

Urban Planning Law implementation issues within the scope of the exploitation of real estate property

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SUMMARY

This contribution deals with matters related to good practice and resolutions of a correct implementation of Urban Planning Law within the framework of the exploitation of real estate property, both private and public, according to the provisions of Greek Laws 3894/2010 and 3986/2011.

Lately, the problems of the implementation of a legislative framework have been crystallized in the technical and legal world, and the consequences on the exploitation and investment sector have been noted, with the following being the most important:

- “Sense” of legal uncertainty
- Fragmented implementation of procedures
- Long delays and inability to implement schedules
- Constant amendments of the legislative framework in order to break the impasse
- Lack of cooperation and coordination among the relevant competent authorities and ministries
- Shortcomings and delays regarding the planning and the determination of land – use

The purpose of this proposal is to avoid repeating an itemization of the problems and to contribute to the adoption of general measures and provisions.

In particular, this contribution analyses a package of general legal directions and provisions so that:

- A codified legal framework is implemented and a continuous legal culture of codification is established
- The legal term of the implementation process guidelines is reinforced
- The structures provided for the private investments and the exploitation of public property respectively are homogenized
- The standardization process of the acts of the authorities and the required specifications are laid down, and the electronic process for the submission of applications and the issuing of judgments is provided

For the implementation of the above targets there are examples of relevant legislation since 1923, which remain in force, and could lead to the enactment of regulations and directives. In particular, in the present analysis, it is not the lack of rules regarding the legal areas related to the exploitation of real estate property, but the need for codification and a uniform application of the provisions, which is emphasized. The codification and the combined process review for individual cases and types of projects will highlight with greater ease possible gaps or overlaps, so that they are resolved objectively through the legislative procedure.

In conclusion, the creation of a parallel codification system of

- Rules
- Authorization/permission procedures
- Common specifications/standards implementation guidelines
- Parallel approval of services of different sectors

could result directly in the change of the “picture” of the system of rules concerning Urban Planning Law, which is today described as a system of gaps, of rules which are difficult to interpret, as hostile for the citizens, regarding exploitation choices (and “citizens” shall mean any possible investor).

In the light of the Law, the response of the state to the need for codification and simplification of authorization/permission process could lead to the avoidance of the anarchic and unregulated building process.

E-Government and codification culture as a guiding principal may already in the future impose provisions a system of rules which will lead to a new perception of maturity of the real estate market and land exploitation choices, of architectural values and choices, of our aesthetics and attitude towards the environment.