



Recommendation 556 (1969)¹

Land use problems in town planning

Parliamentary Assembly

The Assembly,

1. Considering that the extension of existing urban areas and the creation of new urban units as a result of the demographic and economic development of our continent will be among the dominant features of the evolution of European society in the coming decades;
2. Considering in particular the forecasts of certain experts that the urban population will double before the year 2000, that some cities will have a tenfold population increase, and that these developments will have the effect, in the matter of socio-cultural facilities for instance, of necessitating that surface areas be more than doubled with the result that the present urban space will eventually be multiplied by three;
3. Realising that it has become an overriding duty for the authorities to control urban growth and to ensure that both present and future cities are harmoniously laid out, and wishing to emphasise in that connection that any urbanisation policy should be subject to the threefold requirement of dividing urban space according to clearly defined functions, of creating the environment necessary to the development of a cultural and community life likely to engender in the population the feeling of belonging to a living community, and to enable man freely to develop his personality;
4. Considering that the land problem already represents a major difficulty for orderly town planning and will have to be settled before any progress can be made in regional planning, revival, urban extension or the creation of new urban entities;
5. Convinced that modern land legislation must be based on the need to create an instrument whose essential function is to achieve rational town and country planning;
6. Considering that the laws and regulations relating to land in force in most member states are in the main no longer suitable for ensuring the harmonious evolution of our society in the context of its urban and rural communities, and that several countries have already been dealing with this problem and are currently preparing new legislation concerning town planning and land law;
7. Considering the desirability of a wide-ranging debate at European level of the schemes and methods being worked out and also of the various countries' experiences, both fortunate and unfortunate;
8. Considering, too, that it is highly desirable to define certain common principles to be gradually applied in urban and land policy throughout the Council of Europe member states;
9. Being well aware of the differences that still divide the economic and social systems in the member countries and of the difficulties of recommending one system applicable to all the member countries,
10. Nevertheless believes that the following principles could be accepted as the basis for a modern land policy that will effectively contribute to the harmonious development of our society; (a) the dual function of land - relation to the individual in the ownership or use thereof, and also its social function as an essential factor in the development of society - should be clearly brought out; (b) the guarantee of the right of ownership in property by individuals or corporate groups of individuals or public or private companies or corporations

1. Assembly debate on 12 May 1969 (1st Sitting) (see [Doc. 2555](#), report of the Committee on Regional Planning and Local Authorities). Text adopted by the Assembly on 12 May 1969 (1st Sitting).



together with the recognition of the rights of the community at large to acquire space for its development; (c) the social function of land ownership implies the obligation for individual property rights to give way whenever the needs of society should prevail; (d) the need for fair compensation for private property whenever it has to be acquired for the imperative needs of the community in accordance with the democratic principles and fundamental individual liberties and rights defined in the European Convention on Human Rights; (e) the community may in certain circumstances, and under the conditions defined above, have the right to prohibit, limit or determine how land in private ownership shall be used;

11. Believes therefore that a modern land policy could:
 - a. set out the responsibilities of landowners as regards the use of land and the obligations which may be placed on them in that respect;
 - b. define and underline the role of land ownership in carrying out town planning operations, in accordance with its social function;
 - c. require local authorities to make plans for the suitable development of their area with adequate safeguards for the rights of owners and occupiers of buildings and of buildings and land so that individual citizens or groups of people or corporations, whether public or private, can play a part in the rational development of urban areas;
 - d. take such measures as are appropriate to prevent speculation in land by positive, preventative and recuperative measures;
 - e. prevent over-concentration in urban centres by coherent policies designed to disperse population by means of peripheral towns, medium-sized towns and centres of population at strategic locations in the countryside; by the acquisition or intensive development of open spaces in or around urban agglomerations; and by planning rural areas in such a way that they can attain modern living standards;
 - f. take such action as is required to prevent a scarcity of building land by designating large areas for building purposes so as to enable local authorities to acquire land at a reasonable cost and to achieve economies by large-scale operations;
 - g. enable local authorities to raise loans or issue bonds to finance large-scale operations of this kind, their repayment being normally guaranteed by appropriate taxation of the land thus developed and the re-sale of building lots or their lease;
 - h. devise and introduce systems of progressive taxation where required so as to encourage construction by public or private enterprise;
 - i. adapt existing national laws to the requirements of a modern land policy, having regard, in particular, to the fact that the use of building space above and below ground level necessitates new rules on the right of ownership;
 - j. wherever possible when compulsory acquisition of land or property has taken place make the offer of alternative land or property in part or full settlement;
 - k. provide for the compilation of a land register accessible to the public and take measures for the publication, in the relevant government departments, of lists of land values determined by independent experts according to the use for which the land is intended (this to ensure that average land values are taken into consideration whenever land is bought or sold);
 - l. safeguard the interests of buyers, sellers or expropriated owners of land by means of public enquiries, the right of appeal and the right of legal process;
 - m. consider introducing a long-lease system to be granted by municipalities on land developed by them, a system which has proved its worth in several member countries;
12. Recommends that the Committee of Ministers:
 - a. submit the principles set forth above, and the whole of the report of the Committee on Regional Planning and Local Authorities ([Doc. 2555](#)), to the Committee on Co-operation in Municipal and Regional Matters for detailed study and communicate the latter's conclusions to member governments, suggesting that they make use of them in their national legislation;
 - b. set up within the Council of Europe, with the aid of the specialist organisations and institutions, a system of exchanging information and experiences in the field of town planning and land policy.