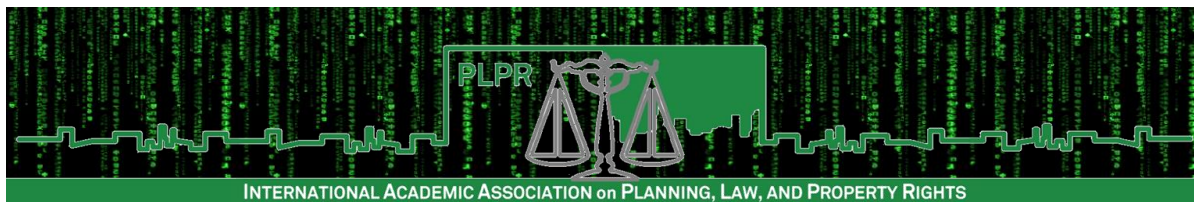


# PLPR 2021 online sessions

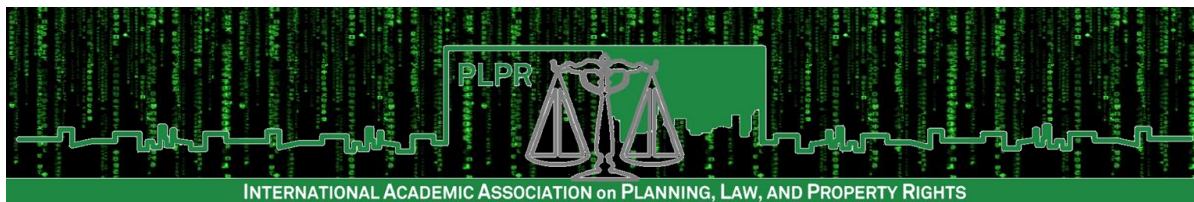
## Book of Abstracts

Session Title	<b>Planning, Law, Property Rights, and Hazards in a Climate Changing World: A Cross-National Contemplation</b>
	<b>02. February 2021 – 14.00-15.30 (CET)</b>
Session Chair & Co-Chair	<i>Richard K. Norton (University of Michigan, USA) &amp; Lenka Slavíková (J.E.P. University in Ústí nad Labem, Czechia)</i>
Session description (150-200 words)	<p>Ongoing climate change is also changing weather patterns globally, regionally, and locally. Those changing climate and weather dynamics are resulting in turn—simultaneously and somewhat ironically—in both increased drought and increased precipitation. Increased drought and precipitation are yielding in turn again increasingly frequent and intense firestorms, tornadoes, hurricanes, cyclones, and other extreme thunder, rain, and wind events. All of those changes are increasing the exposure of landscapes and people to increased risk, heightening the hazards they confront given the way landscapes have developed in the past, and given widespread expectations about how they ought to continue developing into the future.</p> <p>How are different countries experiencing these shifts in hazards as a result of climate change? What are the implications of those climate-hazard dynamics in terms of the planning processes being engaged and the corresponding legal authorities and doctrines either guiding or constraining those planning processes? Are expectations of what private property rights mean, given a climate changing world, shifting in response as well? Are any innovative responses emerging to any of these changing conditions, in general or at different scales? What is the prognosis for our ability to effectively (sustainably, resiliently) respond?</p>
Session format & ideas for interaction	<p>We propose to convene a panel discussion consisting of between 3 to 5 speakers drawn from different countries and continents who can speak to these questions briefly (e.g., about 10 minutes each) and then engage a moderated discussion about what we are learning and where we are headed. Potential speakers should indicate the location about which they will present, the kinds of climate-related hazards they will discuss, and a brief summary of anticipated comments. The panel will cover a broad array of locations, hazards, and ideas represented for the session.</p>



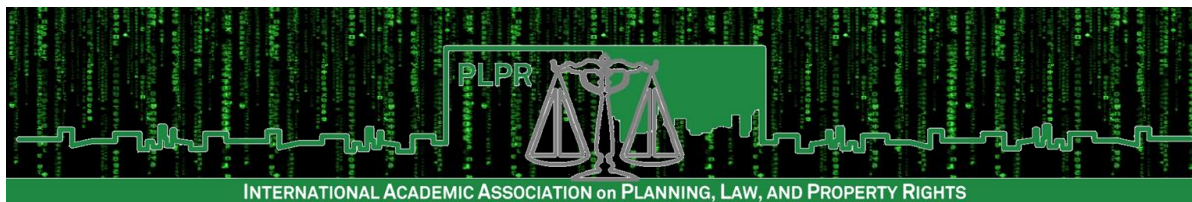
Session Title	<b>Innovations in Providing for Affordable Housing</b>
	<b>08. February 2021 – 21.00-22.30 (CET)</b>
Session Chair & Co-Chair	Edward Sullivan (Portland State University College of Urban and Public Affairs, USA) John Sheehan (Bond University, Australia & Guest Professor at J.E.P. University at Ústí nad Labem, Czechia)
Session description (150-200 words)	This session will examine select efforts to finance and permit affordable housing. The panel will focus upon three continents and comprising multiple jurisdictions to assess the continuing problem that these jurisdictions face in assuring that housing that the market does not provide is accommodated. Panellists from different countries and continents will discuss the housing shortfalls that nations or states have experienced, the funding <i>and other challenges relating to initiatives to build affordable housing</i> experienced, and the land use regulations (and their manipulation) that make the provision of affordable housing more or less difficult. The panel organizers prefer new ideas and new faces on this abiding topic and welcome academics that have not frequently presented on this topic before.
Session format & ideas for interaction	This session will include three or four presentations. While papers are welcome, the session is geared to be interactive, both among panel participants and the audience, and a survey of jurisdictions that deal with the financing and permitting of affordable housing will be the norm. The presenters expect the outcome to be an exchange of views and information that will assist participants in increasing affordable housing availability.

Session Title	<b>National Planning/Zoning and the Erosion of Local Decision-Making: Can Panning Survive in the Face of Re-centralization?</b>
	<b>09. February 2021 – 14.00-15.30 (CET)</b>
Session Chair & Co-Chair	<i>Nir Mualam (Technion, Israel Institute of Technology, Israel)</i> <i>Mathias Jehling (Leibniz Institute of Ecological Urban &amp; Regional Development, Germany).</i>
Session description (150-200 words)	In the past few decades, national planners (for example in Germany, Flanders, Malta, Greece and Israel) have reclaimed planning by introducing a range of tools, policies and regulation that circumvents, trumps, or ignores more local rules and policies. Although the literature speaks highly of devolution and decentralization, in many countries new national-level rules are compiled. They circumvent, and bypass, local planning through national rule-setting, re-centralization, selective



	<p>rescaling, transfer of powers back into the hands of central authorities, leapfrogging over local decisions, speeding up planning procedures, or through the elimination of independence at the local level. These processes and policies are designed to address certain problems and challenges that national-tier (or upper-tier) governments view as important. Erosion of local planning in this manner, is carried out in order to speed up planning, to deal with crisis situations, to provide certain amenities, or simply because of political reasons. This session intends to explore key examples of this turn of events in several countries and to discuss the motivations, rationales, and outcomes of such policies.</p>
Session format & ideas for interaction	<p>The session will consist of paper presentations. Each presenter will have about 12 minutes. Session chairs will administer the session and present the subject.</p>

Session Title	<p><b>How to Teach Planning Law to Non-Law Students?</b>  <b>15. February 2021 – 21.00-22.30 (CET)</b></p>
Session Chair & Co-Chair	<p><i>Linda McElduff (Ulster University, UK)</i>  <i>Andreas Hengstermann (Bern University, Switzerland)</i></p>
Session description (150-200 words)	<p>The teaching of planning law is a constant and essential theme of academic planning courses to comply with professional and educational needs. Yet teaching planning law to non-law students is challenging.</p> <p>Law and planning are in a fraught relationship. Planning uses and affects the law, and the law sets conditions for planning. Legal pluralism, changing institutional contexts, but also more transnational planning challenges on the one hand, and increasingly international classrooms on the other, make teaching planning law challenging. In addition, students often find law uninteresting and difficult. Such challenges raise questions regarding the merits of traditional ways of teaching law. Careful consideration of the pedagogy of planning law is required.</p> <p>By organizing this special session, we want to bring attention to this important field of PLPR members' everyday activities. How can we enable students not only to become knowledgeable of planning law but also enthusiast for it, while at the same time not becoming imprecise and superficial? What pedagogical styles, approaches and techniques could be adopted in the delivery of planning law modules? What good practice examples exist?</p>
Session format & ideas for interaction	<p>We invite contributions that attempt to answer such questions by recounting teaching experiences. In particular we welcome submissions from young academics to share their first teaching experiences and might ask questions openly to the audience. We aim for short contributions of about 5-7min (3-slides-style). Contributions could include reflections on learning outcomes, teaching methods or assessment methods.</p>

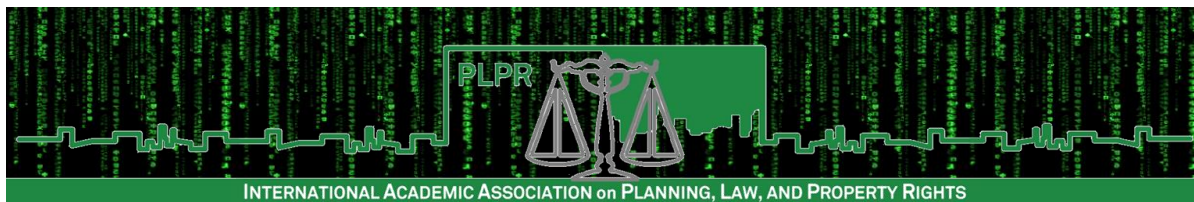


Session Title	<b>Informal Land Uses: Problems or Solutions?</b>
	<b>16. February 2021 – 14.00-15.30 (CET)</b>
Co-Chairs	<i>Ben Davy (TU Dortmund University, Germany / University of Johannesburg, South Africa) &amp; Mennatullah Hendway (TU Berlin, Germany)</i>
Session description (150-200 words)	Target 11 of the UN Millennium Development Goals demanded: 'By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers.' The indicator for monitoring progress was the 'proportion of households with secure tenure.' Clearly, MDG Target 11 prefers formal land uses to informal ones. Formal planning, legal institutions, or property rights are concepts whose creators also prefer formality. We wish to challenge this preference. Informal land uses are not merely problems, but can also be solutions. Informality is a survival strategy in the Global South. Also, 'secure tenure' is a dubious concept in countries where corruption is rampant, courts are weak, and poverty persists. Some voices in the debate on informality claim that not formality, but credibility matters. Others suggest that public services and robust labour markets would improve the life of slum dwellers more than formal land titles. Can planning, law, or property be reframed in order to accommodate alternative views on the informal?
Session format & ideas for interaction	We invite the submission of abstracts for 10 minutes online presentations. The session will start with an introduction by the co-chairs (10 minutes) followed by 5 presentations. An open discussion (30 minutes) follow. This session will be recorded and made available online.

Session Title	<b>Land policies – Instruments and Strategies</b>
	<b>18. February 2021 – 14.00-15.30 (CET)</b>
Session Chair & Co-Chair	<i>Thomas Hartmann (Wageningen University, The Netherlands), Andreas Hengstermann (Bern University, Switzerland), Eliška Vejchodská (J.E.P. University Ústí and Labem, Czechia)</i>
Session description (150-200 words)	Land policy implements spatial planning by deliberate interventions in the allocation and distribution of land by targeting property rights. Accordingly, instruments of land policy grant, change, or deprive property rights in land. The aim of this session is to facilitate a debate on how such instruments function in the respective contexts. The session will focus on instruments that make land available for housing. The instruments discussed in this session could be instruments that exist in many countries (land-use plans or expropriation), or very specific or exceptional instruments (land readjustment or building obligations).

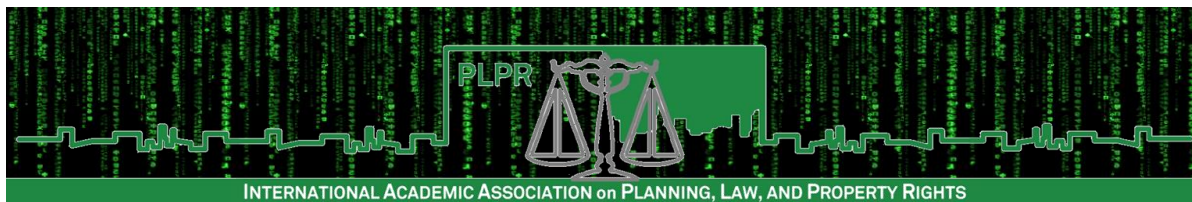
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	<p>We aim to discuss on the strategic use of instruments of land policy – probably in combination with other instruments – by public authorities to achieve the dedicated planning objective. Contributions should therefore focus on describing a specific instrument of land policy in its respective context by answering questions like: How does the instrument work in general? What does the legislator intend with this instrument? How does the instrument fit in the toolbox of instruments (i.e. in relation to other instruments)? How did it develop over time?</p>
<p>Session format &amp; ideas for interaction</p>	<p>This is an interactive and structured session, where different instruments of land policy are pitched in short presentations (5-7 minutes). During the session we shall discuss the functioning of the instrument along fictional cases, presented by the moderators.</p>

<p>Session Title</p>	<p><b>Blockchain &amp; advanced technologies for the post pandemic urban built environment.</b></p>
	<p><b>24. February 2021 – 7.00-8.30 (CET)</b></p>
<p>Session Chair &amp; Co-Chair</p>	<p>Rebecca Leshinsky (RMIT University, Australia), Ms Alexandra “Sasha” Levin (YK Law LPP, New York, USA), Balkiz Yapicioglu (Arucad University, North Cyprus)</p>
<p>Session description</p>	<p>Blockchain and other advanced technologies such as artificial intelligence (AI) and augmented reality (AR) play an operational role in residential and commercial mixed-use towers, estates and precincts. These technologies will now support the COVID normal environment so that public and private life, commerce, and communities can flourish. The technologies also assist with climate hazards, allowing for more remote management and will be used as another instrument for risk management. This is an emerging and developing transdisciplinary area for academia and practice.</p> <p>This call is for papers, which will map and critically challenge the post-pandemic urban built environment as to how advanced technologies can ensure more equitable, inclusive and safe land use planning and development; land registration and identification of property rights and interests, including building management rights. The session will therefore examine how blockchain and other technologies are being used in land use and development and real estate settings, however only from the perspectives of planning law and property rights. This may include municipal law and practice as well as land law, and planning &amp; environmental law instrumentality.</p>

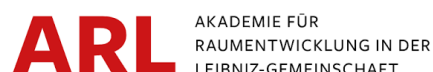


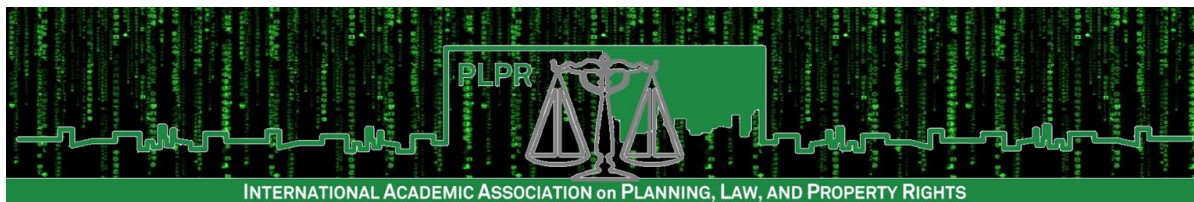
Session format & ideas for interaction	Introduction from Ms Sasha Levin and then 6 x 10 minutes short paper presentations. Industry is invited to participate as this is an emerging area of applied research with reciprocal lessons for practice and law reform and policy processes.
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Session Title	<b>Planning Law and Property Rights in Agricultural Land</b> <b>25. February 2021 – 21.00-22.30 (CET)</b>
Session Chair & Co-Chair	<i>Sofija Nikolić Popadić (Institute of Social Sciences, Serbia)</i> <i>Eran Kaplinsky (University of Alberta, Canada)</i> <i>Rachelle Alterman (Technion, Israel)</i>
Session description (150-200 words)	<p>Agricultural land is unique in its social function, size, and ownership patterns. Valued not only for food and fibre production, but also for a range of heritage, social, landscape and ecological services, agricultural land continues to grow in importance. Policymakers must balance a growing demand for agricultural production against pressures for conversion for competing uses such as housing, recreation, green infrastructure, and tourism. At the same time, policymakers must also address the impacts of agriculture on climate change.</p> <p>We invite papers, comments, and presentations focusing on the planning, regulation, and conservation of agricultural land, including:</p> <ul style="list-style-type: none"> <li>● Property rights, expropriation, and compensation</li> <li>● The impact of the conservation policies (e.g., EU “no net land intake”) on farmers and farmland</li> <li>● market-based conservation instruments, including offsets and tradable development rights</li> <li>● resilience and adaptation in the face of climate change</li> <li>● planning for a changing demographics in the agricultural sector</li> <li>● equity and social justice in farmland policy</li> </ul>
Session format & ideas for interaction	The session will include four or five presentations (10 minutes each) followed by moderated discussion.

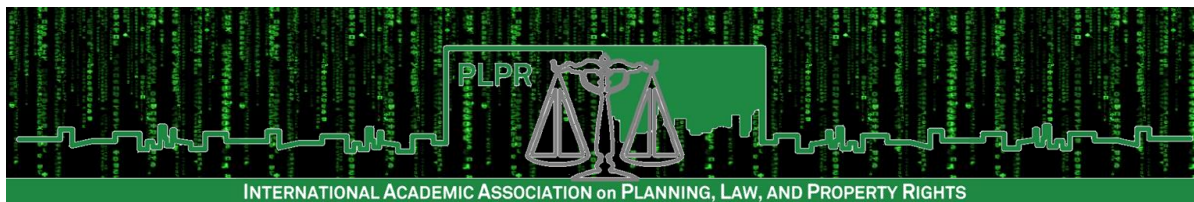
Session Title	<b>Emerging Comparative Impulses from International Law</b>
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	<b>01. February 2021 – 21.00-22.30 (CET)</b>
Session Chair & Co-Chair	John Sheehan (Bond University, Australia & J.E.P. University at Ústí nad Labem, Czechia) Pi-Ying (Peddy) Lai (National Pingtung University, Kaohsiung, Taiwan, Republic of China)
Session description (150-200 words)	This session will examine the influence of international law on the relationship between land use planning, law and especially property rights in both, common law and civil code legal traditions. The session will draw particular attention to impulses coming from international environmental law and other international land use and management drivers such as bilateral international agreements and compatible comparable domestic legislative and regulatory arrangements or bilateral memoranda of understandings. The panel will focus on comparative studies including Europe, Asia and Oceania and discuss issues arising from the impulses from international law on national planning, law, and property rights.
Session format & ideas for interaction	This session will include four intensive presentations. While papers are greatly encouraged, the session is nevertheless geared to be interactive, both among panel participants and the audience. The presenters will anticipate outcomes to be both a lively exchange of perspectives and the promulgation of information that will aid participant understanding.



## Abstracts

**Date: Monday, 01/Feb/2021**

9:00pm -

**Innovations in Providing for Affordable Housing I**

10:30pm

Session Chair: **Edward Joseph Sullivan**

**Online live session (follow the Zoom link is in your registration confirmation)**

Session Chair: **Rachelle Alterman**

information

Invisible Affordable Housing: Attempts to Regularize Accessory Dwelling Units

Yifat Holzman-Gazit<sup>1</sup>, Rachelle Alterman<sup>2</sup>

<sup>1</sup>The Haim Striks School of Law, College of Management Academic Studies, Israel; <sup>2</sup>Faculty of Architecture and Town Planning, Technion, Israel

Accessory dwelling units (ADUs) are self-contained units that are added to existing housings. The literature reports mostly on ADUs in single-family houses, but these units prevail also in condominiums where apartments are divided into two or more units. Often, ADUs are created without permits. They are rented out or serve to house family members.

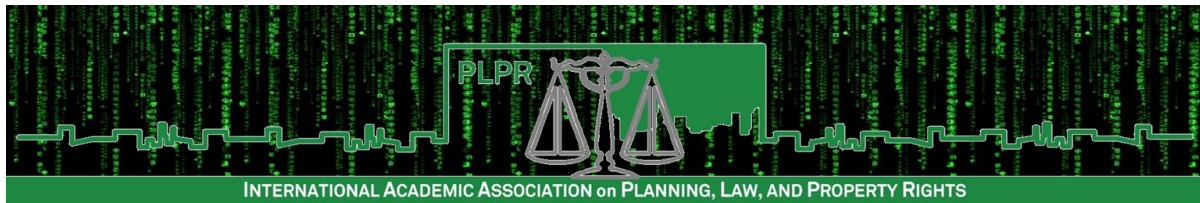
Unauthorized ADUs prevail not only in developing countries but also in many OECD countries. ADUs are usually rented at lower prices than regular units due to their smaller size and lack of permit. ADUs capitalize on existing infrastructure and enhance social diversity because they may attract households with a different profile than the main owners. But ADUs also pose challenges to urban management. Without accounting, planning agencies are not fully able to deliver the required public services. Unauthorized ADUs facilitate tax avoidance and can cause tension among neighbors.

This study focuses on Israel as a unique case study, where population growth and density are very high, and affordable housing is a major issue. Whereas in other countries policies to regularize ADUs are taking their first local steps, in Israel two national legislative initiatives have already been attempted. In 2011 the legislation addressed condominium apartments, and in

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2017 single-family houses. The Israeli legislature views ADUs as potential affordable housing, but the degree of success in implementation has yet to be assessed. The paper analyzes the details of the Israeli regulations and evaluates their effectiveness as a policy tool to increase affordability and density at the same time.

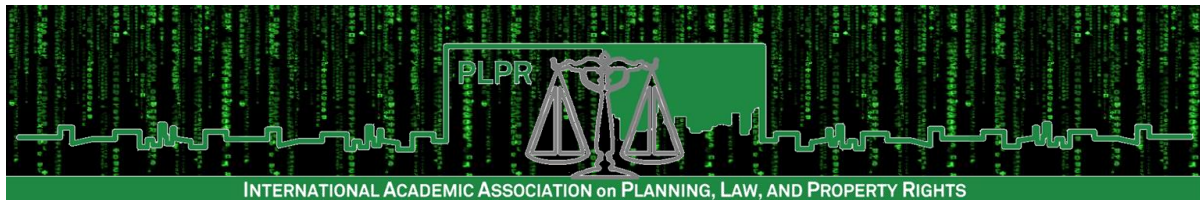
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### Judicially Inspired Innovations in Affordable Housing in New Jersey

Peter A. Buchsbaum<sup>1,2</sup>

<sup>1</sup>Superior Court of New Jersey, United States of America; <sup>2</sup>Lanza and Lanza, LLP

The Mount Laurel decisions in New Jersey created an uniquely strict judicial regimen for the enforcement of affordable housing requirements upon municipalities in that state. Although in 1986 the Court agreed to transfer administration of these requirements to an administrative agency, the Council on Affordable Housing (COAH), the total failure of that agency to enforce the underlying state, i.e. sub-national, constitutional obligation to create housing opportunities led the state's Supreme Court to resume judicial supervision of affordable housing mandates in 2015. At that time, Court set up an unusual structure for trial level courts to undertake their resumed responsibilities. First, one judge in each of the state's 15 judicial vicinages would be assigned to handle affordable housing cases. Those judges would assess the fair share of affordable housing that each town had to provide and evaluate their compliance efforts,. Second, municipalities could take the initiative by presenting their own plans to the trial court for approval through an application for a judicial declaration of compliance before they could be sued by builders. Third, a non-profit, the Fair Share Housing Center, was granted party status in each such municipal application. Fourth, in each case a planner, or occasionally a lawyer, would be appointed to advise the court on the adequacy of each proposed municipal plan and assist the parties in resolving any objections without the need for a full trial. Finally, builders could intervene in each of these cases to seek relief for their particular properties. These last three steps would



help to ensure that only substantively realistic plans received judicial approval.

The system has been remarkably successful in achieving plans that could produce as many as 50,000 affordable units by 2025. Over 330 municipalities sought judicial protection from builder suits. Over 300 of these cases have settled, without the need for extensive trials. The fair share numbers were established by competing planning reports that were adjudicated in several test cases, the results of which were largely accepted throughout the state. Most critically, an enormous variety of compliance techniques were approved. These included, in the 6 cases where this author served as Court master, the following for both rental and for sale affordable homes: 1, housing developments with a portion of units set aside as affordable, 2, adaptive reuse of uneconomic office space for affordable housing and retail uses, 3, reuse of former sites for hospital and other facilities, like quarries, 4, public private partnerships for the redevelopment of obsolete downtown properties, 5, deed restrictions placed on existing multifamily dwellings 6, conversion of formerly proposed senior housing sites into sites for mixed family and affordable housing 7, overlay zones to ensure that any future reuse of currently occupied sites would include affordable homes, 8, use of development fee trust funds and federal block grant moneys to fund rehabilitation of existing dwellings. 9, development of alternative dwelling units like accessory apartments in existing homes. and 10, municipally sponsored construction of 100% affordable development. And this is just a small sample of the 300 approved plans.

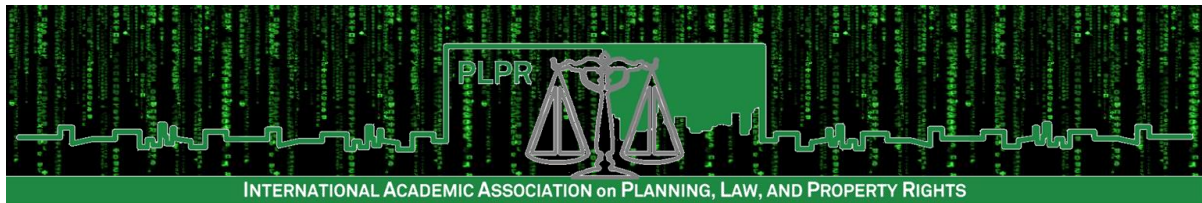
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## BRINGING JUDAISM DOWNTOWN: A SMART GROWTH POLICY FOR ORTHODOX JEWS

Michael E. Lewyn

TOURO LAW CENTER, United States of America

In recent decades, many haredi Jews (also known as “ultra-Orthodox”) have left New York City and moved to smaller towns in search of cheaper housing; some have created towns dominated by haredim such as Kiryas Joel, New York and Lakewood, New



Jersey As haredi populations have continued to grow, their households now seek even cheaper land outside these enclaves.

But as haredim move deeper into the countryside, zoning conflicts have multiplied; residents of nearby rural and suburban towns often do not want haredi settlements nearby, and seek to use zoning and other forms of land use regulation to keep them out. My article suggests that haredi communities can avoid such conflicts through a “smart growth” strategy: towns such as Lakewood can liberalize their zoning ordinances to allow more dense housing in the centers of their communities, thus reducing the need for expansion into other towns. In addition to minimizing zoning conflicts, a smart growth strategy would reduce pollution and automobile crashes by reducing the need for driving, and would reduce school busing expenses by making it possible for more children to walk to school.

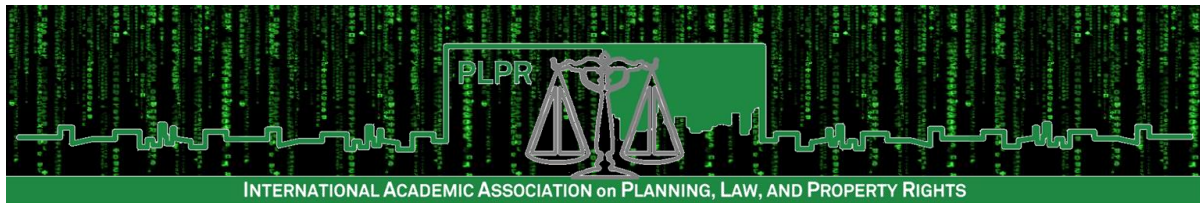
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Large scale social housing programs on Brazil and Mexico: urban law and inter-federative relations that define public results

Claudia Acosta

Fundação Getulio Vargas, Brazil

The starting point of this research is a public policy paradox between successful implementation and debatable outcomes for beneficiaries and cities. After more than two decades without significant federal public effort in social housing provision, two big federative countries, Brazil and Mexico, provided millions of federal subsidies to low income families aiding them to buy a new house. Both programs revealed successful implementation: high political alignments, high scale of production in a short period of time, huge territorial coverage, and large numbers of units and beneficiaries. The Minha casa minha vida program (Brazil, started in 2009) offered financial subsidies for more than four million of new social housing units while Tu casa – Esta es tu casa (Mexico, started in 2006) reached more than 8 million. In both cases those outstanding results in numbers happened in a short period of time. However, outcomes of those policies are debatable in social and urban terms. Scales of many projects are out of control, and those programs generated negative impacts of urban expansion with leapfrogging and sprawling effects and even dramatic changes in



urban growth patterns. Those locations represent fewer opportunities for beneficiaries and extra pressure over local governments for public and social services and infrastructure. On this session I dig on the urban law and the inter-federative relations to better understand the first part of the paradox: the successful implementation. In both cases, by constitutional mandate, local authorities have strong jurisdictional powers for land use regulations. In Brazil, land use regulations were manipulated by local governments not just to open space for the new houses at low price (and for the federal investment) but to compete with other localities for those resources. In Mexico, land use regulations have different political weight, particularly when water is scarcer than land and, water authorization are under state jurisdiction (instead of local).

**Date: Tuesday, 02/Feb/2021**

2:00pm -  
3:30pm

**Planning, Law, Property Rights, and Hazards in a Climate Changing World: A Cross-National Contemplation**

Online live session (follow the Zoom link is in your registration confirmation)

Session Chair: **Richard Norton**  
Session Chair: **Lenka Slavikova**

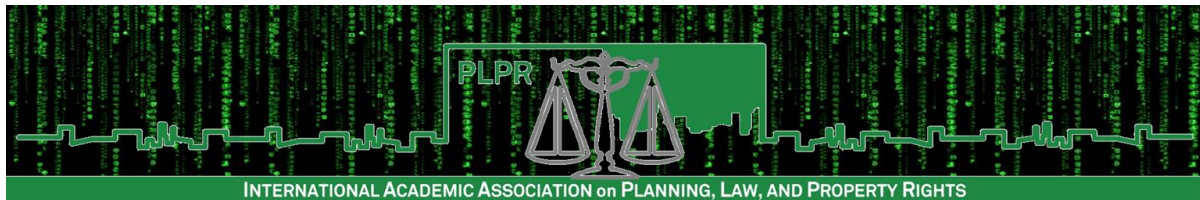
Barriers to adaptation to the impacts of climate change in Ireland

Louise Burns, Mark Scott, Michael Lennon, Oliver Kinnane

University College Dublin, Ireland

We are working on a study in Ireland, BE-Resilient, which is investigating the capacity for climate change adaptation in the built environment. Through information-gathering from elected members of Local Authorities; public sector planners; architects; and engineers, we are gaining insight into their knowledge-bases and activities as they pertain to resilience building in the built environment.

From a mitigation perspective, as we attempt to drastically cut carbon emissions, Ireland's current building standards pertaining to energy and ventilation are self-described as 'minimum' standards. There are few incentives to exceed these standards,



building certification is fully privatised, and building control may be under-resourced.

From an adaptation perspective, over 50% of our population resides on the coast, the majority in urban landscapes. All of Ireland's major cities are situated on estuaries. Pluvial and fluvial flooding events that were once 'one in a hundred year' events are now increasingly common, as coastal storm surges increase in frequency and intensity. Significant tracts of Ireland's cities are vulnerable to rising sea levels.

The key entry point for policy formation for climate adaptation in Ireland, the sectoral level, has not been achieved for the built environment sector. There are sectoral adaptation plans for overlapping and inter-reliant sectors (including flood risk management; built and archaeological heritage; water services infrastructure; transport; electricity and gas networks), but there is no statutory requirement for a sectoral plan which covers the 'buildings' elements of the built environment – the defining elements of the built environment where individuals live and work – housing and commercial property. Possible regulatory capture may be raising 'soft' barriers to changes in statutory building regulations and certification procedures, and institutional 'lock-ins' may contribute to resistance to change in planning policy and practice.

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Returning from the edge of value

Richard James Dunning, Andy Plater

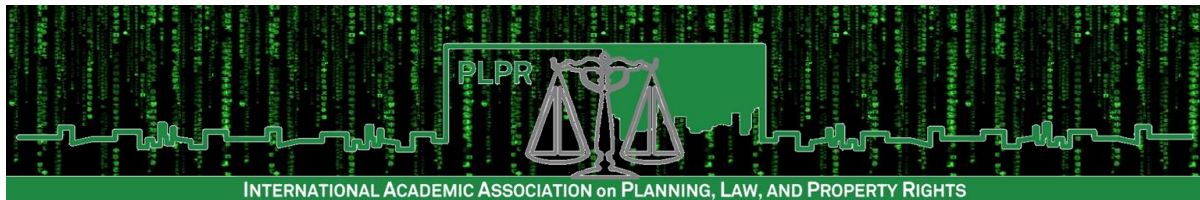
University of Liverpool, United Kingdom

Coastal communities are some of those most at risk from hazardous weather and natural events arising from climate change. This presentation will explore the potential for land and marine value capture to shape development and fund infrastructure provision to enhance the resilience of at-risk coastal communities.

Small Island Developing States have a high concentration of population and socioeconomic infrastructure within low-lying areas of the island. Within the coastal zones are a narrowly defined concentration of economic sectors - tourism, sea & air transport

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ports, major arterial roads, agriculture and fisheries, comprising approximately 90% of economic activities and employment. As such, coastal economies and communities are vulnerable to sea-level rise, extreme weather events and chronic land loss. Some of the settings in greatest jeopardy are island nations, particularly in the Caribbean where recent hurricanes (e.g. Harvey, Irma, Maria) have caused considerable economic losses arising from the damage sustained to the coast. For example, the impacts of Hurricane Maria on Dominica across its housing, agriculture, tourism, transport and education sectors totalled approximately 224% of 2016 GDP.

This presentation will explore the potential of land value capture to shape land use choices and fund infrastructure to enhance the resilience of at-risk coastal communities. It will consider the spatial implications of climate change and potential land value capture policies on a typical Small Island Developing State and consider whether there may be lessons beyond these states for understanding land, property rights and climate change.

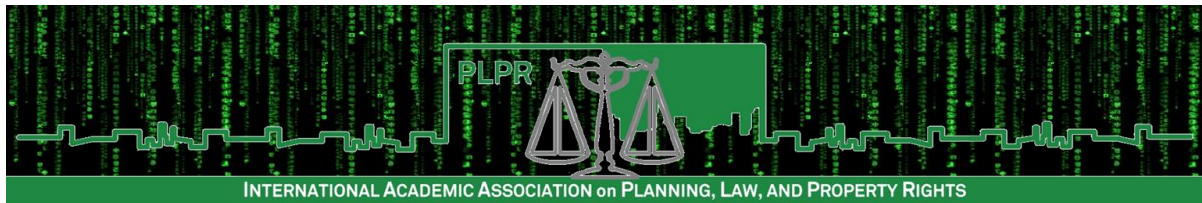
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## BALANCING THE INTERACTION BETWEEN URBAN REGENERATION AND FLOOD RISK MANAGEMENT – A COST BENEFIT APPROACH IN ÚSTÍ NAD LABEM

Paul Hudson<sup>1</sup>, Pavel Raška<sup>2</sup>, Jan Macháč<sup>3</sup>, Lenka Slavíková<sup>3</sup>

<sup>1</sup>Institute for Environmental Sciences and Geography, University of Potsdam, Potsdam-Golm, Germany; <sup>2</sup>Department of Geography, Faculty of Science, J. E. Purkyně University in Ústí nad Labem, Czechia; <sup>3</sup>Institute for economic and environmental Policy, Faculty of Social and Economic Studies, J. E. Purkyně University in Ústí nad Labem, Czechia

Urban areas are hot spots of flood risk due to how urban development concentrates people and assets into hazard prone areas, reinforcing negative externalities on the welfare of urban residents. Mitigating flood risk in urban environments, however, is challenging. This is not only because the process generating flood risk is complex, but the objectives of city planners, residents and/or developers are also multi-faceted and prioritized. Therefore, there are various trade-offs to be considered. One such problem across many areas of Europe and beyond is how to regenerate



urban areas, to improve the welfare, prosperity, and image of the city. However, in turn many areas within these cities will see this activity being traded-off against increased flood risk. Cost-benefit analysis represents a useful tool for assessment of this trade-off. In this paper we present an initial cost-benefit analysis of a potential urban regeneration project within the city of Ústí nad Labem that seeks to highlight the potential magnitude of such trade-offs that need to be more often actively considered as a core, rather than peripheral, element of urban regeneration and development. We present a simple model framework that can be expanded upon and integrated into wider regeneration visions.

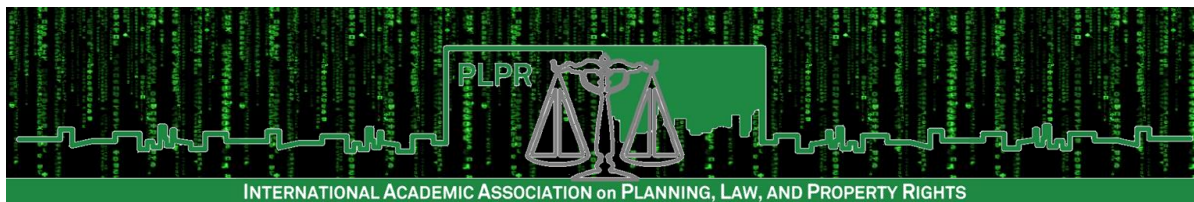
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Assessing the incorporation of nature and climate change adaptation in the sustainability narrative of environmental and spatial planning framework laws in the Portuguese context

Ruben Mendes<sup>1</sup>, Teresa Fidelis<sup>2</sup>

<sup>1</sup>GOVCOPP, Department of Social, Political and Country Planning, University of Aveiro, Portugal; <sup>2</sup>GOVCOPP, Department of Environment and Planning, University of Aveiro, Portugal

The concepts of blue-green infrastructures and ecosystem services are recognized in the literature as key factors for climate change adaptation. In the European Union context, the Biodiversity Strategy for 2030 also stresses this understanding. Frameworks laws related to environmental and spatial planning, among others, are key tools to foster the institutionalization of these matters at national and local level contexts as they serve as umbrellas to trickle down those concerns into lower levels of legislation and decision-making. This article undertakes a critical analysis of the current Portuguese Environmental Policy and of Spatial, Soil and Urbanization Planning Policy Framework Laws, both enacted in 2014. It uses a content analysis to study how the sustainability narrative is built and related to the concepts of biodiversity, blue-green infrastructures, ecosystem services and climate change. The findings brought to the fore are bewildering. In the environmental framework law, the sustainability narrative is mostly linked to development, green, low carbon economy and market instruments, but scanty related to biodiversity or ecosystem services. In the spatial planning framework law, the sustainability narrative



appears scantily and also associated with economic efficiency of spatial development. Climate change concerns are clearly miss considered in both laws, not to speak the role of nature-based solutions for adaptation and problem reduction. While the laws foresee economic instruments are as means to face environmental challenges, including the protection of nature, the nature is far from being conceptualized as a valid instrument. For documents that usually, are adopted to last for a decade ahead, and despite the ideological bias, frequent in this type of documents, the knowledge base and the climate change noticeable events would justify a stronger and more ambitious approach in both framework laws to set nature as a core for decision-making.

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## IMMOVABLE CULTURAL HERITAGE PROPERTIES AND CLIMATE CHANGE - LEGAL AND STRATEGIC POINTS OF ADAPTATION

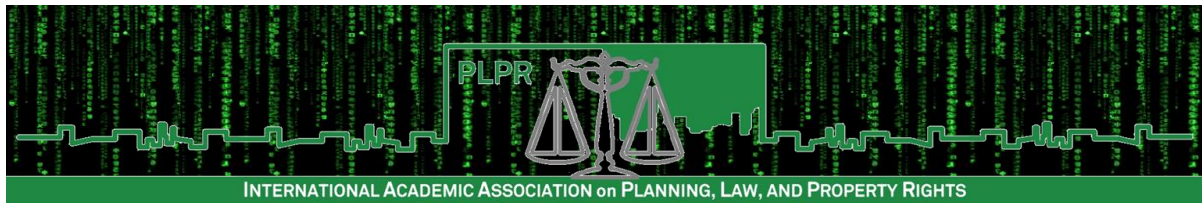
Tamara Gajinov

Faculty of Law and Bussines studies dr Lazar Vrkatić Novi Sad, Serbia, Union University Belgrade

Nowadays, cultural assets are exposed to wide range of dangers. Natural impacts are important category of threats in the era of climate change. Although generally natural disasters cannot be controlled or avoided, there are certain measures that can reduce the vulnerability of cultural sites.

The conducted study in the EU countries indicates the complexity and topicality of the questions of protecting immovable cultural heritage in terms of climate change, still insufficiently recognized in legal and strategic documents adopted at national, supranational and international levels. The extreme events so far have shown that "cultural aspects" of public policies of adaptation are often inadequate and inappropriate. Hence, the author's aim was to draw the attention promote the importance of safeguarding cultural heritage and their horizontal integration with the areas of environmental protection, spatial planning and risk management issues in emergency situations. This still an under-researched field requires mobilization of different-profiles experts, demanding multidisciplinary research that could be carried out mainly through major, cross-border and international projects and cooperation, as





well as learning from good practice examples. In the future, there are plans to work on establishing a modern database on natural hazards and disasters, then on the development of a system for monitoring changes in cultural heritage, as well as of standards for the assessment of the resistance of immovable architectural heritage to various adverse effects. It is particularly important to complete the already-begun process of mapping potential risks and digitisation of data about cultural heritage and potential risks.

Serbia has still not recognised the link between the sector for emergency situations and the need to protect cultural property. In the process of harmonization with EU legislation, Serbia has to take more significant efforts in the area of climate and energy policy with the aim to support sustainable management of immovable cultural assets and adequate protection against frequent natural disasters.

**Date: Monday, 08/Feb/2021**

9:00pm -  
10:30pm

**Innovations in Providing for Affordable Housing II**

Session Chair: **Edward Joseph Sullivan**

Session Chair: **Rachelle Alterman**

[Online live session \(follow the Zoom link is in your registration confirmation\)](#)

A Panacea or a Myth? Market-based approaches to affordable housing in Mumbai, India

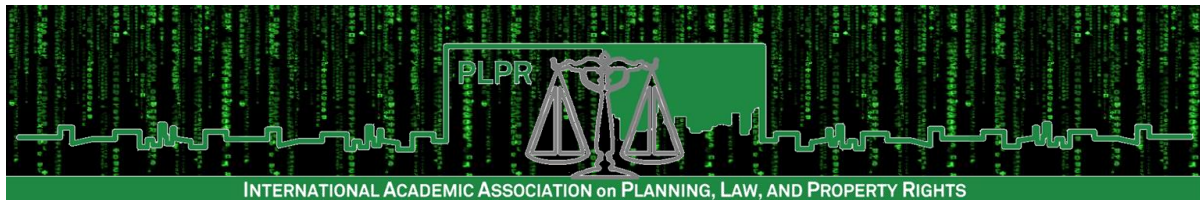
Faizan Jawed Siddiqi

Massachusetts Institute of Technology, United States of America

For over two decades, leveraging market incentives to spur affordable housing construction has been a key strategy outlined national housing policies in countries around the world. The introduction of this approach in the National Urban Housing and Habitat Policy in India is a good example of this trend, which represents a policy shift away from direct provision of affordable housing for the poor by the state. These market incentive-centric policies have been promoted by their "boosters" who argue that they represent a new innovative approach that holds great promise for the delivery of affordable housing. Critics have argued that

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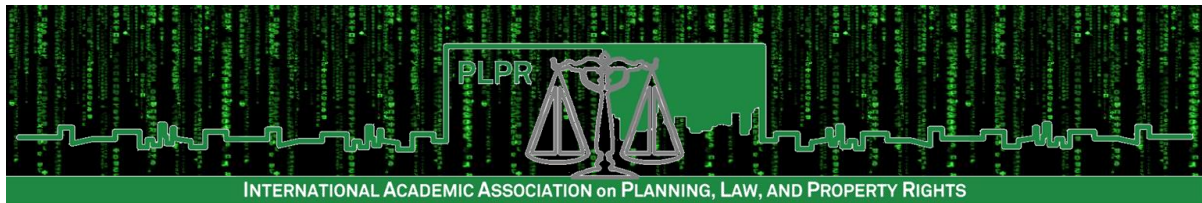


these market incentive-based policies are misguided and signal abdication of basic responsibility traditionally assumed by modern democratic states to provide welfare to the poor.

The empirical question of the efficacy of these "innovations" in affordable housing policies is yet to be sufficiently engaged with by scholars of affordable housing and urban development in the Global South. What are the institutional arrangements that these new market incentive-based affordable housing policies propose? How have these new approaches worked in practice? In what ways have they been successful? How could they be improved? I aim to spur an interactive conversation on these questions by foregrounding the story of a market incentive-based affordable rental housing scheme in Mumbai, India.

This Rental Housing Scheme floated by the regional planning agency in Mumbai in 2012. The aim was to create a "slum free city" by substantially increasing the availability of affordable rental housing in Mumbai by offering Floor Area Ratio (FAR) incentives to private developers on the condition that they build and hand over to the government 25 percent of the FAR in the form of affordable rental housing units. This research involved primary data collection (including semi-structured interviews with key stakeholders in the planning process, statistics on number of housing units produced, policy documents, among other sources) in Mumbai, India.

Standard explanations of housing policy and practice in India make two claims: 1) these policies represent failure, and 2) they are explained by "politician-developer nexus" (corruption). Going beyond this explanation, this research shows that the affordable rental housing policy failed to achieve the aim of creating a "slum-free city" because it asked too much of the "market mechanism." In addition, institutional plurality created conflict between regional and local planning authorities, which frustrated policy implementation. While recognizing the limited results of this ambitious affordable housing policy, this case study also highlights the learning by different stakeholders in the process. This learning offers opportunities for incremental improvement of market incentive-based affordable housing policies in India. The key learning on the part of planners is that a strong regulatory state and intra-state coordination is key to leveraging the potential of market forces for development.



## The affordable housing puzzle

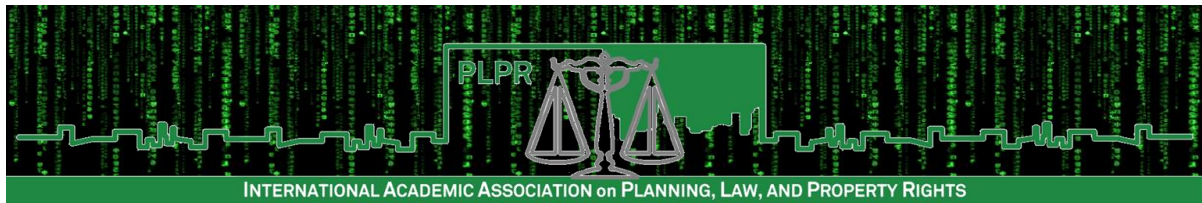
Knut Boge

Norwegian University of Life Sciences, Norway

Norway is a nation of homeowners. This is the result of a deliberate policy. The price of housing in the Oslo area has grown significantly since 1992 when the housing market bottomed due to the 1987-1992 banking crisis. Between 1992 and 2019, the price of flats in the Oslo area has increased about 10.8 times, according to Statistics Norway. During the same years the total construction costs for housing has increased about 2.27 times. From 1992 to 2018 the disposable income for all households after tax has increased about 1.67 times. Thus, the relative price of housing in the Oslo area has grown far more than construction costs and disposable income. Today, persons with ordinary jobs and income struggle to find affordable housing in the Oslo area. The situation is particularly difficult for young persons without wealthy parents.

Norway had a well-run system for provision of affordable housing from the 1950s until the early 1980s when the system partly imploded. Those in rural and suburban areas who received subsidized loans to build a single-family or a semi-detached house became owners and could sell their house in the market. Those in urban areas who lived in flats built and owned by the housing cooperatives could only sell their leasehold in a regulated market. When the dam burst, the government deregulated the housing markets and eliminated many mechanisms that had provided affordable housing. City of Oslo came in financial difficulties in the 1980s because of fewer inhabitants and a tax reform that made Oslo a cash cow for peripheral municipalities. To overcome these financial difficulties, City of Oslo sold off a large number of properties that had been leased to housing cooperatives.

Today, Norway has an almost completely market based system for provision of housing. Most of the land in Oslo ready for construction is privately held, and the former housing cooperatives act and operate as commercial real estate developers. City of Oslo can provide zoning plans, but the developers do not build anything unless they make sufficient profits, and they definitely not build anything that may upset the balance between demand and supply and flood the market with cheap housing. How to provide



affordable housing for those eligible without making those not eligible worse off, and how to provide affordable housing that do not create poverty traps? Should the authorities stimulate the supply side; i.e. through provision of land, zoning plans and building permits, or should they establish a subsidized and regulated rental market? In Oslo, the supply side alternative is only partly feasible, because City of Oslo sold their position as dominant land owner. How to break this Gordian knot?

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## Affordable Housing in Portugal

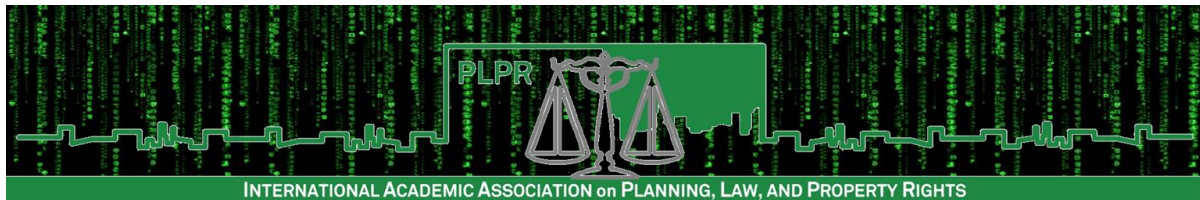
Dulce Lopes

University of Coimbra, Portugal

The recent Portuguese housing law aims at increasing housing affordability by controlling the rents of the old contracts and giving fiscal benefits to the landlord who make longer contracts. But there are also other innovative mechanisms that aim to increase affordability in housing provision. These will be the object of our analysis.

Law-decree n. 68/2019 created the Affordable Renting Programme (Programa de Arrendamento Acessível - PAA), which entered into force on the 1st July 2019. This legal scheme is similar to a rental market contract, but with particular features. To become a landlord or a tenant under this legal framework, any individual has to register in the PAA's electronic platform, which is run by an official entity – IHRU .

The landlord's advantage is that rent income in the PAA benefits of tax exemption (Law n.º 2/2019, 9 January). However, the rent must be at least 20% lower than the average rent calculated by a formula called Reference Value of the Rental Price. This programme was conceived to promote housing affordability to those who cannot pay an ordinary market rent, but are not so poor as to access social housing. As mentioned, the principle of this voluntary rent system is that public support is given not to the tenant, but to the home owner in terms of fiscal advantages, compared to normal rentals.



Law-Decree n. 69/2019, 22 May, also established a special insurance framework for these contracts that include compensation for lack of rent payment; compensation for involuntary breach of income and compensation for damages to the facilities.

Besides this general framework, some Municipalities (like Lisbon and Oporto), in light of the recent housing crisis, have also established their own affordable housing schemes. The underlying common factor is that the municipality rents housing units to sublet them to interested persons and families at affordable rates. This is a relevant change for a Country where previously no significant worries regarding affordability could be found in legislation and practice. We will aim to define the scope and benefits brought by such schemes and also give an up to date image of their implementation in practice.

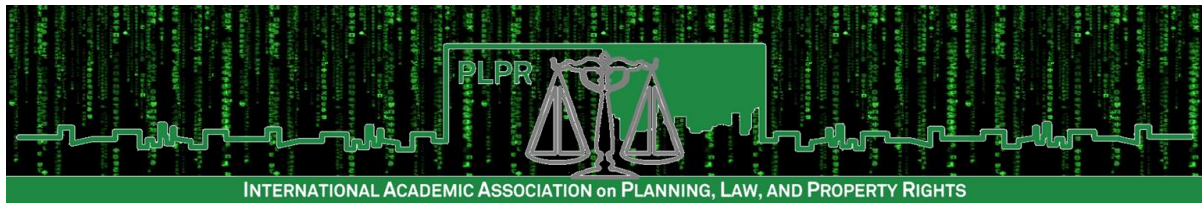
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Innovation instruments and policies to access affordable housing:  
the case of Porto

Emília Malcata Rebelo

University of Porto, Portugal, Portugal

A growing real estate, financial and touristic pressure has increasingly been exerted on city historical centres, which are becoming more attractive for worldwide investors. Alongside these interests, citizens are becoming more demanding in claiming their citizenship and quality of life. Together with the downfall of the welfare state and the increasing budgetary difficulties faced by regions and municipalities, the public opinion is less demanding regarding the responsibilities attached to public authorities in solving social problems, thus private or public-private management mechanisms are increasingly adopted. So the question is: “Within the scope of a globalised world, how can cities proceed economic and financially sustained regeneration strategies and policies, preserving their inhabitants’ social integration and cultural identity?” This communication debates this contentious issue faced by contemporary cities, and presents an illustrative case study in Porto city (Portugal). It shows how planning instruments, governance strategic guidelines and policies, collaboration practices between the public and the private sectors, and contextual factors, enable reaching economic and



socio-cultural community goals and access to affordable housing, especially among the more disadvantaged. It additionally shows, from a planning perspective, possibilities to manage these tensions among real estate, tourist and financial interests, thus reconciling them with the interests of resident populations.

**Date: Tuesday, 09/Feb/2021**

2:00pm -

3:30pm

[Online live session \(follow the Zoom link is in your registration confirmation\)](#)

**National Planning/Zoning and the Erosion of Local Decision-Making: Can Planning Survive in the Face of Re-centralization?**

Session Chair: **Nir Mualam**

Session Chair: **Mathias Jehling**

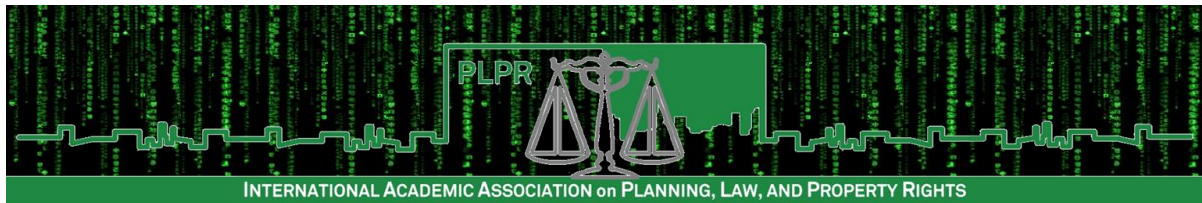
Economic crisis and the circumvention of spatial planning: The Greek case

Despina Dimelli

Technical University of Crete, Greece

Since 2009, when the economic crisis started in Greece, new planning tools were developed in order to promote the policies for new investments. Two laws that were legislated in 2011 and 2012 supported the exploitation of public and private land through the circumvention of spatial planning, for the construction of infrastructures which would provide new jobs. This legal framework was applied in many kinds of investments but mainly in tourism infrastructures, as this sector is the flagship of the Greek economy. So, regional and local planning restrictions and procedures, are in many cases ignored and large scale tourism infrastructures are constructed in the tourism zones of Greece.

The current paper will examine the spatial legislative framework which circumvented the existing spatial rules and restrictions in order to facilitate tourism infrastructures and evaluate its environmental, social and economic effects. The case study that is chosen is the island of Crete, which in the recent years has developed in its coastal zones tourism large-scale infrastructures that are not forecasted in the existing regional and urban plans.



The paper will investigate two large-scale tourism infrastructures of Crete, that are chosen with the criterion of their allocation in protected and saturated areas of the island. The aim of the research is to examine the divergence between the existing land restrictions and the rules for the new infrastructures, which are not proposed by the existing plan. It will evaluate the procedures that were followed in order to facilitate the investments, through the abolishment of the existing bureaucratic processes. It will also examine the reaction of the local societies as spatial planning participatory procedures are abolished. Finally, it will examine the environmental consequences of these interventions and their adjustment to the existing landscape.

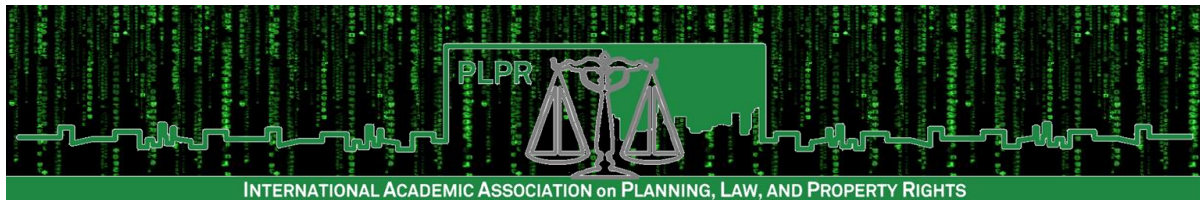
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Selective rescaling, inequality and popular growth coalitions: The case of the Israeli national plan for earthquake preparedness

Talia Margalit<sup>1</sup>, Nir Mualam<sup>2</sup>

<sup>1</sup>Tel Aviv University, Israel; <sup>2</sup>Technion, Israel

What happens when a government decides to re-zone an entire country and give apartment owners nationwide incentives to upgrade their homes? Can such a plan benefit all, and what happens when it does not? We discuss these questions by analyzing TAMA 38, a nationwide statutory plan approved in Israel in 2005. With this plan the central government encourages apartment owners of older buildings (built before 1980) to make them earthquake-ready by giving them options to add floors and space, and to cooperate with developers who will renovate the properties. The plan is a strictly entrepreneurial undertaking that depends entirely on land values and private market actors. At the same time, to expedite the implementation of the policy, the central government performed an adventurous scalar jump, bypassing both local and regional planning levels and allowing owners to acquire building permits regardless of local plans, conditions, and regulations. We discuss this plan in light of the literature on rescaling in planning. Scholars show that following decades of growing neoliberal decentralization, various central governments are now advocating a variety of centralized-decentralized policies that bypass local decision-making and/or strategically blur national, regional, and local planning scales. As in the case of TAMA 38, such methods perpetuate the neoliberal



dependence on market agents, and prioritize specific actors, places and projects. By analyzing the implementation of this policy, we show how such methods create uneven development and power conflicts between actors from different planning tiers. Ultimately, we demonstrate that, regardless of nationwide goals of earthquake preparedness, planners focus on central locations and affluent actors, while meaningful questions about equality and scale are sidestepped and forgotten.

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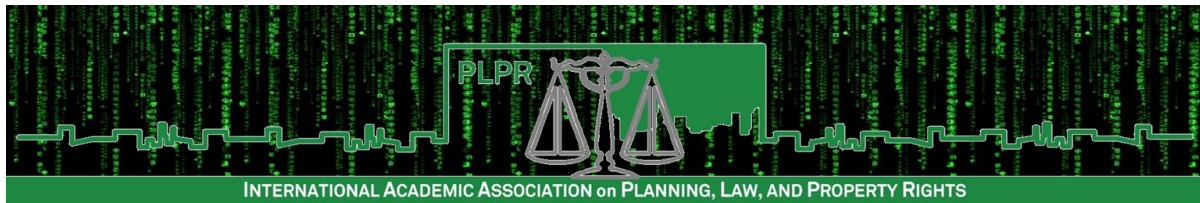
### Housing in the Face of Crisis: The Influence of Israel's 2011 Protest on Housing Policy

Ravit Hananel, Nachmany Harel

Tel Aviv University, Israel

Do social protests effect government housing-related decisions? If so, in what way? To answer this question this study examines the influence of Israel's 2011 social protest on the government's housing policy, using an empirical cumulative-aggregative analysis of housing-related decisions in the past two decades. The empirical analysis is based on two generic classifications of government interventions commonly used in housing literature: first, decisions aimed at increasing the housing stock (supply-side), as opposed to policies aimed at augmenting consumers' financial capacity to obtain adequate housing (demand-side); and second, policies that encourage homeownership as opposed to those that promote rental housing. The research findings show that the 2011 protest prompted the Israeli government to engage in housing. However, the interventions introduced focused largely on increasing the inventory of housing units by relying on private sector initiatives (supply side) and were mainly regulatory. With regard to housing tenure, after the protest, for the first time, a policy of building rental units was introduced. But even this focused on increasing the supply and not on helping consumers. The study discusses the findings and their implications for various population groups. Given the current global affordable-housing crisis, the findings are relevant to many countries and may help decision makers design policies that are better tailored to both consumers' and producers' needs, and thus may achieve more adequate, just, and effective outcomes.





## A Dutch Yoyo: chronicles of (de)centralization of planning in the Netherlands

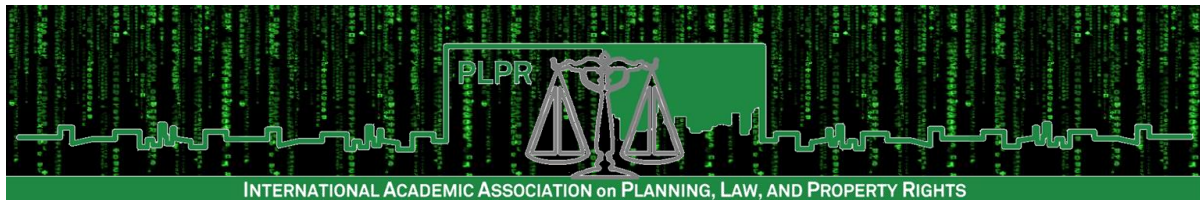
David Evers<sup>1</sup>, Roel Hilhorst<sup>2</sup>

<sup>1</sup>PBL Netherlands Environmental Assessment Agency, Netherlands, The; <sup>2</sup>University of Amsterdam, Netherlands, The

Since 2000, the Netherlands, renowned internationally for strong national planning (Faludi & van der Valk, 1994) surprised many by decentralizing (or outright abolishing) virtually all urbanization policy, relegating longstanding planning concepts such as the Green Heart, Buffer Zones and the compact city to the proverbial dustbin of history (Zonneveld & Evers, 2014). Over the same period, planning law was repeatedly modified to streamline development, a move generally associated with neoliberal ideology, and the national planning agency transferred to serve under the more powerful ministry of infrastructure. One could easily be forgiven for assuming that Dutch national planning – and indeed Dutch planning in general – was moribund.

Reality has proven more complex. The aforementioned legislative reforms also enabled unprecedented levels of top-down intervention, including the power to draw up binding general rules for local zoning plans or to impose zoning plans from above (Evers & Janssen-Jansen, 2010). Moreover, the fusion of environmental and planning law connected planning to the political urgency and legal obligations of the latter. The 2019 National Environment and Planning Strategy reflects this change; it's far more ambitious than its predecessors. In September of this year, the minister, emboldened by calls to reinstate a national ministry of planning, argued that, following decades of decentralization, more national control was needed (and presumably imminent).

The minister's position is debatable. The province of Utrecht, for example, immediately protested that in the interim it had established a well-functioning planning regime. It had assertively dealt with the oversupply of office space by rezoning unbuilt sites to agriculture and transforming vacant buildings. Other provinces could use similar arguments. The classic prisoner's dilemmas faced by competing municipalities regarding out-of-town retail



was widely overcome by retaining national restrictions. Finally, most provinces allocate housing quotas and Utrecht's action plan seeks to boost supply – an issue frequently raised to justify central steering.

Renewable energy is another matter entirely. In the 2000s responsibility for meeting megawatt targets was delegated to provinces. However, as pressure mounted from the European Union, the national government reasserted control, designating large swathes of the country as suitable for wind farms, imposing zoning plans over municipal protests (Nabielek, 2018). As the decade wore on, the drawbacks of top-down heavy-handed tactics became apparent, and the national government again decentralized responsibilities, this time to newly designated energy regions. These were charged with drafting strategies to meet national targets and raise public support. However, just as the first regional energy plans were being adopted, the ministry expressed reservations about the process, hinting at possible recentralization.

These examples reveal continuous rescaling in Netherlands. Like a yo-yo, power runs up and down the vertical axis as higher echelons periodically seize and then relinquish policy control. Sadly, as regions and provinces develop the necessary institutional infrastructure to overcome territorial fragmentation caused by decentralization, this same institutional capital continually finds itself under threat by a possible next swing upwards. Moreover, horizontal fragmentation between policy areas means that multiple unsynchronized yo-yos are in play, making integrated multi-level policy coordination increasingly unattainable.

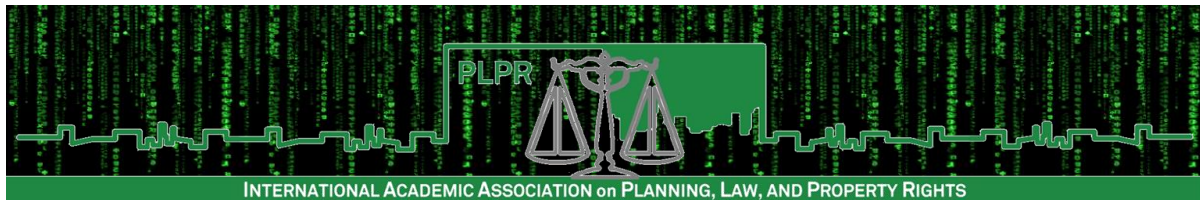
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## An Evaluation on the Recentralization of Planning Rights: The Turkish Case

Tolga Levent

Mersin Universitesi, Turkey

Turkey has been governed by the same political party for almost two decades. Until the ongoing currency and debt crises started in the year 2018, the legitimacy of its long-lasting power comes mainly from the economic growth expressed in quantitative terms, such as the export levels, the share of foreign public debts, and the



increase in the gross domestic product. The main strategy for achieving this growth in a fast and furious way is opening all the rural and urban areas of the country to public and private investments. Yet, there have been two main obstacles against the realization of this strategy: local resistance and spatial planning. Local resistance to certain investments, embodied in social groups, NGOs, and sometimes the municipalities, has appeared not only in the forms of protests or boycotts but also with the litigations in the administrative courts. Spatial planning, on the other hand, could not intake certain investments with its long-term considerations. To suppress the local resistances, the central government uses certain authoritarian political practices. The obstacles caused by spatial planning itself are eliminated by the recentralization of the local planning rights back into the hands of the central government. This study aims to understand the negative spatial impacts of this recentralization in the Turkish context. After a brief historical evaluation of general decentralization and recentralization processes of planning rights in Turkey in the first part, the second part will focus on the ongoing recentralization process by referring to the changes in legal and institutional frameworks. This part will also discuss the general spatial outcomes of this process, especially in metropolitan cities. Within the conclusion, there will be preliminary suggestions for the reorganization of spatial planning to reverse the negative impacts.

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One for all, all for one - The vulnerability of planning when individual interests find their way into national legislation

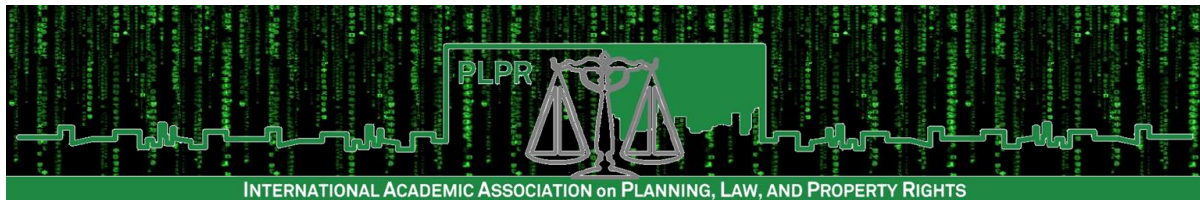
Tristan Claus, Hans Leinfelder

KU Leuven - Faculty/Department of Architecture, Belgium

The region of Flanders has one of the highest percentages of dual political mandate holders in Europe. 96 of the 124 members of parliament (MPs) also carry out a local mandate as mayor (19,4%), alderman (19,4%) or municipal councilor (38,7%). It is not unusual for these MPs to vote on generic planning legislation at the national level, after which they themselves apply it at municipal level. This mechanism gains an extra dimension when, through constituency service - an informal approach of these MPs to help individual citizens -, the individual interests of their electorate scale up to generic changes in national planning

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legislation. By means of amending decrees, MPs who are also mayor or alderman translate the building project needs of individual land owners into regulations that apply to every similar project in the entire Flemish Region.

Since the 1990s, the Flemish government is using a mixed system of land-use planning and strategic structure planning to safeguard its open space. The structural aspects of this planning system, however, have been gradually weakened by national legislation since the early 2000s. Mainly under pressure of disgruntled citizens, parliament voted one amending decree after the other to undermine its own land-use plans. Owners of buildings with a use that does not comply with the zoning are given the fundamental right to renovate, rebuild or extend. Later on, owners of buildings with the right use in the right zone are allowed to change it into completely different uses. The consequence is that residential villas, tourist facilities or non-agricultural enterprises characterize the Flemish open space where, in principle, agriculture, nature or forestry should have prevailed. Considering that planning serves a collective and long-term interest, these cases raise the question of whether it can survive in a context where local dual mandate-holding politicians determine national legislation.

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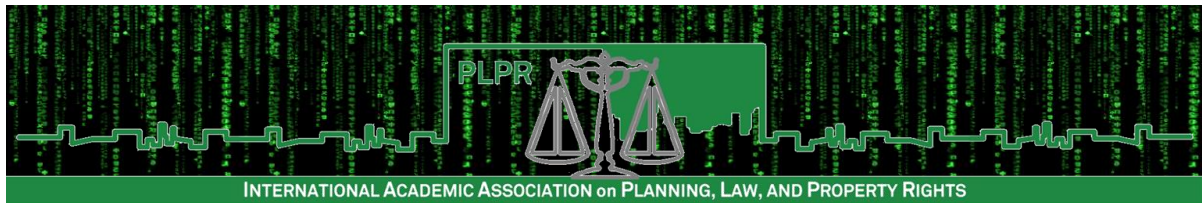
the dance of power between central and local governments in France

Sonia Guelton

University Paris East, Lab'Urba, France

France has a tradition of State decision in the development system. Although since 1980, decentralisation has been enforced, giving local government the full decision in planning and building rights allocation. It does not exclude national frame and limits. During the last decades, the government came again in the development system with a round of legislations which enables the creation of state agencies missioned to buy land or develop land. The contribution aims at identifying the governance of these agencies, through

some examples. We would like to underline the case of Land agencies created after 2010, and/or development agencies which



survive from the new town policies (1960). It discusses their position "in the middle" of the different level of governments, and the way they cope with different strategies and contexts.

**Date: Wednesday, 10/Feb/2021**

9:00pm -

**Land policy instruments for Housing**

10:30pm

Session Chair: **Eliska Vejchodská**

**Online live session (follow the Zoom link is in your registration confirmation)**

Session Chair: **Andreas Hengstermann**

French social housing obligation

Sonia Guelton

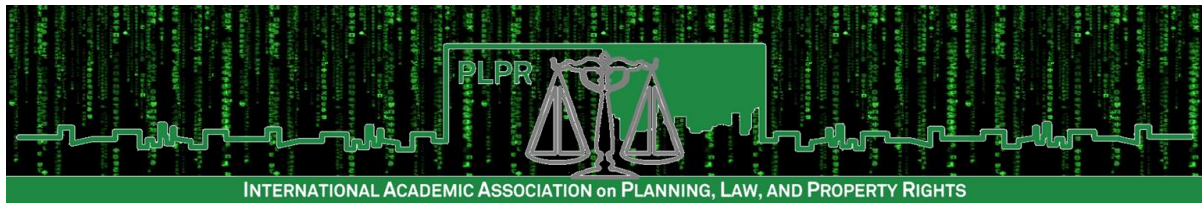
University Paris East, Lab'Urba, France

Since 2000, a national legislation (art. 55 Law called SRU) makes it compulsory for local authorities to reach a level of 20% (25% since 2013) of social housing in the total stock of housings inside the municipality perimeter. The legislation does not mention how this objective could be reached, with which planning instruments. It will be the subject of our contribution. We intend to identify the main planning tools to reach the legislative objective. The most common instrument is the entering of building obligation / requirement in the local Plan. Our proposition is to give some feedback on their use at the municipal level. In addition, we propose to identify some local strategies which either use the legislation or distort the legislation to achieve their own objectives. Under some circumstances, the State could also interfere and realise projects without the consent of municipalities.

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Keeping Urban Housing Permanently Affordable: The London Community Land Trust

Angelique Chettiparamb



## University of Reading, United Kingdom

Cities have often been described as ‘engines of growth’, yet it is increasingly clear that not all within a city benefit from this growth due to lack of access to basic living conditions. Globally, for a vast majority of the population, the price of urban accommodation is beyond their ability to pay, thus restricting access for all but a small percentage of very wealthy individuals (Davy 2020).

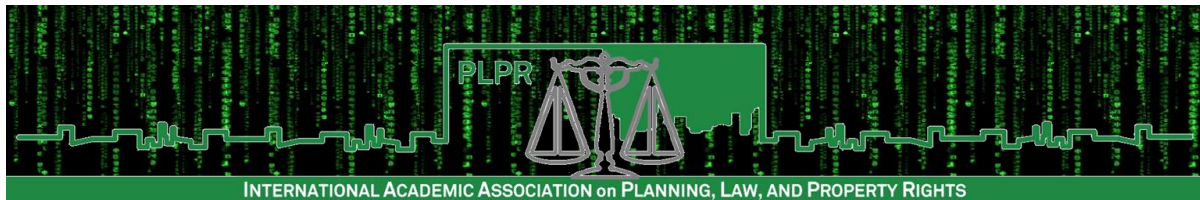
In the UK, access to affordable housing has been a political issue for around a century. Successive hues of Government have tried to address the problem through policy, funding and other initiatives. However, the shortage in housing is on the rise more than ever (Watt and Minton, 2016). In London, a possible solution emerged drawing on the Community Land Trust (CLT) model which reimagines property rights with some success in rural contexts in the UK.

This presentation will examine the challenge in accessing affordable housing in London for the poor and middle class and the Community Land Trust as a model for providing permanently accessible housing in high land value urban contexts (Bunce, 2018). It will then analyse the institution of the London Community Land Trust (LCLT), the redevelopment of the St Clement’s Hospital site at Mile End in London, the various legal processes, procedures and actors involved in the allocation and financing of the built homes and finally the achievements and future plans of the London CLT. The presentation draws on a case study documentation funded by the Lincoln Institute of Land Policy.

Questions for debate: Can CLTs be a model for the expansion of housing stock in significant quantities? Can the CLT model remain permanently affordable as claimed? Will it have an impact on the land market? Will the many obstructions cause the model to wither away in practice?

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## City of Cape Town’s Single Residential Zoning 2: Incremental Housing (SR2) zone



Stuart Paul Denoon Stevens, Verna Nel

University of the Free State, South Africa

The focus of this proposal is the City of Cape Town's Single Residential Zoning 2: Incremental Housing (SR2) zone. While not without its problems, which will be discussed, this represents a relatively unique attempt, both in terms of South African and global South practise, to create a zoning category that can cater for both informal and low-income land use. This responds to the many calls in the literature to create appropriate planning standards for the poor. This zone also represents an attempt to deal with land tenure issues, in that it includes provisions that allow for households to apply for planning rights, and for determination of planning controls, in situations where the occupation of land and the formally registered cadastral layout do not correspond.

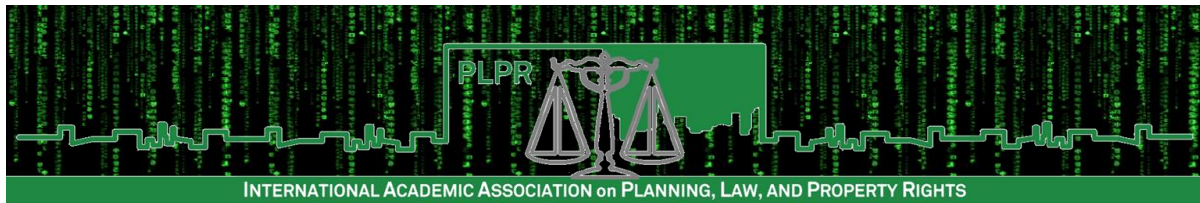
However, despite its many innovations, and its clear attempts to be relevant to the everyday lives of the poor, in some respects it fails to fully break from older ideas of what is appropriate urbanism in Southern contexts. For example, the zone still requires that any retail land use be less than 40% of the total floor space of the dwelling (or 40 square meters, whichever is less). Additionally, it requires that the property contain a dwelling which is occupied by the proprietor of the house shop. These types of provisions still contain an underlying assumption of what low-income areas 'should' be, which may or may not be in line with actual practise and needs.

Given both the positive and negative qualities of this zone, it provides an excellent case study to spark debate both on what actually are appropriate planning standards for low-income areas, and the drafting thereof. As such, this planning instrument will be of interest to scholars dealing with urban planning and urban law in Southern contexts.

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Governing densification – Land policy for qualitative urban densification

Jean-David Gerber, Deniz Ay, Josje Bouwmeester, Vera Götze, Jessica Verheij



University of Bern, Switzerland

The new GoverDense research project (04.2020-03.2025), supported by the Swiss National Science Foundation, analyses how densification processes are governed. Its overarching research question examines the conditions under which spatial planning can lead more effectively to increased densification while retaining urban quality for all, including more vulnerable socio-economic groups.

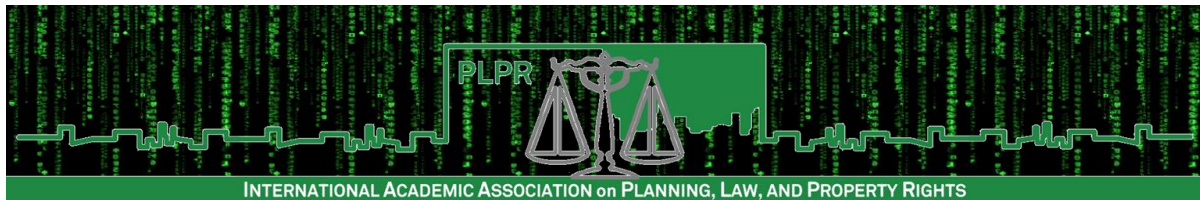
Recent literature on land policy analyses the strategic use of public policy instruments by public authorities who are searching for new ways to reinforce their position in the planning game. By overlooking the specificities of the socio-political contexts in which planning decisions are made, the focus on policy instruments alone bears the risk to turn into a form of instrumental fetishism, where the means (the instruments) justify the end (the planning outcome).

The GoverDense project acknowledges the importance for planning authorities to operate a shift toward land policy to implement densification objectives in a sustainable way. But it also claims that framework conditions in which the selection of instruments takes place are of paramount importance to develop a sustainable land policy. GoverDense will examine three framework conditions, which will be the focus of this short presentation:

(1) Room for auto-organization within development projects. Densification is a very sensitive issue because it may lead planning administrations to directly confront landowners who often hold the economic power within a city. Therefore planning documents need to be flexible enough to negotiate with economic actors, but rigid enough to prevent the watering down of densification objectives.

(2) Co-creation and co-capture of land rents between public and private actors. In order to convince economic actors to participate, densification has to be made profitable. While economic and ecological criteria become prioritized, social criteria tend to be put in the background. In other words, a balance needs to be negotiated between those who produce land rents and those who capture it. The objective of planning actors is to obtain a shared creation of land rents and a shared capture of benefits.





(3) Guaranteeing democratic legitimation in front of output-legitimation. Land policy is a form of public intervention typical of managerial approaches to public administrations. This form of secondary legitimation is paradoxically not enough to guarantee the acceptance of densification projects.

**Date: Monday, 15/Feb/2021**

8:00pm -

**Online Workshop: PhD Workshop**

11:00pm

Session Chair: **Sofija Nikolic Popadic**

[Online live workshop \(for those who applied for the workshop before Jan 31st\)](#)

Session Chair: **Andreas Hengstermann**

Team: Workshop Coordination: Sofija Nikolić Popadić (Institute of Social Sciences, Belgrade, Serbia). Mentor Group I: Linda McElduff (Ulster University, Belfast, United Kingdom). Mentor Group II: Thomas Hartmann (Wageningen University & Research, The Netherlands). Technical Support: Andreas Hengstermann (Bern University, Switzerland).

8:00pm – 8:30pm (CET): Introduction

Sofija Nikolic Popadic

Institute of Social Sciences, Serbia

Plenary Session to open PhD Workshop

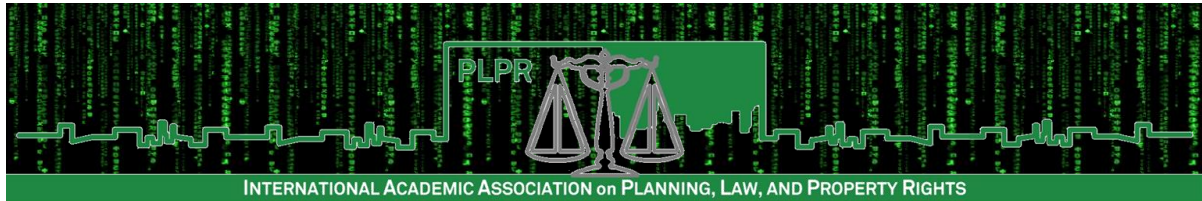
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8:30pm – 9:00pm (CET): Research question

Linda McElduff

Ulster University, United Kingdom

A good research question is essential to guide your PhD. It outlines exactly what you want to find out, provides a clear focus and purpose, and shapes your research design. But what makes a ‘good’ research question? During this session you will learn how to generate, formulate and refine your research question(s). The session will be particularly valuable to those in the early stages of their PhD research and anyone interested in evaluating the strength of their research question(s).



8:30pm – 9:00pm (CET): Publication Strategy

Thomas Hartmann

Wageningen University, The Netherlands

How to publish my PhD? Learning to publish and developing a strategy is part of every PhD project. This is often challenging, especially interdisciplinary and in fields that are very context specific, such as planning and law. In this part of the PhD workshop we will exchange experiences and tips and tricks of academic publishing in the field of PLPR.

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9:15pm-10:15pm (CET): Group I

Linda McElduff

Ulster University, United Kingdom

Breakout session mentoring Group I

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Assessing the incorporation of nature and climate change adaptation in the sustainability narrative of environmental and spatial planning framework laws in the Portuguese context

Rúben Tiago Mendes

University of Aveiro, Portugal

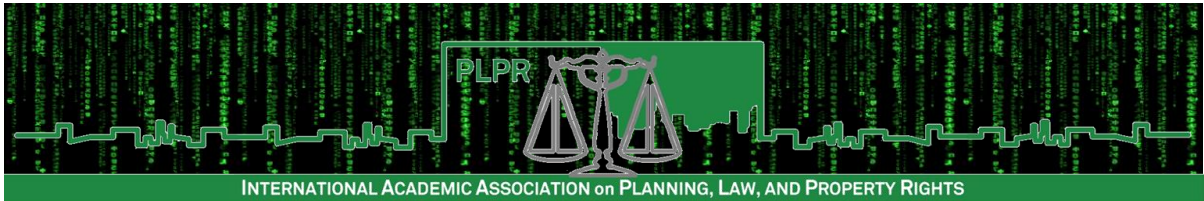
PhD project

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Large scale social housing programs on Brazil and Mexico: urban law and inter-federative relations that define public results

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Claudia Acosta

Fundação Getulio Vargas, Brazil

PhD project

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Urban greening in densification contexts: conflicting demands made on scarce urban land.

Jessica Verheij

Institute of Geography - University of Bern, Switzerland

PhD project

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The Value of Making Room for Water: Active Land Policy for Flood Risk Mitigation in Nijmegen, Netherlands

Besmira Dyca

Northumbria University, United Kingdom

PhD project

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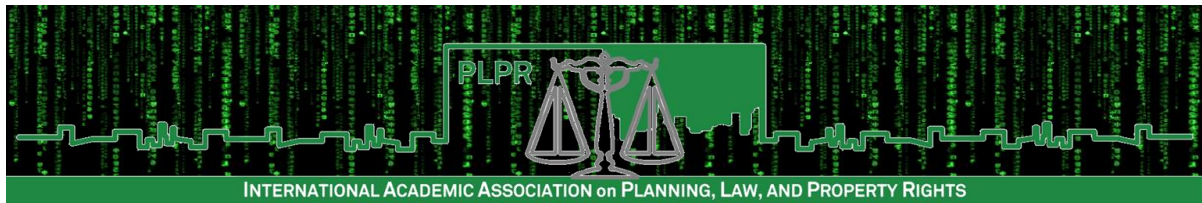
Conditions for effective and targeted densification policies. A comparative study of Utrecht and Bern

Vera Götze

University of Bern, Switzerland

PhD project

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Tilting the balance: Actors' strategies in the context of urban densification

Josje Bouwmeester

Universität Bern, Switzerland

PhD Project

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9:15pm-10:15pm (CET): Group II

Thomas Hartmann

Wageningen University, Netherlands, The

Breakout Session mentoring Group II

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One for all, all for one - The vulnerability of planning when individual interests find their way into national legislation

Tristan Claus

KULeuven, Belgium

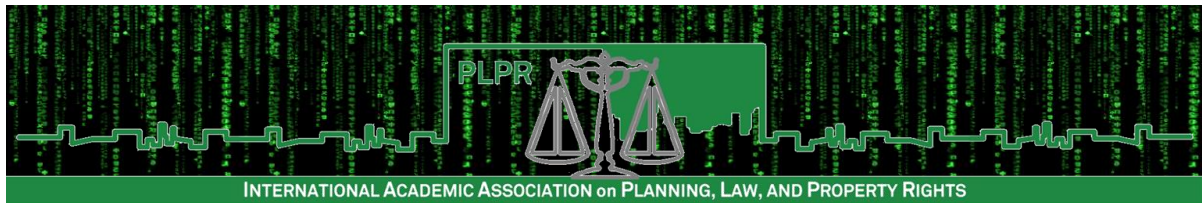
PhD project

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The strategic use of municipal land allocations to achieve sustainability-related public objectives in urban development in Sweden

Melissa Ann Maria Candel

KTH Royal Institute of Technology, Sweden



PhD project

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To Protect the Health, Safety, and Wellbeing of Whom? An analysis of the spatial distribution of zoning tiers

Christine Quattro

University of Pennsylvania, United States of America

PhD project

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Reviewing best practices in land registry rights using Blockchain technology

Dimitrios Christodoulou

University of Thessaly, Greece

PhD project

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Re-inventing zoning through operational morphology: Innovative form-based codes for efficient territorial subdivisions and enhanced normativity in complex urban systems

Kejt Dhrami

Co-PLAN, Albania

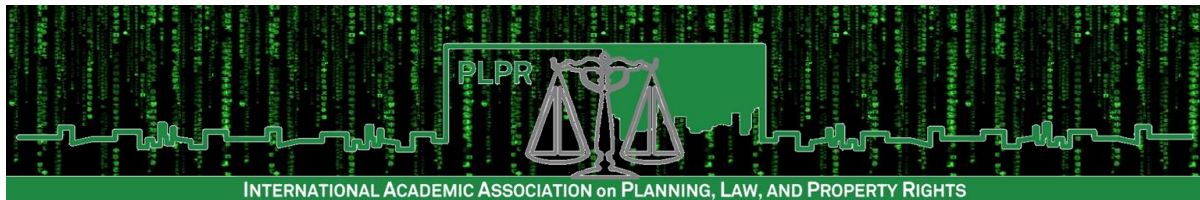
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10:30pm - 11:00pm (CET): Conclusions

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Sofija Nikolic Popadic

Institute of Social Sciences, Serbia

Plenary session concluding PhD workshop

**Date: Tuesday, 16/Feb/2021**

2:00pm -

**Informal Land Uses: Problems or Solutions?**

4:00pm

Session Chair: **Ben Davy**

Online live

Session Chair: **Mennatullah Hendawy**

session (follow  
the Zoom link

is in your

registration  
confirmation)

I own this land - through the mazes of land registration

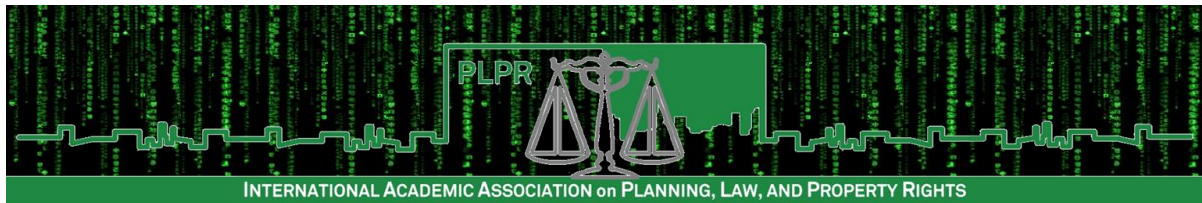
Paulo Silva

University of Aveiro, Portugal

Land is seen as the basic ingredient for urban development. When urban development is planned, land tenure is a condition for detailed planning. This abstract is inspired by land tenure as a planning value "per se": the key that unlocks the possibility of being part of the planning game, to be part of the formal, legal context in which cities are planned. It explores the different levels of insecurity regarding land tenure. Given this, we aim to present and discuss how urban rules are integrated in planning systems and giving the floor to land tenure as key actor of the planning process.

Informality in cities includes the subversion of all these urban dogmas - land tenure; planning rules as we know them from modernistic models. We risk saying that is questionable that an entire urban system must rely on planning rules as we know them, and therefore, that land tenure is a basic condition for such.

We aim to link in this presentation the potential to generate new concepts of planning rules derived from informal settlements, with the lack of land tenure. Tacit rules based on social commitments can generate new urban arrangements and create new stable rules, in some cases even in more stable contexts than the ones generated



by formal planning. In contexts of absence of land tenure (translated into a land registration title), settlers still develop their codes to regulate the use of land, its occupation, and its edges. In Peri-urban areas nowadays in the Global South and in the North as well this is still related with farming and pasturing (with expressive cases in different contexts as the one of Portugal and Israel). Evidence of land ownership is usually associated with landscape features, with less defined geometry and fluid limits. As the transition from rural to urban occurs, land becomes a scarcer resource, divided by a larger number of individuals or families and leaving less space to less well defined and stable edges. Urban codes emerge to regulate this, while in many countries from the Global South coexist colonial and other systems of land tenure.

This proposal will present and discuss urban codes in mixed contexts of land owned and land squatted informal settlements in a Global South region - the one of South-East Asia. In Indonesia, kampongs are originally rural villages which, which by rapid urbanization during and after the second world war, became a hybrid reality composed by land owned and land squatted settlements. Simultaneously, some of these kampongs became part of the urban fabric and therefore, able to be explored in an easier manner as good examples of Despite the fact that some parts are land owned and others are squatted, they share similar urban codes, composed by a set of rules originated by the Islamic religion while others have secular origin. The preliminary findings show how land tenure might not be causally linked with urban codes. We believe this is a major step in re understanding the role of urban codes in planning processes.

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## Reframing Indian Law to Acknowledge the Social Function of Property

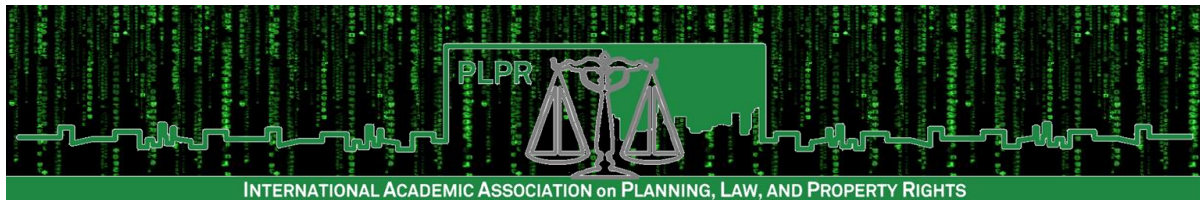
Varun Rajasekharan Panickar, Sony Pellissery

National Law School of India University, India

The urban spaces in India are marked by an overwhelming prevalence of informality in producing and sustaining housing conditions for a majority of the population. Despite their ever-increasing numbers and significant spatial spread, the courts have addressed their conditions only through their status as encroachers

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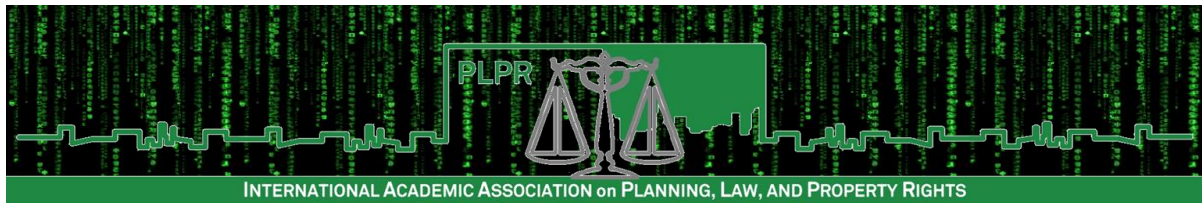
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of public land. This approach has not only limited the actions of the Court to evictions but has also prevented it from broadening its imagination in addressing the situation. The ‘Social Function of Property’ understood as the role of property institutions in providing a community with necessities to sustain their lives, is captured by the ‘Human Flourishing’ theory of property as laid out by Gregory Alexander and Eduardo Penalver. Invoking the social function of property may provide Indian courts with a new standpoint to evaluate informal settlements, especially in those contexts where formal status is most stressed upon.

It is in this context, that we seek to examine the scope for the introduction of the Social Function of Property to jurisprudence in India. The focus of our efforts will remain on gleaning principles of the social function of property as expressed across court judgements. India has a storied constitutional history surrounding the right to property, with a great focus on the role of the State in the exercise of property rights. However, the express recognition of the ‘social function of property’ has remained absent from the Indian Constitution. Being a common law country, the role of the judiciary in fleshing out conceptions of property has been paramount. The judiciary has typically intervened with great alacrity to protect what can be construed as the social function of property in protecting livelihoods of those directly dependent on the land for their sustenance. But the same understanding has eluded the judiciary in its treatment of the poor in urban areas where their livelihoods have been demoted in comparison to the commercial demands on the land. This situation has only been exacerbated by the adoption of a neoliberal insistence on formal property rights. Recognition of the social function of property institutions could potentially open a new framing for property rights in urban India – one which attempts to explain and account for the physical realm as it is, rather than to unsuccessfully seek to alter it. This would also tie in with attempts made to reorganize frames of urban planning in the Global south, in order to move away from western notions of planned spaces. The overarching aim of such a change would underline the idea that private, formal, secure property tenure is not the inevitable form that all property will eventually take but that it is only one of many forms.





## Informal Settlements, the consequence of land Invasion: Mpumalanga Province, South Africa case study

Bongane Cornelius Ntiwane

Provincial Government, South Africa

Land invasion resulting in informal settlements has become a challenge that most local authorities struggle to contain. In South Africa, the land question remains unresolved leaving the landless majority with no other alternative than to invade unused and open land. This study investigates existing efforts by municipalities to curb land invasion and informal settlements. The research adopts a mixed (qualitative and quantitative) approach applied across 17 local municipalities within the Mpumalanga Province in South Africa. The study findings reveal that apart from land disposal or release issues, the inadequate proactive planning in municipalities to provide serviced land or stands contributes to the increasing number of land invasion cases. The results also indicate that the coordination of efforts across sectors can expediently deal with the land invasion. The study recommends the prioritization of spatial planning, specifically proactive planning at a municipal level.

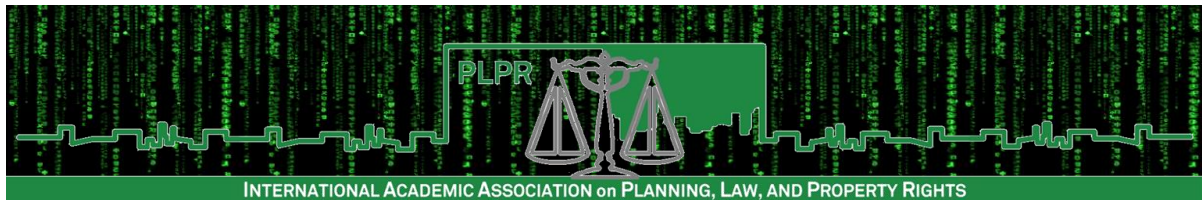
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## Owning the Street: The Everyday Life of Property

Amelia Thorpe

UNSW, Australia

Informality is not limited to the Global South. Drawing on my recently-published monograph, *Owning the Street: The Everyday Life of Property* (MIT, 2020), this paper examines how informal, everyday understandings about property and legality shape the implementation of formal legal rules. My argument is grounded in an empirical study of PARK(ing) Day, an annual, international event to reclaim street space from cars. Drawing on fieldwork in San Francisco, Sydney and Montreal, the analysis emphasizes the degree to which even formal law depends on the informal networks in which it is situated.



Private claims to public streets are not uncommon. In some cases, such claims are swiftly rejected. In others, they receive recognition and respect. Focusing on the particular set of proprietary claims within PARK(ing) Day, my paper examines the ways in which property on city streets is claimed and contested. PARK(ing) Day is based on a creative interpretation of the property producible by paying a parking meter. Paying a meter, the event's organizers explained, amounts to taking out a lease on the space; while most “lessees” use that property to store a car, the space could be put to other uses—engaging politics (a free health clinic for migrant workers, a same sex wedding, a protest against fossil fuels) and play (a dance floor, giant Jenga, a pocket park). Through this novel rereading of everyday regulation, PARK(ing) Day provides an example of the connection between belief and action—a connection at the heart of my argument. Informal, relational and materially grounded understandings about belonging, ownership and agency are not separate from, but intimately connected to the application of formal legal rules.

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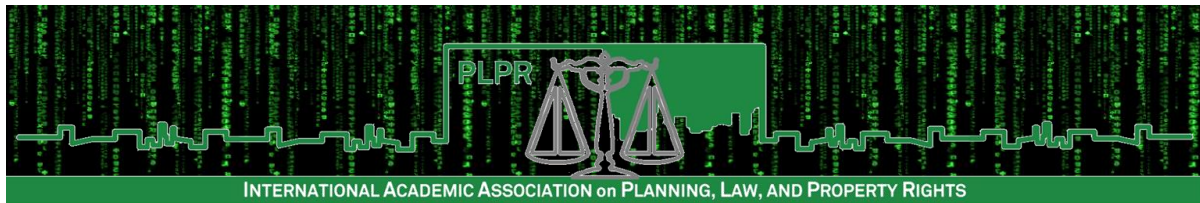
Collecting deposit bottles in German cities – An informal income opportunity for people in precarious living conditions

Michael Kolocek

Institute for Regional and Urban Development, Dortmund

From a global point of view, the informal sector is on the rise – in countries of the Global South, but also in countries from the Global North (Kolocek 2017). The paper looks at informal income opportunities in Germany. The focus is on people who collect empty bottles and cans in German cities.

Nearly 20 years ago, the German Bundestag implemented a new packaging regulation. Its main purpose was the reduction of waste. Since then, every empty bottle and can has a deposit of between 8 cents (glass bottles) to 25 cents (plastic bottles and beverage cans). The policy goal of waste reduction has not been reached through this regulation. Instead, a new informal economy spread. Thousands of people started to collect and refund deposit on bottles and cans.



So far, only a few studies have examined deposit collectors in Germany.

Most deposit collectors live in highly precarious living conditions. Poverty, however, is by far not the only cause. A recent study of a study group (F01 2020) from Dortmund interviewed 40 deposit collectors. The study identified two main types of collectors: Those who collect every day and those who collect occasionally, often at certain events such as concerts or football matches.

The paper considers the collection of deposit as an informal income opportunity – in contrast to formal or illegal income opportunities (Hart 1973). Considering the everyday life of deposit collectors, the paper discusses how and when this informal income opportunity enters into formal as well as illegal sectors. Moreover, the paper critically discusses how German urban planners and other actors respond to these informal income opportunities.

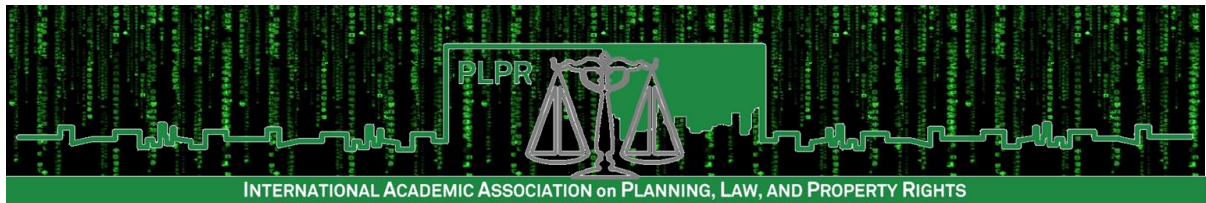
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Informal institutions as second best?

Peter Ho

Qiushi Chair Professor, Zhejiang University, China

Informal institutions are often labelled as inefficient or “second-best” compared to formal property rights. Yet, the experience in developing and allegedly “developed” contexts alike demonstrates that informal institutions can perform critical functions without detracting from their performance in socio-economic, political, cultural, and environmental terms. This paper challenges conventional assumptions on the form of institutions by positing that informal arrangements as they have endogenously emerged and persist are functional and thus credible. To achieve this, the paper validates a double prediction of the Credibility Thesis: i) divergent property rights may perform identically to the same extent that identical property rights perform differently; and ii) informal property rights in the Global South may perform equally credible to the extent that formal property rights in the Global North may fail. In accordance with the first prediction, the paper examines the performance of formal arrangements such as lease, ownership, and strata rights as opposed to informal slums, “urban villages”, and self-governed commons. Following the second



prediction, the paper questions the prevalence of formal arrangements in the Global North (such as the United Kingdom, Greece, and Israel) to the same extent as it ascertains the credibility of informal arrangements in the Global South (such as in China, South Africa, and Serbia).

**Date: Wednesday, 17/Feb/2021**

9:00pm -

**Value Capture and Property Value**

10:30pm

Session Chair: **Thomas Hartmann**

[Online live](#)

Session Chair: **Eliska Vejchodska**

[session \(follow the Zoom link](#)

[is in your](#)

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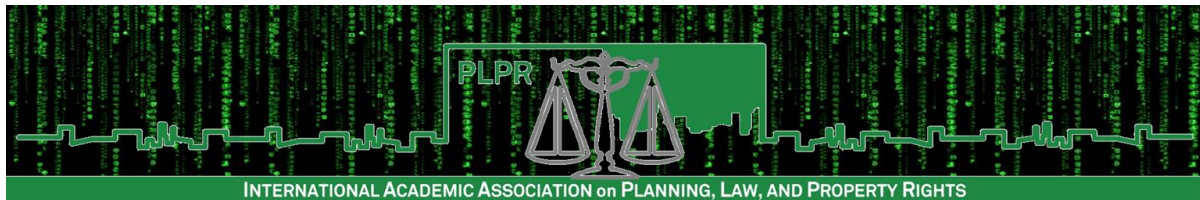
The strategic use of municipal land allocations to achieve sustainability-related public objectives in urban development in Sweden

Melissa Ann Maria Candel

KTH Royal Institute of Technology, Sweden

In Sweden, municipal land allocation agreements are intended to give property developers, chosen by municipalities, the right to negotiate the transfer of municipally owned land, in the form of serviced building plots, for the purpose of developing a specified type of building (SFS 2010:900). They have also become a central instrument for municipalities, which own a significant portion of the land in Sweden, to achieve sustainability-related objectives in both land use planning and subsequent property developments. For example, land allocations are used to tackle various forms of segregation by mixing different types of tenure in neighborhoods (Caesar, 2018).

Over the last two decades, Swedish municipalities have also increasingly been using land allocations as a strategic instrument to develop urban districts with sustainable profiles (sometimes combined with other buzzwords like ‘smart’). In these sustainability-oriented urban district developments, various sustainability dimensions are often used as criteria for choosing property developers. In land allocation competitions, sustainability programs with project-specific requirements for building



development projects that go beyond the national building regulations can also be included. Acting as landowners, Swedish municipalities can thereby exceed what they are able to regulate in building development through other land use planning instruments, such as detailed development plans.

This study investigates the types of sustainability-related public objectives that municipalities in Sweden pursue through the use of criteria and requirements in municipal land allocations. Objectives, criteria and requirements from land allocation competitions in sustainability-oriented urban district developments are complemented by interviews with municipal managers. The objectives are analysed from a public value creation perspective adopted from the field of public management, which differs from the concept of public value capture typically found in public land development research. For instance, public value is here considered to encompass ecological, social, cultural, political and economic dimensions (Benington, 2011).

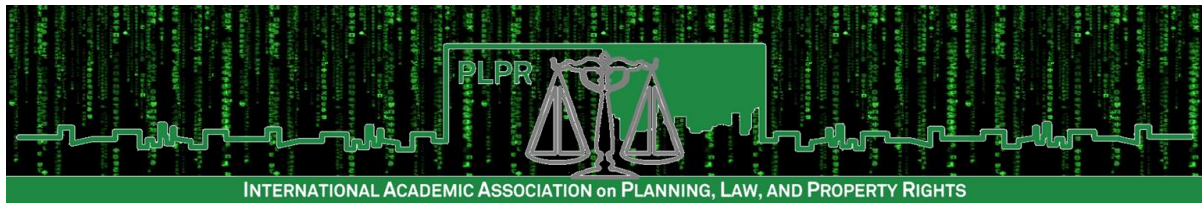
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The role of jurisprudence in public value capture in urban development

Demetrio Muñoz Gielen<sup>1</sup>, Francisco Blanc Clavero<sup>2</sup>, James Corbet Burcher<sup>3</sup>, Juan Felipe Pinilla<sup>4</sup>

<sup>1</sup>Radboud University Nijmegen, the Netherlands; <sup>2</sup>Lawyer, Valencia, Spain; <sup>3</sup>Lawyer, England.; <sup>4</sup>JFP&Asociados-Derecho Urbano

In the last few decades, increasing attempts of public bodies to commit urban developers in the financing of public infrastructure have led to many debates. These debates address the legitimacy and effectiveness of public value capture (PVC) and have often led to detailed coverage in international scholar literature. However, the role of jurisprudence (the interpretation of law made by judges) in these debates is still under-reported. This paper focusses on the role of jurisprudence in the Netherlands, England, Spain and Colombia. For example, Dutch and English Courts sanctionate the gradual enlargement of the scope of contributions and Spanish Courts focus on the requirement that contributions should be equally shared among all landowners. While in these three countries the very legality of contributions is not at dispute, in



Colombia the intervention of the Courts has been fundamental to settle such a fundamental dispute.

Another interesting conclusion, is that the normative rationale supporting public value capture (direct: it is the community to whom all or part of the land value increase belongs to; or indirect: developers should internalize the negative impacts of their plans) does however not seem to be determinant for the actual scope of contributions. As if the conservative or progressive nature of legislation (related to the legitimation of PVC) is not the only, and possible not even the main factor influencing the effectiveness of PVC in urban planning and development control practice. In England and the Netherlands direct PVC is not legal, which does not impede however a gradual enlargement, supported by the Courts, of the scope of DOs based on the indirect rationale that development should internalize its negative impacts. In both countries controversy arises when municipalities are thought to be using their statutory powers to go further than a conservative view of indirect rationales apparently justifies.

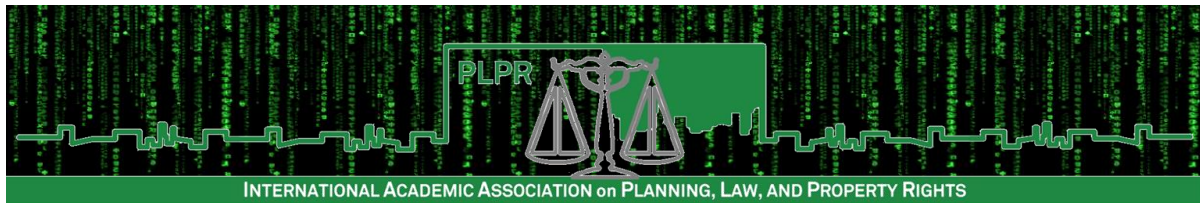
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Placemaking and Land Value Capture: Planning as an Institutional Mechanism to Channel Private Resources Towards the Achievement of Public Goals

Philip O'Brien<sup>1</sup>, Sebastian Dembski<sup>2</sup>

<sup>1</sup>University of Glasgow, United Kingdom; <sup>2</sup>University of Liverpool, United Kingdom

Placemaking is a key planning goal that generates widely accepted quality of life benefits. But placemaking does not attract private investment over and above the level at which it can raise property values because much of the benefit of placemaking is in the form of external economies that cannot be internalised by developers. As such, public funding is required to create high quality places but remains in short supply in much of Europe by public budgets still constrained by post-GFC austerity measures. Land value capture has come to the fore as a topic of planning research the world over in response to both reduced public spending and the cognisance of the increasing quantity of asset wealth invested in land. Discussions on land value capture have tended to focus on the validity and effectiveness of mechanisms to extract land value



uplift to fund large scale infrastructure and other public investments but planning systems have long sought to channel land value into placemaking. We explore how land use planning is used in the Netherlands, Germany and Switzerland to achieve placemaking goals, drawing on in-depth analysis of policy documents, plans and a series of semi-structured interviews with stakeholders and key informants. Our analysis conceives of placemaking as an institutional design problem, in which private resources can be mobilised towards the achievement of public goals without loss of private acumen and appetite for risk.

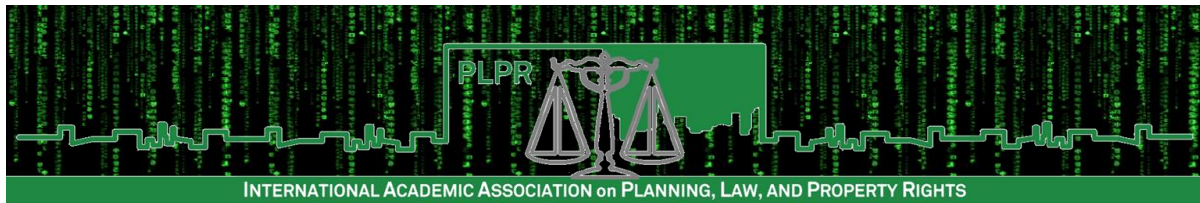
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## REDUCING URBAN INEQUALITIES THROUGH LAND VALUE CAPTURE INSTRUMENTS: Case study from Medellin (Colombia)

Oscar Perez-Moreno

UNIVERSITY OF ANTIOQUIA, Colombia

This paper aims to analyze the relationship between land value capture (LVC) instruments and the potential reduction of urban inequalities in Colombia, using as case of study the LVC tools implemented in the city of Medellin (Colombia). In order to reach this principal objective, the paper has the following specific objectives: 1. To describe and contrast the mains aspects of LVC instruments in land-use planning system of Medellin (Colombia). 2. To analyze the role and actions of public institutions, landowners and developers. 3. To evaluate the relationship between LVC instruments implemented in Medellin and the reduction of private appropriation of land value and alterations in the patterns of distribution of building rights. The central question guiding this paper asks what are the opportunities and limitations of land value capture instruments in Colombia to help addressing urban inequalities related to unfair land use planning system. Inequality is examined considering two particular problems in urban development processes, on the one hand, the private appropriation of land value resulting from public action, and on the other, the resulting unfair patterns of distribution of building rights. The hypotheses consider that LVC instruments aimed to reduce urban inequalities, although it is not clear whether they are successful in practice.



**Date: Thursday, 18/Feb/2021**

2:00pm -

**Land policies – Instruments and Strategies**

3:30pm

Session Chair: **Andreas Hengstermann**

Online live

Session Chair: **Thomas Hartmann**

session (follow  
the Zoom link  
is in your  
registration  
confirmation)

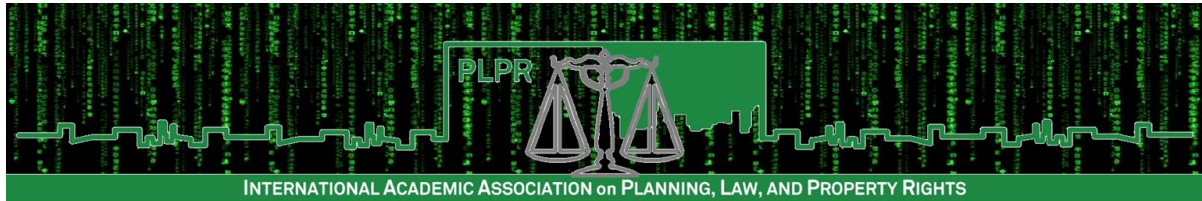
Don't ask HOW before you know WHY. On the relationship between goals and instruments.

Ben Davy

University of Johannesburg, South Africa

Recent discussions on land policy and spatial planning focus predominantly on instruments such as land readjustment, expropriation without compensation, or easier rules for urban densification. These discussions seem to assume that such instruments serve a legitimate purpose, although which purpose that might be remains often unsaid. Several reasons for the lack of interest in the goals and purposes of land policy and planning come to mind: (1) the frustration with debates on "empty signifier goals" (e.g., sustainability, resilience); (2) the anxiety to discuss the truly hard problems of land policy and planning which are associated with questions of legitimacy, justice, and democracy; (3) the pleasure of assembling and disassembling "strategies" with tools from a toybox or toolbox; (4) The (incorrect) assumption that all systems of land policy and planning serve the same set of uncontested goals. -- Although the recent interest in the instruments of land policy is commendable, it is dangerous to separate the instruments from the goals of land policy. Take, for example, expropriation without compensation. In many Western countries, this would be illegal. But in the South African context, considering the decades of spatial injustice, expropriation without compensation could be an instrument of transitional justice. It is the goal and its historic contextualization, not the instrument as such, that helps examine the legitimacy and possible effectiveness of expropriation without compensation. -- My presentation urges the PLPR community: "Don't ask HOW before you know WHY!" Presumably, an informed discussion of land policy and planning requires us to consider the goals/purposes as well as the





instruments/strategies. But it's even more complicated. We also need to know WHO are the policymakers and WHOM does land policy address. So, my advice should be "Don't ask HOW before you know WHY, BY WHOM and FOR OR AGAINST WHOM!" The recent discussions on the instruments of land policy often collect contributions from different countries. The regional similarities and differences (e.g., constitutional law context) are not always addressed sufficiently. Therefore, my advice really is: "Don't ask HOW before you know WHY, BY WHOM, FOR OR AGAINST WHOM, and WHERE!" This way, my advice sounds more and more like the 5 Ws ([https://en.wikipedia.org/wiki/Five\\_Ws](https://en.wikipedia.org/wiki/Five_Ws)).

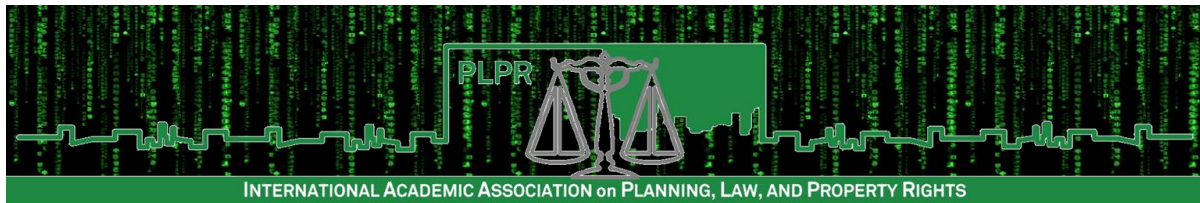
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## Land Readjustment Combined with Land Trust Case Study in Silverton, Ohio, USA

Andrea Maria Jandricek

Changing Ground Project, United States of America

The Village of Silverton in Ohio, USA is currently investigating a land readjustment strategy to revitalize a semi-blighted, underutilized central business district and to create a new walkable community hub of more density and urban vibrancy. What makes this particular land readjustment study special is its context within a typical suburban setting in the United States and the introduction of a new mechanism which involves the creation of a land trust within the site, permanently owned by the original property owners. The land trust will pay for the improvements to the site, including replacement properties for the original owners, thereby becoming the “cost equivalent land”, without the owners having to sell it. Owners will use the inherent value of a ground lease of the land to finance their own replacement properties. Owners will negotiate the development and financing of replacement properties with an investor, in exchange for a “no-fee” ground lease over a number of years, until the cost of the replacement properties is paid in full. Once the “no-fee” ground lease is paid, the investor will begin to pay a ground lease to the original owners. Once the entire ground lease expires, owners will be entitled to own all the improvements to the land, including buildings built by the investor on the ground lease. The formation of the land trust is key in creating a lasting asset for the owners, that will generate



meaningful, future income for the owners and their descendants. The approach aims to strengthen the long-term economic security of the original property owners, while easing the land assemblage process and offering new methods of development for investors in an attractive real estate market. It would also provide the Silverton municipality an opportunity to strengthen their existing tax base and create a more attractive, walkable community hub, with more density and comprehensively planned elements.

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To Protect the Health, Safety, and Wellbeing of Whom? An analysis of the spatial distribution of zoning tiers

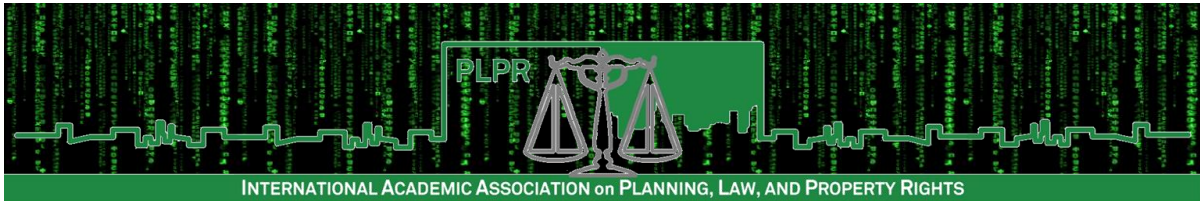
Christine Quattro

University of Pennsylvania, United States of America

Zoning has been a factor in race and class segregation for major American cities throughout the 20th century. Its history and origins are embedded in the separation of the races and social classes, as evidence by the adoption of early racial zoning ordinances following the first Planning Conferences. With *Buchanan v Warley* (1917), the Supreme Court determined racial zoning ordinances to be unconstitutional, but municipalities found other means of separating social groups using zoning codes, such as lot sizes or allocations of multifamily housing.

The separation of uses by intensity into tiered zoning categories has been termed Euclidean zoning after the Supreme Court case *Euclid v Ambler* (1926) which verified the constitutionality of zoning in the United States. This study will present a set of municipal case studies which use Euclidean zoning. We will analyze these case studies empirically with GIS and statistical methods to investigate these cities' zoning maps and their relationship to race and income. Relevant excerpts from the zoning codes will also be presented to supplement the maps.

The data was collected using open source municipal data, including zoning maps and political boundaries over time. The National Historic Geographic Information Systems' census data and Policy Maps' ACS 2014-2018 was used for demographic breakdowns. The mapping of these components spatially demonstrates a disproportionate allocation of high intensity uses



adjacent to areas of both high minority populations and low income communities. If it is true that high intensity zoning permits uses with more negative externalities exists in larger proportion in areas which are low income and high minority, then the planning goals of environmental justice for those communities should be a main planning priority for major US cities.

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## THE SAME TOOLBOX, MANY LOCAL DECLINATIONS IN ITALY

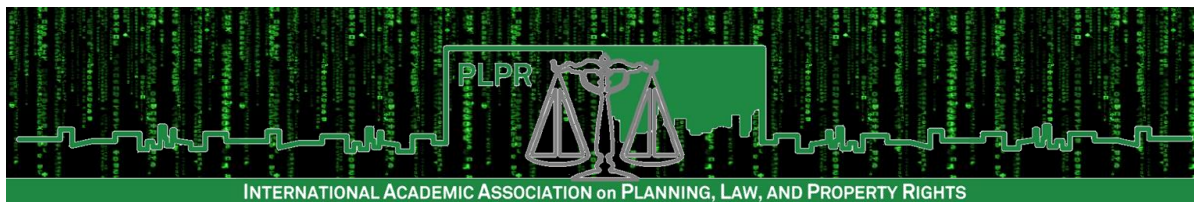
Laura Pogliani

Politecnico di Milano, Italy

The evolution of laws and practices has so far produced a rich toolbox of land policies in Italy. They vary from expropriation, land readjustment and building incentives in land use planning, with an explicit shift from public driven planning to p/p agreements in the last 30 years. Some of them are associated with the value capture instruments that include non-negotiable and negotiable developers' obligations.

While expropriation and land readjustment, widely used, belonged to a phase of urban expansion, which has mainly ended in most urban centres, the building incentives and the perequazione tool have been implemented with increasingly greater frequency in recent times. The Italian perequazione tool could be equated with the TDR instrument, but it differs substantially, being explicitly intended to grant land for public services in change of allowing building capacity in private transformations.

Land use plans proved to be essential in housing policies. In the past, land for public housing was allocated mainly through the expropriation mechanism. More recently, the implementation of a variety of instruments is a consequence of severe budget problems but also of different approaches and rationales. Some urban plans introduce building bonuses and fiscal incentives for the construction of social housing. In other cases, urban policies focus on public-private partnership and programmes based on individual agreements. A few innovative policies have tried to implement inclusionary housing mechanisms in general plans, to include a compulsory quota of social housing and land in all residential



private sector development projects. Although they produce fragmented intervention, these policies give priority to the relationship between private benefits and the supply of social housing, with an approach that can be considered a value capture tool.

This contribution investigates the current issues and perspectives of this very varied scenario in which law, property rights and planning are closely intertwined.

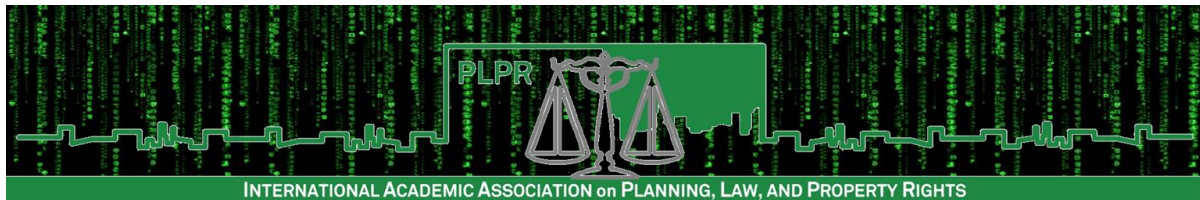
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Strategies of municipal land policies: Proposing an alternative to the passive-active dichotomy

Sina Shahab<sup>1</sup>, Thomas Hartmann<sup>2</sup>, Arend Jonkman<sup>3</sup>

<sup>1</sup>Cardiff University, United Kingdom; <sup>2</sup>Wageningen University & Research, Netherlands; <sup>3</sup>Delft University of Technology, Netherlands

How do municipalities strategically use land policy to develop land for housing? The development of housing is a challenge for many European countries, though the scale and time of it differs. Issues are not always about the absolute number of houses that need to be supplied in a country. The distribution and quality of houses affect the demand for housing. Land policy determines where and how future developments take place, and as a result, it has a considerable impact on both supply and demand of housing. Municipalities use different strategies of land policy to pursue housing goals. This paper aims to explore the rationalities underpinning such strategies of land policy. Therefore, a theory on pluralism - Cultural Theory - is employed to understand municipal strategies in different contexts, i.e. Germany (Ruhr region), Belgium (Flanders), and Netherlands. This paper argues that Cultural Theory offers a more diverse, yet simple, classification for the plurality of strategies of land policy, compared to the existing passive-active dichotomy. Applying Cultural Theory to land policy results in four ideal-typical strategies of active, passive, reactive, and protective land policies. Despite the fact that the decisions of municipalities are made within (or constrained by) their institutional environments (i.e. national/regional planning systems, development cultures, etc.), we found that there are key



similarities between the strategies of the studied municipalities regardless of their different institutional environments.

**Date: Monday, 22/Feb/2021**

9:00pm -

**Planning Law and Property Rights in Agricultural Land I**

10:30pm

Session Chair: **Rachelle Alterman**

Online live

Session Chair: **Eran Kaplinsky**

session (follow  
the Zoom link

Session Chair: **Sofija Nikolic Popadic**

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Imposed commodification of property rights: Israel's communal farming villages under threat

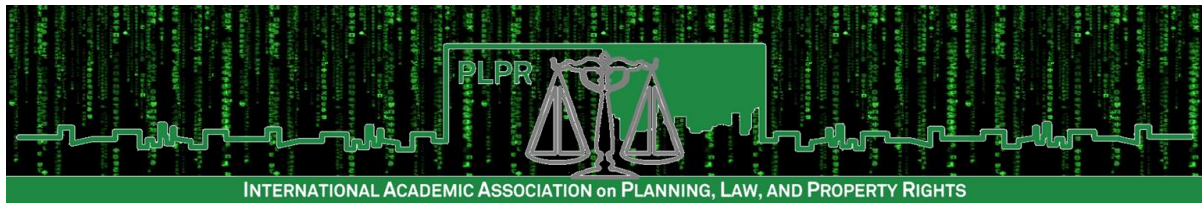
Micha Drori, Rachelle Alterman

Technion - Israel Institute of Technology,

Due to national government policy, the majority of Israel's farming communities, covering almost all the country's farmland, have almost no property rights, even over the family homes. They reside and farm on nationally owned land. This applies to the two main types of villages: 270 kibbutzim (communal) and 350 moshavim (cooperative small family farms) In recent years, there is even further retraction in some respects. While most urban land too used to be nationally owned, at present urban dwellers are in process of receiving full property rights (with no extra charge beyond their lease price).

The research asks, to what extent is Israel's property rights regime in the farming sector indeed an anomaly among advanced-economy countries? We conducted a comparative legal and empirical study of the property rights of farmland in 6 European nations: Portugal, Spain, France, Italy, Poland and Hungary.

For comparability, we established a conceptual common denominator based on the maximal "bundle of rights". Through on-site semi-structured interviews with decision makers and farmers' organizations, we identified the detailed property rights for each country, both in law and in practice. The comparative findings strikingly show the extent to which Israeli farmers do indeed hold very minimal rights. However, the vast majority of



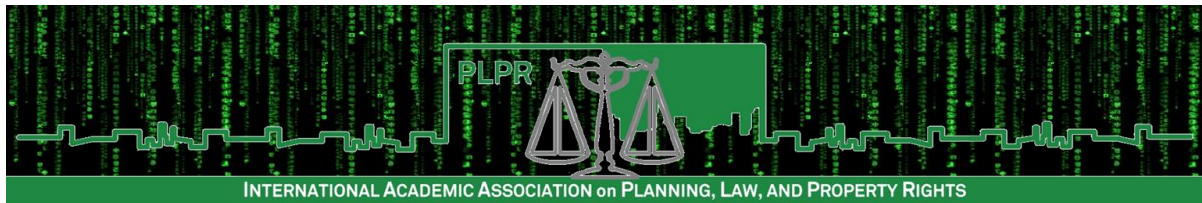
members of the kibbutzim do not want private property rights since they value their community structure more. Despite this, current government policy is to limit their communal property rights and impose privatization and commodification. The communities oppose this.

Has the absence of private property right affected Israel's agricultural communities negatively? To answer, we identified a set of 13 public-policy goals promoted by the OECD to meet the challenges of the agricultural sectors in all member countries. We used this framework to evaluate Israel's agricultural property-rights policy from two-time perspectives: Goals fulfillment to date, and projected fulfillment over time.

The findings highlight Israel as an ostensible paradox: Despite the absence of individual property rights in the cooperative end communal villages (unlike urban residents), their globally unique community cooperative structure have led to very high scores in public goal achievement in almost every respect: high performance in farming productivity, innovative industries, retention of the young, and internal exemplary social justice. . These achievements are due to these villages' self-regulating internal social cohesion.

However, in recent years the state has been imposing commodification and privatization on the communal property structure. These policies – barely recognized for what they are causing - are predicted gradually to breakdown the unique cooperative social structure and thus reduce these villages' public goals-achievement scores. Due to Israel's small size, many such villages are located close to urban areas, thus forced commodification will cause gentrification, and gradually turn them into suburban well-off neighborhoods.

Because Israel's land policy is an outlier among the advanced economy states, the findings offer fast-motion lessons to other advanced-economy countries. The projected impacts of neoliberalism over property rights, even if less dramatic than in Israel's communal farming sector, are worthy of notice in other countries as well – for rural and urban areas alike.



Willingness to pay and willingness to accept compensation for estimating farmland value under contested property rights

Brent Swallow, Yicong Luo

University of Alberta, Canada

Farmland in peri-urban areas generates both use and non-use values. Two survey-based approaches can be taken to estimate non-use values: willingness to pay to preserve farmland (which is often done), and willingness to accept compensation to allow development (which is rarely done). Willingness to pay implies a de facto right to develop, while willingness to accept implies a de facto right to open space. In the Canadian province of Alberta, like many other jurisdictions, these property rights are actually somewhat ambiguous and contested. Using a split sample choice experiment approach and current survey design recommendations, we conclude that respondents find both scenarios equally plausible. Social desirability bias is shown to be a key concern, requiring a consistent approach to uncertainty assessment and recoding. We conclude that analysts and planners should consider perceived property rights and reference situations when considering the welfare effects of farmland preservation and development.

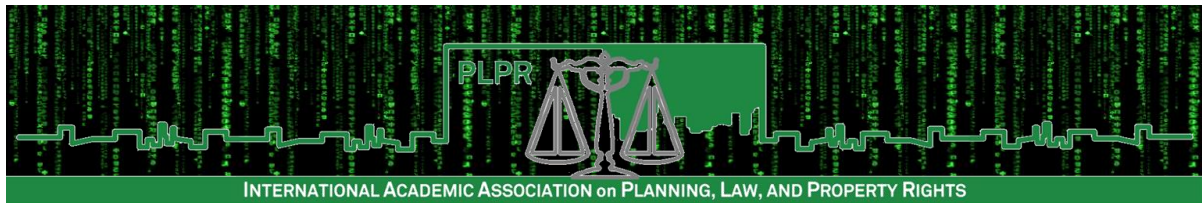
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Changes and Restrictions in the Right of Ownership on Agricultural Land

Sofija Nikolic Popadic

Institute of Social Sciences, Serbia

Areas of fertile land suitable for agricultural production are limited. Different policies and regulations are aimed at preserving it. Some of them strive to prevent the use of agricultural land for other purposes, especially the conversion of agricultural land into construction land, others are aimed at preserving the quality of agricultural land, etc. Designating the purpose of land for agricultural production, striving for its preservation, and preventing the negative consequences of agricultural land use on the environment and climate change significantly affects the



ownership right. The research is focusing on the position of the owner of agricultural land and the restrictions that are imposed in order to achieve the goals of different policies, especially in the field of environmental protection and climate change. In that regard, EU directives and regulations in the field of use of fertilizers and pesticides, and changes in agricultural practices related to climate change (within Common Agricultural Policy) were analyzed. It was concluded that owners of agricultural land (and users) were imposed numerous restrictions on the use of agricultural land through, on the one hand, a ban of application of certain measures, and on the other hand the obligation to implement certain activities to achieve the objectives in terms of environmental protection, reducing the contribution of agricultural production to climate change and adapting agricultural production to new climatic conditions. Many countries have had problems with the application of EU legislation in this field, especially when it comes to the use of fertilizers and pesticides. It can be expected that restrictions on the use of agricultural land in the coming years will be increasing in the pursuit of conservation of this natural resource and in order to achieve different public policy goals, which puts the owners of agricultural land in a unique (and demanding) position.

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Multifunctionality of open space - agricultural perspective

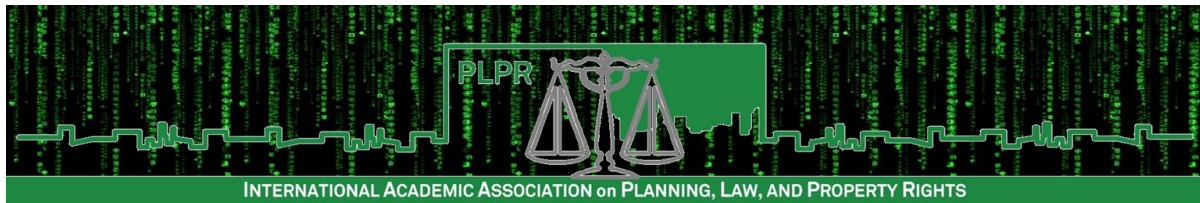
Vesna Zupanc, Rozalija Cvejić

University of Ljubljana, Biotechnical faculty, Slovenia

Land use on a flood prevention measure area may be restricted to agricultural use in order to preserve green open space for flood waters. At the same time, preservation of open green space for flood retention purposes protect agricultural land from urbanization within expanding peri-urban and urban areas.

Case study of Glinščica dry detention reservoir area was developed in the seventies on the north west side of Ljubljana, Slovenia. Most of the agricultural land has been dedicated for land development, the area along the north city highway, a renaturalized clay pit and the forest area of central hill Rožnik remained green open space. The area is mosaic, consisting of forest patches, meadows, water bodies and fields that provide for important





biodiversity habitat. Through construction and appropriation of the area for nature-based solution, the area evolved into multifunctional open space. as the multifunctionality of the area has grown in the past decades, so have the conflicts of interests between various stakeholders, such as landowners and recreational visitors.

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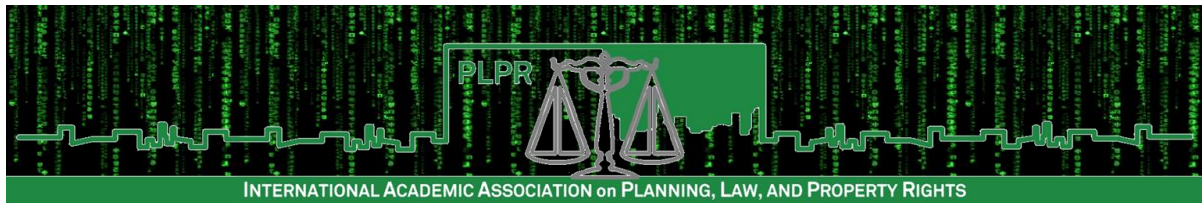
Property rights and limits of exclusion: Agriculture land and land acquisition in India

Sattwick Dey Biswas

National Law School of India University, India

While fellow common law tradition, the planning laws in India consider ‘continuum’ of land rights/ property rights tradition. It not only recognises a typical ‘full’ owner of an agricultural plot to reasonably exclude others, but also the rights of neighbours and ‘stakeholders’. Appropriate execution of planning laws during land acquisition and compensation has the potentiality to recognise the rights of a range of stakeholders, and therefore, ensure just compensation. In practice, land acquisition cases often fail to, let alone adequately identify the stakeholder, making compensation illegal. To demonstrate the core thesis on the limits of exclusion, this paper utilises ethnographic and qualitative data collected from two land acquisition case study areas in India, namely Singur and Salbani in West Bengal (state/ province). Theoretically, this paper revisits the classic debate between Plato’s passionate plea for collective property and Aristotle’s support for private property. The existing social practices neither confirm Plato’s collective not Aristotle’s private property but a compromise.

Property rights in India have developed over time while reasonably responding to the socio-economic and political situation. Depending upon a point of origin, within the Indian legal literature, it is possible to identify a transition from ‘strong’ exclusion to ‘recognition’ of stakeholders’ rights. The earlier exclude ‘others’ from the fruits of the land, whereas the latter recognizes the limits of exclusion. These two legal developments took place at simultaneously reflecting the socio-political developments at the grassroots. The presentation will, depending



on the allocated time, firstly, map this simultaneous legal development and secondly, with empirical data indicate the key differences between legal rights to exclude others and the social realities. In practice, the limits of exclusion from the agricultural land regulated by the informal and everyday evolving social contract which are not necessarily in conformity with the legal limits.

**Date: Wednesday, 24/Feb/2021**

7:00am -  
8:30am

**Blockchain & advanced technologies for the post pandemic urban built environment.**

Online live session (follow the Zoom link is in your registration confirmation)

Session Chair: **Rebecca Leshinsky**

Session Chair: **Balkiz Yapicioglu**

Participation in SpatialPlanning and the technology of Blockchains. A tool for transparency in decision-making. Prospective implementations in Greek planning legislation”.

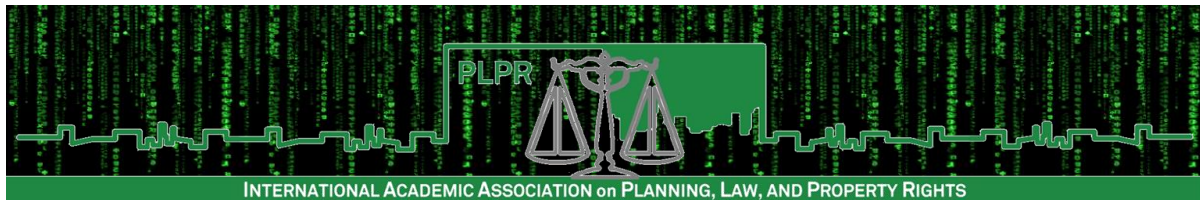
Dimitris Melissas<sup>1</sup>, Foteini Zygouri<sup>2</sup>, Konstantinos Lalenis<sup>3</sup>

<sup>1</sup>NATIONAL TECHNICAL UNIVERSITY OF Athens, Greece;

<sup>2</sup>UNIVERSITY OF THESSALY, Greece; <sup>3</sup>UNIVERSITY OF THESSALY, Greece

All decision-making processes in spatial planning operations should guarantee transparency, equity and access from disadvantaged social groups. Achieving consensus between conflicting interests (stakeholders of various types, Local Government, Central Government etc.) is also an essential step towards the implementation of a plan. Public participation in planning is essential for achieving the objectives stated above.

Blockchain technology can bring about many radical changes regarding participation and decision- making in spatial planning. By allowing access to all data and interactions, it ensures effective cooperation between all participants, and transparency essential for interaction, compromise and fair assessment of conflicting interests. Each participant in Blockchains is able in real time to know the stage of the planning process, the suggestions and



comments submitted, as well as the way in which they were taken into account by the planning authorities.

In Greek planning legislation blockchain can be used as a progressive and a reliable tool for public participation in planning. A blockchain participatory platform will allow: a) free and broad exchange of information, b) access to relative documents, c) the recording of opinions, comments, and voting on the platform during the formulation of spatial plans, d) the recording of the consultation process that cannot be easily ignored or manipulated by any authority, administrator or other entity for political, profiteering, or speculative reasons, e) a decentralized platform which will be reliable and secure throughout the planning process and implementation of plans. The proposed paper provides examples of how blockchain can enhance participatory planning.

Key words: public participation, blockchain, spatial planning, planning law

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BlockDev: A blockchain framework for real estate investment, development and management

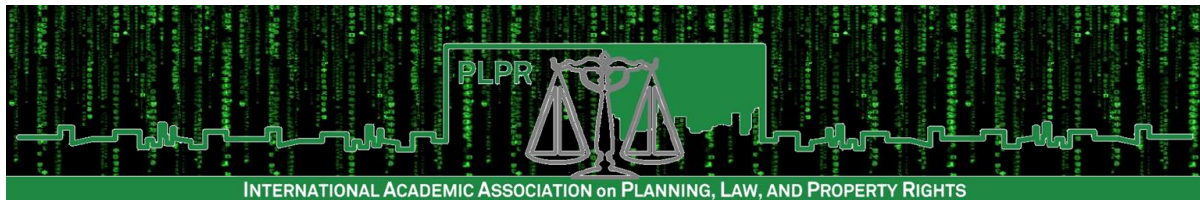
Magda Foti<sup>2</sup>, Eleni Panagou<sup>2</sup>, Konstantinos Lalenis<sup>2</sup>, Manolis Vavalis<sup>1,2</sup>

<sup>1</sup>University of California, San Diego, United States of America;

<sup>2</sup>Univeristy of Thessaly, Volos, Greece

This paper describes the ongoing efforts for the design, the development, the prototype implementation and the evaluation of a blockchain framework that enables the effective regeneration of public regions and areas, reuse of buildings, dynamic development of business plans for the development of long abandoned tobacco warehouses in cities in north Greece.

We design our blockchain-based platform so it can be used to create an innovative model of registration and management of buildings, investigation of investment interest in processes and governance operation. We present our design decisions that enable our platform to serve as a basis for urban management programs in



general and with respect to how the economic landscape will look like when we emerge from the lockdowns.

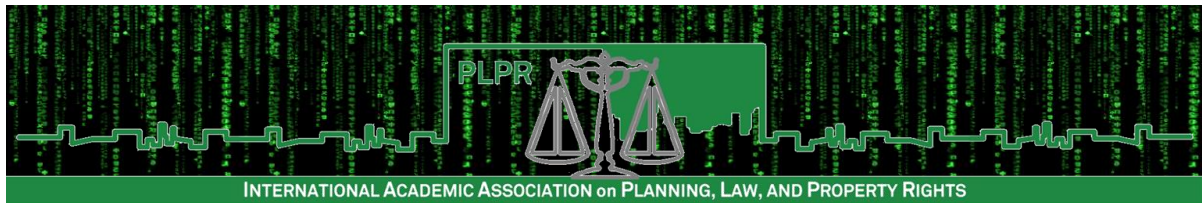
In this paper we will briefly present our actions related to the background work required and we focus on our efforts related to the development of the various components of our blockchain-based platform which includes:

A) The development of the blockchain-based foundations of our platform. Specifically, we comment on our efforts to utilize the Ethereum technology for our public ledger and in order to (1) select existing and/or develop new consensus algorithms that fit the particular characteristics of our project, (2) develop the required smart contracts (3) build the associated decentralized applications and (4) select the infrastructure and deploy our components on it. We evaluate our design and implementation decisions through a comprehensive experimental evaluation, and we comment on the resulting throughput, efficiency and operational cost of our prototype platform.

B) The development of an API and an indicative visualization platform for interoperability of the blockchain platform with other external platforms, ensuring openness of the data with the aim of their availability for use and utilization by other bodies / individuals. This feature will allow the database - and therefore the data to be collected - to be able to communicate with external sources and distribute the data to a wider audience, as appropriate. In addition, in this context, the inclusion of data from one or more different information providers will be investigated, such as their energy category, building permits, the approved land uses and / or their actual energy consumption.

We finally comment on the particular characteristics that our platform enjoys as those are related to the economic crisis due to the pandemic and the foreseen evolutionary and revolutionary changes associated with the (1) existing substantial uncertainty and the wide spread anxiety (2) the expected collapse in commodity prices (3) the unprecedented support to households, firms, and financial markets by the policy makers (4) the vital changes in the bureaucratic governing procedures and (5) the overall digital transformation and the associated evolution of public administration.

Our project started in the summer of 2020 and is partially supported by the National Green Fund. It involves partners from



the academia and the industry with expertise in Information Science and Engineering, Business and Regional Development, Law, and Architecture.

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Reviewing best practices in land registry rights using Blockchain technology

Dimitris Christodoulou, Dimitris Kalergis, Konstantinos Lalenis

University of Thessaly, Greece

Many countries throughout the world are leaving behind hardcopy administrative registrations in an attempt to shift into a more digital and trustworthy use of data. This approach is highly relevant in the field of property registration systems where using Blockchain technology may be strengthened or enhanced. New digital opportunities of such technology may add significant advantages in tackling correlated, complex and interlinked property data within a traceable system of safe transactions.

This paper reviews internationally good practices in technical and administrative methods of property registration, in an attempt to suggest a framework of a Blockchain supportive applications in the Greek registry system. Existing bureaucratic and centralised traditions and on the other hand intentions of trust, speed and decentralisation the field of property registration, suggests Greece as an promising example to examine good practise of blockchain applications that aim to shift complexity and distrust into a contemporary and innovative safe means of administrative property registration.

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Blockchain technology for African land titling and property

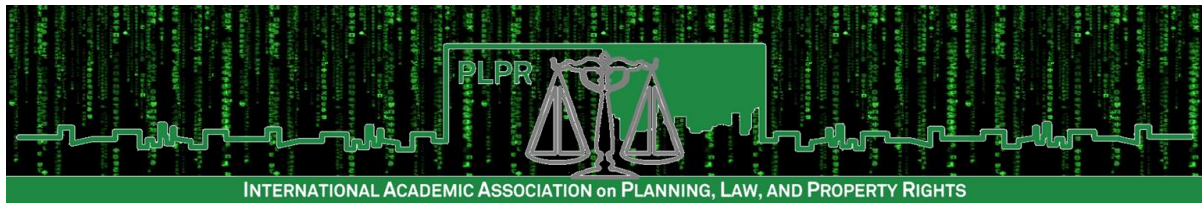
Robert Home

Anglia Ruskin University, United Kingdom

Blockchain or distributed ledger systems are being promoted as a decentralized network that makes property transactions secure,

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authenticated and verifiable. The World Bank has suggested that it could increase land titling coverage, but there are technical issues, and regulatory concerns about network security and fraud. The Land Registry for England and Wales recently successfully prototyped the first digital transfer of property in the UK with blockchain, and is seeking to expand its expertise internationally.

In the African continent land is occupied under communal rather than private or state tenure regimes, and presents numerous challenges for applying blockchain in land and real estate. The paper will discuss some current experiments (particularly Ghana, Nigeria and Zambia), linked to crypto-currencies, and explore some of the pitfalls.

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## Blockchain as a tool for land rights: Ownership of Land in Cyprus

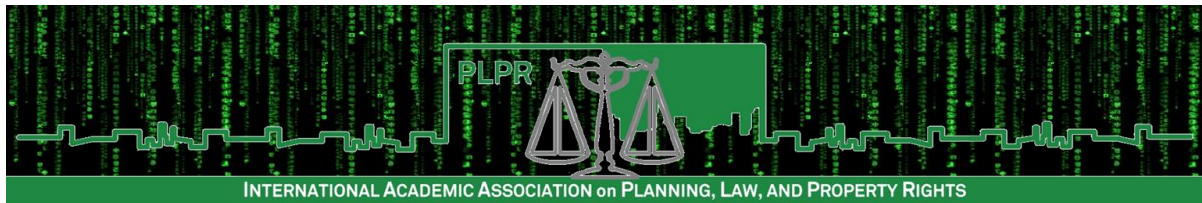
Balkiz Yapicioglu<sup>1</sup>, Rebecca Leshinsky<sup>2</sup>

<sup>1</sup>Akin University of Creative Arts and Design, Cyprus; <sup>2</sup>RMIT

This paper sets out an argument for the use of blockchain technology as a land registration tool, for Cyprus, and other disputed land contexts, to assist with land disputes, which may in turn, promote peace and harmony.

The paper is exploratory in nature. It raises the historical and present land issues in Cyprus, and highlights that blockchain technologies could work as a tool to record disputed property rights on the Island.

Whilst there have been many pilots to date for blockchain land registration, there is still scope to develop Blockchain as a tool to record land interests. Cyprus offers an exemplar opportunity to use such a tool to assist in developing peace on the Island. Although the paper is conceptual in its application of blockchain technologies, it is novel in that it strives to show how technologies such as blockchain can act as a tool to assist with land registration matters, which in turn, can assist with new ways to approach the peace process. More research is necessary in this area of enquiry, especially as to how sidechains can act as a conduit for recording competing land interests, and disputed land claims.



**Date: Thursday, 25/Feb/2021**

9:00pm -

**Planning Law and Property Rights in Agricultural Land II**

10:30pm

Session Chair: **Rachelle Alterman**

Online live

Session Chair: **Eran Kaplinsky**

session (follow

Session Chair: **Sofija Nikolic Popadic**

the Zoom link

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Addressing the social impacts of farmland conservation policies

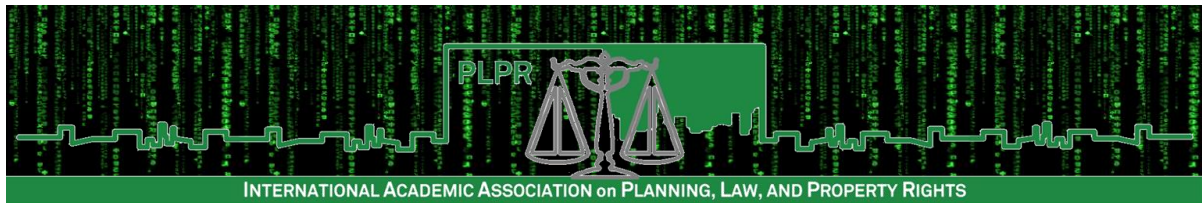
Coline Perrin, Brigitte Nougardès

INRAE, UMR Innovation, France

Farmland conversion and allocation are matters of growing concern (Bren d'Amour et al. 2016). Farmland preservation appears essential to mitigate climate change and meets social demand for food, landscape, environment, and the revitalization of rural areas (Perrin et al. 2020). In France, more and more citizens and local authorities advocate for farmland preservation and engage in local initiatives supporting the access to land for agroecological projects. However, such local initiatives sometimes struggle to conciliate social justice and conservation goals. This issue deserves a public debate.

We hypothesize that the inefficiency of some farmland protection policies may partly arise from a lack of consideration of their social impacts, especially on property rights. Such recognition could help defuse conflicts, avoid circumvention, and therefore ultimately, improve the social acceptability and the very success of land preservation.

We will argue this idea on the basis of a series of recent public initiatives of farmland preservation in France (Perrin and Nougardès, 2020a). Such initiatives show varying policy rationales and forms of power, exclusion, injustice and inequality embedded in the elaboration and implementation of farmland preservation policies. They shed light on the questions of "why" and "for whom" the objective of "no net land intake" is nowadays stated in EU. Based on this series of cases, we propose a new analytical framework to assess the social justice issues raised by the implementation of farmland preservation initiatives (Perrin and



Nougarèdes, 2020b). This framework may help local authorities develop capacities, and provide more inclusive and transparent procedures for expressing or preventing feelings of injustice in planning and land policies.

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How to stop farmers killing the goose with the golden egg?  
Turning vacant farmsteads into farmland

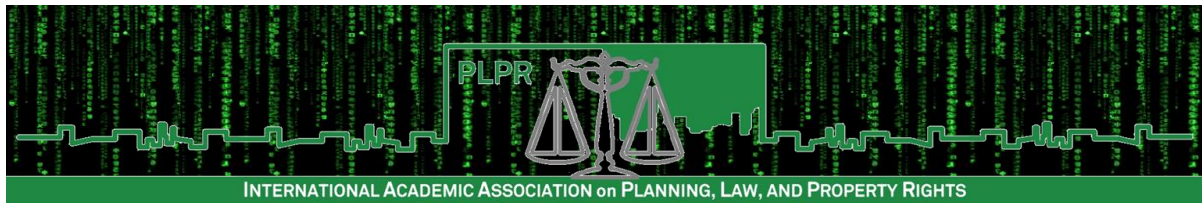
Hans Leinfelder, Tristan Claus

KU Leuven-Faculty/Department of Architecture, Belgium

As the number of farmers in Flanders continues to fall, more and more farmsteads are losing their initial use. Although binding land-use plans preserve larger areas for professional agricultural activities, more recent generic exception rules in the Planning Act allow for a change of use of former farm buildings to other economic activities or to residential uses. The latter change of use, however, is not limited to the building itself. It often coincides with the transformation of surrounding farmland into private gardens and horse pastures. Additionally, new dwellers show a rather intolerant attitude towards neighboring farming activities, blaming them of odor and noise pollution. As a consequence, planning and law not only fail to safeguard valuable agricultural assets, such as buildings or farmland, but also ensure that farmers get driven out of their own ‘territory’.

A research project by KU Leuven, in cooperation with the largest farmers’ union in Flanders, is currently exploring the possibilities to both remove the abandoned farmsteads and return the land to the agricultural sector. This implies primarily a critical assessment of the cost-benefit analysis made by individual farmers when closing their activities. After all, the benefit of selling the regained farmland is rarely enough to cover the costs of removing the building and sanitizing the polluted materials. On top, the added value that farmers miss by not selling their farm for residential purposes is enormous. Farmers rightly expect this loss of income, seen as an extra retirement saving, to be fairly compensated. However, if the preservation of agricultural areas in land-use plans for farming activities appears to be a political priority, the Flemish government is faced with the dilemma of having to choose





between a costly compensation operation or the abolishment of the generic exception rules in the Planning Act.

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Legal and policy arrangements for access to land in Europe

Willem Korthals Altes

TU Delft, Netherlands, The

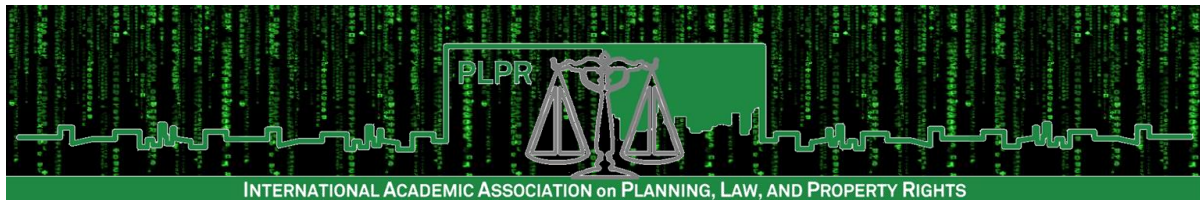
New generations in rural areas face issues in having access to land. Within the EU funded (grant agreement 817642) Horizon 2020 research and innovation action RURALIZATION, possibilities for rural regeneration are studied. Within this context an inventory has been made of legal and policy arrangements in all EU member states (including UK) based on a questionnaire and contributions of about 45 national reporters being coordinated by several members of the RURALIZATION team.

The outcomes show that, although there are large differences in land rights, most specific legal and policy arrangements are geared towards the accommodation of modernization and scale enlargement, and that there are only a few policy initiatives that may promote access to land for new generations.

Land tenure systems within the EU are based on three different conceptualisations of lease, that is, first, the lease as business contract, second, the lease to acknowledge the specific agricultural context that is in need of specific arrangements to allow for a fair contract for both parties and, third, the lease contract as providing security of tenure to farmers and their successors. Policies have facilitated the allocation of extra land (by flexible first and second types of leases) to farms which have already security of tenure for their core landholdings in the last decades. This means that lands are not allocated to new generations of farmers, but to the consolidation of existing farms.

Although many countries have policies to protect farmlands, reporters indicate that these are not very effective. There are a few examples of the contrary, which will be discussed.

Land consolidation is an instrument that exists in 21 member states. In most member states the heyday of land consolidation has



been in the past. Land consolidation is rarely used to allocate land to new farms.

There are a few other instruments, such as, pre-emption rights and compulsory purchase that may be of relevance.

The paper discusses the outcomes of the study and relates it to outcomes of other studies within RURALIZATION on bottom-up initiatives and land market developments. The consequences for the planning of rural areas are discussed.

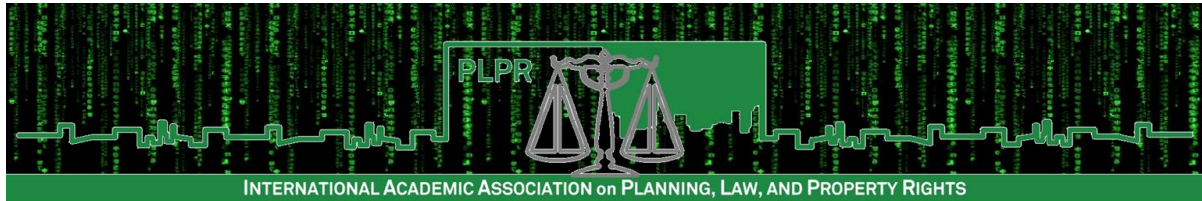
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Thirty years on - Equity and agricultural land under New Zealand's RMA

Hamish Gordon Rennie

Lincoln University, New Zealand

New Zealand's Resource Management Act 1991 was hailed as world leading for its focus on sustainable management and its incorporation of an effects based approach to planning. Thirty years on it is subject to challenges on all sides leading to a promised major reform in 2021. Part of the drive for reform has been the moves to fully implement it over the last decade that has had particular impact on agricultural land and the rights of landowners vis a vis the rights of the community to freshwater and the rights of the indigenous Maori. In this paper, I review the issues that have caused landowners the most concern at the derogation of their property rights. This draws on an analysis of key case law and government policies and local government plans, using the Selwyn District as a case study for illustration. Selwyn is a predominantly agricultural area just outside Christchurch that is one of the most rapidly urbanising parts of New Zealand and also faces significant issues with regard to overallocation of water rights, freshwater quality and loss of indigenous biodiversity. The analysis highlights the difficulties of implementing excellent legislation when property rights of the community and indigenous people clash with landowners.



Law in the face of the problem of land take - the Polish experience

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Land take is a concept that describes one of the main threats to the protection of land as an environmental resource. First attempts to incorporate this formula into the legal system of land protection have already been made. In European Union law, this was done by setting the goal of no net land take target by 2050. This objective, however, is neither binding nor specified in secondary legislation. The concept of land take and the target related to it may have a positive impact on the effectiveness of the land protection system. However, it is essential that the legal instruments are integrated and are of a binding character.

The Polish legal system has reiterated the concept of indirect land take. The term of land sealing has been incorporated into the legal language. The national target for land take has not been adopted. The Polish system of the protection of agricultural and forest land is an example indicating that a special and extensive legal regulation does not guarantee an effective protection. It also illustrates the importance of interlinking individual legal regulations as well as the act that the weaknesses of one of them (in Poland, the inefficiency of spatial planning) cannot be compensated for by developed instruments in another area of law. The analysis of the Polish legal model confirms that an adequate application of the economic instruments for the quantitative protection of arable land is difficult, which has also been found in a case study involving a Czech case.

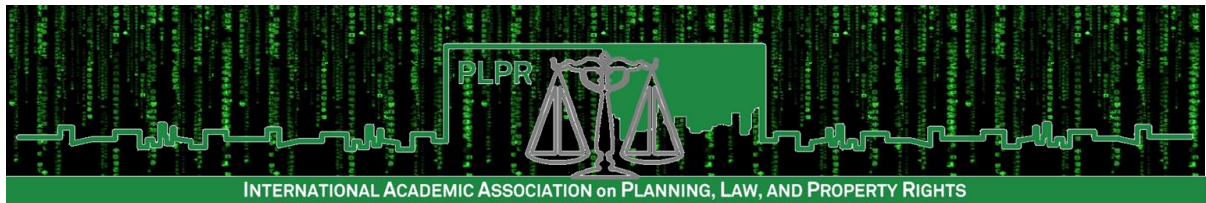
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Welcome to PLPR 2022 in Ghent, Belgium

Hans Leinfelder

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Ceremonial end

Thomas Hartmann, Rebecca Leshinsky, Eran Kaplinsky, Andreas Hengstermann, Sofija Nikolić Popadić

PLPR ExCo

Celebrating the official end of PLPR 2021 Online Sessions.  
Including flag ceremony to Ghent 2022 as the future host.