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BOOK OF ABSTRACTS

Tristan Claus & Hans Leinfelder

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Authors

Tristan Claus & Hans Leinfelder

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ID: 101
General Paper

Bridging land value capture with land rent narratives

Eliška Vejchodská[1], Ana Paula Barreira[2], Armands Auziņš[3], Evelin Jürgenson[4], Steven Fowles[5], Vida Maliene[5]
[1]J.E.Purkyne University, Czech Republic; [2]CEFAGE, University of Algarve, Portugal; [3]Institute of Civil Engineering and Real Estate Economics, Riga Technical University, Latvia; [4]Institute of Forestry and Rural Engineering, Estonian University of Life Sciences, Estonia; [5]Department of the Built Environment, Liverpool John Moores University, United Kingdom; eliska.vejchodska@ujep.cz

Urban land values have reached unprecedented levels in many parts of the world. Many scholars direct their research on their utilisation for public purposes. Two established research communities can be traced – the community referring to land value capture comprised mainly of urban planners and lawyers, and the community of economists discussing land rent. The relatively low level of interrelations between these communities prevents an effective sharing of their research outcomes. This contribution seeks to strengthen interconnections between these communities by characterising the narratives of both research communities, and synthesising their views.

The research is largely built on systematic literature review with content analysis undertaken using the NVivo software. The analysis focussed on the terminology used, the specific causes of land value increase, rationales and instruments used for land value capture, and the purpose of using the collected money to investigate the interconnections between both research communities.

ID: 104
General Paper

Reforming Restrictive Residential Zoning: Lessons from an Early Adopter

Edward Joseph Sullivan, Sarah Adams-Schoen
Portland State University, United States of America; esulliva@gmail.com

Cities, states, affordable housing advocates, scholars and others are looking to Oregon as the earliest adopter of statewide reform of restrictive residential zoning. It's "middle housing" mandate requires cities throughout the state to end the monopoly of single-family residential zoning—a monopoly borne from a century-old policy preference for economically and racially segregated neighborhoods; a monopoly that undermines affordable housing reforms by inflating rent and sale prices in U.S. cities. The new law requires cities to amend their zoning codes to allow "middle housing" in residential areas that allow single- family detached housing. By requiring cities to allow middle housing, the law opens the door to development of small-scale multi-family and clustered housing like duplexes, triplexes and cottage clusters.
This article provides an overview of the 2019 legislation, examines the subsequent administrative rulemaking, and draws lessons from cities' efforts to amend their zoning codes implementing the new law. Drawing on theoretical and empirical research, the article finds that Oregon's new law takes significant and unprecedented steps to dismantle exclusive zoning, increase the supply of affordable housing, and remove inter-neighborhood mobility barriers.
The law stopped short, however, of invalidating existing restrictive covenants and common interest community governing documents that limit lots to single-family use. A grand compromise in the administrative rulemaking effectively allows large cities to continue to permit exclusive single-family zoning in some residential areas and potentially dilutes the middle housing mandate in master planned communities. Enforcement issues and the likelihood of litigation over perceived and actual conflicts between the middle housing requirements and local codes, local home rule authority, and Oregon's constitutional prohibition of unfunded mandates also may undermine, limit or delay, the effectiveness of Oregon's middle housing law. Nevertheless, the legislation is a landmark effort to begin to remedy the ills of segregation in the United States.

ID: 105
Special session 2: Market-based land-use tools for ecosystem services supply in urban and peri-urban areas (Proposers: Enzo Falco, Davide Geneletti, Erica Bruno)

Integrating ecosystem services in transfer of development rights: a literature review

Erica Bruno[1], Enzo Falco[1], Davide Geneletti[1], Sina Shahab[2]
[1]University of Trento, Italy; [2]School of Geography and Planning, Cardiff University, UK; erica.bruno@unitn.it

In the era of environmental crisis, enhancing and preserving urban ecosystem services (ES) is fundamental in ensuring sustainable and resilient cities. However, several challenges hamper local administrations to safeguard and develop green spaces, which are the main providers of ES. Implementing effective planning policies is therefore a key issue. 'Transfer of Development Rights' (TDR), a market-based policy instrument, has long been employed as an alternative to prescriptive approaches (e.g., zoning) that failed to manage the relationships between human and the environment. Nevertheless, the implementation of TDR is a complex process and ensuring its effectiveness requires in-depth financial, institutional, and spatial analysis. Many implemented TDR programs aim to preserve farmlands, green spaces, or environmental sensitive areas. While implementing these programs has relevance for ES, these has been a lack of research exploring how ES have been or can be integrated into the design and implementation of TDR programs. This research addresses this gap through reviewing the literature on TDR to investigate whether and how ES have been considered so far in implemented TDR programs and, how the knowledge on ES can advance the design and implementation of these programs. The results show that the integration process is only beginning, but there are possibilities for ES approach to improve the effectiveness of TDR by strengthening the programme's *ex-ante* analyses and increasing stakeholder awareness of environmental trade-offs in urban transformations.

ID: 110
Special session 2: Market-based land-use tools for ecosystem services supply in urban and peri-urban areas (Proposers: Enzo Falco, Davide Geneletti, Erica Bruno)

A contrariant observation on assumed rising property values and value capture

John Sheehan[1], Andrew Kelly[2], Peddy Lai[3], Ken Rayner[4]
[1]Bond University, Gold Coast, Queensland, AUSTRALIA; [2]University of Wollongong, Wollongong, New South Wales, AUSTRALIA; [3]National Pingtung University, TAIWAN.; [4]UJEP, Usti nad Labem, CZECH REPUBLIC; sarasan@ihug.com.au

ABSTRACT

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

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

KEYWORDS

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

ID: 111
General Paper

What Municipalities Use Public Land Development for Housing? A comparison between Sweden and Switzerland

Melissa Candel[1], Andreas Hengstermann[2]
[1]KTH Royal Institute of Technology, Sweden; [2]University of Bern; candel@kth.se, andreas.hengstermann@giub.unibe.ch

Municipalities in several European countries use public land development to meet demands for new housing. Here public land development for housing refers to a public authority acquiring and servicing land, which is sold to housing developers in the form of serviced building plots. Public land acquisition, banking and development are characteristic of an active land management approach (Shahab, 2021), which has both been advocated for and cautioned against (van der Krabben and Jacobs, 2013). The use of public land development is seen in countries with a mix of approaches that range from being more active to passive overall. This means that municipalities use a variety of land development options, resulting in some municipalities choosing to use public land development while others choose not to. It is not clear what types of municipalities are more likely to adopt this approach to land development and whether this differs between countries, which we address here.

The majority of the previous literature on public land development is from the Netherlands, although these practices are also seen in numerous other countries. However, the extent to which public land development is used in different countries varies significantly. Therefore, we compare Sweden, a country where the practice is very common, with Switzerland, a country where the practice is not as common. The purpose of this study is to investigate and compare what municipalities in Sweden and Switzerland choose to use public land development for the provision of new housing.

For unveiling conditions under which municipalities choose to conduct such a public land development policy, we analyse 30 Swedish and Swiss municipalities by conducting a Qualitative Comparative Analysis (QCA). This method allows us to conclude the impact of five different conditions derived from planning theory literature on the actual occurrence of public land development.

ID: 112
Special session 1: Struggle over rural space (Proposers: Peter Ho & Walter T. de Vries)

Inequality of farmland holdings: issues of quality of government, rurality, ownership and the EU common agricultural policy

Willem Kornelis Korthals Altes
TU Delft, Netherlands, The; w.k.korthalsaltes@tudelft.nl

There is a certain tension between the emergency of the single market in the EU, including freedom to move capital, and the nature of land and territories that are fixed at a geographical location. Investment of capital in land improvements may fix this capital to the land values of a certain location. The regulation of ownership and land use are no EU competences, which makes that scaling and rescaling between the EU and national and local authorities result in tensions between the freedom-of-capital principle of the EU and local policies to promote rural development in relation to land rights and land uses. These tensions include the actual and perceived external effects that some land market events may have on local development, which is of relevance for spatial planning. This paper presents an overview of inequality in land holdings in European regions, land market

developments and the effect of the common agricultural policy in a context of a variance in quality of government and changing land uses from the perspective of the challenge to promote rural regeneration instead of rural decline.

(This paper is based on the EU funded (grant 817642) Horizon 2020 project RURALIZATION.)

ID: 115
General Paper

Different tendencies: Comparing recent developments of Dutch and Swiss institutional land regimes

Andreas Hengstermann, Josje Anna Bouwmeester
Universität Bern, Switzerland; andreas.hengstermann@giub.unibe.ch, josje.bouwmeester@giub.unibe.ch

Planning is frequently confronted with new challenges (e.g., due to new technical opportunities), shifting political priorities and a constant adjustment of available tools. Accordingly, planning laws across countries change frequently. Some of these amendments have the potential to change the institutional regime through which land is managed. However, decision-makers, practitioners and even academic scholars tend to focus on national developments. Comparative reviews of legal changes are seldomly conducted, despite the potential insights these may generate.

The present paper conducts a comparison between two countries that underwent significant institutional changes: Switzerland and the Netherlands. In Switzerland, the first partial revision of the Raumplanungsgesetz came into force in 2014, and was implemented by the cantons until 2019. It is currently being implemented by municipalities. In the Netherlands, a major change took effect in 2008 when the WRO was replaced by the wro. The Dutch planning law is undergoing major changes once more, with the new Omgevingswet, which is scheduled to be implemented in July 2022. This contribution aims to understand whether the developments in the two countries follow a common pattern.

Methodologically, this paper is based on the Institutional Resource Regime (IRR) as this comes along with two advantages: First, it allows for a comprehensive approach covering regulatory regulations beyond planning law (e.g., property rights) equally important for landowners, planners and local politicians. Second, it gives a framework to assess the results by defining the regime's degree of integration (based on the criteria of extent and coherence).

Our results show that both countries are undergoing major changes; both shifting towards a more integrated regime (increasing the number of regulations and the coherence between different legal domains). However, detailed analysis reveals differences in the land policy strategies taken by the countries. Whereas in Switzerland, amendments have allowed planners to take up a more active role in development processes, the Netherlands is shifting toward a more passive system.

The presentation includes a brief interactive part in which session participants will be asked to give their assessment on legal amendments in their countries. This allows to contextualize the paper's results.

ID: 117
General Paper

National Land Ownership: Legal and Administrative Dilemmas, the Israeli experience

Yael Savaya, Nurit Alfasi
Ben-Gurion University of the Negev, Israel; yaelsz@post.bgu.ac.il, nurital@bgu.ac.il

Public land ownership is sometimes described as an aspired tool for safeguarding public interests and solving environmental conflicts. The reality behind the legal and administrative framework operationalizing national land ownership in Israel tells a different story. This paper focuses on twisted decision-making mechanisms enveloping national land ownership and long-lasting flaws that result from it.

Israel Land Authority (ILA) is the governmental body managing about 93% of the state's territory. ILA's policy, designed by Israel Land Commission (ILC) is of a legislative power despite the fact it is not set by public delegates and is rarely discussed in the public realm. Powerful governmental bodies as the Ministry of Housing and Ministry of Treasure frequently back this policy. Mainly, whenever ILA's policy is in conflict with statutory plans, which often happen, the administrative mechanisms work in favor of the ILA.

Our research delineates the central legal and administrative bodies required to manage the national land and discusses the troublesome effect on the built environment. Focusing on the last thirty years, we analyze the structure, characteristics, and location of some 80 new neighborhoods of similar outline built on nationally owned land and provide data regarding the loss of agricultural land and protected open spaces. We then discuss how these neighborhoods are planned, often against the existing development policies and statutorily authorized plans, and the role played by ILC's policies in this respect. We conclude by claiming that the legal framework, particularly the lack of required checks and balances, has turned ILA into a reckless development-driven actor.

ID: 118
Special session 2: Market-based land-use tools for ecosystem services supply in urban and peri-urban areas (Proposers: Enzo Falco, Davide Geneletti, Erica Bruno)

Impact of public investments on environmental ecosystems: diagnosis and solutions (the case of Porto Metropolitan Area)

Emília Malcata Rebelo
Faculty of Engineering of Porto University, Portugal, Portugal; emalcata@fe.up.pt

Any public investment, whether in communication routes, infrastructures or equipment, will generate externalities (such as increases in land prices), and, thus, produce impacts on ecosystems services (namely in terms of the reduction/conditioning of green spaces, soil sealing, and the consequent effects on rainwater runoff, reduction of oxygen content and increase of CO_2 emissions).

This research aims to (i) develop one or more market-based land tool(s) founded on the capture of betterments that stem from public investments, which provide municipalities with funds to meet the costs with environmental services; (ii) develop an updatable and rolling (ongoing) management information system fed by reliable information validated by public entities, which

allows tracking the costs of cultural and recreational environmental services; and (iii) develop a digital and interactive map of the territory based on this management information system, which allows monitoring and tracking the implementation of those land use management tools.

This paper will assess, on the one hand, the costs of cultural and outdoor recreational services, and on the other hand, the amount of betterments that stem from public investments. The "backward" method will be used to compute betterments that stem from public investments (through the subtraction of building and related costs and intended profit from the real estate selling prices of areas surrounding the public investment), thus pointing out the market price of land. The betterment is obtained by subtracting from this land market transaction price the price of the land before the investment. Part of these betterments will be captured to finance (at least partially) the costs of outdoor recreational and cultural services (which will be calculated on the basis of official statistical data and accounting-financial documents of the municipalities).

The structure of the paper consists of: (i) literature review on ecosystem services, and market-based land use management policies and instruments; (ii) report of consultations and interviews with municipal planners to identify ecosystem cultural and recreational services needs and their characteristics; (iii) identification of data to be collected and (re)structured to feed the management information system; (iv) estimation of additional financing needs at municipal level to meet environmental commitments (v) definition of market-based policies and instruments that allow municipalities to collect betterments engendered by public investments to meet environmental commitments; (vi) adjustment of a geo-referenced and updatable model to predict the evolution of betterments (according to a set of underlying indicators), and programming of the model, including its cartographic visualization, user interface and its reformulation along time (vii) estimation, for each geo-referenced location, of the value inherent to the cost burden with cultural and recreational environmental services; (viii) estimation of geo-referenced betterments; (ix) discussion and (x) conclusions and proposals for the future.

This methodology is being applied to the case study of the Metropolitan Area of Porto in Portugal, but is generalizable to other urban and metropolitan contexts and realities.

ID: 122
Special session 1: Struggle over rural space (Proposers: Peter Ho & Walter T. de Vries)

When two dogs fight over a bone: planners as peacemakers between agriculture and environment

Tristan Claus, Hans Leinfelder
KU Leuven, Belgium; tristan.claus@kuleuven.be

"Flemish government drives up the price of agricultural land" headlined the newspapers in Flanders last September. The Belgian farmers' union and the Flemish Liberal Party were dissatisfied with the 363 hectares of agricultural land that the Flemish Government had purchased in 2020 to compensate for deforestation elsewhere. Farmland is scarce, they said. And since the government is also bidding for it, its price is increasing. In a way, they were right, were it not for the fact that nature and forest make up less than two percent of the land that is allocated for agricultural purposes in the region's territory-wide land use plans. Much more prominent are the gardens (6.2%) and pastures for hobby farm animals (4.3%), non-agricultural economic activities (0.9%), buildings (0.2%), and other functions such as sports and recreation (1.5%).

This contribution shows the legal opportunities to deviate from land use regulations as a history of path dependent institution-building. It shows how, over a period of four years (1999-2003), the Flemish government has moved from allowing nothing but agriculture in the areas designated for agriculture in the land use plans to the possibilities to change the use of constructions to uses they are not allocated for and subsequently convert, expand or rebuilt them. If today in Flanders municipal governments want to preserve the agricultural land on their territory for actual agriculture, they have to be more restrictive to non-farmers than legislation allows for. Agriculture should become the default option again. In doing so, area-specific planning could reconcile the interests of both agriculture and the environment, and therefore the community as a whole.

ID: 123
General Paper

Towards a credible legalization policy in Serbia

Slavka Zekovic
Institute of Architecture and Urban& Spatial Planning of Serbia; slavka@iaus.ac.rs

The paper explores the legalisation policies of illegally constructed buildings (ICBs) in Serbia in both socialist and post-socialist period. The restrictive urban policy and the inability of the socialist model to provide affordable housing have influenced the emergence of ICBs as an alternative method of meeting housing needs. The exogenous adoption of legalization policies, especially in the post-socialist period, based on the neoclassical approach and "mainstream" neoliberal development, without examining the social mechanisms of the endogenous decision-making on the emergence of ICBs, as well as reducing of planning role (e.g. a deviation of planning, avoiding or abandoning of planning) makes their implementation incomplete and unsuccessful. Given that the endogenous factors of mass construction of illegal buildings are fragmentarily involved in legalization policies, this paper introduces the conceptual framework of "credibility thesis" of specific institutional forms.

This paper debriefs the changes in the credibility of legalization policy measures in the socialist and post-socialist context by using of the credibility analysis as a tool in the evaluation of legalization policies. Empirical analysis of ICBs in Serbia indicates the suitability and acceptability of a theoretical framework based on the "credibility thesis" for the valorization of legalization policies. It can point to the desired direction of legalization policy, procedures and policy implementation mechanisms, and open a new perspective for improving its current performance. Also, here is supposed that the consequences of ICBs arise from their juxtaposition, non-ergodicity and "lock-in" status, i.e. the changes of the relationship in property rights, planning and laws. The issues of legitimacy and legal certainty of the ICBs could be reflected on legalization policy and possible long-term staying of illegality as a parallel system of property rights (with 2.1 million illegally constructed buildings out of 4.9 million in Serbia) with a inconceivable implications for urban planning.

ID: 124
General Paper

The Government Needs to Build/Finance Housing

Peter Buchsbaum
Superior Court of New Jersey, retired, United States of America; pbuchsbaum@aol.com

The debate about barriers to housing affordability has largely centered on the removal of regulatory barriers to homebuilding. In particular many observers blame substantive requirements, such as single family zoning and other laws which obstruct construction of affordable homes in denser configurations. Also process obstructions, such as drawn out public hearings dominated by wealthier neighbors, extensive impact requirements and referenda affecting particular projects, are set forth as culprits. These critiques, while valid, assume that removal of such regulatory barriers will free the market to produce affordable homes.

Forgotten in this tumult has been the long term failure of governments to undertake or finance social home construction for their non-affluent citizens. In the United States, we have all but forgotten the federal goal of a decent home and suitable living environment for all families, enunciated over 70 years ago in the Housing Act of 1949. The plethora of programs to subsidize construction to make it affordable was essentially dismantled during the Reagan administration almost 40 yars ago. We no longer subsidize interest rates for privately built multifamily homes, provide direct mortgages for housing for seniors, support new public housing, or finance homes in rural areas. Only the military undertakes housing construction these days.

In response, a group of advocates and academics in the US has issued a call for a renewal of federal housing programs. This call was recently published in the Journal of Affordable Housing and Community Development Law, published by the American Bar Association. We assert that central governments once assisted with housing construction and despite some failures have provided shelter for millions of lower income families. Now, confronted by the twin crises of affordability and homelessness, exacerbated by the Covid pandemic, government has to emerge from the sidelines and begin once again to help provide housing for people who will not succeed in finding housing even if regulatory barriers are ameliorated.

Hopefully, this presentation will spur debate among PL-PR attendees on the need for government action to promote housing for families of modest means.

ID: 126
General Paper

Pursuing planning goals through capturing planning gains? The Swiss example shows a contrasting picture

Jean Ruegg
University of Lausanne, Switzerland; jean.ruegg@unil.ch

In March 2013, Swiss citizens voted in favor of a major revision of the federal planning act (SPA) in order to curb urban sprawl and promote environmental protection. This revision has introduced significant changes. One of them is analyzed here in more detail. This is the obligation for the 26 cantons to introduce a compensation regime that would allow for the equitable treatment of significant gains and losses resulting from land-use planning measures (section 5 SPA). The new revenue produced from capturing planning gains is not only to compensate for planning losses, but is also intended for the reallocation of brownfield sites and the promotion of densification measures (section 5, 1ter SPA).

Prior to the adoption of the SPA revision, some commentators favored section 5 SPA on the grounds that the revenue collected would be available to promote solely planning objectives, unlike other public value capture mechanisms, which are part of the total revenue authorities can rely on to finance all the tasks they have to perform.

Seven years later, only a partial balance sheet can be drawn up. All cantons have a compensation scheme. But the first conclusions are disappointing as section 5 SPA is rarely used to its full potential. The purpose of this presentation is twofold.

To give an idea of what the cantons have been able to achieve and to discuss the discrepancy between the federal intention and the cantonal realm.

To suggest through a few examples that the translation of section 5 SPA into cantonal laws has provided an opportunity to reaffirm the social role of property rights, with more general spatial planning objectives often taking a back seat at cantonal and local levels.

ID: 127
General Paper

LOGGING TREES, FARMING CATTLE, RENTING HOUSES – IS ANY OF THESE ACTIVITIES ETHICAL AND WHY?

Ben Davy
University of Johannesburg, South Africa; benjamin.davy@udo.edu

Planners coordinate a wide varieties of land uses. It is understood by most planners that it would be unethical to designate spaces for commercially harvesting human organs, artificially inseminate women against their will and steal their babies and their milk, or owning and renting slaves. But hardly anybody objects if spatial plans designate spaces for forestry, cattle farms, or tenement houses. Planners presuppose that trees do not have the right to the protection of their limbs, cows are not women (of the *homo sapiens* species), and land can be owned and used without qualms.

Land use ethics (going back to Aldo Leopold's *A Sand County Almanac*) examines the presuppositions—really the ideological underpinnings—of spatial planning, planning law, and property rights. The result of the examination is not necessarily the condemnation of current land use practices. Perhaps there are excellent moral justifications for logging trees, farming cattle, or owning houses. Yet, if there are, these justifications are hard to find in the literature on planning, law, and property rights. This, of course, is a core problem of presuppositions and ideological underpinnings: Everybody has them, but nobody speaks about them easily.

ID: 129
General Paper

Navigating negotiations for condominium law and living in an era of climate change and pandemic resilience – strategies and practice

Rebecca Leshinsky[1], Balkiz YAPICIOĞLU[2]
[1]RMIT University, Australia; [2]Arucad University Cyprus; rebecca.leshinsky@rmit.edu.au, balkiz.yapicioglu@arucad.edu.tr

Community consultation and resilient living strategies can inform condominium living. This is terms of both how to navigate internal disputes and decision making for the development, as well as negotiations with the municipality, particularly in these challenging times when many buildings suffer from defects, ventilation concerns and other urgent demands from the pandemic and climate change impact. This presentation offers an opportunity for comparative cross-jurisdictional discussion on law, governance and practice for how to navigate negotiation and dispute resolution strategies for residents who spend more time than before living and working in their apartments, and sharing common spaces and facilities such as gyms, gardens, elevators and so on. As the pandemic and climate change concerns also touch on municipal and national law, strategies for these concerns may not lie in the old ways of doing things, hence the need to explore new ideas and processes.

ID: 130
General Paper

Zooming our way into planning: ICT usage, virtual hearings, and the pandemic

Nir Yona Mualam
Technion, Israel; nirm@technion.ac.il

The purpose of this study is to examine the effect of COVID-19 on decision-making in planning. Put differently, how the shift to virtual planning meetings influenced the processes associated with land use planning.

We discuss this issue by looking at the shift of Israeli planning boards to online meetings. Since March 2020 decision-making has changed from face-to-face meetings between planners, public officials, and stakeholders to an online mode of decisions and meetings using a range of tools including, but not limited to Zoom and Teams. The lessons learned in Israel are relevant and applicable to other countries where similar shifts to online virtual hearings took place in 2020.

Everywhere, and globally, state and local governments have found new ways to enable the continuation of planning hearings and meetings in times of crisis. New laws enabled planning boards at the local, regional, and national levels to make decisions without meeting face-to-face. Notably, the Israeli regulations are but one example. In other countries, such as in the US and the UK, national and local governments have introduced similar policies.

COVID19 has therefore had a major impact on the way planning is conducted around the world. To examine this new policy, we initiated a survey among practicioners who participated in online (Zoom) meetings held by planning boards. In particular we explore the following:

- What do participants in online decision-making think about this new mode of communication? How satisfied are they?

- Compared with face-to-face engagements, what are the major pitfalls and advantages of online decision-making in planning?

ID: 131
General Paper

Non-compliance and non-enforcement: An unexpected outcome of flexible soft densification policy in the Netherlands

Josje Anna Bouwmeester[1], Jean-David Gerber[1], Thomas Hartmann[2], Deniz Ay[1]
[1]Institute of Geography & Center for Regional Economic Development (CRED), University of Bern, Switzerland; [2]School of Spatial Planning, TU Dortmund, Germany; josje.bouwmeester@giub.unibe.ch

In many urban areas, governments are struggling to curb urban sprawl while simultaneously trying to keep up with growing pressures on the housing market. As a result, housing developments increasingly take place within the existing housing stock through soft densification in the form of subdivisions. Municipalities aim to regulate this type of densification because of growing pressure on existing infrastructure, neighborhood cohesion, and (rental) prices. This contribution looks at the city of Utrecht in the Netherlands as a case study, where the municipality introduced new subdivision regulations in 2016. It explores how the interests of different actors, specifically those of the small-scale investors initiating the subdivisions and established residents, influenced the negotiations that took place during the policy formulation and implementation phases. Using a neo-institutionalist approach, we found that policy negotiations gave rise to an increased number of flexible rules on subdivisions, allowing municipal authorities to make decisions on a case-by-case basis. While official subdivisions have reduced drastically as a result of the new policy, investors have moved towards other less regulated opportunities or even illegal subdivisions. These findings highlight that while flexible implementation may provide more steering capacity for municipalities, it may also lead to non-compliance as an unexpected byproduct.

ID: 132
General Paper

Balancing urban density and green space through green standards.

Peter Vervoort[1,2]
[1]Antwerp University, Centre for Environmental and Social Change, Belgium; [2]Government of Flanders, Department of Environment and Spatial Development, Belgium; peter.vervoort@uantwerp.be

The loss of soil functions and ecosystem services due to additional infrastructural and urban land take is one of the major contemporary environmental challenges. Therefore the selective densification of the urban fabric is a crucial strategy for sustainable development and reducing urban sprawl. This means further demands for land use will have to be accommodated within the existing urban fabric. At the same time providing sufficient green space to ensure liveable urban environments is being

stressed. Combining both policy objectives: targeted urban densification while preserving green space, will be a spatial topic of increasing importance. In order to balance urban density and green space a good understanding of supply and demand for green space is needed and spatial instruments that support policy and interventions are required. In this article the practice of introducing standards to ensure green space provision is discussed. Drawing from a critical review of literature and practices, a reflection on the usability of green space standards is made. A tentative roadmap to establish context specific standards is laid out which can inspire to develop evidence informed green space policy goals, which can be translated into instruments.

ID: 135
General Paper

Illegal construction of buildings and legalization – the case of Serbia

Sofija Nikolic Popadic
Institute of Social Sciences, Serbia; snikolic@idn.org.rs

The Republic of Serbia is one of the European countries that is facing the problem of illegal construction of buildings. According to the data of the Ministry of Construction, Transport and Infrastructure of the Republic of Serbia, there are 2.05 million illegal constructions in the country. The illegal construction of buildings leads to multiplying problems. They are not built in accordance with urban plans, they cannot be legally connected to the electricity, gas, telecommunications network, heating network, water supply and sewerage (Law on Planning and Construction, Art. 160), they are sometimes built in a place where the basic infrastructure is missing, etc. Illegal construction causes various problems related to property rights, especially concerning real estate transactions. There have been different approaches in trying to find solutions for the problem of the growing number of illegal constructions in previous years in Serbia. Since 2003, illegal construction has been a criminal offense. Besides that, the possibility of legalization was considered as a potential solution to the problem. From 1997 until today, six laws have been passed that regulate the issue of the legalization of illegally constructed buildings. These regulations have enabled citizens to obtain the necessary permits in a simpler and cheaper way, which calls into question the principle of equality of citizens. The possibility of legalization also raises the question of the impact of such procedures on urban planning, as some buildings/houses that are in the process of legalization were not built in accordance with the urban plan. When considering delicate legalization issues, one should take into account the whole context of previous years during which illegal buildings were built, especially in social terms (in the period of migration caused by wars during the 1990s), as for some citizens an illegally built building/house is the only dwelling that they have.

ID: 136
Special session 1: Struggle over rural space (Proposers: Peter Ho & Walter T. de Vries)

Implementing Disaster Resilience through Land Consolidation

Jaap Zevenbergen
University of Twente, Netherlands, The; j.a.zevenbergen@utwente.nl

Disaster Resilience, as an important aspect of spatial planning, ensures disaster-prone areas are not used for or occupied by disaster sensitive activities or objects. When incorporating hazard information into the design of a new spatial plan, land use and even property rights will be effected. Often land is in the use and possession of specific persons, enterprises or groups, and the (new) societally desired activities or priorities add to the scarcity.

Despite the increasingly accurate information on the hazard and disaster risk including climate change, those with vested interests on effected land, are not easily persuaded to take adaption actions.

The property rights of people make the actual implementation of well-designed risk-informed plans difficult. Esp. land ownership is protected in international treaties and national constitutions; even though different levels of limitations are allowed in the public or general interest[1]. Next to expropriation as the most extreme version, reduction of allowed use is also possible, and when little use remains, can even be seen as de facto expropriation. Relocation, even under financial compensation, still affects historical, emotional and livelihood ties to the land, and might lead to people disapproving, resisting or even fighting the land use changes needed from hazard risk perspective.

Should we not revisit the use of land consolidation to balance existing rights and developing needs for specific locations for disaster risk measures? If so, we need to start with deconstruction and rethinking of what the (exchange) 'value' would need to entail in this context (e.g. a house or farmland prone to flooding compared to a safe(r) location).

[1] A short exposé on this can be found in Zevenbergen, J. (2021) My home is next to your castle: Why land law and real estate planning cannot be separated, Festskrift Thomas Kalbro, KTH

ID: 137
Special session 2: Market-based land-use tools for ecosystem services supply in urban and peri-urban areas (Proposers: Enzo Falco, Davide Geneletti, Erica Bruno)

Assessment of good and poorly located land in the context of realizing the construction shift

Isabelle Loris
Departement Omgeving, Belgium; isabelle.loris@vlaanderen.be

Flanders (Belgium) is known for its urban sprawl. With the strategic vision of the Spatial Policy Plan, Flanders wants to put a brake on the further development of open space outside the residential areas and cities, and to promote the densification of construction projects. Only well-situated places are eligible for housing; the poorly located places must then be repurposed into an open space function (nature, agriculture, forest, etc.).

This research analyzes the good and less well-situated places for housing, both in the residential areas and the residential reserve areas. In particular, the possibilities of green-blue veining of the residential areas and slowing down ribbon development are being examined. It is shown that more than half of the area of undeveloped plots in the residential areas and no less than two-thirds of the residential reserve areas should no longer be considered for development. The results are mapped out and can be used by municipalities and cities to implement an infill-oriented and core-strengthening policy. In this way a tool is offered that can be used to realize the construction shift.

ID: 138
General Paper

Property Rights and Urban Morphology: How land tenure structures affect our city's ability for transformation

Mats Victor Levin, Terje Holsen
Norwegian University of Life Sciences, Norway; mats.levin@nmbu.no

In the major schools of urban morphology, morphological analysis is based on the principle that urban form is defined by three fundamental physical elements: buildings and their related open spaces, plots or lots, and streets (Moudon, 1997, p. 7). In newer literature, parks and green structures has also been incorporated (Børrud & Røsnes, 2016, p. 139).

Seeing that plots is an important element in urban form, and that urban morphology gives us a theoretical platform to explain not only urban form and development, but also the city's ability to transform (Børrud & Røsnes, 2016, p. 134-135), urban morphology promises much for real estate development and planning. In our view, this is particularly true where land-use policy focuses on densification within the built-up city. For this theory to be operationalised, however, gaps in urban morphology's understanding of plots needs to be addressed.

In urban morphology, the focus of plots is on its form (see, for example, Moudon, 1997, p. 7; Oliveira, 2016, p. 23; Whitehand, 2001, p. 105). While size and geometrical configurations are important to urban form, this focus limits urban morphology to a narrow understanding of why plots are important to urban form. As shown in property rights theory, it is not only plot structure, but also owner- and ownership-structure that is important (Holsen, 2021). As stated by Buitelaar and Segeren (2011, p. 662), urban morphology recognises the importance of landownership for urban development, but it does not go into detail about how this relationship works.

By using theoretical insight from law and economics, we want to develop a more detailed knowledge about how land tenure structures affect urban form in contemporary cities. Through such studies, which will use a case-study approach, we want to develop *property and possession* (Steiger, 2006) as an element in urban morphology.

ID: 142
General Paper

Topic 2: On many shoulders: The challenge of cooperative building land development

Ute Knippenberger
TH Aschaffenburg, Germany; ute.knippenberger@th-ab.de

The German planning law (Baugesetzbuch) offers municipalities the possibility to engage private investors to pay for public follow-up costs induced by their development. This is only the case whenever the development of a site is depending on a land-use plan or changing an existing one. Many cities have built up local policies to define this as a cooperative development of building land *Kooperative Baulandentwicklung*. Characteristic here is the combination of a land-use plan (*Bebauungsplan*) associated with an urban development contract *(Städtebaulicher Vertrag)*.

With the real-estate market thriving and cities professionalizing in urban development contracts, the political and departmental wishlists become longer. At the same time the demands for planners to become mediators between the standard planning procedures and time-consuming negotiation of contracts are challenging. Therefore the paper wants to give some insight into cooperative urban land development in Germany and the challenge of enhanced complexity it brings to daily practice. It will also critically discuss the intermingling of regulatory layers between plan and contract.

ID: 144
General Paper

"A rock is not an island": a discussion based on article 121 UNCLOS

Jean Ruegg[1], Fabien Brial[2]
[1]University of Lausanne, Switzerland; [2]Université de la Réunion, France; jean.ruegg@unil.ch, fabien.brial@univ-reunion.fr

Article 121 UNCLOS:

1. *"An island is a naturally formed area of land, surrounded by water, which is above water at high tide"*.
2. *"Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory"*.
3. *"Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf"*.

For many coastal states, the exclusive economic zone (EEZ) defined by the United Nation Convention on the Law of the Sea (UNCLOS) is an important economic, and environmental feature that is further reinforced by resource depletion and climate change. Consider, for example, the many territorial and maritime claims currently being made by countries affected by the release of land and water resulting from melting ice in the Arctic.

But climate change may also have other effects: sea-level rise and land submersion might possibly impact on the size and location of EEZs. For some observers, UNCLOS does not provide a legally satisfactory answer to this question, with some recommending that the current delimitations (also useful for establishing marine protected areas – MPA) should not be changed.

In many situations, sea-level rise associated to EEZs stakes reveal significant sovereignty conflicts that often hark back to partially resolved decolonization issues. Taking the pretext of the dispute between the UK and Mauritius over the Chagos Islands, and examining the arguments mobilized by the different parties around the establishment of a Type 1 MPA (or 'no-take' MPA), this contribution proposes to discuss Article 121 UNCLOS. From a strict geoscience viewpoint, the difference this article introduces in the definition of what is an island or a rock should suffice to give a legal answer to the fate of an EEZ in case of rising seas. Our hypothesis is that the legal indeterminacy of UNCLOS is the result of a pragmatic attitude to deal with controversial geopolitical issues and (environmental) strategies that are often to the advantage of former colonizing countries or great powers.

ID: 147
General Paper

Post-crisis high-rise development: A comparative documentation

Ioanna Nicolaou[2], Byron Ioannou[1]
[1]Frederick University, Cyprus; [2]Indepented Researcher; io.nicolaou@gmail.com

The city of Limassol has been engaged in a tower development frenzy over the past decade. With the 2012 financial crisis as a stepping stone, the tall building development coupled with the EU Citizenship Investment Program was praised as a way to kickstart the economy, offering jobs in construction, imported capital, and foreign investment, 'golden' passports, and boundless profit for a number of stakeholders involved. Each of these real estate projects was uninformed by planning and building regulations, while with the Town and Countryside Planning framework from the 1990's yet not updated, they use the decree of the discretionary power of planning and ministerial officials for zoning height and floor-area ratio amendments. The local press describes recent revelations of corrupted patents that prove that this topic involves detangling political and economic contexts. Ultimately this large investment surge needs to be examined as it is reinventing the southern coast. This paper intends to emphasize the abuse and effect of these morphological changes and their de-urbanising dynamic and how it happened by deciphering the budget of these buildings by estimating values and costs with data obtained from different real estate websites. The aim is to understand their legitimisation and implications when fixed on the hypothesis of a significant vacancy of the under-occupied apartments. Following the mapping of existing urban mechanisms and building profiles of five case studies with data gathered from interviews with local active citizens and technical experts, the collection of data placed in a comparative layout finally verified our concerns.

ID: 148
Special session 2: Market-based land-use tools for ecosystem services supply in urban and peri-urban areas (Proposers: Enzo Falco, Davide Geneletti, Erica Bruno)

Protecting ecosystem services of urban agriculture against land use change through market-based instruments. Polish perspective.

Justyna Goździewicz-Biechońska[1], Anna Brzezińska-Rawa[2]
[1]Adam Mickiewicz University in Poznań, Poland; [2]Nicolaus Copernicus University in Toruń, Poland; jusgoz@amu.edu.pl, rawa@umk.pl

Urban agriculture (UA) is the collective name for a variety of farming activities occuring within the boundaries of a city or the direct neibourhoods (Maloney, 2012). Farming is generally not the primary function in the urban ecosystem; however, its spatial role shouldn't be underestimated. Urban green spaces connected with urban agriculture are widely accepted as a nature-based solution for effectively addressing societal challenges related to urbanization (Sanyé-Mengual et. al., 2020).

In general, the future of agricultural land use in Europe is uncertain (Ewert, 2005). Competition for land between agriculture and urban land use is addressed mostly by regulatory 'command and control' planning approaches. However, there's a growing interest in the use of market-based instruments (MBI) (Harman & Choy, 2011). In Polish cities, urban agricultural areas comprise about 43.5% of urban areas in general, and 7.8% of individual farms in Poland are urban farms (Sroka, 2013). Specific attitude towards ownership of land in Poland (strong private –property ideology) (Alterman, 2012) influences (restricts) the implementation of MBI.

The contribution aims to present a potential for MBI for urban agriculture and identify barriers to implement such solutions in Polish cities. The first type of MBI encompasses land value capture (LVC) tools protecting urban agriculture: (1) charges and annual fees for exclusion of land from agricultural production and betterment levies (aiming to prevent agricultural land conversion in cities); (2) land leasing of allotment gardens (AG) (the specificity in Poland is intense development pressure on AG due to their attractive locations). We assess those LVC instruments, their strengths and weaknesses and their effectiveness in protecting agricultural land use in cities, the possiblities for future implementation. The second type are MBI supporting urban gardening in cities. We consider voluntary land-readjustment for community gardens and negotiated planning agreement (currently very limited) as the most promising and implementable.

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ID: 149
General Paper

Relocation of agricultural activities in land use planning and food planning: insights from French and Dutch cases

Tianzhu LIU[1], Willem K. KORTHALS ALTES[2], Romain MELOT[1], Frédéric WALLET[3]
[1]INRAE, Université Paris-Saclay, UMR SADAPT, France; [2]Delft University of Technology, the Netherlands; [3]INRAE, UMR AGIR, France; tianzhu.liu@inrae.fr

Relocation of agricultural activities has gained increasing awareness in recent years, with the idea to increase local food provision through short supply chains. Thus, the economic and social link between consumers and producers rebuild. Public policies are designed to support the relocation of agricultural activities. A direct tool is food planning, which is new and strategic. Land, as a primary resource for relocalizing activities, creates links with land use planning. The latter is primarily designed for organizing urbanization; it concerns farmland preservation but not agricultural activities.

Existing studies appeal to the mutualization between land use planning and food planning, for example, in the perspective of access to land, food infrastructure, and the shared recognition of agriculture's multi-functionality in food production and landscape management. However, there is a lack of empirical studies studying the nexus between food planning, land markets and land use planning. In this research, we aim to answer the question: how do food planning and land use planning address the (re)location of agricultural activities, and what are the intersections between them?

Cases in France and the Netherlands are chosen to make semi-structured interviews and document analysis. While food planning in France is formally defined by the national law, it's developed locally in the Netherlands. Professionals in charge of land use-planning and food- planning projects in local authorities or other organizations that carry the projects were interviewed. The results are presented on three aspects. First, we reveal the need for relocalizing agricultural activities and the difficulties. Second, we explain the interventions for relocalizing agricultural activities in land use planning and food planning. Finally, we present the links and missing links between land use planning and food planning and explain the reasons. We end by discussing possible approaches to facilitate the mutual procedures between the two planning tools, to give implications for policymakers to support the relocation of agricultural activities through planning intervention.

ID: 150
Special session 2: Market-based land-use tools for ecosystem services supply in urban and peri-urban areas (Proposers: Enzo Falco, Davide Geneletti, Erica Bruno)

Privatizing Urban Planning: New Legal Tools for Resilient Land Use

Sigrid Pauwels, Esther van Zimmeren
University of Antwerp, Belgium; sigrid.pauwels@uantwerpen.be, esther.vanzimmeren@uantwerpen.be

In order to react adequately to the urban urgency of climate disruption, such as unpredictable floods and super storms, urban planning becomes more *responsive* then strategic. This means that urban planning must adapt to unprompted land development and take effective precautions to prevent disasters.

Therefore urban planning needs to be well equipped for risk management and damage control and fit to engage all actors involved in a co-creative design process. These challenges give rise to a legal framework tying general public land use law instruments to a tailor-made planning process between all parties involved. Yet few legal frameworks are consistently equipped to cover this strategy.

In this abstract we will address the use of experimental law as an alternative planning tool. We will focus on a project called '*Mobiliteit Innovatief aanpakken*' (translation: 'Innovative Approach to Mobility' Flemish Government, 28 May 2021), making *pioneering* use of experimental law for sustainable mobility by the *accelerated* expansion of soft road infrastructure. Simplified planning instruments, project methodology and property rights are used. This project will be examined and presented as a case study to explain how fundamental environmental rights hinder the use of experimental law for urban planning purposes in Belgium.

The originality of the paper relates to embedding the concept of urban urgency governance within the literature on experimental governance and modular law tied to 'Adaptive Law' (e.g., Arnold, 2018; Arnold & Gunderson 2013). This is a US theoretical legal framework that can be used by urban policy makers for diagnosing 'inadaptive' elements of the legal framework, in particular for dealing with grand societal land use challenges e.g., climate change, mobility or housing (see also Pauwels, 2021; Zeitlin & Rangoni, 2020; Stacey, 2018; Pauwels & van Zimmeren, 2018 and Manning & Reinecke, 2016).

ID: 151
General Paper

Can condominium housing undergo urban regeneration?

Nuriel Or, Rachelle Alterman
Technion, Israel; nuriel@campus.technion.ac.il, alterman@technion.ac.il

The extensive knowledge on urban regeneration to date focuses mainly either on owner-occupied or on rental housing. Research has largely ignored situations where the existing housing is in condominiums (or similar co-ownership). Yet, such tenure is a major part of housing.

The structure of condominium law makes co-owners' decision making more difficult compared with individual home ownership on the one hand, and single-owner building ownership (including public housing) on the other hand. But, while some decisions can be made by a simple majority, others must be made unanimously. the decision to demolish and rebuilt the condominium affects the very essence of ownership and therefore, the basic rule in most countries is (probably) that all owners must agree to such drastic decisions. However, in response to growing need to voluntarily regenerate condominium housing there are recent examples of majorities short of full consensus (80%/90% or other). In such cases, the rebuilding of alternative housing is often financed through additional building rights granted to the developers contracted. Thus, the discussion of the condominium's decision rules and of the rights of its apartment owners is an important discussion invoking intricate legal issues.

Against the backdrop of the growing attention to urban renewal in many countries and the immense number of condominiums, our research seeks to provide an in-depth and comparative examination of selected countries, both of the legal provisions and of the practices pertaining urban regeneration of condominiums: The question guiding the comparative legal research are: What majority is required in order to pass a resolution to demolish the condominium? What alternatives are offered to the apartment owners in return for their existing apartment? What are the rights of the minority objecting to the condominium's demolition? Can that minority be compelled to accept the process, and if so, on what terms? Under what circumstances may minority owners legitimately stall the process? What mechanisms of conflict resolution does the law offer?

Keywords: Urban regeneration; condominium housing: required majority; demolition and rebuilding; holdouts.

ID: 152
General Paper

Brown coal mining in the Rhineland – how the view on planning, law and property rights changed

Michael Kolocek
ILS - Research Institute for Regional and Urban Development, Germany; Michael.Kolocek@ils-forschung.de

Since the middle of the last century, the energy company RWE has been mining lignite in the Rhineland, Germany. More than 50 villages have been abandoned, with thousands of persons losing their homes. New villages were built nearby, named after their predecessors.

In 2020, the German parliament passed legislation to end coal-fired power generation by 2038. In a long (and still ongoing) negotiation process, stakeholders in North-Rhine Westphalia had to work out the consequences of coal exit for the Rhenish lignite mining region. Numerous interest groups were involved: local residents and environmental activists on the one hand and the energy company RWE and its political supporters on the other. It turned out that some villages are no longer being cleared, although the residents have already moved and most of the land is in the hands of RWE. Some of the plots of land are now inhabited by refugees or people who lost their homes due to the 2021 summer floods in neighbouring regions.

The paper shows how the story of lignite mining in the Rhineland is also a history of how land and property rights are viewed. For a long time, an economic view on land was ranked higher than property rights of the affected residents. Now, albeit slowly, economic arguments are being overtrumped by ecological ones. If the story of Rhineland's lignite mining region is told through the lens of planning, law and property rights, it is not only a story of one main regional land use conflict, but a hotchpotch of various smaller and larger local conflicts – and solutions.

The paper presents some of these conflicts, arguments and solutions focusing on a case decided by the Federal Constitutional Court in 2013 (1 BvR 3139/08). Among other issues, two questions were on the agenda: first, whether expropriated residents can invoke a "right to home"; second, environmental activists challenged the "public good" argument commonly used in expropriation disputes to support coal mining projects. The activists calculated the carbon emissions produced by burning the mined lignite and asked whether those emissions are still in the public interest.

ID: 153
Special session 2: Market-based land-use tools for ecosystem services supply in urban and peri-urban areas (Proposers: Enzo Falco, Davide Geneletti, Erica Bruno)

Great Expectations: Market-Based Conservation in Alberta, 2005–2021

David W. Poulton[1], Eran Kaplinsky[2]
[1]Alberta Land Institute; [2]University of Alberta, Canada; kaplinsky@ualberta.ca

In the early years of the 21st century the Western Canadian Province of Alberta experienced vigorous economic and population growth, which caused widespread concern for the sustainability of natural values and ecosystem services. In a high-profile series of policy announcements and consultations, the provincial government committed to a program of coordinated regional land-use planning supported in part by market-based instruments (MBIs) to promote land stewardship. These initiatives culminated in the adoption of the Alberta Land Stewardship Act (ALSA) in 2009. That legislation endorsed research into market-based instruments (MBIs) in general and enabled regulations for conservation easements, trade of development rights, conservation offsetting, and conservation directives (with compensation). Since the passage of ALSA, and despite multiple consultations and pilot projects, only two of seven regional plans have been completed, and the necessary regulations to implement MBIs have not been promulgated. Several deadlines set out in the original policy documentation have come and gone unfulfilled.

Based on analysis of legislative, policy, and other documents, supplemented by interviews with officials who have been directly involved in the initiative, this paper examines the history of Alberta's move to expand regional planning and MBI usage and the opportunities and obstacles that that initiative has brought to light. This loss of momentum may be in part due to a dramatic fall in petroleum prices and consequent slowing of economic growth. Other factors include sensitivity over property rights, challenges in overcoming siloed thinking among government departments, and a reluctance to cede regulatory control. The experience of Alberta may be instructive to other jurisdictions considering increased usage of market-based land-use tools.

ID: 154
General Paper

Integration of climate change adaptation measures in Austria's regional and local planning instruments

Arthur Schindelegger
TU Wien, Austria; arthur.schindelegger@tuwien.ac.at

While sustainability was the essential superior framework condition in spatial planning since the 1990s, climate change mitigation and adaptation are increasingly gaining importance in the field, enriching the understanding of sustainable land use and development. Climate change mitigation has – most recently due to the Paris Agreement – a clear transnational framework and target system. The reduction of $C0_2$ emissions is a common effort that requires rapid changes in planning objectives as well as planning practice and tackling mainly the transition in mobility and energy systems. The question that remains herein widely unanswered, is the role of spatial planning in climate adaptation as climate change effects are immediate and need an adequate and forward-looking reaction to adapt to environmental change.

Austria has – as most European countries – passed a national adaptation strategy accompanied by an action plan for implementation and complementary adaptation strategies on provincial level. Therein, goals and measures addressing spatial planning are predominantly linked to flood management. But planning practice reveals clearly that especially the day-to-day practice of larger cities goes beyond that scope, as they address urban heat islands, cold air corridors, storm water management, etc. specifically through overall strategies and actual provisions by planning instruments. Austrian provinces enable this practice in their role as planning legislators and implement adaptation measures through regional planning instruments as well.

The contribution seeks to evaluate the recent practice of integrating climate adaptation measures into normative planning instruments on regional and local level. The evaluation is based on a legal analysis to cover the recent legislative foundation and authorization as well as the guided interviews with key stakeholders within administration that are transcribed and coded. The outcome of this research contributes to the development of pathways to enhance the integration of climate change adaptation in spatial planning instruments in Austria and is embedded in the recent discussion on operationalizing climate change adaptation through spatial planning.

ID: 155
General Paper

Planning and Pollution in the Tel Aviv Metropolitan Region

Nathan Marom
IDC Herzliya, Israel; natmarom@gmail.com

During the 20th century, urban planning and environmental regulation (i.e. the prevention or mitigation of pollution) have evolved in divergent trajectories, which have rarely converged – one predominantly the domain of planners, the other of legal experts. In spatial terms too, modern urban planning is based on the clear-cut separation of polluting from non-polluting uses through its foundational tool of land-use regulation, or zoning. Yet in real urban contexts, such simplistic separations are often problematic, unrealistic, and contested. And despite disciplinal specializations and silos, it has also become clear that planning urban spaces and uses and regulating the urban environment and its pollutions have multiple, complex interactions. Based on an interdisciplinary, multi-sited research project in the Tel Aviv metropolitan region, I highlight some of the complex interactions of planning and pollution, looking specifically at three cases: the Yarqon River Restoration Project (drawing connections between river-water pollution, ecosystem services planning, and suburban sprawl); plans to transfer Tel Aviv's central bus station and create a low-emission zone (drawing connections between air pollution, transportation planning, and environmental justice); and plans to redevelop Israel Military Industries (Ta'as) brownfield sites (drawing connections between soil and groundwater pollution, brownfields remediation, and large-scale urban development projects). The research methodology includes qualitative interviews with key stakeholders and analysis of policy documents. Through these cases, I discuss how the study of pollution in its diverse forms is critical for our understanding of planning; and, on a more theoretical key, how pollution and planning could be seen as co-producing each other through entangled networks of actors and practices, people and things, infrastructure and nature.

ID: 156
General Paper

Exclusion through governance? Private-led densification and the provision of public spaces

Jessica Verheij
University of Bern, Switzerland; jessica.verheij@giub.unibe.ch

Planners worldwide are faced with the challenge to densify the existing built environment, while maintaining livability and environmental quality. The provision of high-quality, open, and accessible outdoor spaces is a crucial aspect for solving this puzzle, acknowledged as such by public policy and planning regulations. Nonetheless, outdoor spaces as part of densification projects in inner-city locations are often supplied by private developers and landowners, in line with New Public Management (Gerber, 2016). Based on existing theory on club formation in the urban context (Webster & Lai, 2003), we hypothesize that, in contexts of densification, landowners and developers seek to develop outdoor spaces as club goods rather than public goods. Through club formation, outdoor spaces are provided in the interest of only a restricted group of users, while mechanisms of exclusion are put in place to restrict access to others, contrasting with the public character of the urban realm. Based on a new-institutionalist approach (Gerber et al., 2009) we aim to understand if and how densification carried out by private actors leads to club formation in the urban environment. Our research is based on case-studies in the Netherlands and Switzerland, as two countries where private actors have gained an increasingly powerful role in inner-city development (Knoepfel et al. 2012; van der Krabben & Jacobs, 2013). Our results show that indeed private actors seek to develop outdoor spaces as club good, given the residents' preference for exclusive access to green space as amenity. Planners have several instruments at their disposal to counteract this tendency towards exclusion and privatization, from anchoring rules of access in land-use regulations and contractual agreements to enforcing these rules beyond the planning phase. However, implementing densification is a balancing act, in which providing public access to urban green may be compromised in favor of the well-protected interests of landowners and private developers.

ID: 159
General Paper

Individual choice and systemic adaptability: investigating the case of adaptive and anti-adaptive neighbourhoods

Stefano Milano
Polytechnic University of Milan, Italy; stefano.moroni@polimi.it

Recent work on 'anti-adaptive' neighbourhoods has highlighted a number of common features, including scale of design, mono-functionality, percentage of public space and system of ownership. The paper aims to provide a more general conceptual analysis of adaptability and anti-adaptability in terms of "degrees of individual choice". An individual's choice set is understood as a combination of (1) individual freedoms (both physical and normative) and of (2) individual normative powers. Individual choice is constitutive of adaptability, and its "non-specific" value helps to explain why adaptability is a desirable aspect (the non-specific value of an opportunity set – sometimes alternatively labelled content-independent value – is the value possessed by that set independently of the fact of it being the opportunity to do this or that specific thing). In this perspective, the paper points to a

potentially unifying explanatory factor that can help us to better understand the various common features of anti-adaptive neighbourhoods highlighted in the recent literature. The final part of the paper discusses some of the implications of this reasoning for planning and design.

ID: 160
General Paper

Planning as an institutional activity and planning as a professional activity: political dimensions, ethical principles, communicative interaction

Stefano Milano
Polytechnic University of Milan, Italy; stefano.moroni@polimi.it

In the planning debate there is a certain confusion concerning some matters due to the fact that the role of planning (as an institutional activity) and the role of planners (as professionals) are not always clearly distinguished from each other. The discussion in this field quite often slip and slide imperceptibly and inadvertently from one aspect to the other. The purpose of this paper is to clearly identify the role (function, duties, etc.) that planning as an institutional technology rather than planners as experts may have. As much as this demarcation may seem trivial at first sight, it enables us to appreciate and discuss various issues at the centre of the contemporary debate more clearly. Three of particular importance have been chosen here concerning (1) the political dimension, (2) ethical obligations and (3) communicative processes.

ID: 161
General Paper

How to plan for care-full densification? Social sustainability of densification where social policy meets land-use planning

Deniz Ay, Jean-David Gerber
University of Bern, Switzerland; deniz.ay@giub.unibe.ch

This paper develops a conceptual framework to study the social sustainability of urban densification. Federal/national governments promote densification of the built environment legally and politically to serve the ecological sustainability goals via limiting urban sprawl. However, as a significant reorganization of housing and urban space, densification also impacts the spatial organization of care. We claim that densification is socially sustainable only if "care" is spatially reorganized to meet the changing needs with densification. We start with a broad definition of care based on feminist ecological ethics as "all supporting activities that take place to maintain and repair the world we live in as well as possible" to make the connection with social sustainability (Tronto 1993). Then, we introduce a conceptual distinction between care and its material basis, as care needs material spaces to be performed. We conceptualize the material basis of care as a constellation of spatialized resources, provision, and accessibility, which is a prerequisite for socially sustainable neighborhoods (Gerber 2017). To appraise care through a resourcial lens, we further distinguish between the professional and voluntary provision of care. Professional provision of care includes care services for the young kids, elderly, and sick. Provision mechanisms for professional care include market and the public sector, therefore regulated by public policy. On the other hand, voluntary care relies on reciprocity, family ties, kinship, and social capital; therefore, often beyond regulation by public policy – but still impacted by diverse policy and market mechanisms. Based on these basic assumptions, we analyze how the spatial (re)organization of care can be governed to maintain its performance– or even improve – following densification. In particular, we examine the role of private and public law instruments (e.g., public property rights, land-use planning, municipal policies) in shaping care provision. Finally, we apply this conceptual framework to Switzerland to explore the relationship between urban densification and spatial organization of elderly care from a social sustainability perspective.

ID: 164
General Paper

Who to ask to retain water? Determinants of willingness to implement flood mitigation measures on private agricultural land

Jan Brabec[1], Jan Macháč[1], András Kis[2], Gábor Ungvári[2]
[1]Jan Evangelista Purkyně University in Ústí nad Labem, Czech Republic; [2]Corvinus University of Budapest, Hungary, Regional Centre for Energy Policy Research (REKK); brabec@e-academia.eu

Flooding represents a significant and recurrent threat in many areas. The ways of mitigating the negative impact of floods include flood risk reduction (through implemented measures) and risk sharing (through insurance products). However, such options are not always available for various reasons. Implementation of structural measures by the government may be hindered by unavailability of public land in the area and insurance products may not be available due to the undeveloped insurance market or simply because floods occur too frequently to make such an option viable.

Such is the case in the Albanian part of the Drin river basin, where many households are flooded annually and the government does not possess the tools to significantly lower the flood risk. The local branch of the Global Water Partnership attempted to solve the issue within the pilot project of the Drin Coordinated Action. Using the data collected during the project, we analysed the determinants of farmers' willingness to implement flood mitigation measures on private land. In total, 124 affected farmer households were interviewed. Such an approach might decrease the flood risk in the area, which might consequently make flood insurance products viable and the market more attractive to international insurance companies.

A logit model was estimated to identify the factors that influence farmers' willingness to implement flood mitigation measures on private land. Several characteristics were identified with statistically significant and both positive (expects major floods in the future; believes agricultural measures are effective; female; appreciates government's work regarding floods; secondary education; expects floods frequently) and negative (believes flooding is a personal responsibility; willing to pay for flood insurance; experience with flood mitigation measures) effects. Such findings could help with planning and implementing flood mitigation measures on private land.

ID: 165
General Paper

Intelligent spatial planning in small towns. Lesson from Poland

Ewelina Lopata, Mateusz Kowalski
Nicolaus Copernicus University in Toruń, Poland; lopata.ewelina@gmail.com

All spatial and economic development plans should currently focus on the public and its needs. It is essential to raise awareness and educate citizens and to activate them to participate in the planning process for the creation of intelligent urban fabric. In the literature there are numerous studies on spatial planning, but this process is often treated as a secondary issue in small towns, so this presentation fills the existing research gap.

The aim of the study is to assess the advancement of spatial planning in small towns (urban municipalities up to 20,000 inhabitants) in the area of the Kuyavian-Pomeranian Voivodeship. For this purpose, statistical data from the Local Data Bank of the Central Statistical Office (GUS) were analyzed, including local spatial development plans and decisions on development conditions. In addition, a survey was carried out among the residents of Lipno, using the PAPI and CAWI methods, to determine their knowledge of urban planning and development policy and to assess the planning situation in the city. The survey also covered issues related to public participation, so important nowadays.

The result of the research is to show the planning situation in small towns, which indicates that in the vast majority of analyzed units the coverage of LSDP is very low. In addition, the results indicate that in those municipalities the largest number of decisions on development conditions is issued. Moreover, the questionnaire study shows that the inhabitants are interested in issues concerning the shaping of urban space, but they perceive a lack of adequate knowledge in the field of spatial planning. The study concludes with a set of recommendations for the creation of intelligent spatial planning in small towns.

ID: 166
General Paper

The hidden stock of affordable housing

Tal Modai-Snir[1], Rachelle Alterman[1], Yifat Holzman-Gazit[2]
[1]Technion, Israel; [2]The College of Management Academic Studies, Israel; alterman@technion.ac.il

The global housing affordability crisis inspires a continuous discourse on the ways to expand the supply of affordable housing. In some countries or cities, Accessory Dwelling Units have emerged as an appealing solution. ADUs imply additional *rental* units within existing structures, created through internal subdivision, or densification of already-developed plots of land through construction of extra units. We classify such housing as affordable because reliance on existing infrastructure constitutes a de facto subsidy. However, in the legal context of many countries, ADUs face restrictive regulations that make them illegal and deter the establishment of more ADUs. Given their clandestine attributes, national or local authorities rarely have data on ADUS currently in use, or on their potential extent, costs and benefits.

This paper is embedded in the current state of knowledge (mostly emerging from the USA or Canada) and focuses on the case of Israel. Although in Israel too, there is no official data, our estimate is that ADUs constitute a major, unaccounted part of the rental housing stock. The case of Israel is interesting because of the extreme circumstances of the local housing market, which cannot keep up with the country's extremely high population growth rates. A 2017 legislation ostensibly attempted to promote the legalization of ADUs. However, only a several dozen have been approved over three years.

The regulation's failure highlights the lack of information about attributes of this housing sector. Our study is the first to attempt to gauge its extent and socio-spatial distribution. We mined data from private rental listings on commercial websites over the past decade and examined the share of ADU rental offers out of total rentals offered. Our findings indicate a significant rise annually of this share, and almost country-wide distribution. In addition, we sought to confront restrictive rules in the new legislation to see to what extent units in the marketplace would have been eligible for regularization, had the owners chosen to submit a permit request. We found major mismatch, implying that homeowners would have had to demolish units or invest more money. Both are disincentives to approach the authorities for a permit.

ID: 167
General Paper

How formal are formal policies? A behind-the-scenes look at mural policies

Eynat Mendelson-Shwartz
Technion - Israel Institute of Technology, Israel; mendelson.shwartz@gmail.com

The physical features of public spaces are subjected to a variety of regulations, practices, and policy decisions. Over the years, cities around the world have established mural policies that prioritize the creation and management of murals, while balancing competing interests. Most people would agree that murals (as art creations in the city) can be placed on a continuum from formal to subversive interventions. But what about the policies governing them? This presentation will address this subject using several case studies.

The findings show that mural policies tend to incorporate a mix of formal and informal instruments, processes, and rules. While the formality of mural policies varies across jurisdictions, the case study analysis shows that even cities with 'hard' formal rules use soft and informal instruments. These instruments are sometimes used to increase decision-makers' flexibility; at other times, they are used to increase control over unregulated activities. Additionally, they enable decision-makers to bypass rigid regulations or fill in statutory void.

The analysis also demonstrates that mural policies are linked to a network of agents and institutions (e.g. art-councils, city-departments, NGOs) that do not always act in unison. Rather, mural policies are activated through a range of networks of agents. At times, city administrations draft policies 'from above', however the policies may also evolve erratically, through agents who work horizontally, even sporadically. These agents leverage their discretion and/or institutional affiliation to establish guidelines or de facto mural policies. While in some cities, agents collaborate through coalitions and governance networks, in others, agents act independently. Often, these city officials will use less formalized instruments within the constraints of their legal mandate, but they may also engage in informal behaviors that fall outside the scope of their formal power.

ID: 168
General Paper

Application of the matrix method to assess the urban regeneration process. Case study Poland.

Tomasz Starczewski, Krzysztof Rogatka, Aleksandra Lewandowska
Uniwersytet Mikołaja Kopernika w Toruniu, Poland; t.starczewski@doktorant.umk.pl

Revitalization has changed the appearance and functioning of many urban centers that with the beginning of the industrialization process they often became industrial powers with an international reach. Along with entering the urban space of services, a number of spatial and social changes took place in cities. Industrial areas were destroyed and degraded areas started appearing. The revitalisation process came as a remedy for this state of the urban structure, as it helps 'heal' a given area and eliminate the problems that persist there. This process consists in implementing revitalisation projects that respond to the needs and problems of a given area, and are set out in revitalisation programmes. One of the greatest challenges currently facing cities is the evaluation of the revitalisation process, i.e., verifying whether and to what extent it has been successful. The revitalization process may be assessed on the basis of the tools provided for in the Revitalization Act and other legal acts. This assessment is an obligatory element of the revitalization policy. The aim of this article is to present the results of evaluation of the postrevitalisation space made by its users and to determine the usefulness of the Maslin Multi-Dimensional Matrix (MMDM) method used. The time scope of the study covers projects carried out in 2007-2015. According to research, projects of an integration and environmental character and those improving security were the most appreciated. The lowest ratings were given to infrastructural projects or those dedicated to narrow social groups.

ID: 171
General Paper

Reducing soil sealing in Flanders through mapping and assessing opportunities

Veerle Strosse
VPO, Belgium; veerle.strosse@vlaanderen.be

(Revised)

Flanders is one of the most paved regions in Europe and soil sealing is still increasing every day. Hence the associated negative effects for open space functions are an important challenge. First, we must avoid additional soil sealing as much as possible. In addition it is important to restore the cohesion and quality of the open space by actively reducing soil sealing.

It is important and urgent to evaluate the spatial regulations and tools of spatial planning, as indispensable links in the fight against soil sealing. They need to be aligned with the policy objectives of the Flanders Space Policy Plan, which aims to reduce paved surfaces in the future. The presentation will propose the problem and suggest some solutions.

In order to reduce soil sealing efficiently and effectively, we also need to gain insight into the locations where removing impermeable materials is most beneficial and most likely to be implemented. To support this an opportunity map and assessment framework for Flanders are developed. The opportunity map identifies the potential for the removal of impermeable materials for all paved surfaces in Flanders on a macro scale level. The assessment framework aims to evaluate mitigating measures in a more area-specific manner. Both tools can, among other things, help local governments to start reducing soil sealing in their territory.

Finally, there are other aspects to this complex issue, such as financial aspects or the trends in society. These aspects will not be discussed.

ID: 172
General Paper

Flexibilities in land planning process: Local authorities' strategies in setting Effectiveness and Efficiency

Dana Alexandru
Lucian Blaga University of Sibiu, Romania; dana.alexandru@ulbsibiu.ro

This paper is intended to identify and assess with a critical eye some of the challenges that lie to flexibility and certainty in land planning process in the Romanian local governments. The effects of the recent property market boom-bust cycle is examined from the planners' perspective and the local governments. The analysis focusses on the question whether the economic fluctuations has given rise to a reassessment of the interaction of public and private roles inherent to land planning process. The paper sheds light on the changes in land planning strategies in the recent years and asks whether these institutional flexibilities changes result are less controversial in land planning process in terms of efficiency and effectiveness. It aims to clarify the issues relating to the needs of responsiveness and other issues associated with the erosion of the local decision-making. This review offers some explanations for the consequences of a flexible planning system, the effort needs to define a project and reach the consensus between investors/developers, local decision-making, residents, and other actors. The conclusion is that, although at first sight the results suggest some improvements in the Romanian land planning strategies, the municipalities did not choose new solid alternatives. Land planning strategies creates serious dependencies on the old model and the current changes in the regulatory space of land planning are largely pragmatic but not innovative. If local authorities continue their involvement in the land market in an extempore manner, they face challenges in maintaining control over the discretionary power. The municipal behaviour raises serious doubts on transparency and predictability, risking a a confusing situation generated by inconsistent changes in regulations.

ID: 173
General Paper

A story about clusters and interpretations of natural value

Lander Van hove
Sweco Belgium; lander.vanhove@swecobelgium.be

The Province of East Flanders in Belgium is working on a renewed spatial policy and wants to be able to make conscious choices by linking ecosystem services to future spatial challenges.

Sweco Belgium and the Flemish Institute for Technological Research (Vito) joined forces to build a tool (cluster map and pivot table) so regional and local spatial policy makers can compare ecosystem services with other spatial data. The tool gives also an insight in dominant social perspectives on the value of ecosystem services.

But it's also important to reflect further on the dominant perspective of the (financial) value of spatial zoning. The current context of spatial zoning in Flanders skews this value by rewarding owners of zones with (future) development potential, such as: residential areas, industrial areas, etc., and puts owners of open space, such as: forestry, agriculture, nature areas, etc. in a financial disadvantage. While it is precisely these zones of open space that produce most of the ecosystem services that keeps our environment habitable.

What would our spatial planning look like, if landowners were remunerated for the ecosystem services their land produces? Governments are already starting to calculate the future costs of climate change and of our polluted environment. Is it possible to avoid this future cost by financially compensating landowners of open spaces which deliver a high amount of ecosystem services? With cluster mapping, it is possible to measure the evolution of interlinked ecosystem services and can be connected with preconditions with a scope on maximizing the desired nature benefits. This could be a next step towards a paradigm shift in how we deal with the current problems with the value of our spatial zoning.

ID: 174
General Paper

Managing land consumption in cross-border city-regions

Joel Idt, Camille Le Bivic, Antoine Pauchon
Universite Gustave Eiffel, France; joel.idt@univ-eiffel.fr, camille.le-bivic@univ-eiffel.fr, antoine.pauchon@univ-eiffel.fr

Many cross-border city-regions are expanding. Land consumption of agricultural and natural areas is a challenge targeted by European and national policies (EU, 2011; ESPON SUPER, 2020). However, spatial planning systems are generally bound to the border.
National policies to limit land consumption differ from country to country. They result in contrasting issues, objectives and instruments (Bovet et al., 2018). In cross-border city-regions, these governmental policies can induce urban growth on the other side of the border. How do policies for limiting land consumption steer the spatial planning processes across the border? This contribution proposes to examine the governance of urban development in the outskirts of cross-border urban areas. The study areas are five cross-border city-regions between France and neighbouring countries: the city-regions of Geneva, Lille, Luxembourg, San Sebastián-Bayonne and Strasbourg. The study is based on interviews with relevant actors. We focus on the interactions between public actors at different levels: transnational, national, regional and local. We investigate institutional and legislative asymmetries and resource interdependencies. We explore specific spatial planning processes and instruments developed to manage and regulate land consumption in cross-border city-regions, and their effects on urbanization processes.

ID: 175
General Paper

Adaptation to sea level rise? Comparative analysis of planning laws and policies in the Netherlands and Florida

Safira De La Sala, Rachelle Alterman
Technion - Israel Institute of Technology, Brazil; safiradelasala@gmail.com

While climate change has gained the world as a rather tangled field of law and policy, local governments have been, since the late 1990s, navigating the battlefield to increase their urban resilience. Yet, too little has been discussed about the role of planning laws, and particularly property rights (and duties), as tools to foster or to block adaption to climate change.

This paper aims to contribute to the debate on how are different legal systems embodying climate adaptation – particularly sea-level rise – in the scope of planning law, and the extent to which instruments anchored in urban law and land policy can promote the implementation of such policies. To do so, two "climate change antagonists" were chosen as case-studies: the Netherlands, and Florida (USA). This choice covers different adaptation strategies, such as defense, accommodation, retreat and attack; different legal systems and planning traditions; and positioning on the climate change debate. Yet, in both cases, the very existence will depend ever more on the intertwines between land, water, and property.

The selected methodology was empirical legal case-studies analysis, triangulated by, in each case, international and local literature review, legal and policy analysis, and in-depth semi- structured interviews, (with policymakers, legal experts, planners and property owners).

We conclude with the different governance pathways the topic is taking in each country, and the extent how property rights are participating or not in this dialogue. Are property rights going to adapt?

ID: 177
General Paper

Mobilising land and closing gaps Comparing the German Building Land Mobilisation Act and the partial revision of the Swiss Spatial Planning Act

Nadja Skala[1], Hengstermann Andreas[2]
[1]HafenCity University, Germany; [2]University of Bern, Institute of Geography; nadja.skala@hcu-hamburg.de, andreas.hengstermann@giub.unibe.ch

Planning practice is confronted with seemingly contradictory challenges, such as the qualitative and quantitative provision of housing while at the same time reducing land consumption. To address the apparent dilemma, legislators are increasingly relying on densification. However, a fundamental prerequisite (and often a significant challenge) for this is the actual availability of the required land. Recent reforms of planning law in both Germany and Switzerland aim to promote precisely this availability of building land by increasing the effectiveness and speed in order to make the land needed available for inward development, thus meeting the seemingly conflicting planning policy goals. This paper compares recent legislative efforts in Germany and Switzerland by using the method of comparative law (popularized by Konrad Zweigert and Hein Kötz). The German Building Land Mobilization Act includes amendments to the Building Code (Baugesetzbuch) and the Building Use Ordinance (Baunutzungsverordnung), which are intended to enable faster activation of building land and the creation of more affordable housing. To this end, the amendment expands existing instruments for the activation of building land and introduces simplifications of the planning law. In Switzerland, the Spatial Planning Act (SPA) has been partially revised to achieve inward settlement development through precise regulations on the expansion of the building zone and instruments to ensure the actual implementation of zoning plans.

ID: 178
General Paper

When brownfields meet the floods: moving from a ‚dialogue of the deaf' perspective to a successive planning decisions approach

Pavel Raška, Eva Králová, Lenka Slavíková
J. E. Purkyne University, Czech Republic; pavel.raska@ujep.cz

Industrial brownfields contribute to local identities in many old industrial regions, where they may represent an asset for new developmental pathways to cope with future societal challenges. Oftentimes, brownfield regeneration can be impeded by various factors, however. Among those, particular conflicts over the expected use of the brownfield sites emerge where urban industrial brownfields (UIB) are located in active floodplains. In such cases, emerging land use conflicts are mostly perceived as situations where private and public land-owners, planners and decision-makers are deaf to counter-arguments and counter-narratives. In this contribution, we further develop our previous studies on flood risk management in Czech towns and cities with an aim to move beyond the stakeholder institutional analysis of land use conflicts. First, we conceptualize the local land use conflicts as the results of fragmented policies and value incommensurability related to developmental priorities. We argue that the conflicts materialize through successive planning decisions following legal arrangements, eventually creating open-ended complex land use conflicts (i.e. 'wicked' planning problems if using the traditional concept). Second, we continue to present the Czech case study that, for the first time, analyse the share and types of the (peri)urban industrial brownfields in respect to their location outside and within the active floodplains, their ownership and paths for their adaptive reuse. Using the process-tracing approach, we then present the examples of UIB sites within the active floodplains to narrate the current local land use conflicts, their roots and future challenges. Based on the results, we argue that fragmented policies, institutional setting and local evolutionary pathways created a kind of 'wicked' planning problems, for which to manage, new governance schemes must be sought.

ID: 179
General Paper

Dilemmas of Pandemic Regulation: Local Authorities, Emergency Regulation and Space

Carolina Pacchi
Politecnico di Milano, Italy; carolina.pacchi@polimi.it

Impacts of the Covid-19 pandemic can be read at different scales, but with a significant concentration at the local scale, the scale of people's daily lives. These effects, particularly those related to the restrictions imposed, have been analysed from multiple points of view (labour, social, economic, psychological, ...), while much less investigated is the system of norms that, in an emergency situation, have been developed and applied.

Such norms, which regulate behaviours in local space, are produced at different scales, and are therefore linked to different institutional levels, to their interactions, to the models of government (and governance) experienced in a state of exception.

From here, the paper proposes and argues three research questions, related to interpretive perspectives on the relationship between norms, actors, and decision-making processes, in order to build a framework to be applied to analyse the regulatory response of Local Authorities.

The first question is related to framing. How did Local Authorities understand/conceptualise the pandemic, and on the basis of which interpretative, normative, and operational frameworks did they intervene? What was the role played by the emergency, and the more or less instrumental and conscious use of the same?

The second question concerns the models of government and governance that were actually experimented to manage the pandemic situation. In what way was the production of ad hoc norms the combined effect of vertical and horizontal forms of interaction? How much are the ordinances the result of exogenous or endogenous processes of interaction, decision-making, and evaluation? What forms and modes of regulation were chosen and why?

The third question has to do with the short and medium-term effects of the norms applied. The paper will therefore ask in what way Local Authorities evaluated the specific effects of the regulations produced, in the short and medium-term.

ID: 183
Special session 1: Struggle over rural space (Proposers: Peter Ho & Walter T. de Vries)

The 'silencing' in the development Saga India

Aparna Soni
School of Planning and Architecture, Bhopal, India (A Doctoral student at the O.P. Jindal Global University, School of Government and Public Policy); aparna.soni@spabhopal.ac.in

Since the economic reforms in India, entrepreneurial urbanism with a powerful 'real estate turn' at the urban frontier has been witnessing lengthy litigations, often violent protests, mass mobilisations, organized & spur-of-the-moment collective action, all loudly proclaiming environmental and social predicament and injustices. These contestations can be broadly themed as environmental activism and land dispossession struggles. They are often overlapping struggles at various scales. While private sector considers them as adversely affecting corporate efficiency and the ease of doing business; on the flip side they are also the 'voice of the people'. Thus, ideally to balance the act, State's role in contestation management is expanding. The Government has in the last decade responded rigorously through legislations, regulations, and governance, at three major fronts across scales of government. Firstly, the widely condemned LA1894 was replaced by the seminal Right to Fair Compensation and Transparent Land Acquisition and Rehabilitation Act, 2013, including the 2014 & 2015 ordinances. Secondly, the Environmental Impact Assessment rules have been amended and thirdly, regional governments have actively been experimenting with alternative models of land assembly to avoid the route of eminent domain. This research argues that this remodelled regulatory environment is a concerted effort to manage contestations and seed the culture of 'silencing through contestation management'; wherein, contestation management includes construction of consent through negotiations, attractive exchange packages, no litigation premiums, and various other formats of inducements. The study involves a thematic analysis of the policy elements contained in legislative/policy documents, notifications, office orders. The study also derives from the various widely circulated print media information. With the present field-visit limitations, the study relies on documents accessed open-source in public domain.

Keywords: Dispossession, Environmental Impact Assessment, Land Acquisition, Contestations, Entrepreneurial Governance

ID: 184
General Paper

Comparing patterns of densification in Utrecht and Bern: A method to evaluate the redistributive effects of land policies

Vera Götze[1], Mathias Jehling[2], Jean-David Gerber[1]
[1]University of Bern, Switzerland; [2]Leibniz Institute of Ecological Urban and Regional Development (IOER), Germany; vera.goetze@giub.unibe.ch

While governments worldwide develop policies to promote urban densification, critics point to possible negative effects of densification on social sustainability. The occurrence and distribution of these negative social effects are strongly influenced by land policies. This makes it crucial to monitor the effects of densification policies and understand what processes shape urban development in the context of densification. To do so, detailed, large-scale international comparisons of densification patterns, including building and social changes, are needed.

We address this issue by introducing a method to measure and compare urban development in two countries with contrasting planning systems: the Netherlands, where public actors play a strong and active role, and Switzerland, where strong private property titles and a highly democratic planning system are prevailing. Our GIS-based method analyses densification processes within their surrounding morphological and socio-demographic context. A k-proto cluster analysis on highly detailed spatial and statistical data based on housing units, covering 2011 to 2019, results in five densification types. The distribution of these types reveals different patterns in the two city regions of Utrecht (NL) and Bern (CH). Most strikingly, contiguous redevelopments frequently occurred in Utrecht but hardly in Bern, pointing at possible advantages for Dutch municipalities to intervene in property rights. While having developed an empirical basis in this study, future research that refines the analysis of the legal, planning and ownership conditions underlying the identified densification patterns can contribute significantly to policy evaluation.

ID: 186
General Paper

Institutional Integration in Transboundary Marine Spatial Planning across the Irish Sea nations

Linda McElduff, Heather Ritchie, Joseph Onwona Ansong
Ulster University, United Kingdom; h.ritchie@ulster.ac.uk

The Irish Sea has a complex governance and property rights regime. It is governed by EU Directives and international conventions, four separate pieces of primary legislation, four different national plan approaches and five nations are carrying out Marine Spatial Planning (MSP). Governing shared waters, involves complex interactions between actors and institutions, which are embedded in different legislative approaches, cultures and administrative procedures. MSP can address transboundary dimensions based on its potential to foster integration between sectoral agencies, regulatory bodies and stakeholders, when making decisions about the distribution of coastal and maritime uses. Co-ordination between activities and actors in transboundary areas is imperative in advancing sustainability in line with the UN Sustainable Development Goals. Despite some successes, and aspirations to realise improved management of global seas, challenges remain with regards to the delivery of good marine governance. First generation marine plans have emerged around the Irish Sea yet relatively few have been officially adopted as policy. They appear tentative and limited in impact, and others contain considerable ambiguity. We ask how can inclusive, socially just, and equitable approaches to MSP be nurtured in transboundary seas? What lessons can be learned from terrestrial planning?

Applying an innovative evaluative framework 'The Wheel of Institutional Integration for Transboundary MSP' (Ansong et al 2020), this paper presents the findings from a comparative study of existing marine plans, policy and legislation across the Irish Sea, with in-depth analysis of the interrelationships that relate to transboundary issues. The findings highlight a labyrinthine legal landscape coupled with a lack of transparency and meaningful commitment to tackling transboundary marine issues in a coherent and integrated manner, as well as evidence of political and institutional inertia. This paper contributes to the ongoing dialogue in

relation to the emergence of MSP, its relationship to terrestrial planning and the evolution of marine governance across the Irish Sea.

ID: 188
General Paper

Land-based financing from a distributional perspective - equitable or institutionally biased?

Klaas Kresse, Erwin van der Krabben
Ewha Womans University, Korea, Republic of (South Korea); kkresse@klakr.net

Multilateral development agencies such as the United Nations have been promoting land-based financing instruments in their policy agendas. However, institutionalization aspects are not sufficiently understood. This research uses the case of Korea to illustrate how distributional problems can emerge and formulates a set of implementation recommendations for newly developing economies who plan to employ these policies.

The research discusses land-based financing of sustainable infrastructure with land readjustment as an institutional innovation that might finance local sustainable infrastructure in an inclusive and democratic manner. Land-based financing with embedded value capture tools can be used to finance infrastructure and public services at virtually no costs for the public. Especially for economies with a low tax base and mounting pressure for infrastructure and public service investments despite fiscal scarcity, the policy appears to be a good fit. Multilateral development agencies who embrace urbanization as an opportunity to tackle economic, social, and environmental problems in the ambitious global policy agendas, published as the Habitat III - New Urban Agenda (NUA), among other tools, promote the use of land readjustment as one of five institutional enables that mark the shift towards a sustainable, equitable and inclusive policy thinking.

However, it appears that the institutionalization of land readjustment policies has not been sufficiently understood from a distributional perspective. While land pooling policies are considered to be equitable land tools the experience with land pooling policies in practice might contradict the equity notion brought forward by the NUA and the international best-practice literature. We take the discrepancy between theory and practice in the Republic of Korea as a point of departure for an institutional analysis of distributional problems deriving from the embeddedness of land pooling policies in a larger context of governmental action. This adds a new level of scrutiny to the discussion of an equitable urbanization with land pooling policies that has not previously been discussed in the academic literature.

ID: 189
General Paper

The difficult art of urban redevelopment without municipal land-ownership or acquisition

Fred Augustinus Hobma
TU Delft, Netherlands, The; f.a.m.hobma@tudelft.nl

In many countries, due to several reasons, local authorities have limited financial resources. They may have money available for public infrastructure, through 'cost recovery' from private sector developers. However, often they cannot acquire property rights over land, which is designated as an area for urban redevelopment. The question is how, despite the lack of land-ownership, the urban redevelopment process (a) can get started, (b) finished within a reasonable time frame and (c) how high quality can be achieved. This question can be reformulated as: how can the current land-owners be activated to realise the local government's urban redevelopment ambitions?

This paper will use the conceptual framework of 'policy instruments for market behaviour' (Adams and Tiesdell, 2013) to address this question. This conceptual framework holds as a starting point for public policy that urban (re)development involves deploying four types of instruments to shape, regulate or stimulate market behaviour or build capacity to do so. Using this framework shows the possibilities, but also the limitations, of urban development without municipal land-ownership or land-acquisition.

This will be made concrete with examples from the Netherlands. For the Netherlands, the issue of urban redevelopment without land-ownership is relatively new. In the past, local authorities would often acquire land on a big scale, on their selves, or in cooperation with private developers. However, since the great financial crisis, big scale land-acquisitions are seen as financially risky. Also, banks are less willing to pre-finance large scale upfront investments in land. At the same time, the need for urban redevelopment, fuelled by huge housing shortages, is very prominent.

ID: 190
General Paper

THE GOVERNANCE OF DATA IN THE CONTEXT OF SMART URBAN MOBILITY IN FLANDERS

Ülkü Tanrıverdi, Esther Van Zimmeren, Wouter Verheyen
University of Antwerp, Belgium; Uelku.Tanriverdi@uantwerpen.be, Esther.vanZimmeren@uantwerpen.be, Wouter.Verheyen@uantwerpen.be

Smart urban mobility services create new challenges for the existing legal frameworks and governance models since it requires collaboration between several actors, such as local governments, private companies, public transportation and infrastructure companies, and citizens. Nevertheless, the interests of these actors may not necessarily converge, and this may create tensions. Such tensions are visible in the governance of data.

In this context, massive data collected by various smart devices on traffic flows, weather, road conditions, as well as personal data, including travel habits, movements, and financial transactions, is a crucial catalyst to smart urban mobility. Given the high value of the data, important legal questions arise: Who owns the data? Who has access to the data, and under which conditions? How are the data integrated?

The answers to these questions may differ based on the actor addressed. Local governments pursuing public interest and public infrastructure or transportation companies will likely opt for an open data policy as data enables them to offer more efficient mobility services. Profit-oriented private companies providing smart technologies might be reluctant to share data as they consider the data a competitive advantage. Moreover, citizens' right to privacy and personal data are at stake since their

movements are constantly monitored by smart devices. Therefore, they may seek to play a more participative role in the decision-making processes of data governance.

Hence, data governance stands at the intersections of various fields of the law, including data protection, intellectual property, human rights, and administrative law. This paper undertakes a multistakeholder analysis from a legal perspective aiming at establishing incentives and interests in data sharing as a first step towards a collaborative governance model for the data in the context of smart urban mobility. It focuses on several Flemish case studies and examines the relevant Flemish, national, and European framework.

ID: 191
General Paper

Architect 2.0 – Intellectual Property Rights in the Context of Collaborative Urban Development Projects: A Comparative Analysis of the Exclusive Rights Governing the Profession of the Architect

Sander Nysten
UAntwerp, Belgium; sander.nysten@uantwerpen.be

In 2019, the European Commission announced its "New European Bauhaus": an environmental, economic and cultural project combining various scientific disciplines and stakeholders to achieve more sustainable cities and architecture. This initiative resonates with broader, global trends towards a more interdisciplinary and 'co-creative' construction sector.

However, at the same time, these interdisciplinary collaborations have sparked new legal conflicts on intellectual property rights, joint ownership, and the exclusive prerogatives of the architectural profession. Considering legal research as one of the abovementioned "scientific disciplines", these conflicts and any resulting legal procedures may seriously hinder effective management of current and future collaborative construction projects.

This contribution focusses on copyright law and the professional regulation of architects in Belgium, the Netherlands and the United States. These legal areas play an important role in incentivizing creativity, facilitating collaboration, allocating ownership of intellectual creations, and balancing public and private interests. Nevertheless, they were also largely built on the pervasive, romantic ideas of the artist as the 'solitary genius' and the architect as the sole 'master of the tangible'.

Empirical research suggests that these romantic rationales no longer match with contemporary construction practices. As traditional professional borders become less impermeable, and architects collaborate – or otherwise creatively engage – with other construction actors (e.g. planners, engineers, contractors, developers or citizens), new legal issues arise. With respect to copyright law and professional regulation, these pertain to (i) co-authorship and co-ownership of architectural works, (ii) the professional monopoly for architects, and (iii) the architect's moral right of integrity (shielding against modification or destruction of architectural works).

The current contribution presents a systematic analysis of these issues and their potential solutions, from the perspective of the architect. Considering, however, the architect's position within this multi-disciplinary environment, this analysis also provides useful insights for other (un)common construction actors, lawyers and policy makers.

ID: 192
General Paper

Grey, Green and Blue for flood-resilient cities: barriers and opportunities in implementation

Rupesh Shrestha[1,2], Thomas Thaler[3], Thomas Hartmann[4], Robert Jüpner[1]
[1]Technische Universität Kaiserslautern, Germany; [2]Fellow of Alexander von Humboldt (AvH) Foundation, Germany; [3]University of Natural Resources and Life Sciences, Vienna, Austria; [4]Technische Universität Dortmund, Germany;
rupeshshrestha2005@gmail.com

Floods are among the most expensive climate-related disasters and a threat to urban areas both in South Asia and Europe. Climate change and continuous urbanization contribute to an increased urban vulnerability towards flooding. Restricting development in areas with flood hazard is difficult. People desire or are compelled to live and work near water. Losses due to floods affect vulnerable communities through destruction of their houses which is often considered among the most valuable asset. Little attention is given to existing privately owned residential houses, which constitute large majority of buildings, particularly in urban areas that are affected by floods. This shows the need of protection measures that would result in flood resilient cities and housing. Flood protection as well as flood storage measures taken at the homeowners level have a substantial damage-reducing effect on an individual building as well as reduce floods within a city during extreme rainfall. Nature-based solutions to climate change adaptation in urban areas where combination of Grey, Green and Blue infrastructure are merged to form a Hybrid intervention also present a promising solution to prevent damage. Despite the benefits, it remains challenge for urban decision-makers to incorporate the benefits of natural infrastructure into urban design and planning. There exists implementation challenges of using private property for floods prevention using technical interventions. The paper presents practitioner's perspective on barriers and opportunities of using grey, green and blue measures for flood-resilient cities and suggests wider integration of such hybrid approaches into building codes and planning bye-laws as a strategy to reduce the implementation challenges and reduce hazards in urban context.

ID: 193
General Paper

Land take-up in growing metropolitan areas in Germany: Conflicts and causal relationships between land and real estate markets and land saving urban development

Sebastian Eichhorn[1], Denise Ehrhardt[2], Martin Behnisch[1], Mathias Jehling[1], Angelika Münter[2], Christoph Schünemann[1]
[1]Research Institute for Regional and Urban Development gGmbH; [2]Leibniz Institute of Ecological Urban and Regional Development, Germany; sebastian.eichhorn@ils-forschung.de, d.ehrhardt@ioer.de

Protecting natural land is one of Germany's central environmental goals. Since 2002, the German sustainability strategy has set the goal of reducing new land take-up to 30 hectares per day. While a positive trend can be observed throughout Germany in

recent years, the "land issue" is undisputedly back on the political agenda due to enormously rising land and real estate prices and a lack of available development land in core cities in growing metropolitan regions. In order to ensure affordable housing for all groups of the population, the mobilization and designation of building land in the cities, but also in the wider metropolitan areas, has a high priority in the current land policy discussion. The comparison of the goals reveals clearly the conflict.

In order to find and further develop suitable (planning) approaches for solving this conflict, the project "Trends and tendencies in settlement development and their effects on the achievement of federal land policy goals" analyzes and investigates the central cause-effects and interrelationships between the land and real estate markets and new land take-up.

For this purpose, a mixed-method approach is applied. Firstly, the interactions and interrelationships between the land and real estate markets and new land take-up are investigated quantitatively on the basis of secondary statistical data analyses. Second, expert interviews with municipal representatives of the core cities and suburban municipalities in three dynamic growth regions are used to identify different local land management philosophies.

Finally, both methodological approaches are combined by applying a qualitative system dynamics approach in order to derive causal relationships between land and real estate markets, land use and the actors' logics of action.The approach enables the identification of central critical nodes in the system for the further development of efficient (planning) solution approaches.

ID: 194
General Paper

Advancing understanding of land policy goal setting

Pauliina Krigsholm
Aalto University, Finland; pauliina.krigsholm@aalto.fi

The land policy choices municipalities make today have long-lasting impacts on the (urban) environment. Like all governments, municipalities must reconcile finite resources with given policy agenda in their land policy decision-making. This means that municipalities need to make choices about land policy priorities – in other words, select and formulate land policy goals. Municipalities may, for instance, pursue to collect higher tax revenues, to curb the amount of land consumption, or aim to prevent residential segregation through their land policy choices. Goals matter particularly from the perspective of policy legitimacy evaluation: it is difficult to assess output efficiency of land policy instruments or instrument combinations if the set goals are highly abstract or ambiguous. On the other hand, in the case of complex and uncertain issues, like land use and development, certain amount of flexibility in goal framing is needed because the progress towards goals is rarely linear. This study examines the underpinnings of land policy goal setting, i.e., *how municipalities perceive and approach land policy goal setting*: Do municipalities set tangible targets or more qualitative-type goals to be advanced with chosen policy instruments? To what extent are the land policy goals integrated with other sectoral policies? Is the related progress monitored, or is the goal setting merely a token gesture with no consideration given to accountability of the set goals? I study these questions in the context of Finnish municipalities, using interviews with 30 Finnish municipalities as the main data source. The contribution of the study lies in advancing the conceptualization and theorizing of land policy goal setting, a component of land policy decision-making that to date has not received much attention in the land policy literature.

ID: 195
General Paper

Measuring the restrictiveness of local land policy

Tea Lönnroth, Pauliina Krigsholm, Heidi Falkenbach
Aalto University, Finland; tea.lonnroth@aalto.fi

Land use regulations aim to direct and control the local residential development. These interventions often stem from professed good intentions to promote sustainable development and curb negative externalities, but in practice they may also constrain housing supply and result in housing affordability issues. The role of land use regulation and planning in the responsiveness of housing supply has gained an increased recognition in the literature. Yet, the measurement of the restrictiveness of local land use policy has received less attention, especially in the context of statutory planning systems.

In this paper we address this gap by studying land use policy restrictiveness in the Finnish context. The study has two main objectives. The first objective is to understand how different land use policy interventions can impact housing supply by identifying so-called intervention mechanisms of local land use policy. The intervention mechanisms build on a review of the literature, which are further developed empirically based on an extensive expert interview data on local land use policies and practices in 30 large Finnish municipalities. The second objective is to measure the restrictiveness of local land use policy. The measures build upon the identified intervention mechanisms, and they quantify the variation in land use policy restrictiveness in Finnish municipalities.

While the main contribution of this study lies in analyzing the mechanisms impacting housing supply and providing with measures of local land use policy restrictiveness, there is also further relevance. Our measures are constructed to rank municipalities in terms of the degree of restrictiveness of the land use policy environment, hence these measures can also be utilized to analyze the economics of land policy regulation, such as housing affordability issues.

ID: 198
General Paper

Relying on a scenario cost analysis to draw sensible development alternatives for the Raba floodplains in Hungary

Andras Kis, Gabor Ungvari
Corvinus University of Budapest, REKK, Hungary; andras.kis@rekk.hu

Like many other rivers in Central Europe, the Raba runs much of its course between dykes, cut off from former floodplains. The record breaking flood of 1965 tore through the dykes on both sides, flooding settlements on the left, and agricultural areas stretching along the former floodplains on the right. Almost two decades passed when in 1984 the low lying area on the right was declared as an emergency polder, discouraging – but not explicitly banning – development. Most of the area is currently used for farming, and it has not been flooded since 1965.

Recently a cost analysis of flood defense options for this Raba river segment was conducted. The cost of flood defense along the dykes was compared to two scenarios of emergency polder use. The detailed cost assessment not only provides a guidance for decision makers in case a major flood approaches, it also gives a hand in further considering regional development options. Altering the water management infrastructure on the floodplain could reduce the future cost of flood mitigation; communicating inundation scenarios can help to develop more resilient infrastructure; while reflecting on the increasingly frequent periods of drought is an important element in finding water management solutions that can not only mitigate floods, but can also help alleviate dry periods by retaining some of the periodic access water.

ID: 199
General Paper

Spatial planning and non-regulated environmental issues: how can spatial planning fill the gap, to ensure an acceptable living environment?

Pieter Jong[1,2]
[1]Wageningen University & Research; [2]Delft University of Technology; pieter.jong@wur.nl

Normally it takes a lot of time before new environmental issues are taken seriously in the political arena. And after the environmental problem is officially recognized on the political agenda, it normally takes again much time before a legislative authority decides to regulate this new environmental issue. First research has to be conducted about how to deal with the environmental problems involved. What are the possibilities to deal with these problems and which actors could be assigned as 'problem owner' with the (partly) responsibility to prevent or to reduce these problems?

Meanwhile, spatial planning authorities have to deal with environmental issues in practice. The general challenge – at least in theory – is to create good and healthy environments to live, to work, to recreate in, etc. This paper aims to explore if and how general spatial planning requirements can 'absorb' a possible lack of specific environmental rules, also in local situations where people experience environmental nuisances which are not regulated by environmental law (yet). In this exploratory research some examples are used from The Netherlands, where 'low frequency noise' and 'railway vibrations' are not environmentally regulated at the moment. Examples from practice show that on specific locations where people suffer (or say that they suffer) from these (non-regulated) environmental nuisances, the administrative authority that prepares a spatial plan is obliged to take these non-regulated environmental nuisances into account. If no or insufficient research is done regarding these environmental issues, the legal criterion of 'effective and good spatial planning' of the Spatial Planning Act would not be met.

This topic will be discussed in the context of the development towards the new Dutch Environment and Planning Act that is expected to be enacted in July 2022. The criterion of 'effective and good spatial planning' of the existing Spatial Planning Act will then be replaced by the requirement that the spatial plan ('the physical environment plan') has to contain a "balanced assignment of functions to sites in the entire municipal territory".The question arises, if this innovation of legislation can contribute to better and healthier living environments.

ID: 202
General Paper

Hurricane Colonialism: The Struggle to Maintain Community-based Land Rights in Barbuda and Puerto Rico

Line Algoed[1], **Ellen Bassett**[2]
[1]Vrije Universiteit Brussel, Belgium; [2]University of Virginia, USA; line.algoed@vub.be, emb7d@virginia.edu

Hurricanes Irma and Maria have intensified the public discussion on land tenure in the Caribbean region. After Hurricane Maria, federal and national policies required Puerto Rican households to present property titles to receive assistance from FEMA and other disaster recovery programs, disadvantaging those living in informal tenure conditions. After Hurricane Irma in Barbuda, the central government of the twin state of Antigua amended the Barbuda Land Act to dismantle a centuries-old communal land ownership system. In both cases, the governments are emphasizing individual (private) land ownership.

These post-disaster policies reflect the widespread embrace of individual land ownership at the heart of the neoliberal economy and represent a new form of land grab, which we call "hurricane colonialism." The policies actively seek to eradicate culturally important collective and bottom-up forms of land and resource management, reflective of ancient traditions. As these communities hold on land with a high potential for lucrative tourism-focused real estate development, they face the prospect of displacement and potential landlessness due to gentrification and speculation, and compulsory expropriation. In Puerto Rico and Barbuda, the affected communities have organized to protect their land claims and combat displacement. They are rejecting individual land titles, which tend to favor involuntary displacement; they seek to continue and strengthen their collective land ownership. In Puerto Rico, collective land ownership adheres to the Community Land Trust (CLT) model. In Barbuda, the land ownership system dates to the abolition of slavery, with communal land rights for former enslaved people formalized on the original Barbuda Land Act of 2007.

This article explores the struggle to maintain collective tenures in the face of neoliberal, post-hurricane policies. We investigate the role of individual land titles in land loss and displacement, and outline how collective land ownership has protected members of the Caño (PR) CLT and Barbuda communities against displacement. The article argues that such tenures reduce vulnerability to climate change-induced disasters and their aftermaths, through greater democratic participation of residents, the protection of the environment, and the equitable distribution of resources. Communal land tenure should therefore be protected and encouraged, to help communities face climate change.

ID: 203
General Paper

Planning with power. A theory-informed discussion of the distributional effects of urban densification

Jean-David Gerber
University of Bern, Switzerland; jean-david.gerber@giub.unibe.ch

This article contributes to the debate on power in planning and provides a conceptual framework uncovering the effects of power in real-life planning situations. It bridges planning, neoinstitutionalism and power to appraise contested urban redevelopments such as they take place under densification. This article asks: (1) Which power structures are at work in urban development processes and what forms do their involvement in the planning process take? (2) How does the identification of power structures help explaining why the social dimension of sustainability is recurrently being neglected in densification processes? (3) What does their identification mean for planning as a practice and as a discipline?

Through its impact on the built environment and on existing property rights and interests, densification creates not only winners, but also losers, especially among those inhabitants who cannot afford the higher rents following redevelopments in favor of density. Due to its conflictual nature, densification is therefore an ideal subject to study power in planning. In this article, planning is appraised as a public policy regulating the use of land and land-related resources such as housing. Four situations of power exercise can be identified in this process of regulation. Their conceptual characterization constitutes the first part of the article. The second part illustrates how the proposed framework can usefully be put to work in the analysis of a densification project in Zurich, Switzerland.

ID: 205
General Paper

Newcomers, property, and spatial governance in the Brussels Periphery

Willemien Van Damme, Pascal De Decker, Hans Leinfelder, Elise Schillebeeckx
KU Leuven, Belgium; Willemien.vandamme@kuleuven.be

Many migrants bypass major immigrant gates in metropolitan arrival areas and end up immediately or after a (short) stay in larger cities, in small towns and suburban or rural areas. Newcomers find housing in the Brussels periphery, and often buy, or rent, small, old working-class houses. Necessary renovations are difficult to carry out due to the owner's financial situation and the planning policies of the municipality, leaving the houses in poor or even worse conditions. For many newcomers, however, the move to the urban fringe still symbolizes social mobility. In contrast, new patterns of suburban marginalization and increasing urban fringe poverty are causing residents who have lived in these communities for generations to experience feelings of resentment and loss of identity. The established community fear that the arrival of newcomers will degrade their suburban paradise and property. Through three focus groups with officials in three different case studies, we discussed how local governments affect the spatial conditions of newcomers. We found that building permit policies are ambiguously used as a tool to perpetuate specific images of the rural or suburban identity, often driven by fear of perceived pull effects. Implications for planning and building permit policies used as a tool to create barriers and opportunities for newcomers related to property are discussed.

ID: 208
General Paper

What can large-scale comparative research teach us about coastal zone preservation?

Rachelle Alterman, Cygal Pellach
Technion - Israel Institute of Technology, Israel; alterman@technion.ac.il

This roundtable is proposed following the publication of Regulating Coastal Zones, edited by Rachelle Alterman and Cygal Pellach, recently published by Routledge.

The book is not a regular edited book. Instead, it is team work of authors from 15 countries who have followed a rigorous framework prepared by the editors. The book is the first to address issues of coastal zones and their land and planning regulation through a systematic comparative prism.

The goals of preserving coastal zones seem to be shared universally, especially in the era of sea-level rise, deterioration of environmental assets, and the growing pressures of tourism and second homes. Yet, the book reveals striking differences across countries. Some of these differences can be attributed to different degrees of governance quality, public awareness, and citizen compliance with development controls. However, many other differences are embedded in the sets of laws and regulations that apply to coastal zones in each country. These differ in surprising ways from country to country. The legal differences are the "elephant in the room" - hardly recognized to date.

The book encompasses 15 advanced-economy countries. These were selected to represent three groups of legal contexts: Several of the countries are Mediterranean ones, thus ostensibly bound by the Barcelona Protocol on Integrated Coastal Zone Management -an international treaty they all signed. A few more countries are non-Mediterranean members of the EU, where there are presumed shared policies. And two countries are located in different global zones. The findings demonstrate that, contrary to what one may assume, there are major differences in the instruments for coastal zone management and their degrees of effectiveness, regardless of the supra-national regulations that may apply to them. The book enables exposure of some of the unanticipated underlying commonalities and differences that may help to understand and improve coastal zone management for the future.

The Roundtable will be composed of several of the contributors to the book, from several countries, and will be chaired by the two Editors.

ID: 209
General Paper

Urban Settler Colonialism in the Making: Land Titling in Palestinian East Jerusalem

Michal Braier[1], **Oren Shlomo**[2]
[1]Hebrew University of Jerusalem; [2]The Open University of Israel; michal.braier@mail.huji.ac.il, orenshl@gmail.com

In this paper we examine contemporary attempts of Israel to initiate large scale land registration project in the occupied urban territory of Palestinian East Jerusalem (PEJ). Recent years have marked a significant shift in Israeli policy, from purposeful spatial and planning discrimination and neglect, which included an official refusal to engage in land titling, to an institutional land registration plan aimed to improve Israel's control over, and service provision in PEJ. It is estimated that about 90% of Palestinian land is not fully registered, with many variations of partial recordings existing. This has caused a severe planning "deadlock" manifest in violation of Palestinian planning and housing rights, widespread informal construction and finally house demolitions.

While the literature on informal settlements widely accepts that titling has positive impact on land tenure and security for the poor, and offers potential for socio-economic mobility, in this paper we suggest an investigation of Palestinian unresponsiveness and suspicion toward the Israeli land registration initiative. Following critical scholars who emphasize that like any other legal arrangement, land titling processes take place within complex power-relations and local conditions, we analyze this case through the framework of urban settler-colonialism in which the Palestinians of East Jerusalem are caught in deep ambivalence. On the one hand land registration is expected to ease planning and construction procedures and provide opportunities for economic growth. In this sense, it is held to offer a long-awaited improvement to community and individual wellbeing in the face of Israel's occupation. On the other, Palestinians suspect that this program is one more legal apparatus for dispossession and expropriation of their land in the service of Israel's settler colonial land regime, aimed at undermining their presence in the city. The case thus offers an opportunity to examine an urban settler-colonial land regime "in the making".

ID: 213
General Paper

Is there any land policy in Poland? The Polish approach to land policy in the light of international counterparts.

Tomasz Piotr Zaborowski[1], **Małgorzata Barbara Havel**[2]
[1]University of Warsaw, Poland; [2]Warsaw University of Technology, Poland; t.zaborowski@uw.edu.pl, mbhavel30@gmail.com

The land policy is a concept that encompasses various issues from the interrelated fields of land-use planning, land management and property rights. In some countries these disciplines are regarded jointly, that is reflected in legislation. For example, in Germany one code [*Baugesetzbuch*] encompasses regulations on property rights, land management and local land-use planning. In Spain, there is a long tradition of combining urban planning with assignation of property rights and setting instruments of urban management in one enactment [*Ley de Suelo*] that *expressis verbis* relates to land. In some countries land policy became an issue of scientific and professional debate that has been reflected in analyses and reports. In other countries, however, land policy-relevant issues are treated separately. In Poland, there are distinct enactments on land management [*ustawa o gospodarce nieruchomościami*] and land-use planning [*ustawa o planowaniu i zagospodarowaniu przestrzennym*]. Recent evolution of the Polish planning system contributes to the patchy character of the legal framework. Therefore, a hypothesis may be posed that there is no coherent approach to land policy in Poland. The aims of this paper are: 1) to analyse and compare approaches to land policy in selected countries, 2) to check whether the Polish approach suits to investigated foreign counterparts. To attain these goals, a questionnaire will be sent to international experts. It will enable to: 1) state if the approaches vary or one common pattern may be identified, 2) find out in what countries there is a coherent approach to land policy and where the land policy issues are split among distinct policies and legal documents. Subsequently, Polish counterparts of policy elements identified in investigated countries will be analysed to: 1) state whether there is a consistent approach to land policy in Poland, 2) formulate recommendations to further development of the Polish land policy.

ID: 215
Special session 1: Struggle over rural space (Proposers: Peter Ho & Walter T. de Vries)

Fiasco of technical rationality in planning of large-scale retention reservoirs in mountainous areas of Klodzko Valley, Poland

Magdalena Belof[1], **Małgorzata Bartyna-Zielińska**[1], **Zbigniew Tyczyński**[2]
[1]Wroclaw University of Science and Technology, Poland; [2]County Office Klodzko, Poland; magdalena.belof@pwr.edu.pl, m.bartyna.zielinska@gmail.com

The critical state of the hydrological infrastructure system in Poland has long been a source of serious concern for the public and for experts. Many years of neglect in this area have led to serious threats related to hydrological drought and floods. There is a general consensus on the need for immediate remedial action, but the public debate reveals drastic differences in the approach to possible solutions regarding retention, flood protection, river management, etc. In 2018, the Polish government centralized water management, and in the remedial concepts being pushed, it seems to favor large-scale, expensive investments, over more sustainable forms of management, despite the opposition of pro-environmental communities and experts.

The aim of this paper is to present an attempt to build 9 large-scale retention reservoirs (in the mountain area of Kłodzko Valley in Poland. The concept, prepared by the government, was based only on rational technical premises. According to the initial project, the investment would result in a thorough transformation of the rural environment, including complete elimination of buildings (regardless their historical value), infrastructure, landscapes as well as transformation of river beds and surrounding areas. The project would involve the expropriation and displacement of about 1,200 people. Massive public protest temporarily halted the concept. Several valuable years were lost and the area still remains unprotected.

The authors want to draw attention to the following aspects of the process: firstly, the compromising of the approach based on technical rationality in planning for a sensitive and culturally valuable landscapes, resulting in serious financial and moral losses; secondly, the awakening of identity and the maturing of the local rural communities to a professional dialogue with the high rank authorities, and thirdly, the influence of the global institutions such as World Bank, which was originally supposed to co-finance the investment.

ID: 218
General Paper

Paternalistic land surveying and its consequences on territorial governance.

Marina Sapunova[1,2]
[1]HSE University, Faculty of Urban and Regional Development; [2]KIT Karlsruher Institut für Technologie, Institut Entwerfen von Stadt und Landschaft; sapunova.marina@gmail.com

In Russian cities, the practice of work with the allocation of land plots for apartment buildings began to form after the USSR, and one of the methodological approaches was developed by the Research Institute of the General Plan of Moscow in 2000-s. But it was never truly on the table. Considering the growing value of land in a developing Moscow metropolis, the interests of the municipality quickly transformed into rent-oriented relations. Minimizing the size of the apartment building lot and maximizing the lot remaining in city ownership has ultimately led to numerous pinpoint densification projects.

On the one hand, this slowed down the process of land surveying, until now in many areas of Moscow the cadastral map is a ragged canvas, on the other hand, it devalued the procedure itself in the eyes of residents and formed a high degree of distrust in the still unstable institution of private property. Finally, on the third hand, this creates an opaque planning system and blocks opportunities for territorial governance.

Though the situation with land surveying differs between cities, depending on the policy pursued by the city administration. In the case of Moscow, it is advantageous for the city to keep the territories in the ownership of the city, since this land is of high value. In a small regional city we will see an alternative situation where the city minimizes its share, since the land is worthless, but it needs to be maintained.

Several cases of land surveying and land management in large and small cities of Russia make it possible to talk about the role of the subject (whether it is an association of residents or some other form of association) in shaping the value of land resources in the paternalistic relationship between a person and a state inherent in authoritarian regimes.

ID: 219
General Paper

Exploring sprawl patterns and impacts within Flanders, one of the most sprawled European areas

Ann Pisman
Flemish Ministry, Belgium; ann.pisman@ugent.be

Within several European analysis of spatial patterns Belgium and Flanders take a specific position. The average 'settlement area percentage' (=all land used beyond agriculture, semi-natural areas, forestry, and water bodies) for Europe is 4%, but 32% of the Flemish area is occupied with artificial land. Belgium has the highest score on urban sprawl indicators and within an European context almost the entire area is considered as urban.

The aim of the presentation is to expand on the theme of sprawl by analysing the spatial patterns of sprawl within Flanders, and the evolution of sprawl during the past years. Accordingly, the cost and benefits of sprawl will be presented for various aspects such as ecosystems, mobility, infrastructure, health services, public transport and postal services. Not only costs, but also the quality of the offered services are differentiated between more or less sprawled areas. The presentation will be a compilation of research from the Department of Environment & Spatial Development of Flanders.

The case of Flanders, with its specific sprawl pattern, illustrates the impact of sprawl on living conditions and the difficulties planning policy makers are facing, dealing with this issue.

ID: 220
General Paper

The capacity of self-organization in urban transformation negotiation processes: The case of Kadifekale and Ege neighbourhoods, Izmir, Turkey

Tugce Sanli[1], **Sule Demirel**[2]
[1]Ondokuz Mayıs University, Turkey; [2]Middle East Technical University, Turkey; tugce_sanli@hotmail.com

Modernist urban planning practices based on top-down designs ignore the "self-organizational capacities of cities" [1]. A group of actors by integrating within a shared space can show a self-organizational, adaptive capacity together [2], and via external forces can resist "command and control" [3]. Apart from current planning practices, it is critical to address which aspects should be flexible and coordinated [4], as cities are self-organizing systems and, to a large extent, unplannable in fact [5]. Realizing the complex, self-organized structure of cities formed by organic unity of different variables through accumulative processes through history is necessary to go beyond the provision of descriptive outcomes and rather aim for a better understanding of the dynamic change and development of urban space. The urban transformation projects and their implementation process magnify such change holding a rich ground for revealing multi-agent structures, unpredictable local emergencies either via appreciation or collective resistance evolved through peculiar conditions of the local dynamics.

In Turkey, urban development processes had a significant shift starting from the 2000s, and after then, neoliberal policies began to dominate, and urban transformation processes accelerated and intensified both institutionally and conceptually. Several implementations carried out before the 2000s have had a capacity to influence the post-2000 period and reflect on urban transformation projects, which is one of the main planning tools. Having a pioneering feature, urban transformation projects in Izmir present both similarities and differences compared with the national tendency. This study targets to exemplify such examples resembling both ends of urban transformation projects implemented throughout the country as elaborating urban transformation beyond the tendency to benefit from urban rent. Therefore, this research focuses on such realization through an urban transformation project planned for Kadifekale and Ege Neighbourhoods in Izmir, Turkey, both of which unfold the implementation process either coerced to negotiate or negotiation through self-organized tendencies. Such a process sheds light on the dilemma, which is that even if informal, the squatting is self-organized, resilient, and adaptive, which is the aim of the new approaches of the planning literature to improve legal urban development.

ID: 221
Special session 1: Struggle over rural space (Proposers: Peter Ho & Walter T. de Vries)

Analyzing Settlement Growth in the Nile Valley Using the Institutional Resource Regime

Mahmood Abdelkader[1,2], Richard Sliuzas[1], Luc Boerboom[1], Jaap Zevenbergen[1]
[1]ITC, Twente University, Netherlands; [2]Assiut University, Faculty of Engineering; m.m.abdelkader@utwente.nl

Agricultural land has been under significant pressure since the industrial revolution. This pressure results from the competition between the users who want to keep using the land for agrarian use and others who want to utilize the land for other uses (e.g., housing; commercial). Egypt is not an exception. While only ten percent of Egypt is non-desert, millions of acres of agricultural land in the Nile Valley and Delta were converted to built-up areas. To control settlement growth on agricultural land in the Nile Valley and Delta, the state has articulated and modified public policy and property use and rights.

In this study, the public policy and property use and rights were investigated using Institutional Resource Regime method. This method analyzes the public policy based on the political aims, instruments, targeted groups, implementation, arrangements, and rationale. The property use and rights are analyzed by differentiating between ownership, rights of disposition, and right of use. This analysis aims to assess the regime in terms of sustainability. Based on this analysis, the regime is assigned to one of four types: 1) no regime where no public policy and property rights are at play; 2) simple regime is assigned when the property use and rights are not clear while the public policy is coherent; 3) complex regime is assigned when property use and rights are extensive, but the public policy is incoherent; and 4) integrated regime when the regime is characterized as extensive and coherent. Our results show that ten governmental actors influence the process of monitoring and managing settlement development on agricultural land. The communication and coordination between these actors are fragmented. Also, the results demonstrate that the settlement growth regime in Egypt is complex. Overall, the results indicate the property use and rights regime require significant change if settlement growth is to be sustainable.

ID: 222
Special session 1: Struggle over rural space (Proposers: Peter Ho & Walter T. de Vries)

Struggle over rural space – case of wind farms in Poland

Anna Brzezińska-Rawa[1], Justyna Goździewicz-Biechońska[2], Dorota Sylwestrzak[1]
[1]Nicolaus Copernicus University in Toruń, Poland; [2]Adam Mickiewicz University in Poznań, Poland; rawa@umk.pl, jusgoz@amu.edu.pl, d_sylwestrzak@wp.pl

In 2008, Poland was a leading new EU member state as regards new installed RES capacity. In 2013, Poland was 9th among EU countries in terms of installed capacity in wind energy. The forecasts for the development of wind energy in Poland were somewhat optimistic.

Until 2016, wind farms could be located based on local spatial development plans, as well as based on decisions on land development and management conditions (*ad hoc* planning), issued in the absence of plans.The location of wind farms based on the decisions enable location of wind farms close to existing residential buildings in rural areas. It resulted in numerous protests and spatial conflicts on a local scale. On a national scale, websites against wind energy posted particular guidelines, indicating possibilities of blocking development at various stages.

In 2016, the wind energy industry entered a stagnation phase. The total suspension of the development of Polish wind energy results from the entry into force of the Act of May 20, 2016 on Investments in Wind Farms. This Act, so called the Distance Act (still in force today), introduced the stringent criteria for keeping distance from residential buildings. As a result, 99% of the territory of Poland were excluded from wind farming.

Currently, the amendment providing the change of the location requirements is under public consultation. The final version of the act is still unknown; nevertheless, the proposed regulation will completely change the legal methods of the location of wind energy developments.

On the example of these changes in regulations, we aim to present an analysis of how different legal instruments affect the management of spacial conflicts regarding wind farms development in rural areas and what are the complex consequences of choices of regulation methods in this regard. We also propose the assessment of their effectiveness.

ID: 223
General Paper

How a long-lasting political crisis and political ambitions create damage to society – the case of the Vistula Spit area, Poland

Dorota Sylwestrzak, Anna Brzezińska-Rawa
The Nicolaus Copernicus University in Toruń, Poland; d_sylwestrzak@wp.pl, rawa@umk.pl

The aim of the speech is the analysis of the societal damage caused by the political tensions in the region. After the Second World War, the area of the Vistula Lagoon was divided and became part of the USSR and Poland. The Pilawa Strait, belonging to Russia, is currently the only entrance to the Polish part of the Vistula Lagoon and the Polish ports. Over the years, the movement of Polish naval units through the Pilawa had been frequently suspended by the Russian Federation.

In order to avoid it, the special Act on the construction of a waterway connecting the Vistula Lagoon with the Gulf of Gdansk was implemented. It interconnects planning, property rights issues and construction law for the construction of the Vistula spit canal. The canal cutting the Vistula Spit will result in creating an island, leaving the inhabitants with more difficult access to the mainland. The construction of the canal is supposed to enable the economic development of the region, which, however, is not the primary goal of this investment.

The canal will create an immured space, which has not been one before – a literally divided and therefore immured space. It seems unjust to create more to open up one walled-in space. Indeed, the size of the original immured space to be opened - compared to the new immured space - cannot constitute such a justification. The political arguments are also questionable, as the problem could be solved without creating another immured space. There is no proper balance underlying the whole development and it looks as if the economic, societal, and especially the environmental costs of it will exceed the projected benefits.

ID: 225
General Paper

Opening Up the Future: Rethinking Contracts for Urban Transitions

Martijn van den Hurk
Utrecht University, the Netherlands; m.h.h.vandenhurk@uu.nl

The growth of cities and the wellbeing of their communities are linked with the provision and operation of infrastructures and the redevelopment of urban neighborhoods. Over the past few decades, governments and other actors have been implementing grand programs and projects to deliver these assets and redevelop these areas. The arrangements for these endeavors are often laid down in contractual agreements.

Making contracts is about making present decisions about future aspects of relationships. Signing contracts involves predicting, shaping, even institutionalizing the future of urban infrastructures and neighborhoods. On the one hand, closing a contract is a way to *institutionally fix* the condition of (part of) an urban environment. On the other hand, contracts have a *transformative potential* to open up new avenues of thinking about and acting toward (or in) the future. Contractual arrangements can instigate or impose actions that serve societal transitions—e.g. shifts towards zero-carbon housing and path-breaking mobility schemes.

Nevertheless, contracts are generally renowned for their rigid nature and have mainly been considered protection mechanisms: they anticipate problems and challenges, spur risk-aversive behavior and leave little room for going out on a limb and making bold decisions that could serve transitions. In this respect, contracts are 'closed'.

Contracts and their 'closedness' are often seen as obstacles to making urban environments 'future-proof'. This paper rethinks contracts and explores alternative conceptions of contractual arrangements for future urban environments. It flips the narrative from 'contracts that *fix* futures of the past' to 'contracts that *enable* futures of the future': how could contracts be—or become—'open', meaning that they spark or nourish urban transitions?

The paper seeks to provide a sense of direction in addressing the myriad of questions in the wake of a call for 'open' contracts. It delineates the field of contracts and the future, discusses assumptions regarding the promises and limitations of contracts relative to the future and addresses potential dilemmas in planning practice. Finally, the paper formulates a research agenda to obtain an improved understanding of contracts and the future.

ID: 227
General Paper

The sale of virtual land expressed through building potential as an increase on urban inequalities

Maria Lucia Refinetti Martins[1], Douglas Tadasshi Magami[2]
[1]University of São Paulo, Brazil; [2]University of São Paulo, Brazil; malurm@usp.br

Virtual Land, expressed through building potential has increasingly raised questions for the Urbanism and the Law. This article aims to present and discuss, under the urban and legal perspectives, the nature, the dimensions and developments of this virtual land in the city of São Paulo. Virtual land is here understood as this immateriality that can become floor area, through building potential expressed as some kind of formula.

The notion of virtual land was absorbed in Brazil, in the 70s, under different interpretative perspectives, and it was reconfigured and acquired distinct concepts and purposes, assuming an alternation of emphasis between reason and urban objective and reason and economic objective.

At the turn of the century, it started to be monetized, in various forms, in cities across the country, to the limit of becoming CEPAC (Certificate of Additional Construction Potential) in São Paulo, which is a bond traded on the stock exchange. The creation and sale of this virtual product enables the generation and transfer of income.

The importance of the approach is to foster a debate on the mercantilization of this "space" which, applied under the purpose of a redistributive process, risks of working in reverse through the generation and transfer of urban benefits and of income. New urban instruments, under neoliberalism, instrumentalizes building potential and bonus zoning under the most diverse legal forms, the most recent being its categorization as private propriety which allows the contractualization of urban policy.

ID: 229
General Paper

What future for syndicated owners' associations in the management of French wetlands? Towards a reconfiguration of local arrangements between environmental public policies and private land uses. The case of « Le Marais Poitevin » (Atlantic Coast, France

Marie Fournier, Elisabeth Botrel
National Conservatory of Arts and Crafts, France; marie.fournier@lecnam.net

In France, in many rural areas, the control of water levels has been required and organized for centuries (wetlands, marshes, polders along the coasts) in order to facilitate farming in such difficult areas. It led to the development of hydraulic, drainage and irrigation works whose maintenance and management were organized among the local communities. In the middle of the 19th century, local syndicated owners' associations were institutionalized to facilitate land maintenance, administration of hydraulic works and agriculture.

Today, syndicated owners' associations face major changes and must adapt. First, in 2004, major changes were decided in their regulations. Second, a new competence was defined for municipalities and local authorities in 2014, specifically dedicated to river and flood management; it clearly puts into question the local organization settled by owners' associations for decades. Third, environmental objectives and public policies (Water Framework Directive in 2000, Floods Directive in 2007 and so on) lead to a renewed approach of rivers and wetlands from a quantitative to a more qualitative approach. Syndicated owners' associations need to redefine their roles and competences in this context.

Based on an empirical analysis of the syndicated Owners' associations in the *Marais Poitevin* (100 000 hectares of marshes and polders along the French Atlantic coast), our presentation will give an insight of these very specific and long-standing private stakeholders in the French rural areas which contribute to land valorization in wetlands.

We will describe how they organized and regulated land uses for decades and built up an expertise while new institutional stakeholders progressively come into the local actors' game (such as municipalities, newcomers in river and water management). In this context, syndicated owners' associations must redefine their role in areas where farming is sometimes declining and environmental issues are becoming more prominent (wetlands and river restoration, floods and water retention areas management, biodiversity protection and so on…). In more general terms, this presentation will also question the role of private stakeholders in the definition and implementation of environmental public policies.

ID: 230
General Paper

Rethinking Legal Protection and Governance of Cultural Heritage in Cuba

Rosa Julliet Gonzalez Ruiz[1,2], Nilda Haydeé Rizo Pérez[1], Esther van Zimmeren[2]
[1]Universidad de Oriente, Cuba; [2]University of Antwerp, Belgium; rosaj@uo.edu.cu, esther.vanzimmeren@uantwerpen.be

The current Cuban legislation regarding cultural heritage corresponds to the requirements emanating from the 1972 UNESCO World Heritage Convention and from the ideology related to the Cuban Revolution in pursuit of strengthening the collective Cuban conscience towards nation building. This legislation emphasizes state management and an institutional framework focused on preserving cultural heritage. Globally the legal mechanisms of protection and safeguarding cultural heritage have evolved enormously since 1972, including new measures designed to protect cultural heritage by virtue of the conservation, restoration, classification of orders of protection and the establishment of protection zones. Moreover, according to the 2003 UNESCO Convention safeguarding cultural heritage nowadays also covers the identification, documentation, research, preservation, protection, promotion, enhancement, transmission and revitalization of *intangible* cultural heritage.

Many gaps and problems exist in the Cuban cultural heritage legislation leading to problems in safeguarding effective protection of tangible and intangible cultural heritage. The gaps relate to the scope of the legislation (only tangible property), the use of ambiguous terms, which differ from the international conventional understanding, and the lack of a clear systematic overview of governance mechanisms for the management of cultural heritage (e.g. phases of protection, public participation mechanisms, preventive conservation mechanisms, control mechanisms for the administrative compliance, valorization or promotion of heritage assets). Moreover, complex situations arise due to the co-ownership of cultural property by the State and individual owners and the inherent tensions between public and private interests.

The objective of this paper is to provide an interdisciplinary gap analysis of the Cuban legal framework for cultural heritage with special attention for the implications of co-ownership and the implications for the governance of cultural heritage. This is particularly timely as the Cuban National Assembly has proposed a review of the cultural heritage legislation in the National Legislative Plan throughout the second half of 2021.

ID: 233
General Paper

The social construction of land rents. The institutional origins of territorial fruits

Edwin Buitelaar
PBL Netherlands Environmental Assessment Agency, Netherlands, The; edwin.buitelaar@pbl.nl

Land rents have important economic consequences, such as on growth, affordability of housing, and on inequality. Geographically too, the impact is substantial as land rents strongly affect processes of gentrification and urban sprawl. Yet, attention for land rents – what they are, how they come about and what their impacts is – has been sparse. The aim of this paper is to increase the understanding of the coming about of land rents, and the spatial differences between them. Over the centuries much attention has been given to exogenous and rather undifferentiated explanatory factors such as the fertility of (agricultural) land, population growth, technological advancement, capital, distance and transportation costs, and consumer preferences. These are all important factors but underemphasize the role of human actors – particularly supply-side actors – and differences in land rents (as a result of that). Therefore, this paper takes an institutional perspective on land rents. The localized nature of land and of the social networks around land, lead to location-specific institutions that therefore influence land rents in spatially different ways. The paper is conceptual and puts forward a framework that is based on literature review and supported by empirical examples. It takes the land development process and the value creation that place in that process as starting points and connects categories of institutions to that.

ID: 235
General Paper

Likely Litigation of Shoreland Conflicts Along Michigan's Great Lakes Coasts: Implications for Coastal Community Planning

Richard K Norton
University of Michigan, United States of America; rknorton@umich.edu

The state of Michigan, in the U.S., enjoys about 3,200 miles (about 5,100 km) of Great Lakes coastal shoreline. Some 251 local units of government play a key role in managing the state's coastal shorelands. Local officials regularly express two concerns about that role: first, that they do not have adequate legal authority to fully regulate shoreland development; and second, even if they do, they will be sued and found liable to shoreland property owners unhappy with being regulated. As with ocean coasts, there are complex legal doctrines at play along Great Lakes coasts (Slade et al.1997; Norton and Welsh, 2019), as well as some uncertainty about whether localities might be found liable should they regulate to protect coastal shorelands (e.g., Craig, 2011; Serkin, 2014), or conversely liable should they *fail* to adequately regulate for the same reason (Burkett, 2013).

This paper will first present the results of legal research addressing two sets of questions, focusing especially on Michigan legal authorities and case law:

1) To what extent and in what forms do local governments enjoy the authority to regulate privately owned coastal shoreland properties for the purpose conserving natural coastal resources, and to what extent might those regulations be subject to state and/or federal limitations, including constitutional due process and regulatory takings doctrines?

2) Conversely, does the right to use one's private property under state and federal law amount to the same concept as, or extend to the point of encompassing, a right to take measures to protect that property from natural forces, such as shoreland erosion and recession, even though doing so may result in the loss or degradation of public trust interests in those same resources or harm to neighboring properties? That is, is there a free-standing "right to protect" in general that warrants statutory or constitutional protection? If so, how far does that right go?

Building on the findings from these analyses, the paper will discuss their implications for local coastal shoreland planning in the state of Michigan, along with implications for other coastal settings and jurisdictions.

ID: 237
General Paper

The tragedy of the ladder: how a simple procedural planning rule mutated into a complex substantive regulation

David Evers[1], Jochem De Vries[2]
[1]Netherlands Environmental Assessment Agency, Netherlands, The; [2]University of Amsterdam, Netherlands; david.evers@pbl.nl

In 2012, the Netherlands abolished all national urbanization policy, replacing it with a simple three-step procedure for future zoning plans to follow. All plans granting development rights for new urbanization must argue (1) its regional need, (2) why a greenfield site was chosen (if applicable) and (3) its multi-modal accessibility. The philosophy was that this rule was flexible enough to allow for local interpretation (adaptive governance), only forcing plan-makers to be transparent about their decision-making. In its implementation, the pendulum swung back towards rule of law. Evidently society demanded more clarity on, for example, when it was required and how much substantiation was necessary. Through a series of judgements by the administrative court, material concerns were gradually introduced that provided this clarity, while at the same time undermining the spirit of the rule as a general principle. Within five years of its introduction, the ladder was reformed to reinstate flexibility. This unplanned and unwanted shift towards instrumentalism should serve as a warning for other countries considering procedural rules oriented towards substantive outcomes, not least the Netherlands where a proliferation of 'ladders' can be observed.

ID: 238
General Paper

Embracing Unorthodox Urban Planning: "Remediation" Urban Plans for Illegal Residential Zones in Sombor, Serbia

Branislav Antonić, Aleksandra Djukić, Jelena Marić
University of Architecture – Faculty of Architecture, Serbia; antonic83@gmail.com

All cities in Serbia faced a certain level of illegal development during the 20th century, often in the form of single-family residential zones at their outskirts. This process was especially visible during the Yugoslavian Crisis in the 1990s, when many cities received refugee population. Consequently, this was followed with the uncontrolled rise of illegal housing. A usual situation was that refugee family bought an un-built plot at urban periphery, planned for agriculture or forestry, and self-built their detached house without any official permission. The architecture of these houses is simple and more or less acceptable, but the urban aspect of illegal residential zones is more problematic due to the fuzzy network of streets and plots and insufficient land use for public amenities and infrastructure.

This strong influence of illegal housing construction had disappeared in the 2000s, with new efforts to regulate urban development and normalise local property market. In the meantime, many middle-sized cities in Serbia have started to shrink after the previous artificial demographic growth. This demographic pushback unexpectedly "relaxed" local urban planning to be more focused on already created problems with illegal residential zones. Many cities have used this opportunity to have create new urban plans to legalise illegal development under an "umbrella" law on legalisation of such structures. Such plans are unofficially called "remediation plans", which main purpose is a sort of a 'planning oxymoron' in urban planning – to regulate an already formed settlement instead to plan it.

The aim of this paper is to present and structurally analyse remediation urban plans by comparing them to 'mainstream' ones. A case study for this paper are several urban plans done for the City of Sombor, which is currently one of shrinking cities in Serbia, but with very dynamic urban planning today. These remediation plans are explained to form a general overview, as well as to identify their impact on the current city development and local housing.

ID: 239
General Paper

Zoning in or zoning out? The Case of English Planning Reform

Sebastian Dembski[1], Phil O'Brien[2]
[1]University of Liverpool, United Kingdom; [2]University of Glasgow; sebastian.dembski@liverpool.ac.uk

The critique of planning and new proposals to reform the English planning system and "rethink planning from first principles" have led to the introduction of a regulatory zonal planning system in a recent White Paper, which it is claimed will create a faster and better planning system than the existing discretionary approach. But are these proposals based on an oversimplified understanding of the differences between discretionary and regulatory models, neglecting, for example, the negotiation between stakeholders and the flexibility which also exists in regulatory planning systems? Our contribution will review the emergence of the English planning system and reflect on the experience in European countries with zoning to bust some of the myth that the planning reform claims to address: the possibility to combine faster decision making with better place-making with lesser interference of local planning authorities.

ID: 240
Special session 1: Struggle over rural space (Proposers: Peter Ho & Walter T. de Vries)

Redeveloping empty farm stables for commercial purposes: examples from the Netherlands

Maarten Koreman
TU Delft, The Netherlands; m.c.j.koreman@tudelft.nl

Throughout the European Union, agricultural enlargement and a reducing number of farmers creates empty farm stables. The ways to deal with this issue are continuously debated in the fields of rural development, planning and property rights. Most proposed solutions focus on either demolition or re-use for residential purposes, while often neglecting opportunities for commercial re-use. This paper investigates the prospects and effects of this solution by analysing two Dutch examples of outdated, empty farm stables which are re-used for commercial purposes: The Green East in Raalte (Overijssel province) and Mouthoeve in Boekel (Noord-Brabant province). The former is a centre for start-ups in the agri-food industry and the latter a shopping centre with authentic craft shops on the edge of the village. The analysis shows that the local municipalities stretched planning rules to enable this commercial re-use, which would be impossible in most Dutch municipalities. Furthermore, an increased commercial re-use of empty farm stables may further increase the struggle over rural spaces. However, both examples have been able to attract new entrepreneurs, jobs, and enthusiasm to their respective areas. Although it is just a tiny part of the solution to the huge problem of empty farm stables, these examples show that in some contexts, when there is a good plan and a local government with a flexible approach, the redevelopment of empty farm stables for commercial purposes could help to revitalize and regenerate a rural area.

ID: 241
Special session 2: Market-based land-use tools for ecosystem services supply in urban and peri-urban areas (Proposers: Enzo Falco, Davide Geneletti, Erica Bruno)

Considering the role of negotiated developer contributions in financing ecological mitigation and protection programs in England: A cultural perspective

Malachy Buck
University of Liverpool, United Kingdom; malachy.buck@liverpool.ac.uk

Even with increasing awareness of the impact of biodiversity loss on the delivery of a range of ecosystem services there remains a shortfall in funding the implementation of nature-based solutions. This paper explores the potential of 'Land Value Capture' in addressing this through a series of interviews with Local Planning Authority (LPA) officers in England. It finds heterogeneity in their responses to financial austerity and imperatives to deliver development, which heavily influences planning obligations (POs) practice. The response to these pressures differed depending upon localised planning culture and its interrelation with behavioural biases, which defined the scope of officer agency to influence POs outcomes, which has implications for the ability of planning authorities to respond and address other challenges e.g. climate change. Most LPAs placed a strong emphasis upon securing real estate investment to drive local economic growth and to provide opportunities to secure POs to address socio-economic issues, with the status quo bias contributing towards inertia in policy and practice change. Elsewhere, there was a greater emphasis placed upon reconciling the need to deliver development with the preservation of environmental amenity, enabling officers to carefully frame practice changes, to successfully secure funding for ecological mitigation programs. The paper illustrates the cultural and behavioural challenges in implementing POs policy change to support funding these priorities, whilst these may be overcome by legislative changes this work identifies a series of other challenges. It finds that policy and practice change may be compromised by a lack of resources in local authorities, in particular a dearth of ecological expertise. Furthermore, an expanded role for POs in addressing the biodiversity crisis may impact the delivery of other public goods e.g. affordable housing and education facilities, potentially compromising the ability of local governments to address socio-economic challenges, which is likely to exacerbate existing inequalities.

ID: 242
General Paper

Urban Renewal or Earthquake Preparedness: Lessons from Israel's National Master Plan for Earthquake Preparedness (TAMA 38)

Ravit Hananel, Moshe Shamai
Tel Aviv University, Israel; hananelr@tauex.tau.ac.il

TAMA 38—Israel's national master plan for reinforcing existing structures against earthquakes—has been the country's flagship urban renewal policy for the past decade. Under TAMA 38, the state offers incentives to developers and property owners to turn old residential buildings into earthquake-resistant ones. This concept makes TAMA 38 an interesting, unorthodox plan in the fields of earthquake preparedness and urban renewal because it reduces the state's role in regulation and leaves the initiative to the private market. The plan is even more intriguing because it applies to individual buildings yet is a national master plan; thus, instructions and regulations that are typically part of detailed local plans are national in scope, enabling developers to bypass district and local planning bodies and increase the economic feasibility of TAMA 38 projects. The purpose of this paper is to present the cumulative ramifications of TAMA 38 at the national and local levels, to discuss the plan's pros and cons, and to point out its relevance to decision-makers elsewhere. The findings of the study are different at each level. At the national level, we found that the pace of implementation of the projects and their geographical dispersion do not lie close to the original goal of TAMA 38—reinforcing buildings against earthquakes in high-risk areas—and that makes the plan increasingly an urban renewal plan in economically viable areas. We found that intensive implementation of TAMA 38 in a small area can significantly change the housing stock, housing tenure, and population mix at the local level. The plan therefore also has significant implications for the municipal budget and the supply of infrastructure and public services to the neighborhood. Understanding those findings may assist decision-makers in the United States and elsewhere in seeking new policy tools for addressing the need to reinforce buildings against earthquakes and the emerging need for urban renewal of city centers.

ID: 245
General Paper

The iron-law of urban megaproject development: the case of Lincoln Yards, Chicago

Ana Peric[1], Zorica Nedovic-Budic[2]
[1]ETH Zurich, Switzerland, University of Belgrade, Serbia; [2]University College Dublin, Ireland, University of Illinois, US; znb.ucd@gmail.com

The 'iron-law of megaproject management' relies upon the logic of exception to include the following: government officials suspend standard planning approach to tolerate long-term project delivery timeframes, budget overruns, special instruments and regulations, non-standard organisational structure, reduced public accountability, and ad-hoc actor networks. In other words, deregulation is the main 'game rule' in any urban megaproject development. However, there are nuances in the generally loose public intervention in megaproject management across the globe: on the one hand, Global South and Global East face the tendency towards the private governance, while, on the other hand, the persevering European welfare democracies still struggle to provide the room for public deliberation. This paper elucidates an urban megaproject in the traditional western liberal democracy with a strong capitalist outlook: the United States.

To explore different actor-networks, we focus on the case of Lincoln Yards, a contemporary urban megaproject development in Chicago. Previously used as a privately owned industrial area in the close vicinity of the Chicago downtown, in 2017, the Framework Plan, i.e. a spatial vision for the future development of the broader area including the Lincoln Yards, proposed the land-use change: from manufacturing district to mixed-use area. Having in mind an attractive position of the site, access to major infrastructural nodes, and a demand for new residential, office and recreational spaces ('live, work and play'), the Lincoln Yards became the case coloured by great controversy and tremendous public attention.

Using the overview of primary sources (legal and regulatory documents and newspapers articles) and semi-structured interviews with the relevant stakeholders, we elucidate the following: 1) the response of professional planners towards the developer's application, i.e., the intention to redevelop the area; 2) the approach applied and values promoted by developers; 3) the strategies used by the local community to protect the local identity and local needs; and 4) the relationship of public officials (aldermen) towards both the local public and investors. Finally, the case provides insights into the lessons learned relevant for the spatial challenges posed by urban megaproject development.

ID: 248
General Paper

Urban Codes and Social Institutions in Self-organizing Urbanity: The Case of Palestinian Israeli Towns

Maisa Totry Fakhoury
The Hebrew University of Jerusalem; maisatotry@gmail.com

This paper presents the evolution of the informal planning system of Palestinian towns in Israel since the middle of the last century until today. It shows how the void created by the neglect of institutional planning in theses peripheral towns forced their residents to enhance the traditional practice of ongoing negotiations between individuals in their production of space. These ongoing negotiations demonstrate the establishment of decision-making mechanisms we refer to as social institutions. These social institutions, consisting of the users, controllers and owners of each spatial configuration in the built environment who follow a system of unwritten yet commonly accepted rules, constantly adapt to the sociopolitical circumstances, and structure social interactions regarding the creation of the built environment.

Both the lack of a centralized authority, and the uniqueness, in Israeli terms, of the private/ shared land-ownership characterizing Palestinian towns strengthened local and semi-formal social institutions. These tradition-based, spontaneously-organized institutions had an important role in guiding these towns' spatial patterns. Dwellings were constructed in a self-building method subject to prior negotiations and agreements between neighbors, each in its own territory, forming orderly and socially-sustainable urban patterns. The delicate considerations propelling changes in building details required a deep understanding of the built environment and the social norms, tacit planning principles, and the gradual transition from the private arena to the public sphere. However, as shown in this paper, the intervention of modern planning, together with the failure to synchronize public and informal social institutions, affected the urban fabric and ultimately led to the creation of an unbalanced and malfunctioning built environment.

ID: 251
General Paper

Comparing urban aesthetic regulations in metropolitan municipalities, The case of Turkey

Azadeh Rezafar[1], Sevkiye Sence Turk[2]
[1]Istanbul Arel University, Turkey; [2]Istanbul Technical University; azadehrezafar@arel.edu.tr, turkss@itu.edu.tr

Neo-liberal economic and market-friendly policies that became more influential after the 2000s show their effect on urban fabrics. Some of these effects are developing cities without attention to their own unique identity and culture, shape, texture, aesthetic and urban silhouette. Under this situation, cities started to resemble each other. Whereas conventional legislation devices (such as zoning ordinances, building codes, etc.) provide little effect on these problems especially urban aesthetics. Therefore, to achieve a higher quality of life urban aesthetics has become increasingly important especially for metropolitan cities. In this case, urban aesthetic regulations provide urban aesthetics control and management for the cities.

This paper examines urban aesthetic regulations as a legal source for providing urban aesthetics in the metropolitan cities of Turkey. After 1985, in Turkey, the establishing of the 'Architectural Aesthetics Commission' has been necessary for municipalities with the reconstruction law no.3194. According to the law; the commission is responsible for deciding whether urban projects are expressing original ideas. with this law most of the metropolitan cities established the Architectural Aesthetic Commission. Following it, urban aesthetic regulations have come to the agenda of municipalities.

In this research urban aesthetic regulations for 30 metropolitan municipalities have been researched. The research tries to demonstrate differences and similarities in the regulations of these metropolitan cities. As well as to reveal how should be the legal basis of these regulations and their contents. The findings show that most of these regulations include the same aesthetic parameters which are not compatible with the unique identity and culture of the cities while they do not include details about the

city's urban aesthetics. The lessons to be taken from Turkey may be useful for countries that face the same problems in urban aesthetic regulations and control.

Key Words: Urban Aesthetic Regulation, Aesthetic Control Management, Legal Sources, Turkey

ID: 252
General Paper

The structure of the land development industry in the Netherlands, Flanders and North Rhine-Westphalia

Rick Meijer
Utrecht University, Netherlands, The; rick@stadkwadraat.nl

There is a great extent of differentiation among land developers and their individual motives for development (Meijer & Buitelaar, forthcoming). This raises questions about the structure of the land development industry. This industry structure is a relevant topic of research, given the potential consequences for planning such as the price of built environment, the nature of planning, power relations between planners and developers and sustainability (Coiacetto, 2007). These consequences influence the effectiveness and efficiency of planning instruments. This contribution presents a research design for an international comparison of the structure of the land development industry and the potential consequences for planning. It does so by comparing the housebuilding industry of the Netherlands, Flanders (Belgium) and North Rhine-Westphalia (Germany), which have similar socio economic and landscape characteristics (Tennekes et al., 2015). The industry structure will be mapped by focusing on entry barriers, market concentration, degrees of monopoly and volatility. The consequences for planning will be analysed in terms of competitiveness of the industry and the degree of market concentration.

ID: 253
General Paper

The role of Spatial Data Infrastructure (SDI) in the relief of ownership struggling

Mohammad Ghaderi, Ebrahim Dalaei Milan
Iran University of science and technology, Iran, Islamic Republic of; Mghaderi_2013@yahoo.com

Property rights are one of the most challenging issues in urban management and development. The conflict between owners and city managers has always been one of the difficult problems of city management. This study seeks to resolve the question that; given the development of information technology, how can property conflicts be managed in urban projects. One of the solutions that can help reduce these conflicts is the use of spatial information systems within city boundaries.

Spatial Data Infrastructure (SDI) can provide quick access to spatial information and inter-organizational functions, helping to increase the transparency of urban projects and their functional areas. Utilizing SDI in the city and placing the information of urban projects on the basis of the city map (including the role of property and owners' information) and set up the necessary access for citizens on the web also the obligation of its use in all parts of urban management, Offices, and real estate agencies can inform the owners of the current and future status of their properties and lands in relation to the urban projects.

Hence, the owners will be aware of their future property in the transactions and don't have any claim afterward in relation to the wasting of properties right especially in the urban project implementation. As well, SDI could be more developed too with defining civil layer of each project, and the situation of parcels determined in its database, it could be shown together (for instance; in urban highway project the parcel modification and width of the passage could be depicted simply). Through this explanation, under conditions of transparency, the struggle between citizens and urban management and municipalities can be meaningfully eased in urban projects. It could play a great role in the improving speed of the urban project implementation. Nowadays, in some developing countries such as Iran, there are various problems such as lack of transparency, lack of city databases, and new geographic management systems. The same SDI created a dilemma called an ownership struggle in the process of urban projects, and this method is expected to open up new horizons.

ID: 261
General Paper

From land to home – the relation between land policy and housing

Agnes Förster[1], Thomas Hartmann[2]
[1]RWTH Aachen; [2]TU Dortmund; foerster@pt.rwth-aachen.de

The provision of housing is one of the major challenges of urban planning in many European countries. The shortage of housing exceeds the sector of affordable housing. Two policy fields are fundamental for the supply of housing: land policy to provide land to build on, and housing policy to organize the development and provision of housing to users. In this respect, land policy oftentimes deals with the landowners before a housing development starts, and housing policy deals with both the residential development and the management of the residential stock in relation to the user. As both public policy domains are part of the same supply chain, the relation between land policy and housing is important to understand.

However, the academic debates on housing and land policy are largely distinct and there is not much research on the connection and interrelation between the two public policies. This contribution explores the relation between housing and land policy by focusing on the sets of public policy instruments. This can contribute to a better understanding of the touch points, overlaps, and also gaps of the two and contribute to more efficient use of instruments in the provision of housing.

Starting with an inventory of the most relevant public policy instruments of both domains, an analysis will be conducted in the frictions and overlaps of them. A map of instruments will be sketched that highlights the mutual influence and value-added processes from the provision of land to home. In the outlook pending issues in research and practice are identified.

ID: 263
General Paper

Planning for social sustainability: Mechanisms of social exclusion in densi-fication through large-scale redevelopment projects in Swiss cities

Gabriela Debrunner[1], Arend Jonkman[2], Jean-David Gerber[1]
[1]University of Bern, Switzerland; [2]Delft University of Technology, The Netherlands; gabriela.debrunner@giub.unibe.ch

In many cities, there has been renewed interest over the last 30 years in densification as part of wider efforts to combat urban sprawl. In daily practice, however, densification is a contested process because of its redistributive effects. Next to potential environmental advantages, it produces both benefits and losses for different individuals and households. The redistributive effects are an expression of conflicts between environmental, economic, and social dimensions of sustainability. We show that the latter is heavily impacted: if densification projects are not designed to the needs of people who are actually supposed to benefit from it—the residents—low-income groups are at risk of social displacement. This scenario is highly unsustainable. By using a neo-institutional approach and comparative case study methodology conducted in Switzerland, we analyze the institutional rules *and* the involved actors' strategies when dealing with densification projects. We explain the mechanisms leading to the loss of social qualities when competing with economic interests of investors and authorities.

ID: 287
Special session 2: Market-based land-use tools for ecosystem services supply in urban and peri-urban areas (Proposers: Enzo Falco, Davide Geneletti, Erica Bruno)

Preserving peri-urban land through biodiversity offsets: between market transactions and planning regulations

Fanny Guillet[1], Stephanie Barral[2]
[1]CNRS, France; [2]INRAE, France; fanny.guillet@mnhn.fr, stephanie.barral@inrae.fr

Competition for land use is a harsh problem in peri-urban areas where available land is scarce and targeted for different purposes such as construction, local food systems, recreational areas and biodiversity offsets. Mitigation policies have been advanced as innovative market-based instruments to neutralize land development impacts and sustain ecosystem restoration and conservation. This article examines the contribution of biodiversity offset policies to the securing of natural areas in peri-urban areas through the analysis of land strategies developed by intermediary actors involved in their implementation. Based on a sociological survey of 20 case studies and 95 interviews conducted in 2019-2021 in 6 French regions, the article identifies three land strategies that rely on different balances between market transactions and planning: (i) intermediaries and municipalities coordinate to offer land solutions to developers; (ii) access to land for biodiversity offset stems from private land transactions which can lead to temporary mobilization of land and thus to ecologically precarious solutions; (iii) attempts from municipalities to include offsets in planning policies. Finally, it appears that without a strong intervention of municipalities to identify and set aside dedicated land, biodiversity offsets remain temporary and limited in their capacity to conserve biodiversity and to provide ecosystem services.

ID: 288
Special session 1: Struggle over rural space (Proposers: Peter Ho & Walter T. de Vries)

The role of the state and the missing focus on the spatial policy system embedding Landed Commons

Xenia Katsigianni[1], Pieter Van den Broeck[1], Pavlos Delladetsimas[2]
[1]KU Leuven, Belgium; [2]Harokopio University, Athens, Greece; polyxeni.katsigianni@kuleuven.be

The discussion on the role of the state is often raised in Commons debates, although extant literature tends to underplay the interactions between Landed Commons (LCs) practicing and the broader spatial policies that shape capital-land relationships and the allocation of land use and access rights. This study sheds light to the role of the state as a mediator between long standing traditions of collective land management, and national or international policies (socio-economic, environmental, agricultural, forestal, fiscal) that guide spatial development and control the management of land and resources. To this end, we introduce an interdisciplinary approach analysing LCs as hybrid property regimes embedded in and structured by wider legal-institutional settings that are in turn affected by regional and local spatial development dynamics. We draw upon empirical evidence from historical commons that survive up to date in two European countries, Spain and Greece, in order to identify which characteristics of the two spatial policy systems (planning provisions, legislative and land policy frameworks) provide optimal or minimal conditions for LCs to be sustained. The neighbourhood forests in Galicia (Spain), and Astypalean commons in South Aegean Sea (Greece), characterised by different legal statuses and governance schemes, reveal the way spatial policies formulated at international, national, and regional level have influenced their distinct evolutionary paths and resilience potential. This paper, finally, aspires to trigger a discussion about which state (if any), in respect to its spatial policy system, can cultivate a fertile ground for the survival and further development of historical commons.

ID: 289
General Paper

Multiple-Hybrid Land Use (MHLU) Definition, characterization and features

Tal Elal, Nir Mualam
Tchnion, Israel, Israel; talelal@campus.technion.ac.il, nirm@technion.ac.il

This paper focuses on one of the major challenges created by the accelerated growth of urban population; how to enable quality of life in the city, while utilizing its limited land resources? How can a range of activities in the city co-exist side by side on a given tract of land or floorspace?

The planning concept of 'Multiple Land Uses' evokes an attractive spatial image of bustling urban spaces with a variety of uses and activities. These images, seem to spur politicians, investors, planners and regulators to think about instruments that go beyond single-function land use, which still forms the basis for modern urban planning.

Generally, MHLU (Multiple-Hybrid Land Use) allows for dual or multiple use within the same floor space or open space throughout the day. Put differently, it allows to use the same floor space for different purposes, whether during separate times or even at the same time (hybrid use). This phenomenon evokes the time dimension. Space is shared throughout the day and utilized for multiple activities, some of which may be overlapping. For example, a parking lot during the day which is used as a drive-in theater at night. In many aspects, the **MHLU** phenomenon is in fact an evolution, a new and sophisticated innovation of Mixed-Use development.

However, there are few studies that examine which policy tools are readily available to enable, regulate, and manage MHLU in the urban sphere? What are the barriers of such policies? What are their benefits and challenges? This paper will strive to unpack some of these issues by exploring different case studies of MHLU and the policy tools that enabled them.

ID: 290
General Paper

Condominium Bylaw No. 6 – Rentals Prohibited: Private Democratic Residential Government and the City

Douglas C. Harris
The University of British Columbia, Canada; harris@allard.ubc.ca

Condominium is rapidly becoming the dominant form of residential land ownership in many cities around the world. Instead of free-standing parcels, owners hold their lots or units within a community of owners who together own the common property and govern the development through a condominium corporation. As a result, condominium provides an architecture of land ownership and of local government. Indeed, condominium government is commonly compared to municipal government, the annual meetings of the condominium corporation to town hall meetings. Both have territorially defined jurisdiction with considerable rule-making and rule-enforcing capacity, particularly in relation to land use. They also have a degree of fiscal capacity funded primarily from taxes/levies on property owners.

Notwithstanding these similarities, there is a fundamental difference in the basis for participation in municipal and condominium government. The right to participate at the municipal level is based on residence and sometimes citizenship; residents, whatever their property status, have a vote. By contrast, voting rights within condominium derive from ownership. Owners within condominium are also shareholders in the corporation with voting rights. As a result, the right to participate is detached from residence and citizenship and instead is tethered only to ownership.

British Columbia's statutory condominium regime permits condominium corporations to prohibit the rental of units, in effect to compel owner-occupancy. This is unusual. Many jurisdictions allow for some form of restriction on rentals, such as no short-term Airbnb-type rentals, but not prohibition. This paper analyzes the variety and the extent of rental restrictions in three cities in British Columbia and asks what impact this particular rule-making authority, conferred to private residential governments, is having not only on the residents within condominium, but also on the cities themselves. In doing so, it considers condominium as an increasingly important level of government in the shaping of urban spaces.

ID: 291
General Paper

Spatial Flood Risk Management: Strategies and challenges of getting the private land for flood retention

Lenka Slavikova[1], Thomas Hartmann[2]
[1]UJEP, Czech Republic; [2]TU Dortmund, Germany; lenka.slavikova@ujep.cz

Based on intensive collaboration of more than 200 academics from more than 35 countries – the LAND4FLOOD network – the analytical approach of how to frame the theme of land and flood risk management jointly evolved: Three parts of the catchment offers different perspective on flood retention options, addressing decentralised water retention in the hinterland, flood retention in polders or washlands, and resilient cities. Also three notions of land must be applied to capture its complexity – land as an environmental condition, land and socio-political contexts and finally stakeholders and interests relating to a particular land. Therefore, spatial flood-risk management entails two aspects: first, it manifests a catchment-based approach to flood risks across the different spatial areas described in the three parts, and second, it embodies the relevance of addressing land comprehensively in flood-risk management, i.e., with all its different notions of land as a biophysical resource, land as a socio-economic asset and land as a representation of interests of plural rationalities of stakeholders. These two aspects can be described in a 3 x 3 matrix that serves as the analytical tool to compare different strategies of getting the privately owned land for flood retention. These strategies and their evaluation differ based on context, scale and disciplinary lens. They include the introduction of different land-use changes and other field practices (such as frequently promoted nature-based solutions), the use of strategic planning at catchment level and instruments shaping individual motivations towards increased retention practices. Urban versus rural and up-stream vs. downstream dynamics are also fully relevant for the discussion. The comparison and the discussion is based on the literature review and selected case studied from different parts of Europe.

ID: 292
General Paper

Abandonment as a social fact.The problem of unused and unmaintained private buildings in a neo-institutional perspective

Anita De Franco
Polytechnic University of Milan, Italy; anita.defranco@polimi.it

As is well known, the problem of the abandonment of buildings is much discussed in the literature and in public debate. However, the impression is that there is a certain imprecision in this regard, for example in the use of certain terms and concepts (e.g. abandoned, vacant, empty, derelict, deserted, decommissioned buildings) that are not always unequivocal. This conceptual confusion does not help to understand the nature of the problem, to estimate its magnitude nor to address it (when and how to intervene). Overall, the paper suggests a more holistic, dynamic understanding of abandonment as part of a lively world. It proposes to define as "abandoned" a building whose *owner* does not fulfil his/her *responsibilities* ensuing from ownership. In this perspective, abandonment is considered as a *social fact,* because, to define it, institutional concepts such as "owner" and

"responsibility" are required. The type of responsibility at stake, in this case, could be defined as a "pragmatic duty" that is, a duty that exists for someone not in an *absolute* sense, but *in relation* to his/her status (in our case, the status of owner of an asset). The paper assumes that owners cannot renounce their pragmatic duties, and focuses on how they may fail to fulfil them (e.g. in terms of maintenance) leading to abandonment problems. It aims to understand how this happens while providing a solid methodology to identify abandonment "warnings" and anticipate negative effects on local contexts. To do so, the work adopts a neo-institutional perspective for the analysis of urban issues. The main features of the particular approach adopted are the following. Firstly, to acknowledge in a more explicit way how social agents react to (interpret the) context they inhabit, including the normative one. Secondly, to place the relationship between objects and people at the center of the attention, and the special "deontic qualifications" that put them in relation. Thirdly, to accept in a more radical way the dynamic aspect of urban phenomena trying to combine attention to institutions with theories of urban complexity.

ID: 293
General Paper

A land taxation for land regulation

Sonia Guelton[1,2]
[1]University Paris East Creteil; [2]Fonciers-en-Débat association; guelton@u-pec.fr

Taxation is supposed to have a significant economic regulation impact. In particular tax on new developments can have a significant incentive impact on land take: it can be dissuasive when the tax rate is high, and tax rate decisions on different areas can help orientated urbanisation. Our research in France aims at identifying how a tax rate strategy is designed to regulate urbanisation.

We collected the development tax rates decided in all French municipalities since in 2017, 7 years after the legislation enabled to adjust the rate according to the urbanisation trend. Actually, just a small number of municipalities choose to implement different tax rates on different areas. Within cities where the real estate market is active, we selected a sample of municipalities that chose this option. An overview of municipal projects on areas with high tax rates suggests some urbanisation strategy. Interviews enable to understand the municipalities strategy and to confirm the importance of regulation purpose in tax rate management. We then compared the building evolution in those places with the building evolution in other areas in those selected cities. It leads to propose some hypothesis concerning the tax regulation impact.

Even if it is difficult to highlight a general trend out of a small sample of cases, the research illustrates some municipal guideline when designing a fiscal strategy to orientate urbanisation trend and land consumption.

ID: 294
General Paper

Land policy and volitional vacancy – The right to leave it empty

Astrid Maurer
TU Dortmund, Germany; astrid.maurer@tu-dortmund.de

If landowners of residential properties leave their property unused or underused they cause to scarcity of housing and potentially increase tension on the housing markets. Such volitional vacant properties can be observed in many cities and countries. There are various names for this kind of emptiness - *»ghost cities« (China), »buy-to-leave«-properties (United Kingdom), »ghost-villages« (Switzerland) or »Rolladensiedlung« (Germany)*. This phenomenon can be observed especially for luxury residences. These housing units are neither occupied nor used by their owners, or sublet.

At the same time the demand for affordable living space is continuously growing which results in an imbalance between the supply and demand for living space. The superficial assignment of responsibilities in the case of volitional vacancy is closely related to a definition problem. Volitional vacancy is not yet well understood. And the academic debate is mainly focusing on different types of structural or functional vacancies.

This contribution aims to better understand volitional vacancy and explores if and how land policy can intervene in this spatial phenomenon. Therefore, an analytical framework is employed that brings together the actions of involved actors with the planning law and property theory approaches. The analysis is illustrated with the case of Berlin, Germany.

This contribution explores the different definitional horizons of the phenomenon to understand how living space has become one of the most in-demand commodities and capital assets of the modern time. Furthermore, it investigates if planning law protect volitional vacant properties and if property theory approaches thematize volitional vacancy and the un-use of private property. In conclusion, volitional vacant properties reveal tensions between land policy and private property, and thus contributes to the wider academic debate on the public vs. private interests in land policy.

Key words: volitional vacancy, land policy, property law, private investment, property theory

ID: 295
General Paper

The price of private money: An interdisciplinary evaluation framework of private financing for Urban Nature-Based Solutions

Safira De La Sala[1], Simon Demuynck[1], Chris den Heijer[1], Caroline Van Esbroeck[2], Joeri Vandendriessche[1], Luc Van Limpt[1,2], Ann Crabbé[1], Tara Op de Beeck[1], Wouter Van Dooren[1], Tom Coppens[1]
[1]University of Antwerp; [2]University of Hasselt; safira.delasala@uantwerpen.be

Nature-based solutions (NBS) are spreading worldwide as an alternative answer to urban challenges posed by climate change. Yet, its alternative character is not restricted to the technology adopted; there is a high degree of maneuvering in the strategies to implement them, notably regarding its financing options. As public budgets are usually insufficient for the demands, even for the so-called "cheaper" solutions, financing mechanisms engaging private stakeholders are getting stronger. Originally developed and used for other social, economic, and environmental constraints, alternative mechanisms are now being shaped to fund and finance NBS.

In this work-in-progress, we develop a typology of financing instruments for NBS which include, for instance, land value capture, crowdfunding, and impact financing. Next, we discuss identified economic, legal, governance, and social barriers and opportunities associated with these different instruments. We conclude our contribution with an overview of an emerging research agenda for the planning of NBS based on alternative financing instruments.

ID: 296
General Paper

Climate change and landowners – understanding the misfit between land policy and plural notions of property in land

B. Ayça Ataç
TU Dortmund University, Germany; ayca.atac@tu-dortmund.de

The increasing number of environmental disasters such as floods, landslides, sea-level rise, and storms have an impact on how land can be used and therefore affect property rights. The effects are predominantly negative and often result in the damage of property. The academic debate on land policy and its attempt to tackle climate change are mainly responding to the economic aspect of this issue. Compensation mechanisms, tradable development rights, and managed retreat are some of the land policy responses regarding this debate. However, there is a misfit between the economic approach of land policy and plural notions of property in land. Plurality arises from the property not only being perceived as an economic asset but also serving to landowners as a social or cultural value, a symbolic attachment to a specific piece of land, a family legacy, or a valuable place for other non-economic reasons.

Land policy that neglects plural notions of property in land can respond less effectively to climate-related property issues. This contribution aims at understanding how land policy responds to these plural rationalities in practice in order to deploy solutions that are more effective. It, therefore, explores the plurality of landowners' perceptions with an empirical case study approach and aims to link this plurality to possible land policy responses. This will then help to design a more responsive land policy to tackle climate change. Interviews with landowners will be conducted to reveal differences in landowners' perceptions and the misfit between the land policy and their perception of the impact of climate change on the property.

Keywords: climate change, responsive land policy, property rights, landowners' perspective

ID: 297
General Paper

THE EFFECTS OF LAND POLICY ON URBAN REDEVELOPMENT IN TURKEY: TRACING CHANGING PROPERTY RIGHTS IN YENİMAHALLE

Başak Aycan Özkan
Ted University, Turkey; basak.aycan@tedu.edu.tr

Redevelopment of urban areas means the reorganization of property rights through land policies and policy tools. This study is built on the argument that the earliest property pattern developed in an area by land policies has a significant effect not only on the urban form at that time but also on future transformation, urban form, and property pattern in that area. With this idea, the theoretical framework is built on the causal two-way relationship between land policies and property rights. Land policies reorganize property rights through various policy instruments. Also, the prevailing property rights influence the development and implementation of future land policies. This study examines this relationship in the urbanization history of Turkey and in the redevelopment history of Yenimahalle which is an old settlement in Ankara.

Yenimahalle was established by public and private landowners, which formed differing property patterns in terms of plot size and land use. In seventy-year time, these two areas have been transformed with the same plans and policies. The production of sequential maps for each planning period allows tracing changing property rights on vertical and horizontal dimensions and whether different property patterns end in different transformation processes. The mapping process reveals a strong two-way causal relationship between land policies and property rights.

The earliest property pattern of an area influences policy implementation, and consequently, future urban form and property pattern. The characteristics of the property pattern which are the size of plots, number of property rights per plot, land use; policy implementation of property owners; and planning decisions produced without considering the characteristics of the planning area are three main determinants influencing time and location of policy implementation and use of policy tools. Producing livable urban spaces with successful transformation processes and the formation of planned property patterns requires that the most recent land policies and policy instruments be well-developed and well-implemented and that the earliest property pattern and land policies be well-developed as well.

ID: 298
General Paper

Progressive Legislation, Lagging Implementation: An Exploratory Engagement with a Nagging and Deeply Troubling Question in South Africa

Mark Christiaan Oranje
University of Pretoria, South Africa; mark.oranje@up.ac.za

South Africa has been widely hailed for having introduced a highly progressive Constitution and accompanying legislation to give effect to the need to address the spatial and economic devastation and hardship caused by colonialism and Apartheid. Despite these potentially highly powerful laws and the equally potent plans, policies and frameworks they allow for and/or mandate, the urgently required and long-yearned-for change they potentially provide for, has been slow, uneven and in some cases all but absent.

Over the last few years, this 'failure to deliver' has given rise to a growing number of popular, political and 'academic' pronouncements on statements on the reasons for this state of affairs. These have ranged from (1) legislative inadequacies, unrealistic plans, weak project planning, inadequate budgets and insufficient staffing, to (2) lack of human capacity, incompetence, 'undue' political interference and outright corruption.

In this exploratory paper, the question of lacking and inadequate implementation of (1) spatial planning legislation, and (2) plans, frameworks and policies emanating from such laws, is engaged by means of focus groups, interviews and document analysis in all three spheres of government, i.e. national, provincial and local. While not a European example, the complex legal and intergovernmental dynamics explored, the engagements with human behaviour in power-dense, multi-governmental environments, and the power, scope and limits of 'the law' in the pursuit of progressive planning objectives should be of interest to a European audience increasingly being called upon on to make decisive breaks with trodden paths, notably so with regards to matters of diversity, inclusion and climate change.

ID: 299
General Paper

Forward-oriented temporalities of planning and the concern for future generations – Norway, Denmark, and France in comparison

Marius Grønning[1], Guy Baudel[2], Knut Boge[1], Daniel Galland[3]
[1]Norwegian University of Life Sciences, Norway; [2]Université Rennes 2; [3]Aalborg University; marius.gronning@nmbu.no

In planning (and planning research), sustainable development has so far been predominantly considered from a functionalistic point of view, focusing on how to reach climate goals, causal mechanisms, the performativity of models, indicators and so forth. This paper investigates planning systems' capacity to address the temporal aspects of sustainability, in particular its underlying tenet of intergenerational equity. The topic is grounded on an ongoing Norwegian Research Council project, LandTime, from which we here present some advancements.

To address planning as multitemporal management frameworks and practices, we here consider planning as a technical support for various land policies based on prospective views. Jean-Pierre Gaudin (1985) demonstrated, in France, how particular techniques emerged from the difficult relationship between authority and property that had led traditional government to a point of exhaustion in its efforts in times of growth to secure land for streets, public spaces and services of cities. These technical procedures evolved into powerful tools and institutional arrangements for later reformist and progressist policies of modern government. Recent concerns with intergenerational equity imply a shift in how the future is represented in plans.

In 2008, a revised Norwegian Planning and Building Act was approved with a new object clause based on the concept of sustainable development as the main purpose of spatial planning and exalted as adequate for the notion of public interest in matters of land-use regulation. The proposed paper will compare how institutional planning frameworks recently have evolved in Norway, Denmark, and France, especially as a result of the Brundtland commission's report from 1987. The comparative case study seeks to display how institutional arrangements of spatial governance structure historicity, anticipation, land-use and temporalities, and how the rights of future generations may effectively be advocated through planning.

Keywords: Anticipation, temporality, intergenerational, planning, land policy, Denmark, France, Norway

ID: 300
General Paper

The Planning Lawyer and the Planner: An Exploratory Study into the Perceptions of Each Other in Post-1994 South Africa

Mark Christiaan Oranje
University of Pretoria, South Africa; mark.oranje@up.ac.za

Along with the advent of democracy and the creation of a new legal and policy framework for Planning in South Africa in the 1990s, the 'Planning Lawyer' arrived in a space that had by and large, until then, been the sole preserve of 'the Planner'. While members of the two disciplines often work (1) in the same administrations and organisations, (2) on the same projects and assignments, and (3) towards the same outcomes, this relationship can at times be strained, and at times even adversarial. Given that both groups are intrinsically involved in the d/crafting of a legal and policy framework for a very different South Africa, and one in which Planning Law is meant to serve a wide range of progressive outcomes, it would assist to better understand how the two professions/disciplinary groups perceive each other, and how these perceptions, in turn, frame and shape (1) their appreciation (or lack thereof) of the skills, competencies and qualities of the each other, and (2) their ability to 'work together'.

In this exploratory study, the focus is placed on the perceptions and views that these two groups hold/have of each other. The research, that is already underway, consists of semi-structured interviews with members that are representative of the (1) demographics, (2) career paths, (3) areas of work, (4) places of employment, and (5) years' of experience of the respective groups. It is envisaged that the results of the study will provide the rationale for a larger study in South Africa, and hopefully from there, comparative studies with researchers based in other countries.

ID: 301
General Paper

How effectively are the principles of sustainable development embedded in metropolitan planning laws? A comparative functional analysis of sustainable development in planning laws for Sydney and Toronto.

Rob Stokes[1], Katie Stevenson[2]
[1]NSW Government, Australia; [2]NSW Government, Australia; Rs1@stokes.minister.nsw.gov.au, Katie.stevenson@minister.nsw.gov.au

Sustainable development promotes patterns of growth or change to meet the needs of the existing community without compromising the ability of future generations to meet their own needs (Brundtland, 1987). With the intensity of global resource use and population growth focused on cities, sustainable urban development is essential to achieve the vision of global ecological, economic and social security at the heart of sustainability. The past thirty years has witnessed vigorous international debates about the concept and principles of sustainable urban development, what it means, and how it might be measured. This dissertation ponders another, equally fundamental question. However sustainable urban development is defined or measured, the concept and principles of sustainability cannot affect the governance of urban development unless they are effectively expressed and embedded in the institutions that govern society. Central to the formal institutions of societal governance is law. This dissertation therefore asks the question whether the principles of sustainable development are being effectively embedded in the planning laws that empower urban dwellers to shape their cities. It is only when the otherwise vague principles of

sustainability are given legal expression and enshrined in statutes directing action that our cities can be transformed to become socially just, economically productive and ecologically healthy. This dissertation enquires into how the principles of sustainability are embedded and enlivened through the legislative institutions that install, direct and empower the decision-makers who create strategic metropolitan land use plans and assess applications for development in cities. The dissertation will investigate and evaluate the legal-institutional design of governance for planning law to determine the extent to which the principles of sustainable development are embedded in the laws that govern metropolitan planning. Specifically, the dissertation will examine legislative attempts to enliven the processes of formal metropolitan governance to implement sustainable development in the practical execution of strategic planning and development assessment processes. The dissertation adopts the International Guidelines for Urban and Territorial Planning as a qualitative framework for evaluating how effectively the principles of sustainable development are embedded in two comparable case studies of recent legislative attempts to reform metropolitan governance of urban planning outcomes.

ID: 303
General Paper

Exploring the link between property rights, homeowners and flood risk governance

Peter Davids
TU Dortmund University, Germany; peter.davids@tu-dortmund.de

The shift from flood risk management to flood risk governance pleas for more action from homeowners to contribute to flood resilience, because homeowners can actively adapt their private property to protect it. This turns these landowners into crucial stakeholders. However, the link between the new concept of flood resilience, homeowner protection and property rights is underexplored. Until now we still know too little about the reasons why homeowners are not adapting their property.

Therefore, this contribution explores if and how property rights are influencing homeowner involvement in flood risk governance and vice versa. This includes the relation between property and resilience. What juridical position have landowners when it comes to the protection of their property against flooding? On the other hand, also property ownership influences the implementation of flood resilience. For example, what is the influence of a more dynamic land market on homeowner involvement in flood risk governance, compared to a situation of a more static land market?

The outcomes of this study build upon previous research on homeowners´ willingness to protect their properties in Belgium, the Netherlands, Austria and Germany.

ID: 304
General Paper

Planning law as an arena of interests and regulatory capture – Understanding the new Czech planning and building law

Jirina Jilkova[1], Thomas Hartmann[2], Julius Janacek[1]
[1]J.E.Purkyne University in Usti nad Labem; [2]TU Dortmund University; jirina.jilkova@ujep.cz

Planning law in the Czech Republic is currently undergoing a major revision with the ambition to shorten the length of approval procedures for new development projects. Accelerating and simplifying planning law is a common reaction in many countries facing major challenges when it comes to land policy, in particular concerning housing and infrastructure development. Recent examples include the revision of planning law in the Netherlands (Crisis and Recovery Act, 2010) or Germany (Building Land Mobilization Act 2021). The reform in the Czech Republic, however, is driven by a different motivation, leading to quite controversial discussions about the evolvement of the new planning and building law.

The main trigger of the reform was the "World Bank Doing Business" ranking from 2019. While the Czech Republic has been ranked at an overall position of 35th place, the "Dealing with Construction Permits" indicator was ranked 157th. This indicator records all procedures required for a business in the construction industry to build a standardized warehouse, along with their associated time and cost. Yet, it is not representative of the housing sector or infrastructure development in general. However, the business interest groups managed to use this single indicator to build up the overall justification for the new legislative framework and the proposed measures on it. The interest group managed to influence the new law quite a bit.

This contribution explores how particular interests managed to influence the reform towards speeding up the permission procedures while omitting other goals of spatial planning. Therefore, a forensic analysis of the new Czech planning law reform is conducted, using a public policy analysis approach. This will help to understand planning law and its reforms as an arena for political influence by specific stakeholder groups and it also gives insights in land policy and planning in the Czech Republic.

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BOUNDARIES AND RESTRICTED PLACES: THE IMMURED SPACE

Konstantinos Lalenis, Balkiz Yapicioglu
University of Thessaly, Greece; klalenis@uth.gr, balkiz.yapicioglu@arucad.edu.tr

This presentation attempts to create a discussion on **Immured Space** which is explained as space of collective characteristics in or out of which free access or movement is denied, or forbidden, or strictly monitored for specific groups or individuals, or the sense of intruding to an alien space is imposed out of threat or fear. In immured spaces barriers have clear and discrete characteristics. Walls or barriers could be physical or conceptual, and they are usually set by the 'dominant' of the involved groups or by a 3rd agent or authority without consultation of all the involved agents, and often against the will of some of the involved. Their establishment or construction is time independent. Might be an 'immediate' reaction to an incident like a war, social crisis or etc., or a slow development reflecting the evolution of social gaps, conflicts or social segregation in an area. According to the authors, an 'opening' of the barrier signifies the essential change of function of the immured space, and creates different dynamics, perceptions and attitudes, and reshapes the urban fabric. It is just the 'beginning of the end' of the immured space as such. The physical barriers remain usually as remnants of their previous role and serve as the historical elements and/or part of the cultural tradition. Reflection of the boundaries in immured space are more obvious in the urban environment since there, human activities become more obvious and social reproduction takes place.

Keywords: Divided spaces, Protected spaces, Spaces Beyond, Segregated Spaces, Border Thresholds