Land Management and Means of Planning Control

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Land management and means of planning control

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38th NATIONAL CONGRESS OF LICENSED SURVEYORS
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The content
- The land management paradigm is complex and highly interdisciplinary. This paper attempts to build an overall understanding.
- This paper is not an attempt of to do a comparative analysis of the maturity or completeness of the planning systems in the European countries.
- It attempts to identify some general characteristics and to discuss some key issues such as a centralized versus a decentralized approach and a plan led versus a market led approach. Some general trends are identified in these areas.
- Finally the paper presents the Danish system as an example of a decentralized and led plan led approach to spatial planning.

The land management paradigm

A global land management perspective

The cultural perspective

Spatial planning systems - the European perspective

Land Management is the processes by which the resources of land (the natural and built environment) are put into good effect.
Major traditions of spatial planning in Europe

- The regional economic planning approach
  - Spatial planning as a policy tool to pursue wide social and economic objectives, especially in relation to disparities in wealth, employment, and social conditions between different regions of the country (France)
- The comprehensive integrated approach
  - Spatial planning is conducted through a systematic and formal hierarchy of plans at central, regional, and local level (Denmark, the Netherlands).
- The land use management approach
  - Planning as a technical discipline which focuses on the control of change of use of land (UK - town and country planning)
- The urbanism approach
  - Key focus on architectural flavour and urban design (Mediterranean countries).

Spatial Planning Systems - The European Perspective

<table>
<thead>
<tr>
<th>Case</th>
<th>Distant</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) There is a close relationship between the objectives of the system and what happens in practice</td>
<td>(b) There is a distant relationship between the objectives and the reality of the system</td>
</tr>
<tr>
<td>Discriminatory</td>
<td>UK</td>
</tr>
<tr>
<td>(Disparities to plans can be matched)</td>
<td>(Disparities to plans cannot be matched)</td>
</tr>
<tr>
<td>Moderate</td>
<td>Denmark</td>
</tr>
<tr>
<td>(Mechanisms exist for disparities to be matched)</td>
<td>(Mechanisms do not exist for disparities to be matched)</td>
</tr>
<tr>
<td>Centralised</td>
<td>Austria</td>
</tr>
<tr>
<td>(No discretion for disparities to be matched; conformity to plans and policies)</td>
<td>(No discretion for disparities to be matched; conformity to plans and policies)</td>
</tr>
<tr>
<td>Decentralised</td>
<td>Belgium</td>
</tr>
<tr>
<td>(Disparities to plans cannot be matched)</td>
<td>(Disparities to plans can be matched)</td>
</tr>
</tbody>
</table>

Centralisation versus decentralisation

- Decentralisation in EU to the most local level
  - Experienced in most European countries (maybe except France)
  - Varies in terms of centralisation versus deconcentration of power
- The principle of subsidiarity
  - Solving the problems at lowest possible level
  - This should produce efficient service, better use of local knowledge, greater participation and democracy, increased popular consent, and political stability
- Think global - act local
  - A decentralised decision making process is assumed to produce the right decision in relation to local needs
  - Land use planning then becomes a part of local politics

A plan led versus a market led approach

**A plan led approach - DK**

<table>
<thead>
<tr>
<th>Planning Regulations</th>
<th>Political decision</th>
<th>Desirable</th>
<th>Undesirable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conforming with planning regulation</td>
<td>Permission</td>
<td>May be subject to a local plan</td>
<td>Prohibition</td>
</tr>
<tr>
<td>Not conforming with planning regulations</td>
<td>Adjustment</td>
<td>Refusal</td>
<td></td>
</tr>
</tbody>
</table>

It is possible to ensure that undesirable development does not occur; but it cannot be ensured that desirable development actually happens at the right place and the right time:
The planning regulations are mainly restrictive – not proactive

**A market led approach – UK**

- Local development plans are prepared to control conflicts between development and protection
  - All developments need advanced consent – planning permission
  - Not legally binding
  - Decisions may be permitted if justified
- Any relevant matter can be considered when deciding on development proposals
  - The development plan is seen as only one consideration
  - The system is more open to market forces
- Rights to appeal to central government where permission to develop is refused
  - More than 26,000 appeal each year – on third are successful in overturning the original decision by the local planning authority
The planning concept
- European trends

Denmark at a glance
- 43,000 sq km
- 5 mill inhabitants
- One third lives in the capital area
- Flat country
- 70% agriculture
- 10% urban

Wonderful Copenhagen
- The Surveyors House - the FIG home base

Aalborg – my home town
- General Means of Urban - Rural Zoning
Framework control in DK - a decentralised approach

**National planning**
The Minister establishes the overall framework through guidelines and directives.

**Regional plans**
The 12 regions revise their regional plans every 4th year.

**Local plans**
More than 30,000 plans have been prepared since 1977.

**Municipal plans**
The 275 municipalities revise their plans every 4th year.

Framework control:
Planning at lower levels must not contradict planning decisions at higher levels.

Public Participation

2 periods of public hearings, 8 weeks:
- 1st period concerns strategies, ideas and alternatives
- 2nd period concerns the planning proposal

The plans are adopted by the regional and local authorities themselves – and there is opportunity for appeal against the content of the plans.

Planning responsibilities - new administrative structure

Administrative reform and planning responsibilities

<table>
<thead>
<tr>
<th>Now</th>
<th>1st January 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>National planning</td>
<td>Enforced national planning</td>
</tr>
<tr>
<td>12 Regional plans</td>
<td>5 Regional development plans</td>
</tr>
<tr>
<td>271 Municipal plans</td>
<td>ca. 100 Municipal plans</td>
</tr>
<tr>
<td>1200 Local plans per year</td>
<td>1200 Local plans per year</td>
</tr>
</tbody>
</table>

Transition period 2006-2009

A decentralised approach

- Based on democratic ideals such as to establish a local representative democracy responsible for serving local needs
  - expectations of prosperity and a balanced control towards sustainability
- Finely tuned impact between central and local government deciding on development proposals
  - mix of vertical and horizontal connections within the various sectors
  - means of monitoring, dialogue and the national power of veto
- The purpose is to solve the tasks at the lowest possible level – planning is politics
  - Combining responsibility for decision making with accountability for financial and economic consequences

Integrated land-use management - a plan led approach
Thanks for your attention