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‘PLANNING PROCEDURES’ FOLLOW ‘PLANNING PROCESSES’ - THE CONCEPT OF THE ENVIRONMENTAL DECISION

In nearly every country in continental Europe land use plans emerged as main instruments in the earliest periods of organic planning legislation. So far, these plans have managed to survive by adapting successfully to contemporary needs. Impressed by their robustness, policy makers in related policy domains such as environmental policy, nature conservation and cultural heritage policy, have linked their sectoral assessment tools to the approval procedures of land use plans. Despite the integrative character of planning, this strategy has led primarily to a formal overload of land use plans with sectoral policy goals. As a consequence, in Flanders (Belgium), these overloaded land use plans have become very vulnerable in court what leads to frequent annulments and, more in general, to a systemic crisis in land use planning. Our first research project comparing the Flemish approach with these in the Netherlands, France, Germany and Finland led to the

definition of different scenarios for a more robust relationship between land use plans and important political decisions on nature, environment or water management. One of the scenarios implies the introduction of a new instrumental concept: the ‘environmental decision’. This paper elaborates on the results of our second research project exploring the essential characteristics of this concept.

The „environmental decision” approach puts the integrated and iterative planning process, dealing with land use issues as well as environmental, mobility, safety, water, nature and financial issues, at the centre of the debate on what to formalize through legislative initiatives. This approach differs from the linear method today where the land use plan, as the final result of a planning process, and its approval procedure are the main subjects of legislative improvement. First of all, the environmental decision concept leaves the substantive legal requirements for land use plans and impact assessments untouched. What is new, however, is that an environmental decision can be taken at any moment in a planning process whenever a co-ordinated decision on programmatic issues or on the use of different operational instruments seems necessary – ranging from a land use plan to a building permit, an environmental impact assessment, a safety report or a decision on budgets. Such a decision allows e.g. for a commitment on a preferential scenario for development, it can enable the simultaneous use of operational instruments that today ought to be used in a sequential order (land use plan before building permit), or it can clarify the alignment of the use of different instruments in time to realize a project on the field. The environmental decision also has an own procedure that replaces the divergent procedures of existing legal operational instruments and creates possibilities for multiple formal participation moments in a planning process which will undoubtedly contribute to the transparency of the decision making.

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