

Cygal Pellach

Conference Report

The 9th Conference of the International Academic Association on Planning, Law and Property Rights (PLPR) – Volos, Greece, 25–28 February 2015

The International Academic Association on Planning, Law and Property Rights (PLPR) returned to Europe for its 9th annual conference – following the 2014 conference in the Middle East (Haifa) and 2013 conference in North America (Portland, OR). Our gracious hosts were longstanding PLPR member Kostas Lalenis and his team from the Department of Planning and Regional Development, University of Thessaly, Volos, Greece. The local organising committee did a wonderful job in welcoming us to Volos and organising keynote lectures and parallel sessions which encouraged a high level of academic discourse throughout the conference.

PhD session

Prior to the official start of the conference, a session was held for approximately 15 PhD students whose abstracts were accepted for presentation during the conference. Here the students had the opportunity to meet each other and discuss their research in an open environment. Short presentations by each student allowed them to practice before presenting in their parallel sessions and exposed the group to a range of topics that are relevant to the PLPR association. Two senior academics and long-time PLPR members attended the session as mentors – Founding President Rachelle Alterman (Technion, Haifa) and Vice-President Richard Norton (University of Michigan). The mentors gave the students some valuable tips on publishing their research and ‘life after the PhD’.

Papers in parallel sessions

The PLPR conference abstract review process focuses not only on ensuring that academic standards are high, but that the papers presented are truly relevant to the

intersection of fields represented by the Association. That is, the subject of each paper presented must cross over at least two of the three themes in the Association's name – Planning, Law and Property Rights. By adhering to that rule, the PLPR conference provides a unique setting for researchers to explore the fields of planning law, property rights law or planning and property rights.

As we see from the conference book of abstracts,¹ the topics explored by PLPR scholars are diverse. Several papers dealt directly with planning processes, reforms and legal developments affecting property rights. In addition, the relationship between planning, law and property rights and housing, environment, agriculture, tourism and recreation, cultural heritage and social issues were covered. Participants were given the opportunity to learn about these issues in the context of several countries across six continents – Europe, Asia (Far East, Middle East and South), North America, Australia, South America and Africa. The papers were grouped together thematically for presentation in parallel sessions, including three pre-organised special sessions: 'The time factor and planning instruments'; 'Maritime spatial planning/exclusive economic zones';² and 'Contested lands'.

Several papers (or groups of papers) sparked passionate discussion and debate amongst participants. One example was the paper titled 'Three options for dealing with corruption in the planning field' by Francesco Chiodelli (Gran Sasso Science Institute) and Stefano Moroni (Polytechnic of Milan). The presentation discussed the practice of corruption within the planning system and proposed three strategies for dealing with that corruption: greater transparency in land use planning, reduction of potential for financial gain and reduction in discretionary powers in land use decisions. Following the presentation of this paper, the participants discussed the definition of corruption and how that definition changes across cultures. For example, it was noted that some cultures may consider the participation of government officials in judicial review to be a form of corruption. In addition, participants reacted strongly when it was suggested that corruption is 'good' because it demonstrates that the government system is healthy.

The presentations in the parallel session titled 'Housing and building regulations' also sparked interesting discussion. That session included four papers: 'Implementing a European minimum level of protection against the loss of the home' (Michel Vols, University of Groningen); 'Rent controls: a comparative overview' (Nir Mualam, Technion – Israel Institute of Technology); 'An emerging phenomenon of informal settlement in China: small property rights housing in urban villages and peri-urban areas' (Li Sun, Peter Ho, Delft University of Technology); and 'The retreat of the social housing sector in Greece – a review of policies and outcomes' (Alexandra Zamani, University of Thessaly; Alexandros Grigoriadis, Harokopio University;

1 The book of abstracts is available at: http://plpr2015.prd.uth.gr/portal/images/uploads/PLPR_2015_Book_of_Abstracts.pdf

2 In association with the EU-funded Mare Nostrum project.

Eleftheria Safiolea, National Technical University of Athens). Given the mix of topics and culturally diverse presenters, this session allowed participants to gain insights into the housing policy contexts and critical housing issues in several countries. As such, it provided a stimulating platform for cross-national learning.

Plenary sessions

Conference participants were treated to two interesting plenary sessions featuring four perspectives on planning, law and properties rights in the context of three different countries. On the first day of the conference, Edward J. Sullivan (Portland State University) gave a keynote lecture titled ‘The suspect doctrine of unconstitutional conditions: no free lunch for landowners’. Sullivan took the audience through the history of the debate regarding the reasonableness of regulatory takings³ in the United States. Whilst the term ‘taking’ encompasses a broad range of situations in which the government may limit the use of private property, the speaker focussed on the requirement of infrastructure provision as a condition of development. The issue of what involves a ‘taking’, and whether that taking is constitutional, has arisen in a number of landmark Supreme Court cases – from the 1922 case of *Pennsylvania Coal Co. v. Mahon* to the recent *Koontz v. St. John’s River Water Management District* (2013).

The *Koontz* case has significant implications for planning for infrastructure provision in the United States. The ruling established that even suggesting that infrastructure provision be required as a condition of development can represent a ‘taking’ because it is a burden on constitutional rights. We learnt that different States have various ways to ensure that developers pay for infrastructure provision: in California, conditions are discussed separately from the development itself; and in Oregon, conditions imposed on development may be the subject of judicial review. Ultimately, Sullivan noted, the State will find a way to ensure that the cost of new infrastructure is footed by developers.

In the same session, Dimitris Melissas (National Technical University, Athens), continuing the legal theme, spoke about ‘Recent developments in planning legislation in Greece’. Melissas took us through a complex web of planning laws and discussed the effects of the economic crisis on planning lawmaking in Greece. New planning legislation, intended to streamline the system and to propel business investments and economic activities, was passed in 2014. The new legislation has not prevented illegal construction: 30 per cent of new structures in Greece continue to be built illegally. Since the 1980s, the response to such construction has been to retrospectively legalise buildings in exchange for fines.

3 This is the term used in the United States. There is no international term, but the most common equivalent term for ‘regulatory takings’ outside of the US is ‘planning compensation rights’ (Alterman, 2010). Sullivan also referred to what is known as ‘developer contributions’ in other English-speaking countries.

On the second day of the conference, the plenary session featured two keynote speakers with two vastly different perspectives on planning and property rights. Michel S. Zouboulakis (Department of Economics, University of Thessaly) spoke about 'Property rights in Classical political economy'. His presentation demonstrated that property rights issues were widely discussed by classic political economists such as David Hume, Adam Smith and J. S. Mill. Zouboulakis argued that we should reconsider the property rights paradigm by returning to the classics; for example, Pareto optimality may not be the best way to consider efficiency and allocation in property rights.

Finally, Greg Lloyd (Ulster University) presented his paper, 'Planning, provocation, provenance and the rule of law'. In that paper, he argued that planning has become permeated by Neoliberalism and that Neoliberal thinking has led to the demonization of the working class. He also argued that because of inefficient and inconsistent decision-making, government has a negative effect on the market – hindering economic growth and principles of social inclusion. Lloyd suggests an entirely new approach to property rights and, ultimately, the abandonment of private land ownership in order to ensure that decisions are taken in the interests of the public rather than the market.

Lloyd's presentation proved highly controversial amongst the plenary audience. Some noted that his views are based on his British heritage and that he would not be advocating for national land ownership had he come from, for example, a former Soviet country. Conference participants from China also objected to Lloyd's suggestions as 'tried and failed'. Those who shared Lloyd's vision questioned how we can practically separate planning from its capitalist or Neoliberalist context. Several participants concluded that in rethinking planning and property, perhaps we would be best served by following Zouboulakis' proposal and returning to the roots of property rights theory.

Bern 2016

The next PLPR conference will be held at the Institute of Geography at the University of Bern, Switzerland (15–19 February 2016). Visit the conference website⁴ for more details.

References

ALTERMAN, R. (2010), *Takings International: A Comparative Perspective on Land Use Regulations and Compensation Rights*, American Bar Association.