

Special Recommendation on Approaches to Land Use Administration

The Japan Association of City Mayors adopted the *Tochi Riyou Gyousei no Arikata ni Kan suru Tokubetsu Teigen [Special Recommendation on Approaches to Land Use Administration]* at a June 2017 annual general meeting, based on the discussions of the Study Group on Approaches to Land Use Administration.

Special Recommendation on Approaches to Land Use Administration

As Japan transitions into a super-aged society with a declining population, the country is witnessing increases in vacant lots, unoccupied houses, abandoned agricultural land, and deteriorating forests on one hand, and unregulated development in some locations on the other. Moreover, local communities are facing a bevy of land use challenges, such as increases in owners unknown land obstructing the execution of public works and recent rapid build-out of solar power generation facilities, some of which are causing issues with disaster-prevention and scenic landscapes.

A transformation is needed to solve the problems of diminution and declining densities in urban areas, together with the challenges faced by rural areas. The country needs to shift from past land use systems, based on the assumption of continued economic and population growth, to appropriate land use systems for an era with a declining and super-aging population.

Of prime importance, in this regard, is that land use policies reflect local circumstances and the intentions of residents. This means municipalities, which are on the land use frontlines, must implement land use policies in an integrated manner.

Based on the understanding presented above, we have devised the following recommendations.

I. Background to the need for comprehensive and integrated land use administration

Urban land spaces and non-urban land spaces, such as rural areas, essentially share continuous spatial domains, and they have an interrelated and interdependent quality. Since Japan's modernization however, urban areas, rural areas, and forests have been demarcated by their functions, and planned and managed under separate legal systems. As urbanization progresses, both urban and rural areas have transferred into the present-day mature societies. The mutual dependency of these land spaces is growing stronger, and therefore land use should be planned and managed in a comprehensive and integrated fashion.

1. Transition into the super-aged society with a declining population

As Japan transitions into the super-aged society with a declining population, numerous challenges are surfacing in local communities.

(1) Problems associated with the diminution and declining densities of urban areas

Declines in population and wider daily activity spheres have caused

community improvement (City Plans) based on outdated population models to produce unforeseen consequences.

On a macro level, built-up areas continue to grow outward as before, even as population densities in their cores fall and urban diminution spreads due to the increases in vacant lots and unoccupied houses. The population decline is also handicapping the maintenance of public facilities and the appropriate allocation of facilities. Agricultural land and green tracts are places for relaxation and recreation in urban areas, and gaining attention for their important roles as their disaster-protection functions. Nevertheless, urban green tracts and agricultural land within Urbanization Promotion Areas, which play a large part in fulfilling these roles, are being attended to by an ever-shrinking workforce.

(2) Problems in rural areas

Past land use policies in rural areas, premised on continued production activities and management by an adequately sized workforce, have produced unexpected consequences, such as the increases in abandoned agricultural land and deteriorating forests.

(3) Problems associated with wider daily activity spheres

People are travelling longer distances for education, shopping, medical care, employment, and other daily activities. This enlargement in their daily activity spheres has prompted various problems, such as finding means of transport for students to handle school consolidations and making it harder to obtain fresh food product or daily living articles or to access medical services in some communities.

2. Local issues of land use

(1) Unregulated development outside some City Planning Areas or in some Non-Zoned Areas

Unregulated development has cropped up outside some City Planning Areas and in some Non-Zoned Areas that does not align with planned development in adjacent City Planning Areas. Furthermore, constructing or upgrading urban infrastructure has become problematic in communities where unregulated development is spreading.

(2) Necessity of revising City Plans

It is necessary to flexibly revise City Plans about city planning roads and other urban facilities that had been approved on the premise of the increasing population, but are no longer needed due to the population decline.

(3) Limiting development in Agricultural Promotion Areas

Municipalities need the ability to flexibly change the use of Agricultural Promotion Areas from agricultural to industrial use, so as to promote land use such as direct-to-consumer sales of agricultural products, farmer-run restaurants, and industrial sites. However, burdensome conditions have been attached to permission of rezoning Agricultural Promotion Areas and conversion of agricultural land. And because agricultural land grading is subject to the surrounding conditions, development in Unzoned Agricultural Promotion Areas is eroding the advantageous position once held by adjacent Agricultural Land Zones, forcing such land to be degraded to Unzoned Agricultural Promotion Areas.

(4) Difficulty of treating structures not anticipated under the current law

Around the country, there have been cases of solar power generation facilities being installed on slopes that pose disaster-prevention risks or that spoil natural landscapes. Because regulations in the existing laws do not cover these contingencies, municipalities are today enacting ordinances to deal with these structures.

(5) Problems associated with municipality mergers

Many municipalities have seen their jurisdictions enlarged significantly through mergers, making them responsible for managing widely diverse land areas that encompass both urban and rural areas. Municipalities should consider systematic community improvement and land use for the entire municipal areas owing to the weak financial positions of municipalities and the pressing need for infrastructure renewal.

(6) Harmful effects of siloed, multi-layered administration

Examining land use laws and planning schemes, as well as the reality of their operation, finds they are governed by siloed and multi-layered administration. For example, the City Planning Act governs urban land use, while the Agricultural Land Act and the Act on Establishment of Agricultural Promotion Areas regulate agricultural land use. And because permission to convert agricultural land is not aligned with permission for development under the City Planning Act, cases are seen where, after permission to convert agricultural land is granted, the land is left vacant or is turned into a material storage site instead of being used appropriately. Moreover, situations have emerged where the time needed to adjust with the prefecture has thwarted necessary land use or land use regulations.

II. Our Recommendations

As Japan transitions into the super-aged society with a declining population, local communities face multiple land use challenges. Municipalities must utilize land areas effectively as assets in order to respond to these challenges. Cross-jurisdictional adjustment on land use is very important. Equally important is maintaining and preserving the natural environment in the interests of disaster prevention, water resource management, and preservation of natural landscapes and ecosystems.

1. Shift to systems suitable for the era with a declining and super-aging population

We recommend a move from land use systems, which were focused on the expansion of built-up areas on the assumption of continued economic and population growth, to land use systems that take an adaptable and comprehensive view in the era with a declining and super-aging population. These new land use systems should be founded on the problems of diminution and declining densities in urban areas and the challenges faced by rural areas.

More specifically, we recommend providing support to efforts by municipalities that prioritize: inhibiting unregulated development in the interests of disaster prevention, water resource management, preservation of natural landscapes and ecosystems, and green infrastructure; preserving and utilizing non-urban land spaces; and reusing and redeveloping urban land, such as making built-up areas more compact and introducing facility management.

2. Establishment of integrated land use administration by municipalities that encompasses urban and rural areas

The transition into the super-aged society with a declining population requires land use that, above all, reflects local circumstances and the intentions of residents. Land use is the most valuable means of getting residents to take care of and improve their own communities. Such land use also dovetails with the decentralization movement.

Consequently, we recommend the establishment of a planning scheme (a planning scheme centers on land use master plans covering entire municipal areas that include urban areas, agricultural land, forests, and other areas) and legal systems at the level of municipalities, which are on the land use frontlines, in order to effect integrated land use administration that encompasses both urban and non-urban land use. (See the Diagram Depicting the Overall Planning Scheme below.)

3. Establishment of a “no plan, no development” concept

We recommend the establishment of a “no plan, no development” concept.

Such concept would involve granting legal binding effect to plans for entire municipal areas determined by municipalities. It would also form the basis to disallow any new land use not aligned with the municipality's plan.

In relation to this, we recommend establishing a mechanism to inform people in advance of the restrictions on agricultural land and forests, which are graded according to preservation needs of each particular area.

And in order to ensure that land use plans are effective, we propose the consideration of mechanisms that let municipalities accurately place restrictions on development and buildings, such as the use, height, and floor area ratio of buildings.

4. Transfer of necessary authorities and affairs and relaxation of laws' detailedness to implement land use administration

(1) Direction for authority and affair transfer and relaxation of laws' detailedness

Most land use laws set uniform regulations for the entire country. We recommend, however, that necessary land use authorities and affairs be transferred to municipalities and that municipalities be given broader discretion in exercising these authorities and affairs. The purpose of this recommendation is to let municipalities independently and comprehensively implement land use administration based on plans formulated on local circumstances and the intentions of residents.

We also propose working to integrate authorities and affairs on plan formulation, area designation, permission and other such matters at municipalities.

(2) Transfer of land use authorities to municipalities

We recommend the transfer of the following authorities on land use to municipalities.

i. Transfer of zoning authority in City Plans

Most city planning authorities have already been transferred to municipalities. We propose transferring the remaining city-plan zoning authority, which has been already transferred to Designated Large Cities, to other municipalities.

ii. Transfer of authority to rezone Agricultural Promotion Areas

The authority to permit agricultural land conversion has already been transferred to designated municipalities. We recommend the transfer of the remaining authority to rezone Agricultural Promotion Areas to

municipalities.

iii. Transfer to Special Wards of the authority to designate Use Districts

One of the most fundamental mechanisms to promote rational land use are Use Districts. Since this mechanism is very area-specific and configured to match the framework of local features and functions, we propose transferring the authority to designate Use Districts to Special Wards, as has been done for other municipalities.

(3) Stepwise transfer of authorities and affairs by means of opting-in or similar methods

We recommend that the integration of authorities and affairs at municipalities proceed in a stepwise fashion. For example, transferring authorities and affairs according to the municipality's capacity, or introducing an opt-in method, where municipalities choose the authorities and affairs to be transferred to them, so as to respect their autonomy.

(4) Relaxation of laws' detailedness

We recommend building a flexible mechanism to overcome excess uniformity caused by overly detailed regulations in laws. Easing such laws' detailedness would allow municipalities to strengthen use restrictions, add scope to "Development Activities", and add resident-notification procedures, for example, through ordinances.

5. Regulation of activities not covered by the existing laws

We recommend instituting legal regulations on land use not covered by the existing laws, such as solar power generation facilities, material storage sites, and even smaller scale development. This recommendation involves making these activities subject to permission. It also involves establishing permitting standards, from the perspective of ensuring disaster prevention and safety as well as concern for preserving scenic landscapes and the surrounding environment and the proper removal and disposal of facilities under the Act on Special Measures Concerning Procurement of Electricity from Renewable Energy Sources by Electricity Utilities.

6. Revisions to urban facilities and other plans to suit changing social conditions

We propose moving ahead with prompt revisions to city planning roads and other urban facilities that were approved on the premise of the increasing population. Such revisions should reflect the plans and intentions of municipalities while ensuring land use appropriate to local circumstances and changing social conditions, such as the decline in population and urban decay.

7. Treatment of owner unknown land to implement land use administration

Owner unknown land is a major obstacle to effective and consistent use of land areas. We recommend the national government establish mechanisms, including laws, so municipalities can set land use rights without identifying the owner and construct facilities needed by the municipality. Concurrent with this, we recommend the consideration of approaches, such as a succession register, to identify owners and their whereabouts.

8. Establishment of land use mechanisms for cross-jurisdictional adjustment and maintenance and preservation of natural environment

We recommend that, as a rule, cross-jurisdictional adjustment pertaining to land use be carried out through mutual adjustment among related municipalities or through adjustment facilitated by the prefecture. We also propose maintaining consistency between municipalities' plans and regional plans, while basically giving priority to municipalities' plans. This proposal aims to respect the autonomy of communities and municipalities, at the same time as achieving efficient land use from a cross-jurisdictional perspective.

And for areas where non-urban land use takes place, we recommend establishing mechanisms, based on a cross-jurisdictional viewpoint, enabling the preservation and management needed for disaster prevention, water resource management, and natural landscapes and ecosystems.

9. Training and securing personnel needed to implement land use administration

We recommend the national and prefectural governments provide personnel assistance, training, and other forms of assistance to raise expertise levels, including the provision of means and opportunities to build personnel capacities. This assistance would complement the administrative work of municipalities, so municipalities, which should be the core players in land use administration, effectively and fluidly carry out land use administration.

**Diagram Depicting the Overall Planning Scheme
(Municipality planning scheme and relationship with the national government, prefectures, and adjacent municipalities)**

