Road Plan is nothing more than a political wish-list. The necessary condition for construction of a new highway section or upgrading of an existing highway section is Stortinget's annual approval of next year's central government budget, that provides funding for construction or updating of a particular highway section. The detailed plans for those highway sections to be eligible for funding through the annual central government budget – and thereby also those highway sections that actually are built - are made by the NPRA. Until July 1994 it was NPRA that approved the detail plan for each new highway section or for updates of existing highway sections. From July 1994 the planning legislation changed, and the municipalities got the role as approvers of NPRA's plans for new highway sections or for updates of existing highway sections. Thus, the rules of the game changed completely. Until July 1994, NPRA had been in the driver's seat. From July 1994, the main rule became that the local politicians in each municipality council got the final say concerning plans for construction of new or updating of existing highway sections within their municipality's boundaries. Thus, from July 1994 NPRA could plan new highway sections or updates of existing highway sections, but NPRA was not permitted to build anything unless the plan was approved by each involved municipality. The municipality councils soon became aware of their new and powerful position. From 1814 until the 2005 election the peripheral and rural constituencies had the majority of the seats in Stortinget. Thus, the peripheral and rural constituencies' members of Stortinget could veto any decision. In Norway, similarly as in the US Congress, Stortinget's approval of investments in major infrastructures has always been more dependent of geographical than of political demarcations. Because of a long-lasting political deadlock due to the peripheral and rural constituencies' majority in Stortinget that for decades de facto made it almost impossible to build new or update existing highways in the most densely

[1]Norwegian University of Life Sciences Department of Property and Law; knut.boge@nmbu.no

populated areas, in the early 1980s after the government's abolition of the credit rationing the government proposed an incentive scheme for counties willing to accept road tolls as an additional local tax for construction of new or updating existing highway sections. From 1985, counties that accepted road tolls on new or updated highway sections got an extra road appropriation equal to the local funding from the road tolls. The peripheral and rural constituencies still received the same relative share of the ordinary annual road appropriations as they always had. After introduction of road tolls for many new highway projects, that soon led to less funding of highways though ordinary taxes, the NPRA and the government gradually became more lenient when the municipalities demanded extra features or goodies in new highway sections that were planned within their boundaries. Most of these extra features were paid by the motorists. One result was better highways, particularly for those living near the new highway sections. Another effect was substantial increases in the construction costs. A third effect was substantial increases in the planning time. In 2009, the time for planning of a new highway section or updating an existing highway section typically took between 4 and 20 years, with 9 years as mean time for planning. In spring 2013 the mean time for planning of new highways had increased to 10 years. The opposition parties demanded a simplified and more streamlined planning processes. In order to reduce the excessive planning time and costs and to make the planning procedure more predictable, the opposition parties also advocated use of government planning of highways rather than the municipal planning procedure that came into force from July 1994. The Planning and Building act had options for government planning. However, these options that in different ways bypass and overrule the municipalities have seldom been used due to the municipalities' strong position both with the Norwegian political system and within the planning system.
After the 2013 election, the opposition parties came to power. In 2015 the new government established a limited company Nye Veier AS (New Roads LLC) owned by the Ministry of Transport and Communication to plan, finance, build and maintain new TEN-T highways in rural areas. Thus, New Roads LLC that came in addition to NPRA was permitted to finance construction of a selected portfolio of new highways with government loans. The ambition was to reduce the time for planning and construction of new highways. The main idea was that as soon as Stortinget had approved construction of a new highway section, and Stortinget had decided that planning and construction was supposed to be undertaken by New Roads LLC, Stortinget also had approved the funding. Thus, Stortinget had fewer opportunities for interfering in planning, funding, and construction of the highways in New Roads LLC's portfolio. The new government also decided that some of the costliest highway projects to be carried out by NPRA and New Roads LLC were supposed carried out through use of government plans. With government plans, the Ministry of Local Government has to approve the plans. When government plans are used for planning of highways, the Ministry of Transport and Communications becomes the Ministry of Local Government's gatekeeper. The public sector reform that led to more use of government plans for construction or updating of highways – that was supposed to reduce the planning time and to make the planning and decision-making processes more predictable – has had some paradoxical side effects that will be further elucidated in the paper.

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Session 9.2: (Dis-)Order of the city

The digitalized space: In opposition to spatial planning rules?

Lea Fischer[1] Jan Polivka[2]

In the current debate on digitalization and planning, the usual focus is put on the use of digital tools in planning processes or on the analysis and management of physical space. Much less attention is directed towards the utilization of the local physical space by globally active digital tools and the spaal, legal and regulative planning conflicts arising from it. Especially the digital platform economy influences the urban space by providing instant access to physical resources through digital gates. In this presentation, we focus on spatial and regulative conflicts caused by that. We further discuss the reasons why it is so difficult to reach digital swarm phenomena by applying the existing planning rules. Modern spatial planning is based on a sovereign territorial understanding of the state, combined with a clearly defined set of actors for whom a spatial order is established. In digital swarm constellations, both territoriality and clearly definable actors are present only to a limited extent. From the planning perspective, the fluidity of actors and spaces implies an uncertainty regarding effective possibilities of planning control. Actors access the spatial and functional resources constituted by the state and regulated by planning rules through digital platforms. They can do so under changing identities, temporarily and spontaneously.

On the example of the Airbnb phenomenon in the German context, we show how and in which fields planning control is being challenged by spatial and regulatory conflicts caused by global digital access to local spatial resources. Such include, among others, regulations on the use of housing space and its contractual protection and property rights. We will also define the necessity of planning despite these challenges in order to mitigate external side effects caused by uncontrolled capitalization of resources and the externalization of costs, including rising housing prices or neighborhood nuisance.

[1]Rheinisch-Westfälische Technische Hochschule Aachen; fischer@pt.rwth-aachen.de
[2]Technische Universität Berlin; jan.polivka@tu-berlin.de

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Session 4.4: Densification 3: Vertical densification

Project-based planning and its effect on densification projects in Bern, Switzerland

Vera Götze[1], Mathias Jehling[2], Jean-David Gerber[3]

To reduce land take from urban growth, governments worldwide promote construction within the already built-up area. Unlike greenfield development, such urban densification takes place within a web of existing ownership rights, requiring local governments to adopt a more flexible, case-by-case approach that extends beyond their conventional zoning practices. This project-based planning allows for deviations from existing zoning regulations, thereby granting both municipality and landowner more leeway of action. As project-based planning is gaining momentum, the question arises of what effect this increased flexibility has on urban development. Employing a GIS-based approach this contribution explores how project-based planning affects densification projects, and whether the effects differ across municipalities. To this end, we use address-level building and census data, as well as high-resolution vegetation cover data for the canton of Bern, Switzerland, where municipalities' use of project-based planning has rapidly increased over the past 20 years. We find that especially the most urbanised municipalities have shifted almost entirely to project-based planning. Compared to conventional projects with the same building density, project-based planning achieves significantly higher user densities, but the effects vary between municipalities of different sizes. Therefore, our study highlights the different strategies municipalities pursue when applying project-based planning and provides an important empirical contribution to debates on the effects of increasing planning flexibility on urban development.

[1]University of Bern; vera.goetze@gmail.com
[2]Leibniz Institute of Ecological Urban and Regional Development (IOER); m.jehling@ioer.de
[3]University of Bern; jean-david.gerber@unibe.ch

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Session 3.1: Urban sprawl, no net land take and land consumption

Devaluating farmland for the realisation of nature-inclusive agriculture. Comparing three Dutch approaches towards the devaluation of land.

Sanne Holtslag-Broekhof[1]

Several major spatial challenges, such as climate change mitigation and adaptation, reduction of nitrogen emissions, improvement of water quality and soil erosion, cause serious planning tasks in the rural area of the Netherlands. To deal with these tasks, the government introduced a national program for the rural area (NPLG), that aims to improve the sustainability of the rural area and to comply to various legal obligations such as the European birds and habitats directive. The NPLG is supposed to be executed in the coming decades via regional integral plan processes in which multiple objectives have to be implemented.

The NPLG plans have a significant impact on the rural land. Part of this land will have to be redeveloped from intensive agriculture to nature-inclusive agriculture. This causes the economic (production) value of the land to decrease, while agricultural market prices are high and the amount of land the farmer needs will increase, due to the more extensive management as part of the reorganisation into a nature-inclusive farm.

This presentation focusses on the question how we can deal with the devaluation of farmland. Three innovative methods to deal with the devaluation of farmland that are currently explored in the Netherlands, were compared and analysed. This was done using the criteria of effectiveness, efficiency, democratic legitimacy and fairness (Hartmann et al., 2015) (238 words)

[1]Dutch Land Registry (Kadaster); sanne.holtslag-broekhof@kadaster.nl

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Session 4.1: Special Session 2: Land policies

The governance of land use interests: Comparison of land policy instruments in Estonia and Latvia

Armands Auziņš[1], Evelin Jürgenson[2], Kätlin Põdra[3]

Land use is crucial to achieving climate agreements. The land is the base for number activities, bringing together the competition for land use. It stresses the relevance on how various and often conflicting interests in land use are balanced and governmental decisions made. EU policies consider their global impact on land use, and the rate of land take is on track, intending to achieve 'no net land take by 2050' (NNLT). The OECD report presented that despite the number of inhabitants decreasing, the built-up area increased in Estonia and Latvia. Another study indicates less developed rental market compared to other countries and a third of households living in overcrowded housing in Latvia. At the same time, positive spatial planning experience shows that the most important benefits and sustainability appear from improved environmental quality. There are no quantitive land take aims clarified toward the NNLT target on the EU level. The land use types should not be simplified only to 'artificial' and 'natural' land and the local context should be considered in the land use objectives. Some countries have qualitative indicators for assessing the environmental impacts of land take on their countries, but not in Estonia or Latvia. The quality of spatial data preparation and its use still lag behind, restricting the ability to fully understand and assess land use trends. The previous study pointed out that no common land policy instruments exist in Estonia and Latvia. This paper compares the available land use policy instruments that are aimed to balance the interests of different sectors in Estonia and Latvia. To meet this aim, the paper explores the implementation of land policies and sectoral plans, discusses more in detail the land-resource management models, e.g. institutional hierarchies, responsibilities, and a decision-making processes), as well as emphasise the effectiveness of planning instruments.

[1]Riga Technical University Engineering Economics and Management; armands.auzins@rtu.lv
[2] Estonian University of Life Sciences/ Eesti Maaülikool; evelin.jyrgenson@emu.ee
[3] Estonian University of Life Sciences/ Eesti Maaülikool; katlin.podra@emu.ee

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Session 1.2: Special Session 3: Planning theory 1

Structural preconditions for adaptive urban areas: Framework rules, several property and the range of possible actions

Stefano Cozzolino[1]

Recent studies have highlighted the importance of urban design and planning strategies that trigger the formation of diverse and intricate urban areas that have the capacity to adapt and change spontaneously from the bottom up. Although this article does likewise, it proposes a different and still underexamined approach. It provides an exploratory lens for interpreting and assessing the propensity of urban areas to rely on self adaptive processes of change, taking into account the impact of two key structural (institutional) aspects: planning rules and property ownership patterns. This article highlights what can ensue from different background preconditions, particularly in terms of urban self adaptability. As the article demonstrates, not all urban areas are or can be self adaptive and open to spontaneous processes of change to the same extent. This depends mainly on the type of planning rules and the spatial distribution of property. Combined, these two aspects form the structural institutional framework that defines the degree of self adaptability of urban areas. This article contributes to this important topic in both explanatory and strategic terms.

[1]ILS - Research Institute for Regional and Urban Development; stefano.cozzolino@ils-forschung.de

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Session 7.3: Special Session 1: Land scarcity and housing

Why the municipal matters: Lessons from Germany and Portugal for addressing Europe's housing crisis

Julia Hartmann[1], Sonia Alves[2], Filipa Cabrita[3]

Over recent decades, many cities in Europe have experienced an increase in problems of housing affordability and supply for low- and middle-income groups. The development of adequate responses has become a topic of increasing public and political concern. It has also become an important theme in academic discussion. While research fields such as national and supranational political economy have laid out important dimensions of this discussion, there is also a growing recognition of the municipal level's pivotal role in finding solutions to the housing crisis. It has been argued that a crucial factor for success is the degree of control the municipal government exerts over urban development and thus the development of new housing. Equally important, other research has found, is the degree of control that local residents themselves have over the development and management of their homes. These factors are both shaped by property and use rights. How such local policies come into being and what form they take is an important issue for research. In this paper, we compare two middle-sized cities – Tübingen in Germany, and Evora in Portugal – that have already actively implemented such policies over several decades. We show how independently, they have developed similar, and radical, responses in terms of planning, active land management strategies and the involvement of resident cooperatives. While Evora's urban expansion strategy goes back to the 1970s, Tübingen's first new urban quarters date back to the 1990s. By analysing not only how both municipalities have formulated and implemented their policies, but also how their approaches have evolved up to the present day, we aim to contribute to our understanding of policy generation – and to address the current and pressing issue of facilitating necessary change.

[1]Universitätsstadt Tübingen, Stabsstelle für Wohnraum und barrierefreies Bauen; julia.hartmann@tuebingen.de
[2]Universidade de Lisboa, Aalborg University; sonia.alves@ics.ulisboa.pt
[3]Cooperativa Integral Minga, Housing & Construction Section; fi.vilhena@gmail.com

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Session 9.1: Special Session 2: Land policies in Europe 3

Land policy in Finland: Reflections on the case Penttilänranta

Eero Valtonen[1] **Heidi Falkenbach**[2]

In Finland, ‘land policy’ is defined in the law as goals and actions related to municipal land acquisition and the implementation of land use plans. Thus, theoretically, any activities, including planning decisions, going outside these two spheres are not considered land policy. However, in practice, complete separation of land policy from planning can be difficult, especially regarding the developer obligations and other land policy instruments dealing with land value capture and public cost recovery. This case-based reflection aims to illustrate the use of the public land development approach in the context of a derelict sawmill site in Joensuu, Eastern Finland. Finnish municipalities have used public land development almost as the standard approach in greenfield development for decades. More recently, they have also increasingly started to utilise this approach in the context of brownfield redevelopment. The case reflected in this book chapter exemplifies these developments. The case reflection raises interesting questions related to the public motivations and risks when public land development is used to facilitate the development of derelict brownfield areas. It also illustrates how important the broader institutional framework going beyond the land policy, such as the municipality’s other income sources, is in utilising the public land development approach.

[1]The University of Manchester; eero.valtonen@manchester.ac.uk
[2]Aalto University; heidi.falkenbach@aalto.fi

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Session 6.4: Special Session 1: Housing alternatives

Decommodification of housing and commoning care: Potential of collective ownership in mitigating the care gap

Deniz Ay[1], **Jessica Verheij**[2]

Housing cooperatives are a successful mechanism for providing affordable housing in cities facing acute housing shortages. Based on common property and collective governance, the vast majority of non-profit housing cooperatives facilitate the processes of decommodifying urban land and commoning housing (Balmer & Gerber, 2017). In many countries, governments support housing cooperatives by making public land and direct financial backing available as an affordable housing policy (Ferreri & Vidal, 2022; Barenstein et al., 2022). At the project level, municipal authorities can also facilitate the production of indoor and outdoor common spaces for care functions (Tummers & Macgregor 2019). These spaces serve for collective uses of the residents and public authorities ensure their provision through special land use plans as a project-based planning instrument. Collectivization of property and housing governance creates windows of opportunity for renegotiating care work more democratically within a group of residents rather than household-level gendered division of labour (Hayden, 1980). In this paper, we explore the potential of commoning housing through a cooperative model for enabling a community of residents that collectivizes not only the management of housing as shelter but also the maintenance of everyday life, i.e., the process of social reproduction. We interpret housing commons as going beyond a collection of private units "in saturated space" (Huron, 2015), constituting a community of users that maintain housing while also providing access to spaces for social reproduction, more specifically, care. Using a critical institutionalist approach (Cleaver & De Koning, 2015), we ask how the planning interventions together with public and private interests shape the spatial organization of childcare through public, marketbased, and community-based provision mechanisms in the context of housing cooperatives. Empirically speaking, we take two young housing cooperatives in Bern, Switzerland (Heubergas and Warmbächli) and conduct a comparative analysis of the dependencies between commodified and decommodified care and the implications of these dependencies for maintaining housing as a commons. Our preliminary results indicate that the decommodification of land is necessary but not sufficient for collectivizing care work and commoning care beyond the gendered unpaid labour. These findings also demonstrate the limits to commoning housing in situations where care remains a commodity provisioned in commercial space enabled by cooperative housing projects.

Keywords: housing cooperatives, care gap, decommodification, critical institutionalism, common property

[1]University of Bern; deniz.ay@unibe.ch
[2]University of Bern; jessica.verheij@unibe.ch

ID: 9465
Session 9.3: Commons and decommodification

Reflections on the land tenure security debate and property rights

Colin Marx[1], Alexandra Panman[2], Kamma Patel[3], Michael Walls[4]

This co-authored paper reviews the security of urban land tenure with a view to considering the 'state of play' and possibilities for change. We document the progress that a series of academics and practitioners have made since the 1960s taking in the work of John Turner, Geoff Payne, Caroline Moser, Jorge Fiori, William Doebele, Alain Durand-Lasserve, Clarissa Augustinus, Jean du Plessis and Lauren Royston amongst others. We note that, despite the considerable nuances that have characterised a debate between micro-practices of self-help housing and the grand sweep of societal processes such as urbanisation and the commodification of urban land, there appears little hope that much progressive change can be made in the current conjuncture. Global rates of tenure insecurity seem to remain the same in that, despite the best efforts, the supply of adequate housing continues to lag behind demand! People seem to still suffer the same levels of arbitrary eviction without compensation despite advocacy to the contrary since at least the 1976 Vancouver Habitat Declaration! That there has been little progress on getting governments to adopt policies and implement laws that increase tenure security! In this context, this paper aims to bring new insights to the debates on urban land tenure security. It does this by tracing the understanding of property rights that has been common to many of the positions in the debates and considers what the implications would be, for moving the debates about urban land tenure security forward, if property rights were conceptualised differently.

[1]University College London; c.marx@ucl.ac.uk
[2]University College London; a.panman@ucl.ac.uk
[3]University College London; kamna.patel@ucl.ac.uk
[4]University College London; m.walls@ucl.ac.uk

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Session 2.1: Zoning and public policy

Planning and regulation of buffer zones: How to deal with the tension between a national approach and a differentiated approach of buffer zones?

Pieter Jong[1], Martha Bakker[2]

A buffer zone is an instrument to protect nature and people. The idea is to create a reasonable 'safe' distance between vulnerable functions (e.g.: nature, residential functions) and 'polluting sources' (e.g.: farmers who use pesticides). Buffer zones are for example necessary to meet the requirements of the European Water Framework Directive. In several countries buffer zones are a topic of discussion, for example in Belgium. Belgian environmental and nature organizations are legally demanding spray-free zones of 500 meters around nature reserves, streams, rivers and buildings where vulnerable people are located, such as schools, retirement homes and care homes. They also demand that the use of crop protection products in water extraction areas and Natura 2000 areas will be significantly reduced or even banned. In this paper we compare the Dutch and Danish approaches to buffer zones. In Denmark there has been a Buffer Zone Act (2011), but due to resistance, court cases and political changes this act suffered an 'early death' (Thorsøe et al., 2017). In the Netherlands there is no national legislation regarding buffer zones. In general, it is up to the municipality to decide if a buffer zone is necessary. Nature policy has been decentralized in the Netherlands. And also, in the implementation of spatial policy and regulations the municipalities have a lot of regulatory freedom. Buffer zones exist in several forms and with different names. For example, there are buffer zones that restrict the use of pesticides in the Netherlands. The narrowest buffer zone is a 'cultivationfree zone' where no pesticides are allowed (ranging from 50 centimeters to a few meters). This small buffer zone is laid down in national regulations. Then there is the broader 'spray-free zone' (approximately 50 meters) that can be laid down in a municipal land use plan. This zone is not based on national legal requirements, but can be necessary in appropriate cases for 'good spatial planning' (Spatial Planning Act) and after the new Environment and Planning Act comes into force (2024), for 'a balanced allocation of functions to locations'. The widest buffer zone we now know – at least in policy - is the 'nature-inclusive' buffer zone (100-1000 meters), also called a transition area. This zone is mentioned in many policy documents, but has hardly been established yet. Within the existing institutional regime several local regulatory arrangements are possible regarding buffer zones. Various choices are possible, not only for the agricultural entrepreneur (e.g. with regard to which crop, which crop protection products), but also for the municipality and the province. Given the current national problems in the areas of water quality, nitrogen and nature protection, we see at least reason to strengthen the provincial elaboration of the buffer zone policy and to prepare instruction rules at national level.

[1]Wageningen University & Research and Delft University of Technology; p.jong@tudelft.nl
[2]Wageningen University & Research; martha.bakker@wur.nl

ID: 9468

Session 1.3: Regulations for green cities

Planning the peri-urban green city: Local regulations of private gardens in the Paris region

Romain Melot[1], Anais Mohamed[2], Emmanuelle Baudry[3], Ségoléne Darly[4], Baptiste Girault[5]

In contrast to community gardens or parks, private gardens have until only recently been little studied by social sciences despite their important socioecological value: due to their large aggregated surface in urban areas, they contribute significantly to maintaining urban biodiversity, ecosystem functioning, and ecosystem services. They have also been shown to be valuable for human wellbeing and health, and by providing contact with the living environment, they are a means of connecting urban dwellers with nature. Among the understudied peri-urban gardens, vegetable gardens are a particularly neglected category. They have been overlooked by government agencies and non-governmental organizations and understudied by academics. However, interest in vegetable gardens is suddenly increasing. Following the COVID-19 outbreak, many people confined to their homes began or resumed gardening, with a particular interest in growing fruits and vegetables. In France, the largest online plant seller indicated that its sale of vegetable plants and seeds increased by 3.5-fold during the lockdown of spring 2020 and that one in ten customers started a vegetable garden for the very first time during this period. We present selected results from a sociological inquiry on planning regulations of gardens, conducted within a multidisciplinary research project, mobilizing approaches from ecology, sociology, and geography to study peri-urban gardens in an integrative way. Our study is based on the quantitative analysis of a sample of municipal land-use plans in the Paris region, completed by qualitative interviews with local stakeholders. We show that local planning policies may have an impact on the frequency, dimension and typology of gardens. Local choices made by planning authorities at a very local level may conduct to heterogeneous situations in terms of regulations that may foster, or by contrast, hinder garden preservation.

[1]National Research Institute for Agriculture, Food and Environment; romain.melot@inrae.fr
[2]National Research Institute for Agriculture, Food and Environment; anais.mohamed@inrae.fr
[3]Université Paris Saclay; emmanuelle.baudry@universite-paris-saclay.fr
[4]Université Paris 8;segolene.darly@univ-paris8.fr
[5]National Research Institute for Agriculture, Food and Environment; baptiste.girault@inrae.fr

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Session 1.1: Planning law reforms

Planning law reform in Poland – New instruments, new hopes.

Anna Brzezińska-Rawa[1], Krzysztof Rogatka[2], Justyna Goździewicz-Biechońska[3]

The long-awaited planning reform came into force in September 2023 with a transition period until the end of 2025. The big amendment to the Planning Act is supposed to introduce remedies for the problems of planning in Poland, which cause spatial chaos and urban sprawl. The main idea of the reform is to cancel the "studies" – a non-binding legal communal act and to introduce a general communal plan instead, which is supposed to illustrate the functional and spatial structure by dividing the commune area into planning zones. Within the zone, a catalogue of permissible land functions will be defined, making it possible to link the provisions of the general plan with detailed planning decisions at the level of the local plan or a decision on development conditions. The presentation aims to analyze the provisions of the amended Spatial Planning Act to indicate how new or re-structured planning tools will affect the planning process and, as a result, the state of space in Poland. The authors asked themselves the following research questions: (1) How will general plans affect the effectiveness of planning in Poland?; (2) Will introducing a new type of plan (named: integrated plan) have a positive impact on shaping spatial order in Poland?; (3) Can the limitation of planning decisions' scope eliminate the spatial chaos in the country? (4) What are the threats to achieve the aimed goals? In the theoretical layer, the authors will refer to the principles of sustainable development and spatial order as two overarching values according to which the planning process and land development should take place. To achieve the goal, a comparative method will be used, consisting of comparing the provisions of the "old" and "new" Acts, as well as desk research.

[1]Nicolaus Copernicus University in Toruń, Poland; rawa@umk.pl
[2]Nicolaus Copernicus University in Toruń, Poland; krogatka@umk.pl
[3] Adam Mickiewicz University in Poznań, Poland: jusgoz@amu.edu.pl

ID: 9471

Session 8.3: Urban transformation

Cleaning up the second-hand market space in England: where -and why- developers use Permitted Development Rights to convert vacant and obsolete office space into housing

Nicolas Del Canto[1]

Between 2013 and 2021, the UK Government modified the planning regulation allowing converting offices into residential without full planning permission. This deregulation process, justified by the need to stimulate the housing market and foster regeneration in downtown areas (UK Parliament, 2013), was undertaken by extending Permitted Development Rights (PDR). Whilst literature has contributed to exploring the planning deregulation (Canelas et al., 2019; Ferm et al., 2021) and housing quality consequences of PDR implementation (Clifford & Madeddu, 2019), understanding the main trends concerning the geographical distribution of Office-To-Residential (OTR) conversions in England, and what factors explain these geographical trends remains under-researched. Applying cluster analysis and statistical methods, this research unveils that clustered Local Authorities (LAs) located in Outer London and neighbours' areas in the Southwest of England with higher amounts of OTR conversions had higher rated value increments and showed dramatic loss of office space. Despite representing 9% of England's LAs, between 2013 and 2021, this cluster concentrates around 30% of the total OTR conversions, averages a 32% office value increment -over a 7% nationwide average-and contributes 22% of the five million sqm of office space lost. In other words, where OTR conversions were significant, the office space value increased due to low-value offices being converted to housing – diminishing the total floor space volume and raising the value of remaining better-quality office space. Complementing geospatial statistical analysis, interviews with real estate agents supported that PDR allowed a window of opportunity to "clean up" the vacant and obsolete office space in Outer London and the Southwest corridor. These findings acknowledge the geographic overview of where -and why- a deregulation public policy benefited office space owners by facilitating the process of cleaning up obsolete space, causing not only the appearance of low-quality housing but also dramatically transforming neighbourhoods' social and activity dynamics.

[1]University of Liverpool; n.del-canto@liverpool.ac.uk

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Session 6.2: Institutional analysis
A historical-institutionalist perspective on land-based financing
Klaas Kresse[1]

International organizations have promoted land-based financing instruments as tools for positive societal change especially in rapidly urbanizing economies. Land policies with integrated land value capture regulations can provide governments with low levels of fiscal capacity with a tool to finance infrastructure and public services from the very land value increment that derives from urbanization. Here, property rights over land are temporary pooled and reorganized. The law stipulates two kinds of land contributions must be made: one contribution for infrastructure and public facilities, and another contribution to sell on the market which recovers all project costs. After readjustment landowners receive the full freehold rights for a new (smaller but economically more valuable) plot within the planning zone back. Land readjustment, when presented from this perspective, appears to be a very capable instrument for managing rapid urbanization in developing economies because hardly any fiscal resources are needed to finance infrastructure and public facilities. Landowners reorganize their property rights voluntarily and tend to accept a reduction of land area because land value of the remaining land after readjustment supersedes the original land value by far.
However, evidence from the Republic of Korea where land readjustment has been employed extensively during the period of rapid urbanization – more than 95% of land development during rapid urbanization was facilitated with this tool - shows that the positive effects of using land readjustment cannot be taken for granted. The land-based financing instrument can fall victim to its initial success, institutional arrangements (laws, regulations, property rights) may be fixed, but - as the performance of these arrangements is shaped by the historical context in which they operate – policy objectives as well as outcomes may shift according to socio-economic developments.
The study explores how land value capture with land readjustment becomes subject to policy perversion over time through the case of South Korea. The study uses a historical institutionalist approach to highlight what kind of institutional changes have been triggered by what kind of social dynamics. How does operational prioritization emerge? What kind of political configurations have emerged that prevent the adaptation of planning laws? How has positive feedback in the early phase led to lock-in effects and path dependence, which may cause the shift from a perfectly functioning policy framework towards an ineffective or even externality producing arrangement. Methodologically, the study makes use of process tracing (case: South Korea), where change is analyzed by systematically tracing decision points over time, and a policy network analysis, where the relationship and interactions between actor groups – particularly power dynamics and positive feedback – are characterized at different stages in the socio-economic progress during rapid urbanization.
The main research questions this study asks is: Can land-based financing policies, such as land readjustment, live up to their promise to work as a tool for positive societal change in the long run, or will past choices inevitably lead to lock-in and policy perversion? The study seeks to discusses this phenomenon with scholars who have experience with land readjustment or other land-based financing tools from other countries in the plpr community.

[1]Radboud University; klaas.kresse@ru.nl

ID: 9478

Session 6.3: Special Session 4: Aspiration vs delivery 3

Unintentionally permissive/Mind the gap: how the regulatory planning system fails to control urbanisation in the Metropolitan Area of Surabaya, Indonesia

Belinda Ulfa Auila[1] **Sebastian Dembski**[2], **David Shaw**[3]

Suburbanisation and thus the transformation of non-urban to urban land is a global phenomenon and many governments aim to reduce net land taken. Nevertheless, the global urban footprint is increasing at a higher rate than the population. This is also the case in Indonesia, where national policy to protect agricultural land around metropolitan areas is implemented through provincial land use plans that designate areas as agricultural zones to prevent urban development. However, local governments continue to permit urban development in these agricultural zones indicating a clear implementation problem in what appears on paper to be a hierarchical planning system. To comprehend the issue, an actor-relational approach is used to investigate how key actors exercise their power, mobilise resources, and communicate with other related actors within and between levels to navigate their respective interests. The paper presents a case study of two suburban local governments in the Surabaya metropolitan area to delve deeper into the power dynamics at this hierarchical level via semistructured interviews with planners from the provincial and local levels as well as developers. The finding indicates that local governments use incoherence between formal rules, preserving agricultural land and finding sources of local revenue, to negotiate with provincial governments over the allocation of regency residential zones within provincial agricultural zones. This is possible due to varying land use scales between provincial and regency land use plan. However, this permissive consent by the provincial government is not accompanied by further limitation thus resulting massive land use transformation which is not anticipated. This study demonstrates that within hierarchical level, lower-level actor play out their strategy between the inconsistency of formal rules through interaction with upper level actor using their power, resources, and by means of communication thus rendering institutions dysfunctional.

Key words: actor relational approach, regulatory system, formal unplanned suburbanisation

[1]University of Liverpool; belinda.aulia@liverpool.ac.uk
[2]University of Liverpool; sebastian.dembski@liverpool.ac.uk
[3]University of Liverpool; daveshaw@liverpool.ac.uk

ID: 9479

Session 4.3: Special Session 4: Aspiration vs delivery 1

Enforcement through control: the power of public action in monitoring building permits

Solal Lambert-Aouizerat[1]

While the French planning system has already been studied in urban studies (Jacquier 2000), the application of the norm at the level of individual authorization has never been fully grasped by scientific research. And yet, the study of discretionary power and the street-level bureaucracy has already been the subject of several studies in the sociology of public action (Belorgey 2012). However, there is a lack of research on the implementation of urban public policies in diffuse urban planning on an operational scale. This question ties in with the need to observe the application of regulations concerning soft densification (Dunnning, Hickman, While 2020).
Following recent research looking at this street-level bureaucracy of urban planning (Lieto 2021; Lindblad 2020), this paper is part of a doctoral research project on the front-line planners in French cities. This research calls on ethnographic survey methods, involving observation of services, documentary analysis and semi-structured interviews (Dubois 2012; Hibou 2021). It also claims a comparative approach between two French cities. The challenge is to study two territories with a single urban planning document for a multiplicity of autonomous political actors (municipalities).
In responding to this communication, we wanted to shed some light on the stage that follows the creation of an individual right to build, once the application of the local urban development plan is enshrined in the decision. Indeed, while the issuing of building permits by mayors and municipal departments is the result of the application of quantitative and qualitative rules, it also relies on the monitoring of the decision in terms of its application by public authorities. So how do the public authorities follow up decisions? How do they monitor work sites and allocate resources? As we shall see, despite a single local metropolitan authority, implementation at municipal level remains uneven.

[1]Ecole Nationale Supérieure d'Architecture de Nantes Laboratoire Ambiances Architectures Urbanités (équipe CRENAU); solal.lambert-aouizerat@crenau.archi.fr

ID: 9483

Session 4.1: Special Session 2: Land policies

Operationalizing "healthy soils" objectives by also considering planning law and property rights

Anita De Franco[1], Eugenio Morello[2]

The problem of "healthy soils" is under the attention of the European Commission. A proposal for a directive on "Soil Monitoring and Resilience" (i.e. Soil Monitoring Law) aims at feeding into the legislative debate. This paper will illustrate the main contents of the EU Mission "A Soil Deal for Europe", and its vision and objectives to achieve healthy soils in the continent in the next years. The overall question is how and to what extent "healthy soils" challenges intersect with planning law and property rights? To explore this issue, specific attention will be devoted to the overall formulation of the "healthy soils" concept and to the eight objectives identified by the Soil Mission, concerning (i) desertification, (ii) carbon stocks, (iii) soil sealing and re-use, (iv) pollution, (v) erosion, (vi) biodiversity, (vii) footprint, (viii) soil literacy in society. The aim of the paper is to discuss the upcoming requirements that European landowners and planners may bear to achieve "healthy soils" objectives. The assumption is that by taking planning law and property rights more seriously into consideration, the concept and objectives of healthy soils could be better understood and articulated.

[1]Politecnico di Milano; anita.defranco@polimi.it
[2]Politecnico di Milano; eugenio.morello@polimi.it

ID: 9484

Session 3.3: Energy policies

Acceleration of renewable energy expansion: System change in Germany´s windenergy planning by quanititative area targets

Juliane Albrecht[1]

Renewable energies are of great importance for overcoming the climate and energy crisis in Germany. At the same time, their expansion has stalled. This is also and especially true for wind energy, and is due in particular to a lack of available land for the construction of wind turbines. To remedy this problem, the legislator passed the Wind Energy Area Requirements Act, which came into force on 1.2.2023. For the first time, the legislator sets binding targets for the designation of areas for wind energy for the states (Länder), which must be met in two stages by the end of 2027 and 2032 at the latest. The states can either designate their targets themselves in state-wide or regional spatial plans or break them down to subsequent planning levels. The legislator has also changed the previous system of wind energy planning. It will thus continue to take place at the level of regional planning and urban land use planning, but will undergo considerable modifications: If the area targets are not met, wind turbines are to be permitted with privileges in the entire planning area. The hitherto concentration zone planning with an exclusion effect is withdrawn from the legal basis - admittedly with certain transitional periods. If the defined area contribution values are reached, the areas not designated will be deprived of their privileges, i.e. a legal binding land use plan will be required in order to create building rights. The aim of the new regulations is to ensure, accelerate and simplify the provision of the areas for wind energy. The article presents the new regulations and evaluates their steering effect, also against the background of the current amendment of the Renewable Energy Directive of the EU.

[1]Leibniz Institute of Ecological Urban and Regional Development (IOER); j.albrecht@ioer.de

ID: 9486

Session 9.2: (Dis-)Order of the city

Smart governance of home sharing

Vilim Brezina[1]

Some German federal states are implementing notification and registration processes based on their legal authority under housing law to curb potentially unlawful uses of housing as short-term rentals and prevent potential housing loss. Conventional regulations often fall short due to the decentralized structure of the homesharing business model, resulting in an overwhelming number of unidentified recipients and burdening the law enforcement authorities (Schröder 2015; Brezina 2021). In the absence of adequate digital enforcement measures, the municipal regulatory and governance systems could become irrelevant in handling online platforms. The implementation of Hamburg's notification and registration procedure (§ 13 HmbWoSchG), which assigns a housing protection number online, provides a positive illustration of effectively addressing this issue. The procedure necessitates the involvement of short-term tenants to establish a housing protection registry, mitigating any potential housing misuse. The North Rhine-Westphalian (NRW) Housing Promotion Act - "Wohnraumstärkungsgesetz" - enables a comparable process. An empirical study was conducted, using participatory observation, to document the development and implementation of the digital workflow involving pertinent stakeholders, such as the state, municipalities, and IT service providers. The study focused on the legal sphere (including the principle of subsidiarity and local self-government) and the technical sphere (comprising of IT procedures, resources, and digital skills of the workforce). Unlike Hamburg, NRW is well-suited as a pioneer for other territorial states with a significant number of municipalities having varying prerequisites. Therefore, these findings have implications for transferability not only across federal states, but also for spatial business models in the platform economy including ridesharing and energy systems.

[1]Federal Institute for Research on Building, Urban Affairs and Spatial Development; vilim.brezina@bbr.bund.de

ID: 9487

Session 6.4: Special Session 1: Housing alternatives

Towards a 'Freiburg model' of common-good oriented housing? Assessing the transformative potential of collaborative concept-based district development

Carola Fricke[1], Benedikt Schmid[2], Cathrin Zengerling[3]

As the social and ecological costs of capital-driven housing markets increasingly become irrefutable, some local governments increase collaborations with other-than-profit-oriented and community-led housing projects. While local policies and planning constitute key enabling factors for such housing projects, state-enhanced experimentation takes place under conditions of strained local budgets and the inscription of market principles into existing public policies and planning law. This article develops an interdisciplinary perspective on the interplay between community organizing, municipal housing policies, planning and legal frameworks in the district development project "Kleineschholz" in Freiburg, Germany. Promoted by the local government to be '100% oriented towards the common good', the project is accompanied by multiple elements geared towards community involvement and a close dialogue between public bodies and community-led organizations – including the organization of joint events and the consultation of housing activists in preparation of concept-based tendering. At the same time, the local government and administration navigates diverging interests within and outside municipal institutions, multi-level legal frameworks, financial constraints, as well as institutional routines. Taking a processual perspective, we carve out how the project's common-good orientation is implemented with and across the diverse dynamics of local community, housing policy and planning law. Our analysis centres on the process of concept-based tendering which is a key municipal lever for the project's common good orientation. Moving beyond the particular case of "Kleineschholz", we outline the potentials and challenges of translating a common good orientation into collaborative district development against the background of present political and legal frameworks.

Keywords: common good, community-led organizations, housing policy, planning law, municipalities, participation, collaborative planning, concept-based tender

[1]Saarland University; carola.fricke@uni-saarland.de
[2]University of Freiburg; benedikt.schmid@geographie.uni-freiburg.de
[3]University of Freiburg; cathrin.zengerling@enrlaw.uni-freiburg.de

ID: 9489

Session 8.1: Developer obligations and value capture 2

Innovative strategies of public actors in capturing land value around the Grand Paris Express

Juan Carlos Cuevas[1]

The Grand Paris Express (GPE), the largest transportation infrastructure project in Europe, provides an unparalleled terrain for examining land value capture (LVC) strategies. Public stakeholders may harness land value uplifts resulting from land use regulations or public investments to finance public goods; within specialized literature, this approach is referred to as "indirect" value capture. Such strategies typically involve collaborative approaches for leveraging public revenues, in contrast with more traditional tax-based methods (Alterman, 2012). This study investigates how public stakeholders navigate the balance between their public interest objectives, and France's robust private property rights and strict regulatory framework for urban development in designing and implementing these instruments. Focusing on a public-led urban development project (a Concerted Development Zone) adjacent to a GPE station, the research examines the collaboration between public and private actors for land value appreciation and sharing.

Grounded in the works of Alterman (2012) and Booth (2012) and supplemented with methodological insights from Aveline-Dubach & Blandeau (2019) and Mouton et al. (2023), the study investigates how public actors assert their interest in land value appreciation. The methodology employs an in-depth analysis of gray literature composed of official publications such as urban planning documents, feasibility studies, and advancement reports. Qualitative analysis of these documents allows for the identification of stakeholders, the project's objectives, and retracing its history to detect possible forms of LVC instruments. In this Concerted Development Zone, public entities may be implementing "indirect" value capture by strategically leveraging their land and real estate assets to finance their broader public service missions. These preliminary findings are complemented with semi-structured interviews with representatives of actors intervening in the Concerted Development Zone, such as public developers, the transport infrastructure builder (Société du Grand Paris – SGP), public housing authorities, and civil organizations. The findings suggest that, despite the restrictive legal framework, local public actors actively engage in the sharing of the land value uplift generated by major infrastructure projects like the Grand Paris Express.

[1]Université Paris Est Créteil; juanc.cuevas@gmail.com

ID: 9491

Session 2.2: Special Session 3: Planning theory 2

Brazilian State law specificities on relations between property rights and eminent domain and its effects on planning

Marcelo Pezzolo Farina[1]

This research aims to analyze the concept of eminent domain diachronically, according to Reinhart Koselleck's methodology. The most substantial part of the research was the collection and interpretation of historical documents.

The research shows that, contrary to dogmatic literature, the concept of eminent domain is neither simple nor ahistorical. The form eminent domain ("desapropriação") takes in Brazil blocks public policies, acting as a rigid guarantee against the "absolute" right of property. Through eminent domain property is not sacrificed but exchanged for money.

Under the colonial "sesmarias" system, once the duty of cultivation was breached, the "sesmeiro" would lose the land. The Crown used instead countless strategies to do public improvements. There were also "aposentadorias" – a privilege granted to certain strata to request permanent rest in anyone's house, without compensation. Those "aposentadorias" were found everywhere, but its sense could only be recovered during my research in dictionaries and old legal texts.

"Desapropriação" is a 19th century neologism, which emerged – alongside with "indenização" (indemnity) – from the abolition process. In the public debate, the freedmen would either be the "object" of compensation to the owners or expelled from the urban areas. The compensation only failed when the Minister of Finance, Ruy Barbosa, burned the slavery records to frustrate a conservative proposal. But the inclusion in the 1919 Act of the expression "ruinous building" justified not compensating owners, expelling the freedmen to the first "favellas".

[1]Universidade de São Paulo; marcelofarina@usp.br

ID: 9495

Session 2.3: Water

Resettling lives: Relief or risk for flood-affected property owners?

B. Ayça Ataç[1]

Governments can consider permanent resettlement during flood mitigation or post-flood recovery phases. However, due to its high social and economic costs, resettlement poses several challenges for property owners who have been displaced. Ongoing uncertainty, concerns about housing affordability, and emotional and psychological stress are some of these challenges. While permanent resettlement is not a widely used land policy intervention in European countries, primarily because it relies on compulsory expropriation as its underlying mechanism, it finds applicability in countries where central government structures and the exercise of state power are dominant. In such cases, although some studies have examined the economic implications of resettlement on property owners, questions regarding the effectiveness and justice of resettlement programs often remain unexplored. There is a lack of empirical research on how land policy decisions regarding resettlement affect vulnerable populations such as low-income residents, ethnic minorities, and elderly people in flooded areas. Addressing flood disaster resettlement in a small-scale district in Turkey, we investigate how the use of state power in land policy instruments impacts property owners. We also analyse recovery schemes for natural disasters in different countries to gain a comprehensive understanding of how power dominance in land management processes influences property owners' property enjoyment. This research employs a qualitative stakeholder analysis to discover how to find a balance between effectiveness and justice in post-disaster resettlement planning using land policy instruments. Achieving this balance can assist policymakers and practitioners in creating more equitable and just resettlement programs that effectively meet the needs and expectations of vulnerable communities.

Keywords: Resettlement; land policy; land management; property owners; natural disasters; floods.

[1]Technical University of Dortmund; ayca.atac@tu-dortmund.de

ID: 9496

Session 7.2: Instruments of land policy

Deliberation and discretion in the Finnish statutory land use planning system

Aleksi Heinilä[1], Hanna Mattila[2]

Communicative planning theories have been argued to suffer from an "institutional gap" (Mäntysalo et al. 2023). This deficit originates at least partly from the disconnection between communicative planning theories and the framework of the constitutional state. This paper follows the systemic turn of deliberative democracy theory (Mansbridge et al. 2012), which suggests that deliberative practices should be coupled with their (inescapable) institutional dimension (see Salet 2018). The question of how the most influential contemporary planning theories relate to the main institutional system of pluralist democratic societies is a significant one.

In this paper, the Finnish statutory planning system is examined as a deliberative system (see Mansbridge et al. 2012). In this system legislation both establishes competences (the power to, see Westin 2019) and creates spaces for deliberation on several scales. Simultaneously, it sets (flexible) boundaries for those deliberations on the basis of both the "law of rights" and the public interest considerations enacted as law by the sovereign legislature (see Palombella 2009). This creates an institutional framework in which political deliberation and legal discretion are combined in actual planning decisions. There is also a need to distinguish between the two: the competence of the courts is limited to the questions concerning the legality of statutory planning decisions and does not extend to political deliberation.

The system also combines two different concepts of democracy, both recognized in the Finnish Constitution. Statutory planning decisions are ultimately made by democratically elected representatives, while the planning processes are expected to engage citizens and stakeholders directly, typically to promote mutual learning. As will be indicated with a systemic analysis and selected examples, the combination of ultimately decoupled communicative learning processes and legal-political decision-making also create tensions in both the planning system and practice.

[1]University of Eastern Finland; aleksi.heinila@utu.fi

[2]Aalborg University; hama@create.aau.dk

ID: 9497

Session 8.2: Sustainable policy and climate adaptation

Integrating climate change adaptation into spatial planning systems: A comparative study of the Greek and Irish planning systems

Konstantina Dimitra Salata[1], Athena Yiannakou[2]

Climate change adaptation has become a crucial public policy domain. Seen from the institutional practice point of view, adaptation remains a rather vague concept, a problem further exacerbated by the use of several constituent concepts, including sensitivity, vulnerability, adaptability and resilience. This fuzziness along with the fact that knowledge on adaptation and its governance is moving fast, often render the relevant strategies abstract and impede the process of efficient planning for climate change adaptation. Spatial planning is widely recognized as an important tool for achieving adaptation. Yet its institutional practice still delivers policies which are detrimental for climate change. This paper presents a thorough investigation of two planning systems, the Greek and the Irish system, from the national to the local/city level (with focus on Dublin City and Thessaloniki Municipality, respectively) and examines how and to what extent spatial planning systems incorporate adaptation into their binding plans, so that actions and measures can then be more efficiently employed. The two planning systems were selected based on the fact that both have three levels of planning, providing a hierarchy of plans from the national to the local level, while focusing on land use management and control. Although both are centralized systems, their centralizing features take a different form, especially with regard to local planning. A methodological tool has been used to serve as the base for conducting a comparative study on how the two systems link adaptation and its constituent concepts of vulnerability, adaptability and resilience, to spatial planning, with specific reference to provisions for green infrastructure (GI). The study highlights that adaptation through GI is not yet consciously integrated into spatial planning systems, especially at the national level, while it is necessary to further enrich planning tools with more specified provisions at all levels of planning.

[1]Aristotle University of Thessaloniki; salatadg@plandevel.auth.gr
[2]Aristotle University of Thessaloniki; adgianna@plandevel.auth.gr

ID: 9499

Session 9.3: Commons and decommodification

Conflicts and planning potential of territorial commons

Giovanni Ottaviano[1], Luciano De Bonis[2]

The contribution aims to explore the role of "territorial commons", understood according to Elinor Ostrom's interpretation of common-pool resources, in triggering a more effective and sustainable management of environmental assets. The ancient practice of common use of land, formerly spread in different forms throughout Europe, has been marginalized due to a long process of misrecognition by sovereign powers. This process was particularly exacerbated during the modernization of Western Europe and the affirmation of the individual ownership paradigm in both private and public domains. Consequently, customary tenants, traditionally the community of people living in a certain area, were deprived from the possibility to autonomously regulate the use of commons. The contribution grounds on an Italian case study of innovation of a collective property - one of the two forms of common land rights still present in Italy (together with the collective use of third-party assets) - and on some recent interpretations of commons, highlighting their value in protecting local socio-ecological, landscape and cultural peculiarities. The hypothesis is that the re-activation of commoning processes, also through hybrid forms of co-management of territory, could support the regeneration of co-evolutionary dynamics between communities and local commons, also contributing to the overall health of global commons such as air, water, and biodiversity.
Keywords: territory; commons; sovereignty; democracy; property rights.

[1]University of Molise; giovanni.ottaviano@unimol.it
[2]University of Molise; luciano.debonis@unimol.it

ID: 9500

Session 8.3: Urban transformation

Legal interpretations in urban renewal process and their impact on the planning system - Türkiye example

Nuray Çolak Tatli[1]

Turkey, a developing country, has faced a significant planning problem in its cities due to unplanned and rapid urbanization. The transformation of illegally built and poorly structured houses is progressing slowly within the framework of current legal regulations. Law No. 6306 came into force in 2012 to address issues related to property rights, overlapping powers of different institutions, and the need for a more effective process. This Law gave the competent authorities exclusive powers to expedite the demolition and subsequent reconstruction of buildings. However, the practical implementation of urban renewal initiatives has not progressed as quickly as initially expected. Taking into account the difficulties and deficiencies in implementation, amendments were made to the law in various years, including 2014, 2015, 2016, 2018, 2019 and 2022. In this paper, first of all, the interventions brought by Law No. 6306 on urban planning and project development processes will be explained from a comprehensive perspective. Then, the changes made in the law to accelerate urban transformation will be discussed and the interventions regarding property will be revealed. As a result of the changes, it was aimed to determine the forms of intervention regarding property rights. The study is expected to provide an example of the mechanisms used by state institutions to intervene in the field of property rights. This study aims to contribute to the understanding of the impact of legal changes regarding property rights in the urban renewal process on the urban planning system. In addition, in this context, it is aimed to shed light on the delicate balance between the government's goals and individual property rights in urban renewal.

Keywords: urban renewal, property rights, legal interpretations.

[1]Mesken Şehircilik, Araştırma ve Danışmanlık Ltd; nuray.colak1@gmail.com

ID: 9504

Session 2.4: Densification 1: Suburban densification

Suburban densification: Spatial dynamics and institutional backgrounds in European agglomerations

Mathias Jehling [1], Denise Ehrhardt[2], Sebastian Dembski[3], Thomas Hartmann[4]

As more and more people move to cities, urban areas become denser and space more scarce, as policies in Europe and world-wide seek to tame urban expansion. As a consequence, especially urban centres experience house prices increase, gentrification and displacement through densification. At the same time, potential for densification in suburban areas characterised by single family houses remains out of focus, as it faces strong barriers through private land ownership and strong public planning. However, little is known about ongoing processes of suburban densification and, hence, empirical knowledge is lacking on the potentials of suburban areas to contribute to sustainable urbanisation. It is the aim of this contribution to introduce to an approach that makes suburban densification visible through identifying patterns. As we seek to understand these patterns across individual states, we develop and apply an approach to comparatively analyse six urban agglomerations in three European countries, i.e. England, France and Germany. To cover for the incremental change in density, we use a building and land parcel-based approach. Therefore, national 3D building and plot data sets need to me harmonised for two-time steps t1 and t2 and road network and population data is used to describe the settlement structure of the regions. The analytical results allow for a comparative description of the six regions with central and polycentral urban settlement structures. Across all regions, the change in building density on land parcels between 2011 and 2021 shows a trend from high total change in the peripheral locations to lower change in the central locations, as is it is typical for suburban expansion. Further a k-means cluster analysis is applied to identify an urban typology across the six regions, which leads to the suggestion of a common definition of suburban areas. In the contribution, we further elaborate on the institutional context behind the identified patterns, linking it to national land policy frameworks and their potential effect. As we present first results, further insights in the comparative analysis of national land policies facilitating suburban densification are discussed.

[1]Leibniz Institute of Ecological Urban and Regional Development (IOER); jehling@ioer.de
[2]Leibniz Institute of Ecological Urban and Regional Development (IOER); d.ehrhardt@ioer.de
[3]University of Liverpool; sebastian.dembski@liverpool.ac.uk
[4]Technical University of Dortmund; thomas.hartmann@tu-dortmund.de

ID: 9505

Session 4.2: Developer obligations and value capture 1

Power relations in negotiated developer obligations: Insights from the plan-led planning system in Turkey

Fatma Belgin Gumru [1], **Sevkiye Sence Turk**[2]

Negotiated developer obligations (NDOs) are a typical element of development-led planning systems; however, they have also become an integral part of the planning process in Turkey where a plan-led system is in place. In Turkey, NDOs have gained popularity in the early 2000s when a boom in construction was stimulated by the policy of economic growth based on construction. The de jure rational-comprehensive planning system gained a hybrid character with the introduction of tools such as NDOs. Given the further intensification of neoliberal policies, NDOs became a favored 'workaround' particularly for large-scale developments to ensure the provision of land and/or on-site/off-site infrastructure and to legitimize large-scale projects that actually do not comply with the legislation in effect. In short, it is possible to suggest that NDOs are made on highly ambiguous grounds. Against this backdrop, this study strives to elaborate on the power relations between the parties involved in the negotiation of NDOs. For this purpose, 40 semi-structured interviews were conducted with various actors ranging from private-sector urban planners and municipal urban planners to city councilors, developers, bureaucrats, and lawyers. These actors who partake in the negotiation process eventually represent one of the two parties: local authorities, or developers. Accordingly, the findings of this study reveal the discretionary and ambiguous nature of NDO-making in the hybrid planning system in Turkey. In this ambiguous process, local authorities may very well predominate the negotiations, thus achieving balanced and just outcomes, because they hold the authority to approve/reject plans. However, they usually fail to demonstrate a strong will to be in control of the negotiations, thus giving developers the opportunity to infiltrate the system and tip the scales in their favor.

Keywords: negotiated developer obligations, power relations, planning practice, planning profession, Turkey.

[1]Istanbul Technical University; belgin.gumru@gmail.com
[2]Istanbul Technical University; turkss@itu.edu.tr

ID: 9507

Session 6.4: Special Session 1: Housing alternatives

The Resurection of Cooperative Housing - Legal Models Compared Cross-Countries

Efrat Aviram Vas[1], Rachelle Alterman[2]

It is undeniable that housing tenure matters. Cooperative housing was a dominant tenure form within communist regimes. Since 1990 it has been partially replaced there by extensive privatization, while gradually rising up within historically more capitalistic countries. Legally, coop housing clearly differs from condominiums. Also, coop housing should not be confused with the concept of "affordable housing". Coop housing is a legal format, with a special type of tenure and institutional modes that rely on inter-personal cooperation. However, coop housing is a rather broad term and we hypothesized that there are probably many legal variations across countries, and an evolution within a given country. Among various formats of housing tenure, cooperative housing has not received as much research attention as it merits. Yet, Coop housing has not been entirely ignored by researchers. The past 20 years did produce a body of research contributing on social, psychological, economic, and architectural aspects. However, legal frameworks analysis is lacking at the level of specific countries, and there is no comparative investigation. This research seeks to create conceptual tools for systematic comparison and evaluation of the legislative and regulatory framework for coop housing cross-national jurisdictions. The ultimate purpose is to add an essential layer of knowledge about the versatile of cooperative housing real-life formats. Thus, housing advocates and policymakers could expand their knowledge about alternative formats of housing. The conceptual research framework we developed has three main dimensions and several subdimensions: (1) Real-estate tenure types (2) Organizational structure types (3) Legal space for self-organization and its role. The sub-dimensions drills deep into the many possible aspects of each of these topics. The framework is applied to the analysis of 7-8 national jurisdictions among advanced economies. This pioneering comparative legal research will hopefully enrich the scope of knowledge about alternative modes of housing tenure.

[1]Technion - Israel Institute of Technology; Efrat@EfratAviram-law.com
[2]Technion - Israel Institute of Technology; alterman@technion.ac.il

ID: 9508

Session 6.2: Institutional analysis

The real estate sector directs urban transformation in Istanbul

Sezen Tarakci[1]

In the 1950s, Turkey experienced significant rural-to-urban migration, particularly to major metropolitan areas. Rapid industrialization led to the emergence of informal settlements, especially around industrial zones, in major cities like Istanbul. Fikirtepe, located on the Anatolian side of Istanbul, was one of the first areas where these informal settlements, known as gecekondu, appeared. Gecekondu, referring to hastily constructed illegal dwellings, received its name due to its ability to be built overnight. However, starting in the 1980s, these gecekondu areas underwent transformation influenced by both central and local government policies. The central government, driven by political considerations, enacted a series of amnesty laws, legalizing these areas, while local governments provided social and technical infrastructure, driven by electoral expectations. Consequently, gecekondu areas in Turkey stand apart from many other illegal settlements worldwide. During the same period, decisions were made to relocate industrial areas, which had been the reason for gecekondu settlements' location choices, away from the city center. This led to areas like the Basın Ekspres Axis, situated on the city's periphery at the time, becoming attractive for both industries and gecekondus. In the following years, as Istanbul continued to expand rapidly, both Fikirtepe and the Basın Ekspres Axis remained within the city's center.

In parallel with these developments, after the 2000s and under the influence of neoliberal policies, Turkey adopted a construction-focused approach. Various transportation and infrastructure investments were made in both regions, resulting in an increase in land values. This aligned with Smith's rent gap theory, which posits that the larger the gap between "potential ground rent" and "capitalized ground " in a location, the more attractive it becomes for capital investment in land redevelopment. Fikirtepe was declared an urban renewal area, while the Basın Ekspres Axis was designated as a central business district, making them attractive for capital investment. Intensive added construction rights were granted in the Fikirtepe to demolish gecekondu areas and construct new buildings, and in the Basın Ekspres Axis to replace industrial areas with new buildings. Although the urban fabric and functions of these two regions differed, these planning decisions resulted in similar urban areas with comparable functions and characteristics. Both areas witnessed the construction of skyscrapers, ranging from 20 to 30 stories in height, designed for various functions such as offices, residences, and hotels.

These two examples illustrate that in urban areas planned with the aim of capitalizing on potential ground rent, decisions are made to meet the demands of national and international capital without considering the needs, future, and socio-economic expectations of the city and its residents. The case of Istanbul serves as an important example, having rapidly urbanized over the past 70 years, particularly in the last decade, with a focus on construction. In a time when the sustainability of cities is extensively debated, and the consequences of the climate crisis have reached alarming levels, planning the cities solely based on potential rent gaps is equivalent to destroy the city. This study aims to discuss the consequences of urban renewal solely based on potential rent gap, using the examples of Fikirtepe and the Basın Ekspres Axis in Istanbul.

Keywords: Urban transformation, rent gap, industrial areas, illegal settlements, Istanbul

[1]Istanbul Kent University, Urban Design and Landscape Architecture; sezen.tarakci@kent.edu.tr

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Session 3.1: Urban sprawl, no net land take and land consumption

Under the shadow of cities: Land policy as the cause of sprawl

Aycan Özkan, Başak[1]

The growth of urban areas has been one of the important issues of cities all over the world from ancient times to the present day. Areas with an urban character can develop on the periphery of the existing boundaries of cities, can emerge as business or housing centers in the middle of agricultural areas away from cities, or can form with the accumulation of large lot development. These areas with urban character, which are formed in different processes, may have different densities, morphological characters and uses. Likewise, they can be developed by private corporations or by the public using different financial methods.

Regardless of all these features, what is important in the development of new urban areas is the effective use of undeveloped and limited land by creating settlements with certain densities and uses, that are self-sufficient and compatible with topography. The planning profession produces land policies and policy tools to create sustainable living spaces by achieving all these objectives. If land policies are not developed effectively and the private sector/market dominates the decision-making processes, then the urban area cannot be developed effectively, and urban sprawl occurs.

The definition of urban sprawl is ambiguous as the planning literature defines it in many different ways. While some studies define sprawl through its physical characteristics, such as density, use and form, other studies define it through its causes and consequences. Most studies describe the consequences of urban sprawl as negative in environmental, social and economic aspects. The causes of urban sprawl are described at different scales from upper to individual under different topics. Demographic changes, economic restructuring, and technological advances are examples of upper-scale causes, while the changing consumption patterns and anti-urban attitudes are individual-scale causes.

This study argues that the main cause of urban sprawl is the inefficient development of land policies. The causes of urban sprawl in the literature are actually within the basic dynamics of the formation and transformation processes of urban areas and are normal. Cities will continue to encounter socioeconomic and political changes in the uncertain future. What is important is to ensure planned development through the production of land policies and policy instruments that control the development and transformation of land from the smallest ownership patterns to the largest regional borders. This hypothesis will be supported by a literature review.

[1] Ted University; basak.aycan@tedu.edu.tr

ID: 9510

Session 5.4: Special Session 1: Property and tenancy matters

Conflicts within the neoliberal state? The limited representation of renters and their concerns in Israeli housing debates

Talia Margalit[1], Dikla Yizhar[2]

Following housing protests in 2011, Israeli politicians advanced a program to create a massive supply of rental housing and enact new rental regulations. Our objective in this paper is to evaluate the chances of this reform to gain wide social legitimacy, given the tensions created between it and the prevailing neoliberal ideology. To do this, we follow current understandings of mass media as a key advocacy arena where policy is debated, and analyze the discourse surrounding the program and related rental issues in the principal newspapers (online and off-line). We query how the debates challenged, or continued neoliberal ideas and policy preferences, for example the preference for homeownership and investment, for central locations, market means and images and for well-of 'productive' people. We trace how renters or other actors were represented, and which locations, landscapes, groups, or housing arrangements were highlighted or objected to. Our findings show that renters and their concerns and claims received limited representation, and that while the early coverage showed ideological conflicts between government, market and civil actors regarding the plan, this was soon replaced with overarching market-led agreement and support for homeownership rather than renting. Moreover, rentiership – the option that renters go on to become owners-investors – was highlighted as the state's popular solution for the young generations. We conclude that despite the growing need for rental housing, in the current neoliberal context, rental reforms are unlikely to garner significant social support.

Key words: rental housing, media discourse, policy, neoliberal ideology

[1]Tel Aviv University; taliamar@tauex.tau.ac.il
[2]Tel Aviv University; diklayizhar@gmail.com

ID: 9513

Session 7.3: Special Session 1: Land scarcity and housing

Complex relationship between land-use regulation, urban densification and housing affordability in post-socialist context: Case of Poland

Justyna Goździewicz-Biechońska[1]

Densification as an approach to stop urban sprawl and achieve sustainable land management is postulated or introduced within land-use policy worldwide. Poland also tries to address the problem through the amendments of the spatial planning law and land-use instruments reforms (Kukulska-Kozieł, 2023; Hołuj, Hołuj, 2015). However considerable negative effects of densification policy are also observed (Pont et.al., 2021), with housing unaffordability among them. In response, concepts such as the idea of housing as a human right, not just a commodity, are gaining increasing interest. Since land-use policy issues are highly contextual, there is a need to take into account specific local conditions and factors affecting those problems. The paper aims to provide a picture of the relations between urban densification and housing affordability in Poland, including the context of the complicated socialist history of the country. In Poland, as in other Central and Eastern European countries, spatial policy and land management are heavily affected by the historical context (Stead, D., 2012). The post-socialist countries also have some common features of housing situation, spatial development, and property patterns. For example, they have the highest shares of ownership in Europe (people living in households owning their home), e.g., Poland 86.8%, Romania 95.3%, Slovakia 92.9%, while at the other end of the scale are Germany 49.1%, Switzerland 42.2% (EUROSTAT, 2022). On the example of Poland, the paper aims to identify how such specific features affect and modify trends observed in other countries like e.g., financialization and entrepreneurial governance driving housing unaffordability and if they cause the need for different planning instruments.

[1]Adam Mickiewicz University in Poznań, Poland: jusgoz@amu.edu.pl

ID: 9514

Session 3.4: Densification 2: Strategies

Understanding power games in urban densification processes

Jean-David Gerber [1], **Stéphane Nahrath**[2]

In this article, we focus on power games in spatial planning. In particular, we look at urban densification processes implemented through project planning. Project planning involves direct negotiation between municipal planners and developers to speed up procedures. The fact that the results of negotiations can deviate from existing land-use plans is an important incentive for developers to participate and commit. We conceptualize negotiation within project planning as a process of defining a Localized Regulatory Arrangement (LRA). LRA can be defined as a set of more or less formal agreement that regulates resource uses at stake with regards to specific situations (Gerber et al. 2020). As such, the LRA is a manifestation of the regime in action ("rules-in-use", Ostrom 2005). It represents the outcome of negotiations between actors interacting on the same social stage, negotiations about the allocation and use of goods and services provided by the resource system. The social stage on which an LRA is defined does not unfold in an institutional vacuum. This stage is situated at the confluence of different fields. We define a field as the social space of relations between actors with an interest in the same issue. Two main fields intervene on the social stage producing the LRA: (1) the political-administrative field (influenced by lobbies, etc.) in which rules are formulated and then implemented; and (2) the field of construction professionals, which defines principles, standards and social norms related to the built environment. This field is at the origin not only of technical standards (often taken up in legislation) but also of the definition of legitimate models for today's built environment (e.g. m² per inhabitant, comfort to be expected in a new apartment, etc.). It brings together construction professionals in the broadest sense of the term, i.e. all the players involved in debates on construction, and who define its frame of reference. In this article, we look at the field of construction professionals and seek to understand how they influence the debate on urban densification today, and how they impose their frame of reference in negotiation processes. Our examples are drawn from in-depth case studies in Switzerland and the Netherlands. We hypothesize that a detailed understanding of these power mechanisms can help explain the consequences of densification in terms of sustainability, consequences that many recent studies consider ambiguous.

[1] University of Bern; jean-david.gerber@unibe.ch
[2] University of Lausanne; stephane.nahrath@unil.ch

ID: 9516
Session 1.1: Planning law reforms

Responses of planning system approaches to plan changes: An international comparison

Numan Kılınç[1]

Planning systems around the world are basically divided into two as plan-based system and project-based system also differ from each other in their approaches to plans and plan changes. Theoretically, the plan-based system recognizes that plans should contain precise and rigid provisions and that plan changes are made only when necessary and provided that some generally complex procedures are followed. In the project-based system, smce plans are accepted as non-legally binding, guiding documents, it seems easier to include plan changes in the plans. Moreover, in the project-based system, plans do not precisely determine land use decisions and therefore development rights and functions are determined according to the agreements made between planning authorities and developers. However, recent studies in the literature emphasize that both planning system approaches are hybridizing towards each other. In this study, responses of planning system approaches to plan changes are examined by making intemational comparisons. In countries that have adopted different planning systems, plan changes have been addressed mainly from a legal/policy perspective, rent perspective and spatial perspective. In this study, the planning system approaches that adopted the plan-based system (Gennany and Italy), two countries that adopted the project-based system (England and Ireland), and Turkey where is the plan —based system in theory but the project-based system in practise are examined. While the study results show a tendency towards hybridization in terms of planning system responses to change, planning system changes indicate a lack of a holistic approach, including legal/policy, rental, and spatial perspectives.

[1]Istanbul Technical University; numankilinc@gmail.com

ID: 9518

Session 1.1: Planning law reforms

Creating institutional instability through gradual reform in English planning

Philip O'Brien[1], John Sturzaker[2]

English planning reforms have only ever flirted with wholesale change of the planning system that was introduced in 1947 as part of the British post-war social and economic reforms, with the 2020 White Paper's proposals to introduce a zonal planning system the most serious such proposal. Instead, aHempts to reform planning in England have been made within the confines of the 1947-onwards structures. But the past decade and a half has seen a widespread sense prevail of planning as being in crisis, with local planning authorities increasingly subject to central government instruction through policies on housing targets and permiHed development rights, indicating that drastic change has taken shape. Path dependence suggests that high costs of path reversal inhibit institutional change, with these costs only reduced following exogenous shocks. But institutional change may take place more gradually, as incremental changes over time result in cumulative change that is substantial. The laHer mode of change has been associated with liberalisation as a broad process of deregulatory and market-centric reforms that are enacted gradually from within post-war institutions established to serve contrasting ends. We investigate planning reforms in England from 1979 to the present through the lens of historical institutionalism, arguing that radical change can be implemented to planning without enduring the potentially considerable costs of building new institutional formations from scratch. This also means that changes tend to be subject to less scrutiny from scholars, with governments able to enact quite significant changes "below the radar".

[1]University of Glasgow, Urban Studies; philip.obrien@glasgow.ac.uk
[2]Psychology, Sport and Geography; j.sturzaker@herts.ac.uk

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Session 5.3: Special Session 4: Aspiration vs delivery 2

Live and let live: Flexibility in the enforcement of planning laws in peri-urban Ahmedabad

Venugopal Agrawal[1]

This paper examines how the urban development in the peri-urban regions of Ahmedabad, India has been implemented through a statutory mechanism known as the town planning scheme (TPS). It focuses on how this statutory framework enables the state to implement a flexible “live and let live” approach towards pre-existing settlements which inhabit a broad spectrum of in/formality and property rights. The research is carried out through a Critical Institutional Analysis and Development Framework applied to data collected during 3 months of qualitative fieldwork in Vatva, a peri-urban region in Ahmedabad city. The framework focuses on the social arena where property rights are traded and contested and analyses how the disambiguated state, through its various departments and branches, selectively and to varying extents contests “informal” and incomplete property rights of preexisting settlements when implementing urban development plans in a peri-urban region. This flexibility on the part of the state enables it to address the divergent paths along which property rights in different peri-urban regions have developed, fulfilling its role as the provider of infrastructure and the “organizer” of public space. This research also documents how the state, in shaping the built environment, relies not just on the technocratic exercise of town planning but also on various modes of post-facto approval and regularization carried out through multiple agencies and individuals. In doing so it places urban planning within broader formal and informal institutional arrangements that govern the development of the built form in Indian cities.

[1]University College London, Development Planning Unit; venugopal.agrawal.22@ucl.ac.uk

ID: 9520

Session 3.2: Historic development between the relation of state and landowner

When property owners don't want to be "activated"

Jennifer Gerend[1]

Urban planning research has assumed and oversimplified certain dominant property regimes (Blomley 2017), even while underlying social aspects remain largely unexplored. In the German state of Bavaria, a public space-saving campaign has been trying since 2019 to curb land consumption via outreach by planners and incentives, which in addition to the longstanding instruments of the village renewal program (Ritzinger 2018), has increasingly put heat on property owners sitting on vacant lots. Even with strong market values, many such lot owners have no plans to sell or build. Bavaria's property tax system will not help (Löhr 2023: 232-233). Some property owners are not financially-driven, either in a restrictive/punitive sense or by incentives, because they are pursuing other types of goals (Hengstermann & Skala 2023:3). This leaves a stubborn truth: some property owners don't want to be activated. Data from a 2020-2023 study in rural Bavaria reveal how such property owners "tick", as well as some new forces that may be complicating property owner activation (i.e. climate change) and challenging planning theory.

[1]Hochschule Weihenstephan-Triesdorf (HSWT); jennifer.gerend@hswt.de

ID: 9523

Session 4.2: Developer obligations and value capture 1

Indirect land value capture tools to increase SAH in Italy

Laura Pogliani[1]

Social and Affordable housing (SAH) provision is a huge issue in Italy for multiple reasons of scale and nature. Public housing stock is outdated and insufficient to meet the demand especially in metropolitan cities and private rental market is residual, because the residential model is mainly based on homeownership. So far, poor investments in the public housing sector, the reselling of the public dwellings and the deterioration of the existing social facilities affect the liveability of many neighbourhoods. Thus, in the absence of a national policy, cities are experimenting by themselves a variety of methods and instruments to innovate SAH policies. They are focusing on public-private partnership and programmes, a good number of which include indirect land value capture tools. Agreements with private and limited profit developers comprise also incentives for the direct construction of rented accommodation at affordable costs and take advantage of public bids and funds from a variety of EU, national and regional sources. Although consequent fragmented interventions often miss a connection with an overall urban design, these experiences give priority to the relationship between private benefits and the supply of SAH and of social infrastructure. The purpose of this paper is to analyse the outcomes and impacts of the indirect land value capture tools and the effectiveness of this policy to achieve its goals. Questions to be addressed will consider the differences between cities with a dynamic housing market and others which require a support for the regeneration policies.

[1]Politecnico di Milano; laura.pogliani@polimi.it

ID: 9528

Session 6.1: Transport and mobility in functional spaces

Measuring accessibility to public amenities in rural town in Germany – A case study of Bayerisch Eisenstein

Vineet Chaturvedi[1], Walter Timo de Vries[2]

Europe's landscape is adorned by several small and medium sized towns. Some of these towns are thriving while others have been shrinking due to neglect on several accounts be it transportation, availability of health care clinics, stores, recreation facilities, educational institutes, digital connectivity or because of lack of employment opportunities. Municipal town of Bayerisch Eisenstein in the province of Bavaria, Germany has been experiencing declining population. Located in the middle of the Bavarian Forest national park, the town is a popular tourist destination. However, over the years it has seen a sharp decline in the tourism related activities and is now considered as one of the shrinking tourist destinations. The foremost requirement for a town to be vital is the availability and accessibility to basic amenities. The research looks into the walkability of residents to essential public amenities which are part of the basic infrastructure for the functioning of the town. In order for a rural town to be vital and versatile for the residents and attractive to outsiders to move into the town, apart from the location, availability and accessibility of public amenities have a significant influence on its continuity, overall development, identity and improve standard of living of residents. The paper utilizes the OpenStreetMap datasets along with GIS to perform the network analysis. In the study service area analysis is performed for various facilities to determine their accessibility within a certain distance and time. The available infrastructure services and their accessibility is assessed in accordance with the spatial planning laws and guidelines for small municipal towns. The paper discusses the land use planning criteria for the development of small towns with respect to their allocation and location of infrastructure facilities.

Key words: accessibility, network analysis, service area, walkability, land use policiess

[1]Technical University Munich; vineet.chaturvedi@tum.de
[2]Technical University Munich; wt.de-vries@tum.de

ID: 9530

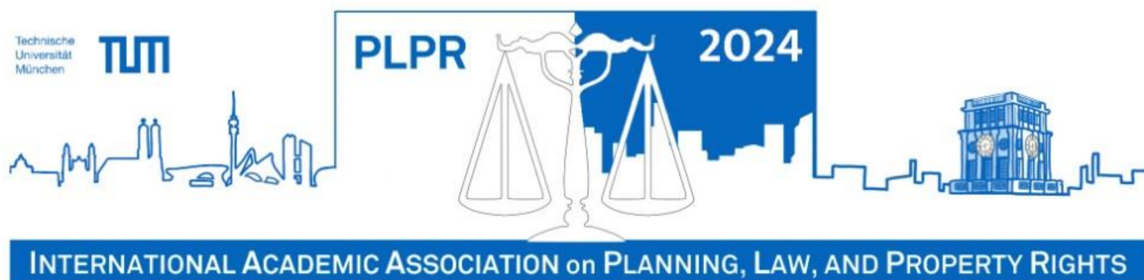
Session 5.2: Land market and ownership data

Data governance considerations for land rights data in Germany

Felicitas Sommer[1]

Monitoring of land and real estate rights structures can provide useful insights for housing policy, city planning, and land market regulation. Identifying types of investors and their impact on market dynamics and ownership changes, rents and real estate prices, as well as anticipating undesired effects of land and real estate concentration supports evidence-based decision making, effective subsidy and regulatory design for rural as well as urban areas. While information from land registers and cadastres in Germany is comparatively reliable, the technical, legal and administrational set up is not optimized for systematic research beyond single information requests. While all the owners of one parcel can be identified, all the parcels of one owner can hardly be identified, yet this is a basic premise for a structural analysis. This paper addresses the 'technical obscurity' of land wealth in Germany and proposes design principles for administrative and research applications that bridge this gap. First, two case studies are presented as "user stories" by which the informational requirements with regard to ownership data are market policies against land consolidation that restrict land purchases for land owners whose agricultural land wealth succeeds a certain threshold. The other case study discusses research and policy developments with regard to social and climate impacts of the financialization of housing in large cities. Requirements and principles for the use of land ownership data in administrative processes and policy making are deduced from the use cases in the second part. In order to investigate land and real estate consolidation within corporate structures and financial entanglements, various registers have to be connected, harmonized and analysed. Yet, these connections, if permanent, might create data protection issues. Therefore, the paper concludes with general remarks on data protection and data 'frugality' in the digitization era.

[1] Technical University of Munich; felicitas.sommer@tum.de



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