

FIG
2018
ISTANBUL



Presented at the FIG Congress 2018,
May 6-11, 2018 in Istanbul, Turkey

6-11 May 2018
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FIG Congress 2018

Towards a new legislative framework for spatial planning

Marije Louwsma
Istanbul - 8 May 2018

EMBRACING OUR SMART WORLD WHERE THE CONTINENTS CONNECT:
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Introduction

- Current legislative framework for spatial planning complex system:
 - 40 laws
 - 120 general administrative orders
 - hundreds of regulations
- Demand for flexible and coherent approach due to complexity of spatial issues
- Demand for public participation
- From **planning-by-permission** towards **planning-by-invitation**

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Why new Environment and Planning Act

- What:
 - All legislation and regulations bundled into 1 single Act
 - 1 point of contact with government
 - 1 procedure; 26 weeks → 8 weeks
- Why:
 - Improve ease of use of environmental law
 - Effectuate coherent approach in policy, decision-making and regulations
 - Increase discretionary power of governments for a **flexible** and **active** approach
 - Speed up decision-making in projects



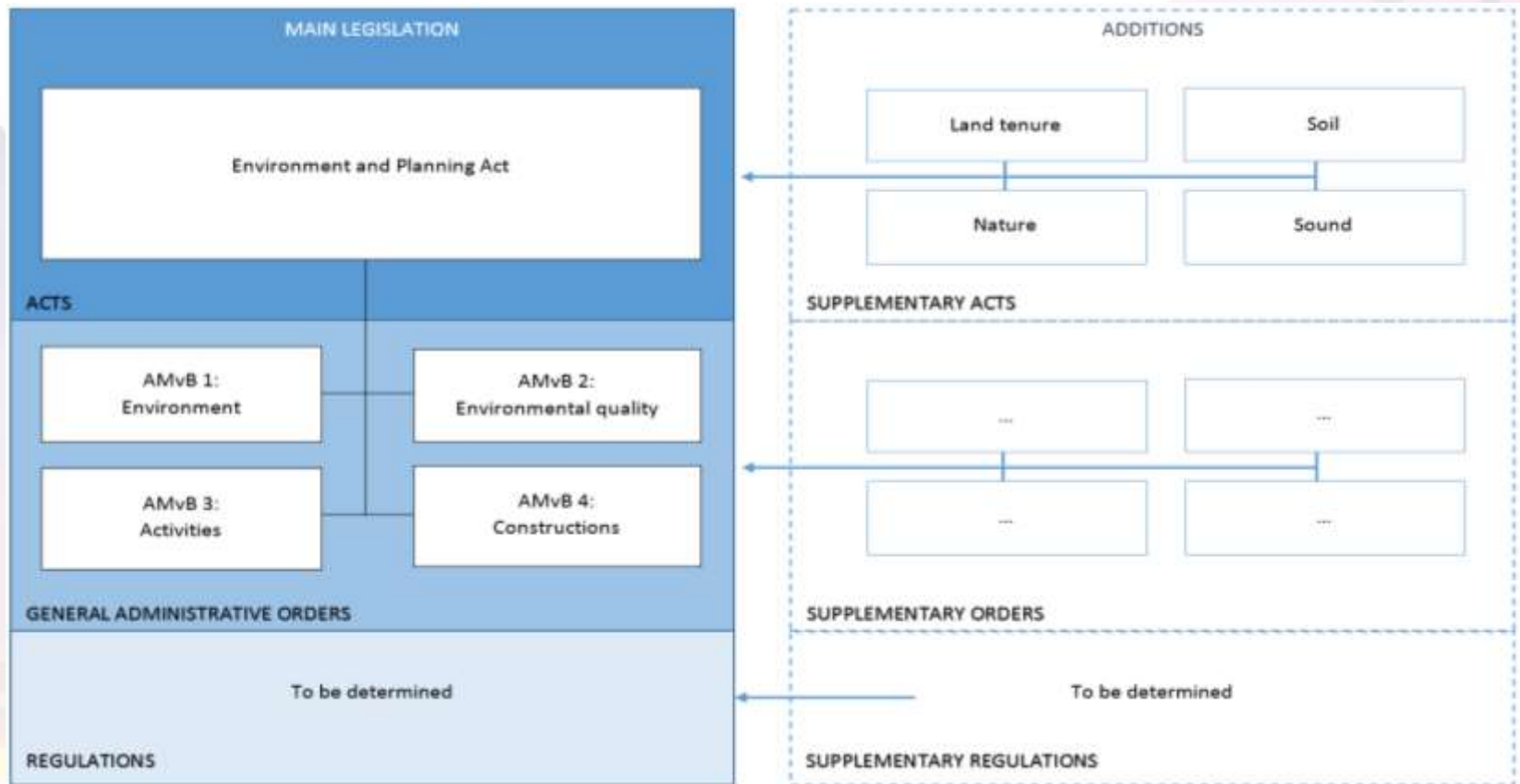
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Structure of the Environment and Planning Act



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Planning Instruments and Documents

Instrument or document	Explanation
Environment and planning vision	A long-term strategic vision for the physical environment, including the coherence between space, water, environment, nature, landscape, traffic and transportation, infrastructure, and heritage.
Environmental plan	Describes the rules and regulations for the physical environment set by the municipality.
Programme	Elaborates a specific topic or area from the environmental and planning vision.
Project decision	Gives authorization to execute a complex project in the physical environment, and can overrule the rules and regulations in the environmental plan.
Environmental by-law	Describes rules and regulations for physical environment set by the province.
Water board by-law	Describes rules and regulations for physical environment set by the waterboard.
Environmental permit	Gives permission for one or more activities in the physical environment. Permission applies to the applicant of the permission. All government tiers can designate activities that require a permit.

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Planning Instruments and Participation

Planning instrument	Participation*
Environment and planning vision	Obligation for motivation**
Environmental plan	The notification of the environmental plan includes how participation will take place
Programme	Obligation for motivation**
Project decision	A participation notification at the start of the procedure: -Who will be involved, about what and when -What is the role of government and initiator -When more information becomes available
Environmental permit	Collected information from participants must be considered in decision-making

* involve stakeholders **early** in the decision-making process of a project or activity

** explain how stakeholders are going to be involved and what will be done with the results of participation

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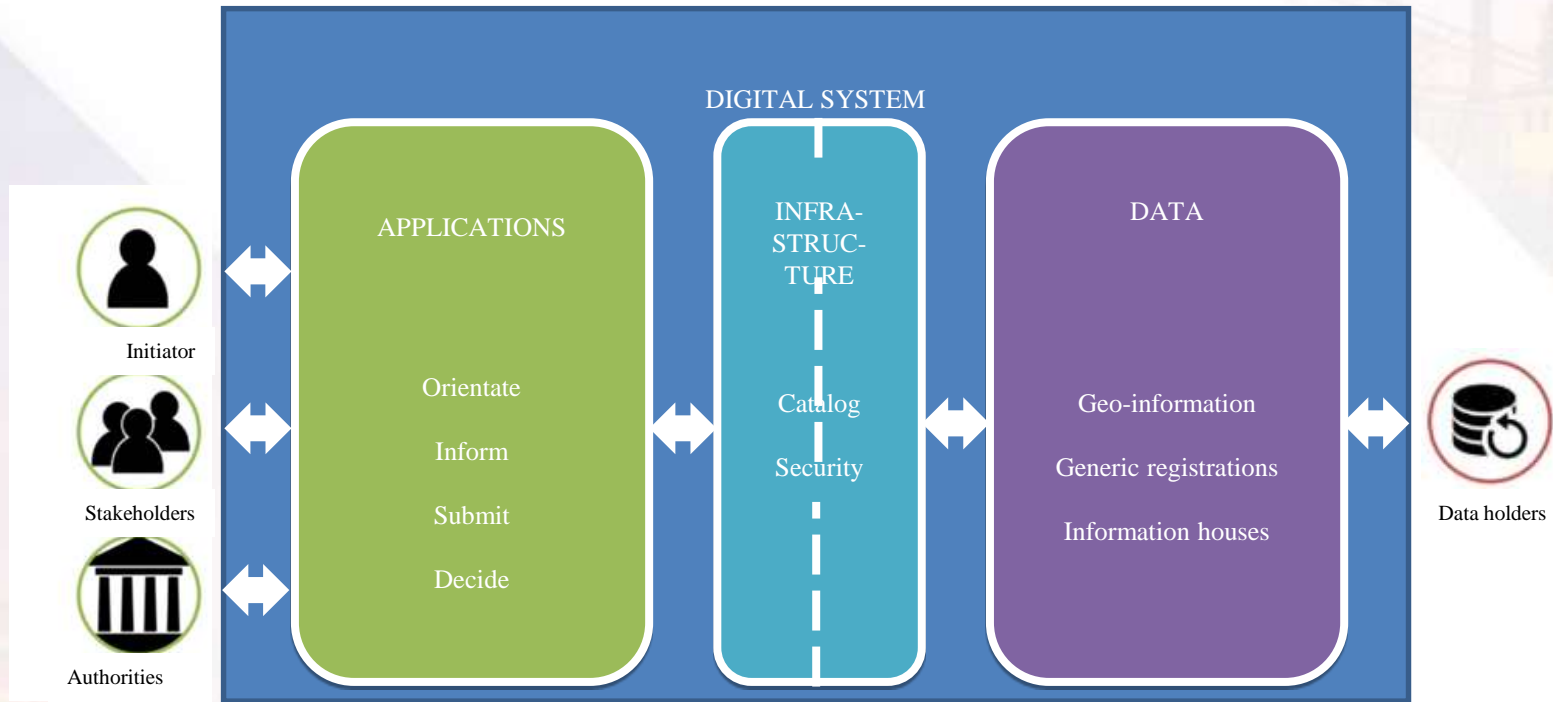
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Digital system for the new Environment and Planning Act



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Land Policy Instruments

Supplementary Act about land tenure:

- Existing land policy instruments:
 - pre-emption rights
 - self-realisation principle
 - land consolidation
 - expropriation
- New land policy instrument:
 - Voluntary land readjustment for urban areas

Discussion and Conclusions

- Ambitions are high:
 - merging so many acts and regulations into one
 - flexible and coherent policy, decision-making and regulation
 - design of digital system to facilitate processes
- But:
 - acts and regulations as such are not really adjusted (form vs. content)
 - how will planning-by-invitation evolve in complex situations
 - how do we guarantee legal certainty for land owners / users
 - digital system excellent for standardised processes (e.g. requesting permits), but what about other processes



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