



# Local government and the Challenge of Open Space Preservation

*Abstract*

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*September, 2008*

**OLI** is a professional institute operating in the framework of the Society for the Protection of Nature in Israel (**SPNI**) – Israel's leading environmental NGO. **OLI** surveys and evaluates natural and cultural resources, and develops policy recommendations and tools for open space preservation in Israel.

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## **Abstract**

The present policy study analyses the problematic link between Israeli local authorities and open space preservation. Local government has a major influence on open spaces as a result of its statutory powers and functional competences. Local authorities in Israel are responsible for local land-use planning. In this role, they regulate the uses and development of land, affecting - directly and indirectly – the availability and quality of open space. As building and commercial licensing bodies, local authorities are responsible for the overseeing of these activities and the confirmation that they are carried out in accordance with the approved plans and regulations. As enforcement authorities, they are expected to sanction breaches of planning and licensing permissions, such as unauthorized development in open lands.

Although these powers are expected to reconcile the needs of development and preservation of land as a scarce resource, two general trends make this reconciliation increasingly difficult: the fiscalization of local development and an unrelenting pressure on land. The fiscal deterioration of local authorities in the last decade has magnified the fiscal benefits related to land-use planning and development (betterment levies, development fees, and an expanded tax basis). Real-estate interests reinforces this general trend through "high-pressure" development that encourages suburban sprawl, endangers critical natural resources and hampers the right of future generations to open space.

Based on the analysis of these trends, this study advances the case for a paradigmatic change in municipal policy – both at the national and local level. Accordingly the following policy recommendations are advanced:

### ***1. Policy changes at the national level***

The Ministry of Interior should embed the issue of open spaces as an integral component of the government's national municipal policy. As responsible not only for local government but for land-use planning national policies as well, the Ministry is required to improve, in the context of open spaces, the policy integration and coherence between these two fields.



In order to allow the incorporation of open spaces as statutory responsibilities of the local authorities, the Ministry is required to formulate the necessary legal framework – including critical changes in land-use and building legislation, as well as to develop financial instruments that can sustain the sustainable management of open spaces.

## ***2. Policy changes at the local level***

The main policy recommendation, at this level, is the institutionalization of open spaces' preservation and management as a public and legal responsibility of local government. Local authorities are expected to develop, accordingly, a wide range of policy instruments that can allow them to manage urban growth and protect open spaces, among them:

- The formulation of a local strategy for the protection of open spaces, based on principles of sustainable development.
- The anchoring of this strategy in the context of statutory land-use planning, at the city-wide and zoning levels, building licensing, and municipal bye laws.
- The development of fiscal and economic instruments ear-marked for the purpose of conservation and protection.
- The effective implementation of legal powers in order to deter the breach of planning and licensing permissions and to enforce the observance of approved plans and regulations.
- The democratization of policy-making and planning by means of increased accountability, transparency and public consultation.

