

Barrie Needham and Edwin Buitelaar

Conference report

## *Rights, responsibilities and equity in land use planning:*

*The 6th IAPLPR Conference, Belfast, 8–10 February 2012*

Planning is about places, real and particular places; and Belfast – the venue for the 2012 conference of the International Academic Association on Planning, Law and Property Rights (IAPLPR) – is a very special place. That is why this report begins with the sub-plot of this conference: Northern Ireland is emerging out of the terrible years of the troubles and inter-sectarian violence, and its people are proudly building rules, practices and bonds – including new planning laws and local government reform – in order to create a society which does not tear itself to pieces.

This sub-plot shed a warm glow over the rather wet and grey centre of Belfast and over the conference itself, shaping its common, plenary, parts. The conference was organised by the School of the Built Environment, University of Ulster and they gave it the locally very appropriate theme ‘Rights, responsibilities and equity in land use planning’. The meetings took place in the very smart Europa Hotel (the most bombed hotel in Europe!), a reception was held and dinner served in the magnificent and bombastic City Hall, and a second reception and guided tour were given in the grand and formidable Stormont parliamentary buildings.

To those of us with chilling memories of bomb scares and – worse – explosions, it was not necessary to make that sub-plot explicit; others, however, might have found it more difficult to understand some of the plenary sessions. Peter Roberts (*University of Leeds*) gave a presentation – ‘Big government in hard times’ – about the distribution of government powers between central government, local government and communities. Remember that much of the government of Northern Ireland, including town and country planning, had been exercised by London since 1972, because Britain could not trust the public bodies in Northern Ireland to do that impartially. Now, those powers are back with the Northern Ireland Assembly, but not yet with the local authorities.

Jenny Pyper, Deputy Secretary in the NI Department of Social Development, talked about urban regeneration and the spatial dimension of social services. Politicians must learn to take responsibility and to adopt shared agendas, she said. That statement is born out of much suffering and injustice. Richard Barnett, vice-chancellor of the University of Ulster, talked of the plans for a new campus, to the north of

the city centre, not separated from the local (deprived) community and encouraging access to all. Cathal Boylan, member of the Legislative Assembly and from Sinn Fein, talked to us of the inter-party cooperation on planning and environmental issues and on local government reform. He refers to Northern Ireland, expressly, as ‘the north of Ireland’, but works with everyone who wants to improve conditions in that province.

Even the guides who showed us round the City Hall and Stormont presented – lively, witty and informative, in the best Irish fashion – the same message: ‘we are going forward, constructively and inclusively’. My taxi driver said that it was good that such international conferences could once again be held in Belfast. However, even though Belfast and Northern Ireland are moving forward, local particularity is never far away. Diana Fitzsimons (*Turley Associates*), who during the opening reception talked us through the ambitious plans for Titanic Quarter, emphasised that the local council was aiming for an area that is not only mixed-use but also mixed-population. Where in other places this would imply a social–economic or ethnic mix, here – and strikingly for the visitors – it meant a mix of Protestants and Catholics, of Loyalists/Unionists and Republicans/Nationalists. We learned also that history is not only a burden, something to be borne in mind and acted upon continuously; it can also be a source of irony and laughter. We were assured by more than one person that the *Titanic* was OK when it left Belfast. Or as someone said: ‘it was built by the Irish and sunk by the English’.

The main plot was, of course, planning, law and property rights. Academic attention had started to focus on this theme during annual workshops held within the AESOP (Association of European Schools of Planning) annual congresses. The recognition that this subject deserved deeper and more continuous study led in 2007 to the establishment of the International Academic Association on Planning, Law and Property Rights: the ‘founding mother’ was Rachelle Alterman (*Technion*, Haifa, Israel). The conference in Belfast was the sixth to be held and, in all, some 90 papers were accepted for the conference.<sup>1</sup>

Planning applies laws which affect the way in which people may use their rights over land and buildings. It follows that a proper understanding of how planning can be made to work so as to achieve the chosen planning goals can be gained only by understanding what property rights are and how planning law interacts with them. This was the basis for the five or six papers on compulsory purchase, and for the same number of papers on the legal regulation of public participation, third-party appeal and the right to be heard. There were also papers on the complications faced by land-use planning when property rights over water and shorelines are affected by environmental change. Additionally, there were papers on environmental issues including wind farms (how are they affected by property rights?), the changing distribution of

1 Titles, abstracts, authors and e-mail links can be found at: [http://www.rpp.ulster.ac.uk/plpr/abstracts/PLPR%20Abstract%20Booklet\\_Final\\_complete1.pdf](http://www.rpp.ulster.ac.uk/plpr/abstracts/PLPR%20Abstract%20Booklet_Final_complete1.pdf)

property rights during land development (aboriginal rights, transferable development rights, unearned increments, etc.) and policies for mining and mineral extraction.

Some papers reported on valuable empirical research into the application of planning regulations: planners often ignore such matters as being peripheral to their grand concerns. Other papers were more abstract, arguing for a fundamental reconsideration of what planning by law and property rights entails, discussing concepts of justice, and making links between planning theory and legal rules for the right to be heard. This was also the case with the last keynote speaker, Alyson Kilpatrick, who linked abstract principles such as ‘rights’, ‘responsibilities’ and ‘equity’ to day-to-day practice in Northern Ireland in a wonderful way.

It is by exploring such issues that the IAPLPR will further its aim of deepening our understanding of the relationships between planning, law, and property rights. In the light of this ambition, we would like to make two suggestions based on our experience with this and previous conferences.

## Two suggestions

First, just as the sub-plot (Northern Ireland has picked itself up and is going forward) was not made explicit, nor was the main plot (deepening our understanding of planning, law and property rights) always clear. In particular, there were several presentations which would have been more at home in a broader AESOP congress. That implies no criticism of the quality of those papers, but a recommendation to the organisers of PLPR conferences that they could usefully impose a sharper structure. This would involve ordering the papers into themes (or ‘tracks’) and having the courage to reject papers, however good, if they are too marginal to the main plot.

Nevertheless, such structuring and ordering should not preclude happy accidents, such as the juxtaposition of the papers by Benjamin Davy (*TU Dortmund*), ‘Minimal property as a global human right’ and Judd Schectman’s (*Rutgers University*) paper, ‘Fighting for the right to dry’. The first argued that all persons should have a minimal right to access to land, a basic human right comparable to the right to food and water; the second analysed zoning regulations and restrictive covenants which forbid people hanging out their washing to dry.

Our second suggestion concerns the way papers are written and presentations are held (and not only at PLPR conferences). At the Belfast conference there were quite a number of papers and presentations that were fairly descriptive in the sense that local (or national) specificities were presented without much international or conceptual contextualisation. More guidance by the Association in this respect would facilitate communication between scholars who have very different national and disciplinary backgrounds. It would also help to make research findings better understood by and disseminated among a broader international audience.

## Organisational contributions and developments

No association or conference can be run or held without those who dedicate a substantial amount of their precious time to making that happen. The Local Organising Committee – Greg Lloyd, Deborah Peel, Anil Kashyap and Heather Ritchie – had made excellent preparations and shepherded us with the help of student volunteers through all the activities. There was also a special provision for PhD researchers, helping them to build up the networks that will be so useful to them.

Finally, a new Executive Committee was elected. Although often new to their role, the members of the committee are familiar faces for people who visit this intimate conference regularly. Ben Davy takes over from Leonie Janssen-Jansen (*University of Amsterdam*) as the President of the association. Ben's role as a Vice-President is taken over by Deborah Peel (*University of Ulster*), one of the local organisers of the Belfast conference. Fennie van Straalen (*Wageningen University*) replaces Michelle Oren (*Technion, Haifa*) as the PhD Coordinator. Thomas Hartmann (*Utrecht University*) stays in his position as Secretary-General.

One of the main tasks of the executive committee is to oversee the preparations for the next PLPR, to be held in at Portland State University in downtown Portland, Oregon, 13–15 February 2013.<sup>2</sup> Reflecting the challenges of globalisation and the enduring economic downturn for our communities and professional practice, the (tentative) theme of 'Property rights and planning in a changing economy' has been suggested for the meeting. More strategically, the executive committee bears responsibility for maintaining and improving the focus and the quality of the conferences in the years to come.

<sup>2</sup> Further information is available from Ed Sullivan, chair of the Local Host Committee: [conference@plpr-association.org](mailto:conference@plpr-association.org)