The 4th Conference of the International Academic Association on Planning, Law and Property Rights, Dortmund, 2010

Some 120 academics in the fields of planning, planning law, real estate and property rights gathered in Dortmund from 10 to 12 February 2010. Well-prepared for the snow, ice and cold after previous Planning, Law and Property Rights (PLPR) February conferences in Amsterdam, Warsaw and Aalborg, they not only took the opportunity to learn more about the latest research developments in their fields, but also to experience the city of Dortmund, in the Ruhr Area – a focus of the 2010 European Capital of Culture. With the Conference badge came unlimited use of the public transport U-bahn, providing easy access to the conference venue at Dortmund’s south campus, and a chance to explore the city, taking into account a warning from Ben Davy, TU Dortmund’s local host, that anyone wearing a tie during carnival time risked having it cut off!

The Ruhrgebiet: European Capital of Culture 2010

The well-known School of Spatial Planning of the Technological University of Dortmund, one of the largest and most highly respected schools in Germany and beyond, was a perfect choice for the conference. According to Walter Grünzweig, the Vice President of TU Dortmund, who inaugurated the conference, the school plays an important role within the University, linking an engineering school with the social and cultural sciences. He also explained that the TU Dortmund itself, founded some 40 years ago, was intended as a basis for a restructured economy and society, replacing ‘old’ industries viewed as unlikely to survive (Grünzweig, 2010). Reflecting the self-criticism that is characteristic of the Ruhr, Grünzweig dedicated a Ginsberg poem to the conference.

The local host committee, Ben Davy, Thomas Hartmann, Gabi Zimmermann, Katharina Schmidt and Heinz Kobs, took the opportunity to educate the delegates on the unexpected experiences of the Ruhr in their welcome address, which was followed by a presentation by two bachelors’ students, Mareike Lammert and Julian Nolte, on land and water in India, as an example of student research studies in Dortmund.
The opening plenary session was concluded by Professor Michael Wegener (Spiekermann & Wegener Urban and Regional Research) who gave a keynote on the challenge of planning for sustainability in the Ruhr. He questioned the trend from ‘government’ to ‘governance’ from the viewpoint of sustainable spatial development. According to Wegener, ‘in a situation in which long-term ecological challenges, such as climate change and energy scarcity, are likely to exceed the problem solving capacity of democratic decision structures, these need to be strengthened rather than further weakened’ (Wegener, 2010, 1).

The evolution of the International Academic Association

In the opening plenary, and during dinner on the second day in the Rohrmeisterei Swerte, located in an old pump station with a late nineteenth century industrial flair, the outgoing, but founding president of the International Academic Association on Planning, Law and Property Rights (PLPR), Rachelle Alterman (Technion, Israel), reminisced about PLPR’s founding process. After discussions at the AESOP Congress in Aveiro in 1998, the first track was organised during AESOP’s meeting in Bergen, 1999, around barely a handful of papers. Over the last 12 years, this group has matured and grown into a free-standing academic society with over 250 members, from Europe and other continents, its own statutes and a website.1 The increasing number of participants demonstrates the extent to which PLPR meets a range of growing needs in the field of planning, law and property rights. Given the level of enthusiasm amongst its members, it is to be expected that the group will grow and mature even further over the next decades.

Paper sessions

Some 93 papers were presented in 21 sessions at the 4th PLPR conference in Dortmund.2 While the papers focused on the relation between planning and law, some came from a legal perspective, others came from a planning perspective; all, however, had been approved in a double-blind review process. Presenters questioned established truisms, criticised legal procedures, evaluated new planning laws and also introduced new research questions. The different sessions included topics such as: ‘Planning & property markets’, ‘Land & the community’, ‘Land management’, ‘Regulatory practices’, ‘History & heritage’, ‘Planning & water’, ‘Theorizing planning & law’, ‘Land use control’, ‘Green property’, ‘Expropriation and compensation’, and

1 http://planning-law.socsci.uva.nl/
2 The conference’s book of abstracts can be consulted online at: http://www.plpr2010.tu-dortmund.de/_downloads/PLPR2010_program_and_abstracts.pdf
‘Planning law and the public’. Through these topics, the conference demonstrated the wide scope of PLPR and its members’ research.

The papers in the ‘Land & the community’ session included a presentation by Pamela Jo Hatley (University of South Florida, USA) on effective citizen participation; how, she asked, can citizens be engaged in public government in order to help the local government to put backbone into their spatial policies? Exploring the concept behind the metaphor of gated communities, Iris Frankel-Cohen (Technion, Israel) managed to define the basic and legal questions of this phenomenon. Deborah Peel (University of Ulster, UK) continued the session with an analysis of planning, law and property rights in guarded and gated communities, in which she socially reconstructed some Malaysian gated communities in order to provide some reasoned explanations for gated communities.

In the session on ‘Regulatory practice’, Greg Lloyd (University of Ulster, UK) presented an institutionalist framework to explain land use planning reform in Northern Ireland, and discussed whether the planning system can perform more efficiently under the suggested new contractual forms. José Luis Sainz Guerra (Universidad de Valladolid, Spain) taught the delegates more about Spanish city planning legislation, proposing the addition of a new value capture system. Two papers examined the implications of recent changes in The Netherlands. Erwin van der Krabben (Radboud University Nijmegen, The Netherlands) discussed the challenges of brownfield redevelopment, conveying doubt as to whether the new Dutch planning instrument for cost recovery will work in redevelopment areas. David Evers (Netherlands Environmental Assessment Agency) reviewed some of the instruments of the new Dutch Spatial Planning Act. The audience was quite surprised to find out about a number of aspects of this newly introduced legislation.

As part of the session ‘So many the use of land’, the presentation of Paul Robinson’s (Land and Property Management Authority New South Wales, Australia) concerned the development of parallel leases in New South Wales, Australia. The audience learned about benefits constraints and requirements needed to make a parallel leasing project work. Krzysztof Tomaszewski (Supreme Administrative Court, Poland) discussed the evolution of the public use clause in Poland under the changed political and ideological conditions.

In PLPR’s ‘Land use control’ session, Gabi Zimmermann (TU Dortmund, Germany) presented a paper on a monitoring system for open space pledges in Germany based on her recently finished PhD thesis. She argued that new land use laws and regulations needed to be accompanied with technology monitoring systems in order to ensure implementation. Her talk was followed by an interesting debate covering the use of such technology and the German open space pledges law. Fennie van Straalen (Wageningen University, The Netherlands) gave an assessment of land policy strategies in metropolitan landscapes, with the Dutch project of Park Lingezeegen.
as an example. Fennie elaborated on the new and, in her opinion, pivotal role of the Dutch provinces in such developments, now that the authority of this intermediate government layer has been changed under the new Dutch Planning Act. Naja Marot (Urban Planning Institute of the Republic of Slovenia, Slovenia) presented a developed method for quality assessment of Slovenian planning legislation and its implementation using six major criteria: effectiveness and efficiency; comprehensibility; feasibility; transparency; legitimacy; and sustainability.

The session on ‘Land & the City’ canvassed research issues and findings in a range of different but also related urban sprawl developments and anti sprawl regulations. Willem Korthals Altes (TU Delft, The Netherlands) discussed the planning of green houses in the Netherlands. Giulio Giovannoni (Università degli Studi di Firenze, Italy) presented the findings of his research on the effect of Oregon’s growth boundary. Ozgul Acar (Middle East Technical University, Turkey) explained the legal and administrative issues of planning as a driving force behind the urban sprawl in Ankara, noting that urban expansion to the periphery has been stimulated by corridor development.

Ellen Bassett (Portland State University, USA) presented a cognitive linguistic analysis of popular vote documents in Oregon in the session on ‘Land use law’, followed by Ed Sullivan’s (Portland State University, USA) presentation on his research into the processes of the adoption of Measures 37 and 49 in Oregon. As well as providing insights into Oregon’s latest property rights debate, these papers showed how different groups were aspiring to manipulate the popular vote. Siim Maaskamäe (Estonian University of Life Sciences) reported on Estonian experience of context plans in court, and was followed by the presentation of Eran Kaplinsky (University of Alberta, Canada) on the new regional planning system in Alberta. Although the effects are not yet clear, there is a lot of discussion as the position of vested rights has been weakened.

All paper presentations were followed by lively discussions and debates in which connections between the papers presented emerged, sometimes even between papers in different sessions, but also more generally on themes such as the value of property rights, the complex and layered issues associated with land, the urban shrinkage problem, the quest for the perfect planning system without any perverse results and the importance of treating the domain of spatial planning, water management and land policy in an integrated way, technically as well as socially.

**Special sessions**

Three special events were organised during the conference. Ben Davy’s (TU Dortmund, Germany) poster exhibition on the ‘Faces of land policy’ in and around the venue of the conferences proved to be very successful. After the conference, participants could opt to take one of the posters home.

Rachelle Alterman (Technion, Israel) chaired a special Roundtable on Land
Use Regulations and Compensation Rights in which the findings of a comparative research project on the ‘taking’ issue were presented for discussion. The research is the first large-scale systematic research entirely devoted to regulatory takings, around the question of whether or not landowners have the legal right to receive compensation from governments for land use regulation that diminishes property values. The book (Alterman, 2010) includes material from 13 advanced-economy countries around the globe, chosen to represent a variety of legal systems, institutional formats, planning culture, size and geography: the USA, Canada, Australia, the UK, Sweden, Finland, the Netherlands, France, Germany, Austria, Poland, Greece and Israel. The findings, as discussed in the special session by several of the involved authors, show a surprising variety of approaches to regulatory takings.

Doctoral students attending PLPR assembled for a ‘speed dating’ event, chaired by Thomas Hartmann (TU Dortmund, Germany). The idea behind this special session was to meet each other and to learn about the research projects that they work on. Every participant explained the three conclusions of his or her thesis in a short ‘elevator’ talk. Afterwards, the group split into smaller groups, each creating a word cloud of keywords. The posters with word clouds, around for example real estate, social justice, stakeholders and legislation, were presented during the closing plenary.

Concluding sessions and PLPR to Canada in 2011

The third and last day of the conferences began with parallel sessions and moved on to the closing plenary, during which Ali Mandanipour (Newcastle University, UK) gave a keynote speech on social exclusion and inclusive public space, discussing the role of urban public spaces in addressing social inequality and arguing that public spaces should be accessible places created and managed through inclusive processes. Harvey Jacobs (University of Wisconsin-Madison, USA) followed with a keynote speech on the property rights debate in the US and Europe and the influence of neo-liberal advocacy organisations.

At the end of the conference, PLPR’s General Assembly elected their new office holders. As the first action of the newly elected Executive Committee, formed by Leonie Janssen-Jansen (University of Amsterdam, The Netherlands), Ben Davy (TU Dortmund, Germany), Thomas Hartmann (TU Dortmund, Germany) and Michelle Oren (Technion, Israel), Rachelle Alterman (Technion, Israel) being honoured with a PLPR founding president trophy, was appointed as the Association’s first Honorary Fellow.

In 2011, PLPR’s first lustrum conference will be organised at the Faculty of Law, University of Alberta, Edmonton, Canada (25–28 May 2011). More information will soon be available on the Association’s website.3

3 http://planning-law.socsci.uva.nl/activities/index.html
References

