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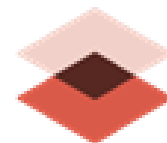
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No Net Land Take & Compensation

Tuesday 9th September 2025, De Markten, Brussels



<https://perspective.brussels/en/studies-and-observations/belgium-and-international/planningmatters>



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PlanningMatters

Connecting Urban Planning
Agencies in Europe

Cécile Houpert | choupert@perspective.brussels | T: +32 490 67 47 53

EUI-URBACT

sustainable urban development EU programs

NO NET LAND TAKE and compensation

9 September 2025

URBACT & European Urban Initiative

[Policy] URBAN AGENDA: Thematic Partnership on “Compact Cities”

The logo for URBACT, with 'URB' in dark blue and 'ACT' in a lighter blue, sans-serif font.

*Capacity-Building

*Networks:

➤ Action Planning Call

*Communication
Knowledge-sharing



*Innovative actions :

➤ Call 2026

*Capacity-Building :

➤ City to City Exchange

➤ Peer Reviews

*Communication Knowledge-sharing

URBACT & European Urban Initiative

Opportunities:

***Thematic partnership**

“Compact Cities - Sustainable Urban Planning and Sprawl Mitigation” – 27 Aug<01-Oct
[Policy – URBAN AGENDA]

***Capacity-Building :**

- City to City Exchange (*ongoing call*) [EUI]
- Peer Reviews call : 07-Oct-25 < 18-Nov-25 *info session on 25-Sept.* [EUI]

***Networks**

- Action Planning Networks Call [URBACT]
April – June 2026

***Innovative actions (5M € max./project) :**

- Call in early 2026 (*more info published in Oct-25*) [EUI]

Thanks for your attention !

Get in touch with us



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ESPON



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No net land take and compensation

Nicolas Rossignol, ESPON EGTC

10 September 2025
De Markten - Brussels

1

First ESPON insights on NLLT

ESPON



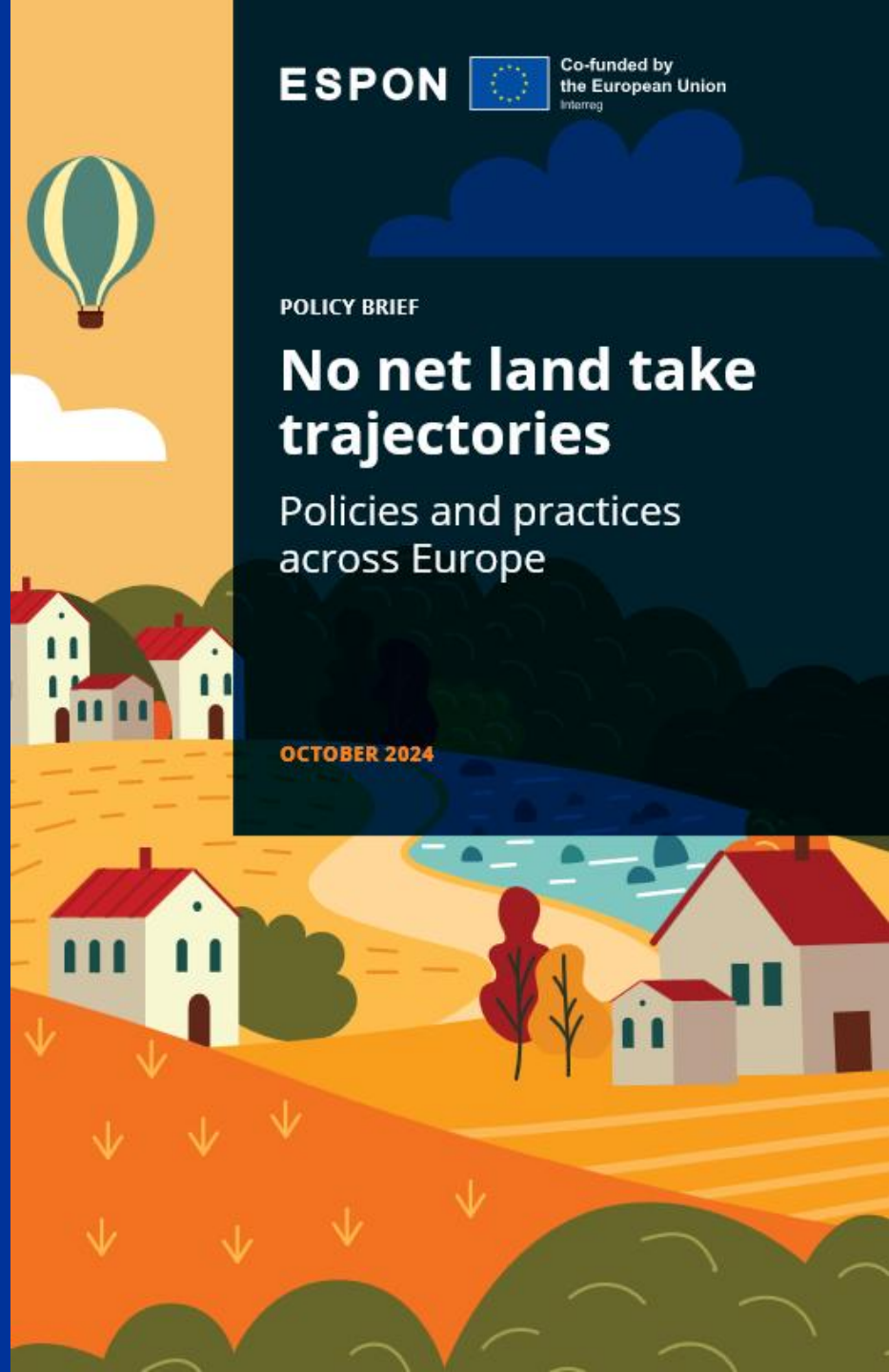
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POLICY BRIEF

No net land take trajectories

Policies and practices
across Europe

OCTOBER 2024



An ESPON benchmark

Implemented by

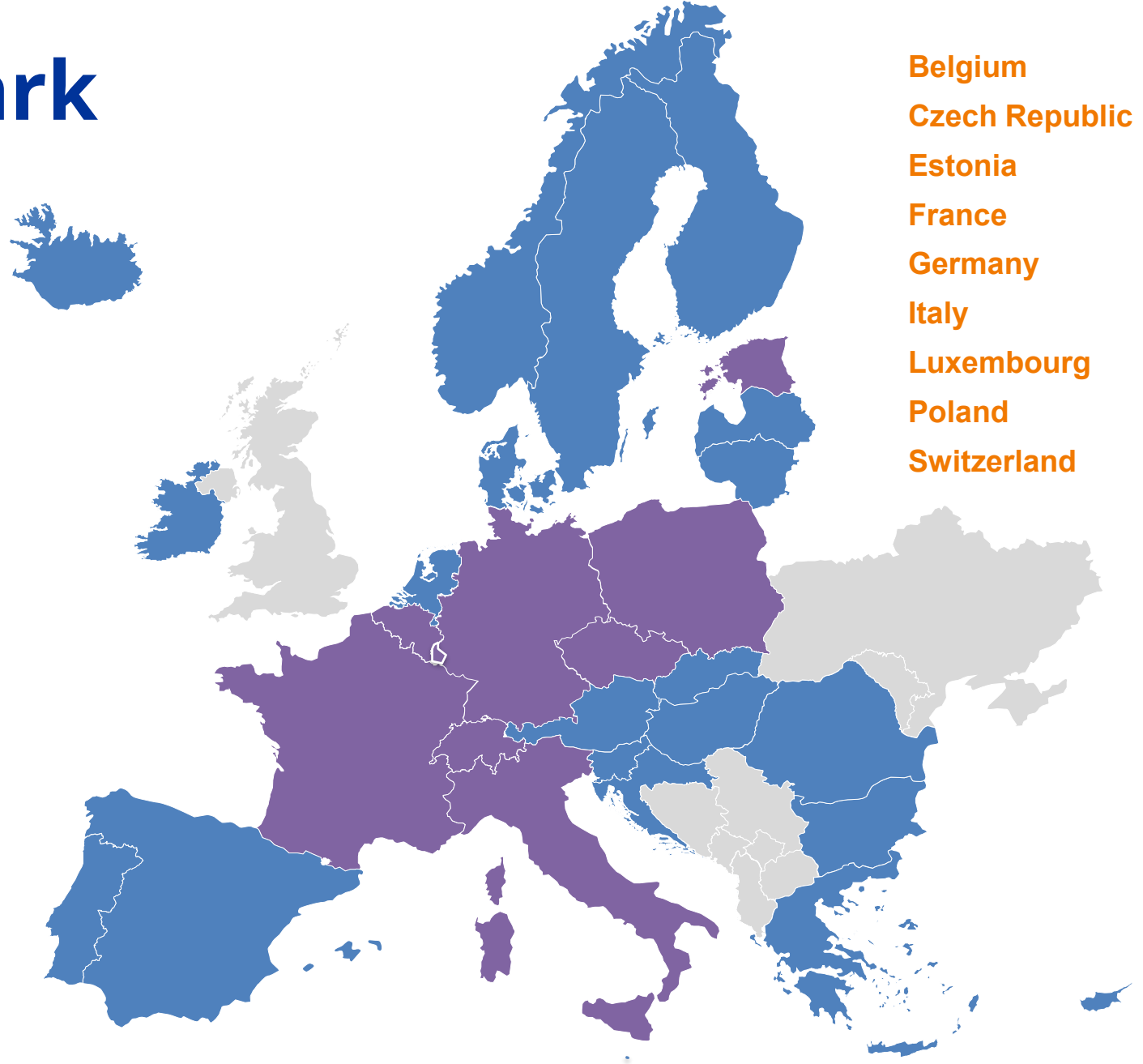


How is NNLT defined? How is LT monitored, with which statistical tools?

What are the policies and governance mechanisms in place to align the various actors in reducing LT?

What are the challenges faced by the various institutions?

What are the main levers and obstacles, as well as discussions and solutions



Legal frameworks

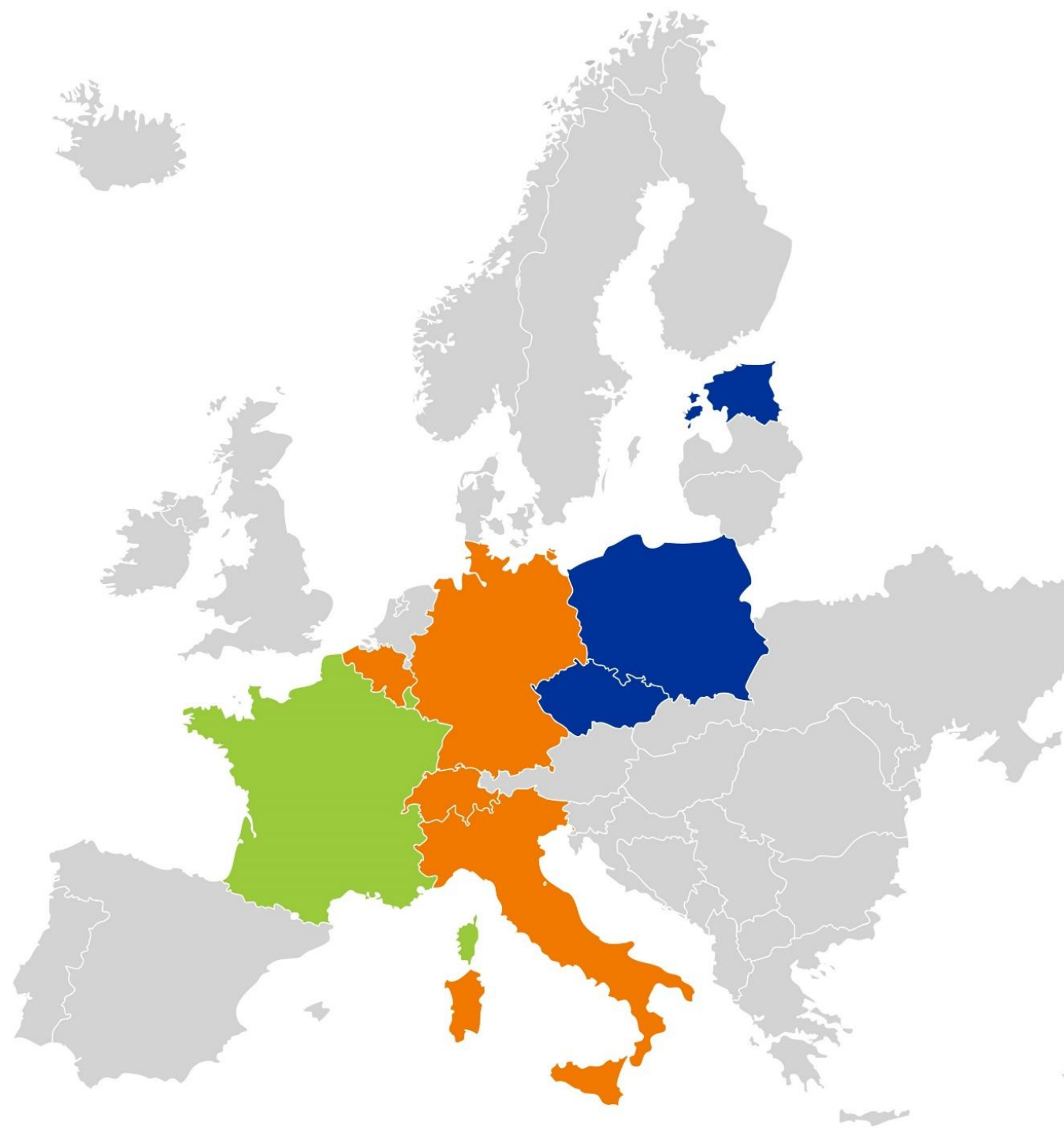
No explicit quantitative aim for limiting land take



A national legally binding aim



States or regions responsible for transposing the NNLT objective



Challenges 1/4

Defining and monitoring land take

Legal transcriptions vary between countries, none of them being completely aligned with the proposed definition by the EC

- **Concepts differ** : Soil sealing vs land take / soil health vs soil function
- **Tools as well** : cadaster vs photo interpretation

A national and/or regional measurement system is a pre-requisite to define and monitor no net land take trajectories

But a revised and shared European monitoring system would be necessary as well

Challenges 2/4

The legacy of planning policies designed to encourage urbanisation

In most countries, the legal framework, the local tax systems, along with spatial planning policies, were **not initially designed to support trajectories aimed at reducing land consumption.**

Although soil protection laws exist (e.g. to protect natural areas, agriculture...) , the NNLT objective is being added to existing practices and objectives that might seem contradictory.



Challenges 3/4

An elusive socio-economic model

In all countries, programmes and initiatives exist that encourage urban renewal, brownfield regeneration, densification, and even renaturation of artificial spaces.

Public and private investments are activated to this end.

They encounter however key challenges :

- While they may be locally effective, they are often insufficient to structurally transform the socio-economic mechanisms that lead to increased land consumption.
- Producing enough housing at the right cost, with the right quality and at the right place becomes automatically more complex when land become a scarce resource, inducing social cohesion issues.

Challenges 4/4

Searching for new governance models

Throughout Europe, local authorities are required to negotiate 'horizontally' with other local authorities and stakeholders regarding their respective contributions to achieving the objective of no net land take.

This new approach (different from traditional cooperation in planning) requires a long and tenacious learning process.

The role of regions is key to set up an effective framework for defining green transition trajectories.

2

Going further



METROLAND: a new ESPON Targeted Analysis

A new ESPON study that aims at providing an outlook at **Land Take Reduction and Net Zero Development** in Metropolitan areas

A project which encompasses the metropolitan areas of **Prague, Amsterdam, Vienna, Brussels-capital region, Lille, Riga and Torino.**

Their starting point : the **demand for construction** and the aspiration to organise **development in a strictly sustainable manner** with clear and measurable goals

METROLAND: a new ESPON Targeted Analysis

Main objectives of the project: To obtain evidence to drive change on the ground and, more broadly, to inform other cities and EU policymakers about what it takes to achieve NNLT

- ✓ to highlight the added value of **developing a territorial/metropolitan dimension to the European Green Deal** policies in general and biodiversity policies in particular
- ✓ to show evidence for **linking the next round of EU funding (2027-2034) with NNLT objectives**
- ✓ to **show locally the value of metropolitan cooperation** to reach NNLT objectives and compare the cooperation possibilities within the stakeholder countries;
- ✓ in connection with the draft European Directive on Soil Monitoring and Resilience, to share ideas on **how to enhance a real soil policy within NNLT policy** and analyse **how environmental accounting tools can be utilised** to calculate the true value of healthy soil.

METROLAND: a new ESPON Targeted Analysis

Non-use: How can planning help citizens transition to a less resource-heavy lifestyle, share buildings/goods/spaces, encourage them to carefully consider each new project and its real impacts, and require a smaller footprint per capita on land? How can landowners generate income from land without converting it into buildings?

Re-use/long-term use: How can we best utilise and circulate the land (and the buildings) that are already being used to meet our needs?

Optimise land consumption: How can we coordinate on the metropolitan level to ensure that land is being used most efficiently in terms of location and building typology while sustaining the quality of housing and public spaces?

Combined use: If we still need to use new land, how can green goals like biodiversity and rainwater management, among others, be met in new developments so that this land is not considered entirely “taken”?

METROLAND: a new ESPON Targeted Analysis

The questions that the project aims at answering:

- ✓ What are the current land use and the development patterns in the 7 metropolitan regions?
- ✓ What is the anticipated future land use in the metropolitan regions and the expected impacts of NNLT policies
- ✓ How do the various urban planning governance models compare with each other?
- ✓ How can regional / metropolitan governance contribute to minimising urban sprawl and enhancing ecosystem services? How can urban planning policies and urban development processes better anticipate future needs and enable reuse of land and buildings in line with the NNLT principle?

3

Lessons learnt?



Lessons learnt 1/3

The need for an open debate and common understanding on the actual ecological value of space

#1 Towards common definitions and shared monitoring tools

A shared definition at the EU level would facilitate meaningful transnational discourse and collaboration.

The debate could help reconciling the aim for preserving soil quality and sustainable urbanisation.

Intergovernmental cooperation could play a valuable role to that end.

Lessons learnt 2/3

“No territory left behind” principle for building NNLT trajectories

#2 Building concerted local trajectories

Aligning stakeholders and conducting horizontal dialogue shall be done on the basis of shared and acceptable criteria,

Territorial allocation of “development rights” could consider historical efficiency regarding land take and take into account specific territorial needs,

Not everyone has the same needs, but all needs must be heard to ensure spatial justice and equity approach,

Understanding stakeholders needs and identifying win/win strategies is a role that regions can play in many countries (not all).

Lessons learnt 3/3

Searching new bases for the economy of land use

#3 The need for new tools and economic models

The economic model for NNLT has yet to be invented, but it is a reachable goal,.

New compensation tools and taxes or economic incentive mechanisms would be valuable instruments for transforming development and planning policies, which is a necessary condition for NNLT to succeed.

Some of these tools are already tested in various countries, among which Planning damage compensation, transferable development rights, larger territorial deals...

Key factors of success in times of backlash

The ESPON study indicates that the pursuit of **no net land take is a worthwhile endeavour**, provided it is not regarded as an end in itself.

The most promising approaches across Europe demonstrate that achieving **this objective must be integrated into a broader transformation of territorial and sectoral policies**, including housing, mobility, environmental protection, economic development and agriculture.

In its various forms of application, NNLT is increasingly becoming **an essential tool** to support territories in designing, through renewed territorial cooperation, their pathways **for green and just transition**.

4

Compensation tools: some ideas from Italy



Italy - Lombardy

Equalisation

- ✓ **Fair treatment:** Fair distribution of building rights among all owners in areas affected by urban redevelopment, regardless of the final use of their land
- ✓ **Separation of property rights and building rights:** Building rights are no longer automatically linked to land ownership
- ✓ **Recovery of added value:** Capturing part of the added value generated by changes in land use for the benefit of the community.

Compensation: principle of ecological equivalence, Compensation is based on surface area (minimum 1:1) but takes into account the ecological value of the land. As an alternative to direct compensation, developers can contribute to a fund to finance renaturation or environmental improvement projects.

Banca della Terra Lombarda: register of land available for compensation, facilitates exchanges between owners and developers and allows compensation to be concentrated in strategic areas to create ecological corridors

Italy - Lombardy

Compensation measures for economic zones should preferably be located within the municipality or in the surrounding area.

Soil sealing and ecological compensation

- ✓ **Compensation ratio:** For each square metre of sealed surface area, there is an obligation to unseal or renature an equivalent or larger surface area (up to 1:1.5 in areas of high environmental value).
- ✓ **Permeability coefficient:** Obligation to maintain a minimum percentage of permeable surfaces on the site (generally 30% to 40%)
- ✓ **Rainwater management:** Water retention and infiltration systems calculated according to the impermeable surface area
- ✓ **Planting of trees** to offset the impact of new surfaces, carbon impact compensation
- ✓ Possibility of contributing to a **regional compensation fund**

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<https://www.esponbelgium.eu/#Contact>

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Welkom bij het nieuwe Belgisch ESPON Contact point. Hier vindt je informatie over de activiteiten van het Belgisch ESPON Contactpunt en het ESPON programma, met nadruk op de activiteiten tijdens het Belgisch voorzitterschap van de Raad van de Europese Unie.


NIEUWS




ESPOLY - METHODOLOGIE VOOR HET Kwantificeren van de impact van lokale infrastructuur op Lokaal niveau
Regio Brussel 2024




CONCERT - DEUREN VERAPENEN VOOR DE VERBODENDE INFLUENCER PROGRAMMA'S
Regio Brussel 2024




OPWAARD1 - BELGISCHE INNOVATIEVOORDELEN: STREEK TOEGANG PLEKKELEN IN INNOVATIE VOOR DE MIDDELE- EN HOGERE-LEERSONDE ZEE-TOEGANGEN
Regio Brussel 2024



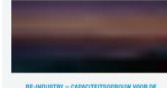
DE BEOP-ENQUÊTE
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OPEN UITDAGING OM VOORSTELLEN IN TE BRENGEN VOOR DE Kwaliteit van de leefomgeving - 42
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OPROEP AAN GEMEENTEN OM EEN POOL VAN Kwaliteit van de leefomgeving te ontwikkelen VAN INNOVATIEVE BIJZONDERHEDEN
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DE INDUSTRIE - CAPACITEITSPROEF VOOR DE VERBODENDE INFLUENCER PROGRAMMA'S
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Compensating Downzoning

A comparison of European compensation schemes for implementing no net land take policies.

Dr. Peter Lacoere, HOGENT & KU Leuven

ESPON & Perspective Brussels, 9 September 2025

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An aerial photograph of a rural landscape. In the foreground, a small village with red-roofed houses is visible. Beyond the village are green fields, some of which are divided into smaller plots. A small pond is located in the middle ground, surrounded by trees. The background shows a vast, flat landscape extending to the horizon under a clear sky.

Duurzaam Ruimtegebruik en Mobiliteit.

Research Reports on No Net Land Take for Flanders, the Bouwshift:

<https://www.hogent.be/onderzoekscentra/duurzaam-ruimtegebruik-en-mobiliteit/duurzaam-landgebruik/>

Our researchers:

<https://www.hogent.be/onderzoekscentra/duurzaam-ruimtegebruik-en-mobiliteit/onze-experts/>

Peter Lacoere, Andreas Hengstermann, Mathias Jehling & Thomas Hartmann
(2023)

**Compensating Downzoning. A Comparative Analysis of European
Compensation Schemes in the Light of Net Land Neutrality**

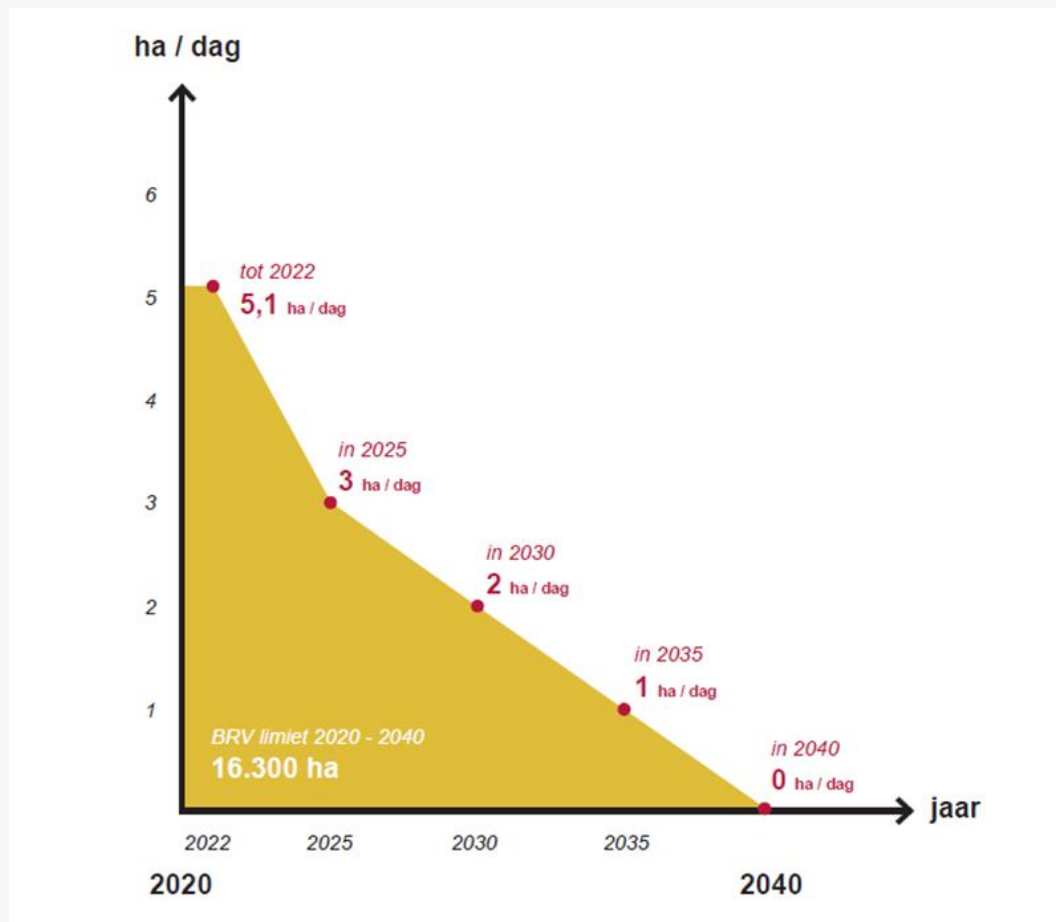
Planning Theory & Practice, 24:2, 190-206,

DOI: 10.1080/14649357.2023.2190152

A new land policy narrative from the EU

- A policy of land degradation neutrality (UN)
- No net land take (EC, 2011 and 2021)
- Some leading member states (5)
- Aligning the planning instruments to this new goal
 - > Limiting or preventing additional developable zones (net)?
 - > Downzoning the oversupply of developable zonesIs financial compensation due to landowners?

The No Net Land Take target



Example of the NNLT for Flanders
(Taskforce Bouwshift, 2021)

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Comparative analysis for 5 countries

- A comparative analysis of five European neighboring countries: Switzerland, Belgium (Flanders), Germany, France, and the Netherlands
- Main research questions:
 - has the same planning decision of ‘downzoning’, the same outcome of compensation rights claimable by the landowner?
 - If not, what differences occur and what is the (national) rationale for compensation?
- Features of the rationale, the conditions, and the calculation of compensation

State-of-the-art in research and case-law

- Striking differences between European schemes (Renard, 2009 and Alterman, 2010)
- Despite common Article 1 of Protocol 1 ECHR (protecting property rights): fair balance public interest vs. private rights
- Rationale of the European Court: compensation of planning regulations is not mandatory (as it does not affect the property status)

| | Non-compensation (a) | Middle-ground compensation (a) | Full compensation (a) |
|--|--|---|---|
| Public policy & property rights | Primacy of Public Policy | Balance of Public Policy & Property Rights | Primacy of Property Rights |
| Attitude to governmental intervention | Deference to government (b) | Non-hierarchical relationship between citizens and government | Hostility to government (b) |
| Development rights | Development rights are granted by society | Conditional development rights (in time or subject) | Development rights are an inherent part of property rights |

Classification of compensation schemes, partly based on (a) Alterman, 2010 and (b) Serkin, 2005

France

- Compensation “indemnité” is excluded
- Exception “vested rights”: building or subdivision permit
- Compensation by upzoning and TDR
- Principle of non-compensation was challenged but confirmed by the ECHR (Malfatto and Mielle/France case, 2016)
 - > no deprivation of the property, no abnormal burden, and passive attitude by the owners
- Payment of compensation is rare in France, case-by-case

Belgium (Flanders)

- Planning competence on the regional level since 1980
- No compensation of planning regulations, except for downzoning (Planning Act 1962, *planschade*)
- Calculation formula: buildable zone of first 50m, 20% public burden, and the initial purchase price as the basis
- Compensation syndrome: few downzoning (fear for litigation),
20 mln euro (1980-2020)
- Frequently challenged in Belgian Constitutional Court, but confirmed
- Political compromise to revise the 'unfair' system

A new compensation scheme

- Changing the three main factors of compensation costs: the total surface of rezoning, no public burden for the owner, and the actual land value a basis
- Estimates of rising costs ranging from 4 to 11 times the current system
- A compromise to gain support with the landowners for NNLT
- Municipalities reluctant to rezone and the Region as well, invoking 'subsidiarity' in the planning system
- Versus the need to downzone at least 30,000 ha of development

The Netherlands

- Egalité-principal: *disproportionate* impact of public policy is eligible
- Including indirect claims (side-effects, externalities)
- Under revision in the new law (Omgevingswet)
- Downzoning is considered *direct* damage
- Wide range of situations possible, mitigated by the notion of 'passive risk acceptance' and 'foreseeability'
- Case by case assessment by court (30 mln euro, 2012-2017, mainly indirect damage)

Germany

- Building Code (1976): compensation right limited to 7 years of approval of the land-use plan
- Only expenditure costs are covered after 7 years
- Compensates 'damage of trust' (*Vertrauensschaden*)
- Owners can demand for expropriation as an alternative
- Formally regulated appraisal method of landvalue (loss)

Switzerland

- Swiss Civil Code: any restriction on ownership equivalent to compulsory purchase needs to be compensated in full
- On the other hand: ensure appropriate and economic use of land (Swiss constitution)
- Municipalities have to reduce oversupply of land that surpasss the need of 15 years: downzoning varies from 6 to 17% zoned land/ canton
- Full compensation if...(all or nothing approach as a compromise)
- Case-by-case appraisal (e.g. private valuers), no appraisal method

Position according to the classification system

| | Non-compensation principle | Middle-ground compensation scheme | Full compensation principle |
|------------------------------------|-------------------------------|---|---|
| National compensation scheme | France | Germany Switzerland | Belgium – Flanders the Netherlands |

Some fundamental questions

- The compensation scheme reflects the national way planning and property rights are perceived and balanced (or not)
- What is the 'zoning'-portion worth of the total land value?
- Is the market value a 'fair' basis? (unearned increment)
- Should a 'given' zoning without planning gain tax, be fully compensated?
- Important notions of foreseeability and (ab)normal burden, responsabilizing the landowner (right or duty to develop?)

Thank you !

peter.lacoere@hogent.be

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Biodiversity offsetting - Inside the luxembourgish framework

Dr Michaela Plein

NNLT and compensation, De Markten, 09.09.25



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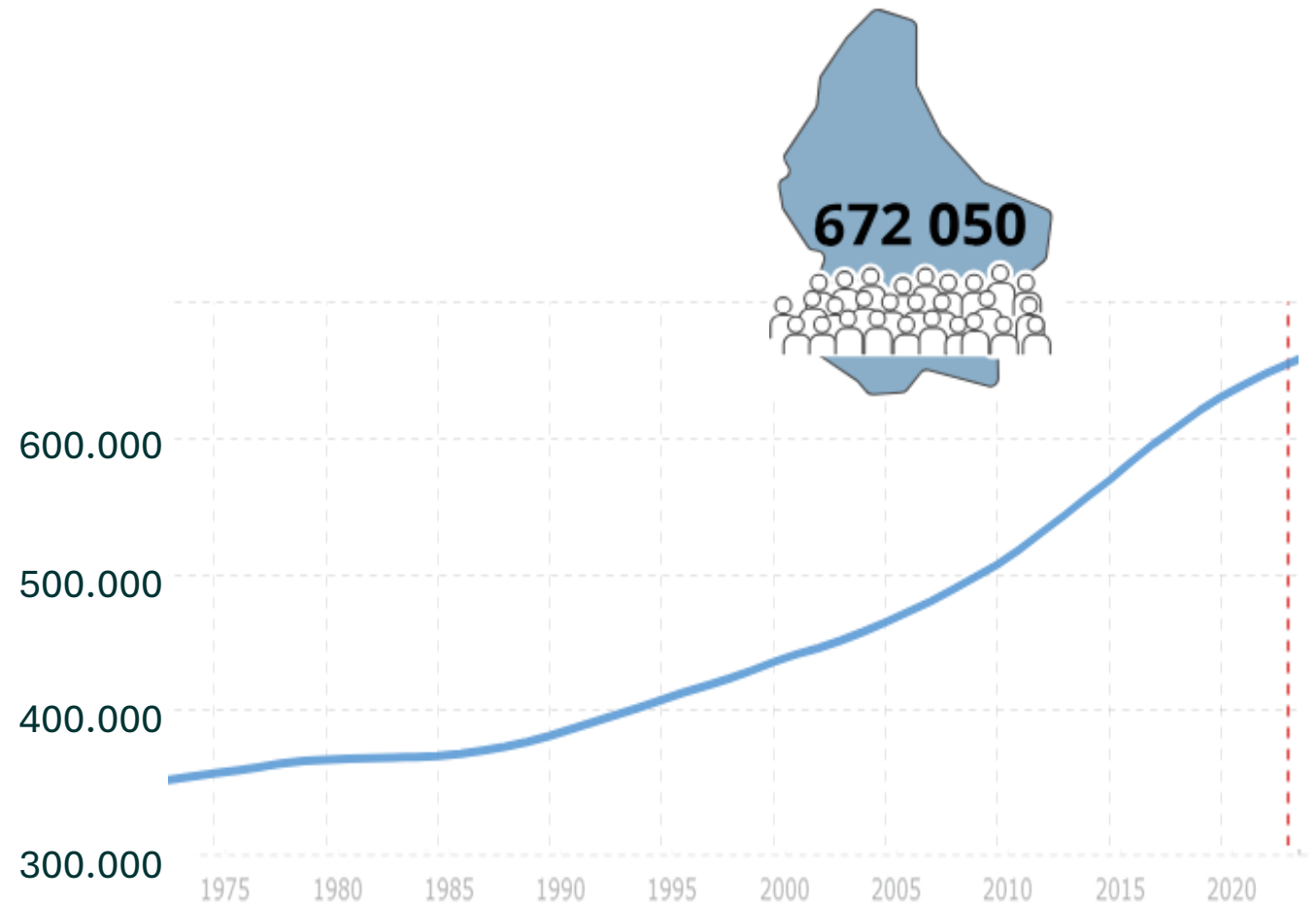
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- **Population**
- **Cross-border traffic**
- **Land-use change**
- **Fragmentation of natural landscape**
- **Loss of natural vegetation structures**
- **Loss of habitats**

The reasons for the introduction



Source: Statec



The previous systems – protected vegetation

1982:

- Compensation of loss of forests (forest type and surface)
- Same or adjacent municipality

2004:

- Compensation of loss of forests (forest type and surface)
- Compensation of European protected habitats
- Habitats of European protected species
- **Project-based implementation of compensation**
- **Responsibility of developer**



The previous systems - downsides

- **Limited availability of land & preemptive acquisition of land**
- **Patchwork of incoherent measures, both functionally and in terms of content**
- **No complementarity with national conservation goals/biodiversity strategy**
- **Lacking long-term management**
- **No inventory of compensation measures**



The current system - protected vegetation

2018:

- Forests (qualitatively & quantitatively - type and surface)
- European protected habitats
- Habitats of European protected species
- Nationally protected vegetation structures (“biotope”)

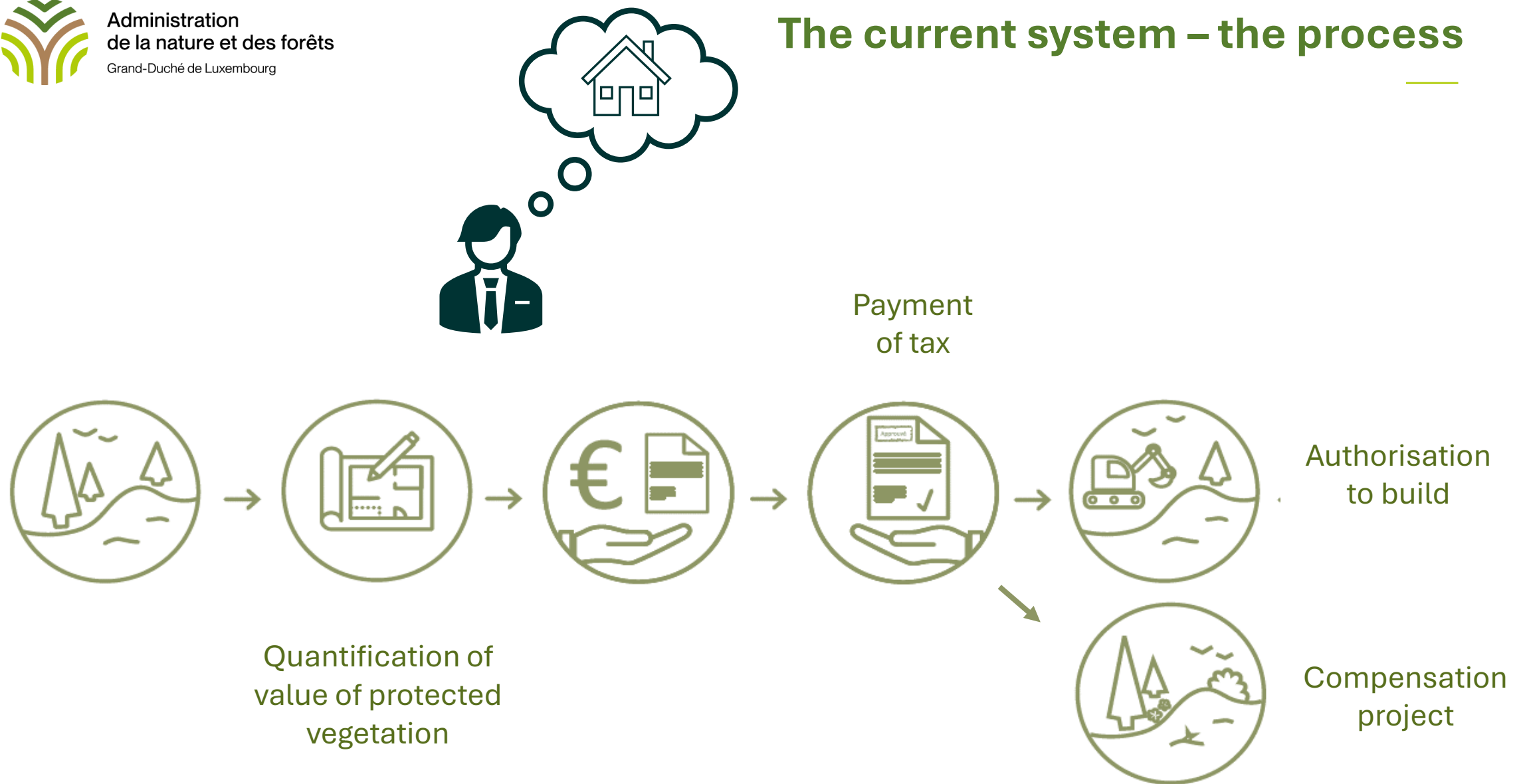


The current system – the process





The current system – the process





The current system – value of vegetation



ecopoints





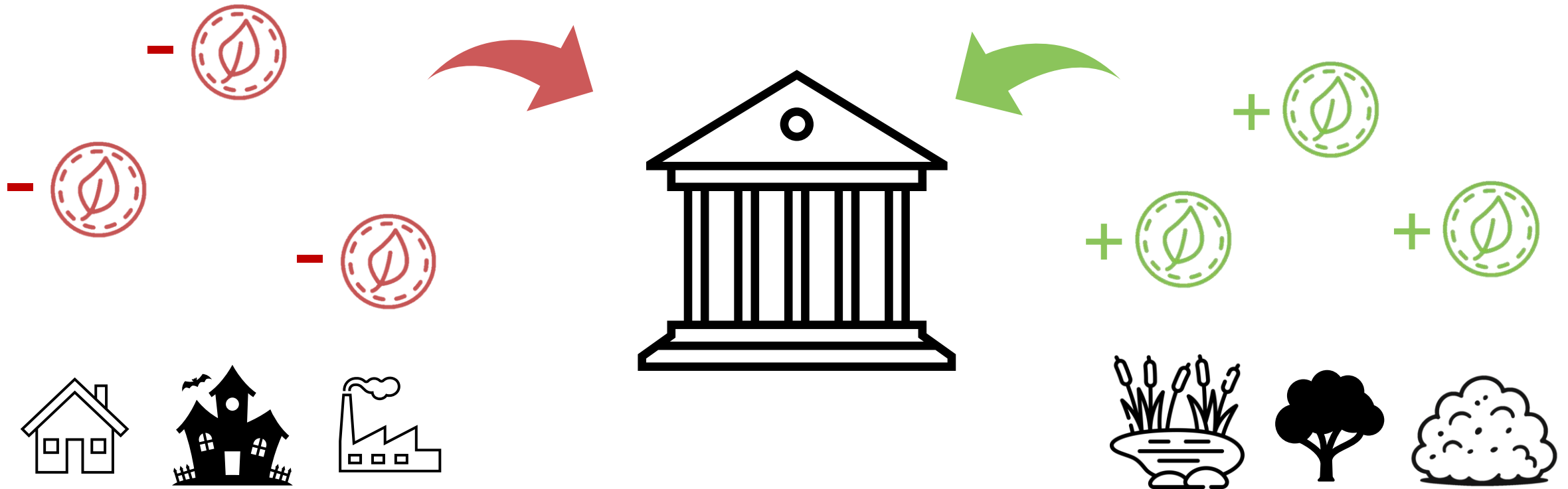
The current system – quantification of value

- **Mandatory usage of online quantification tool**
- **Field inventory of protected vegetation and species (before and after)**
- **Monetary compensation of value as a tax**
- **1 ecopoints = 1 €**
- **Limited ability for private compensation on site**



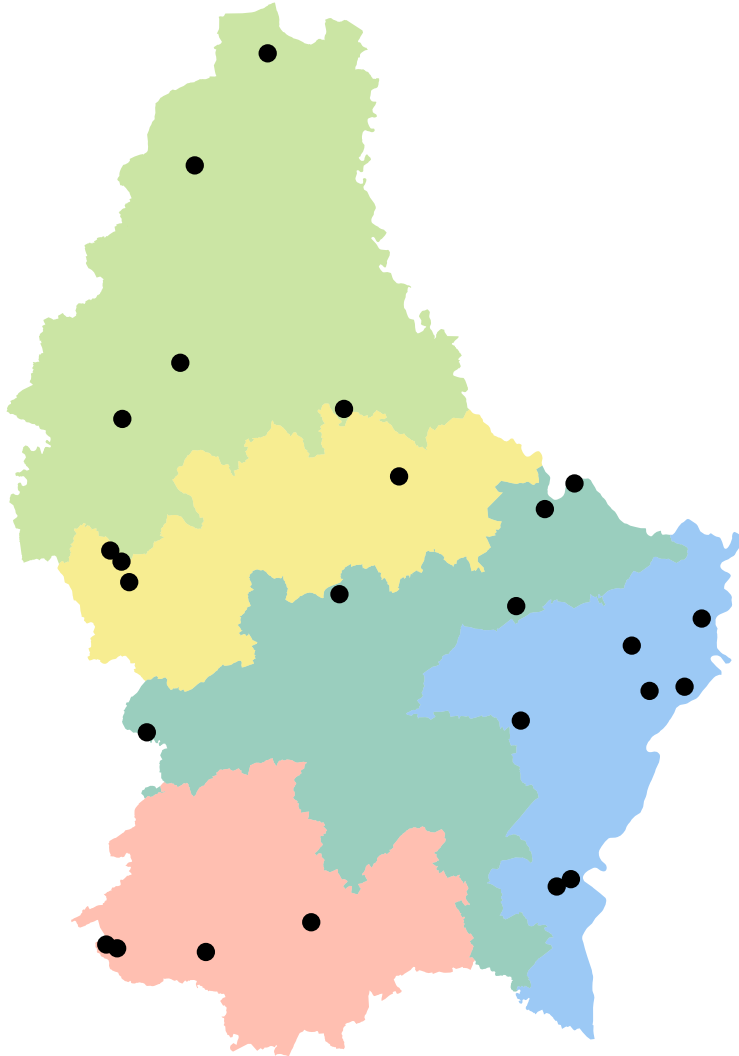


The current system – national inventory





The current system – compensation principles

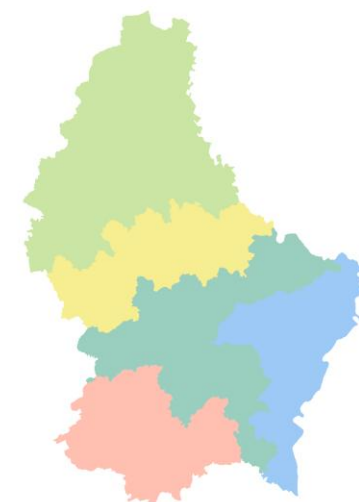
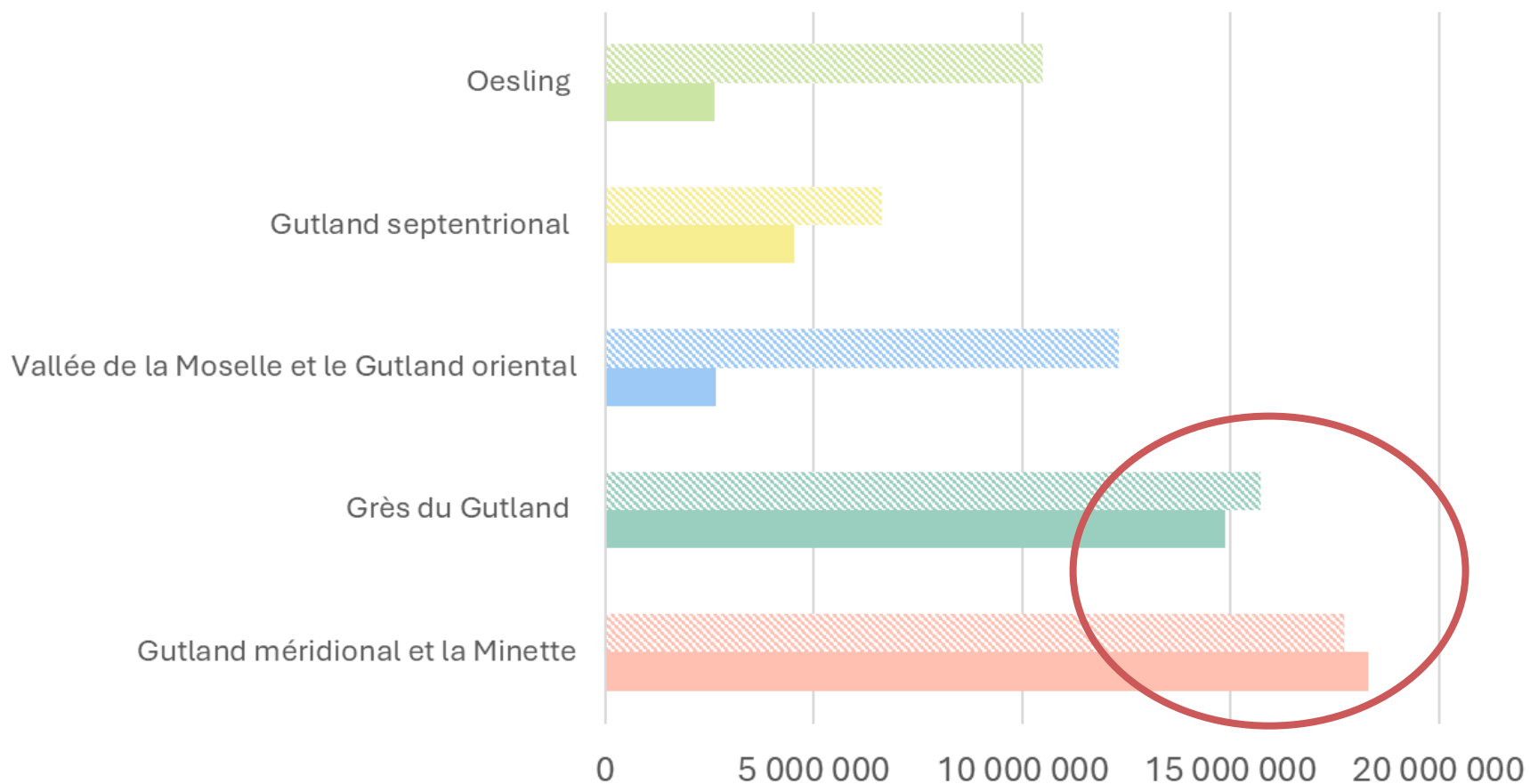


- **Five ecological sectors**
- **Different rules for compensating forest, habitat, biotope**
- **Projects implemented by Nature and Forest Agency**
- **25 projects**
 - 13 finished
 - 9 currently implemented
 - 3 in planning
 - Size: 4 ha – 80 ha



The results after seven years – the implementation period

State of the *Registre* April 2025



▨ created ecopoints
■ deducted ecopoints



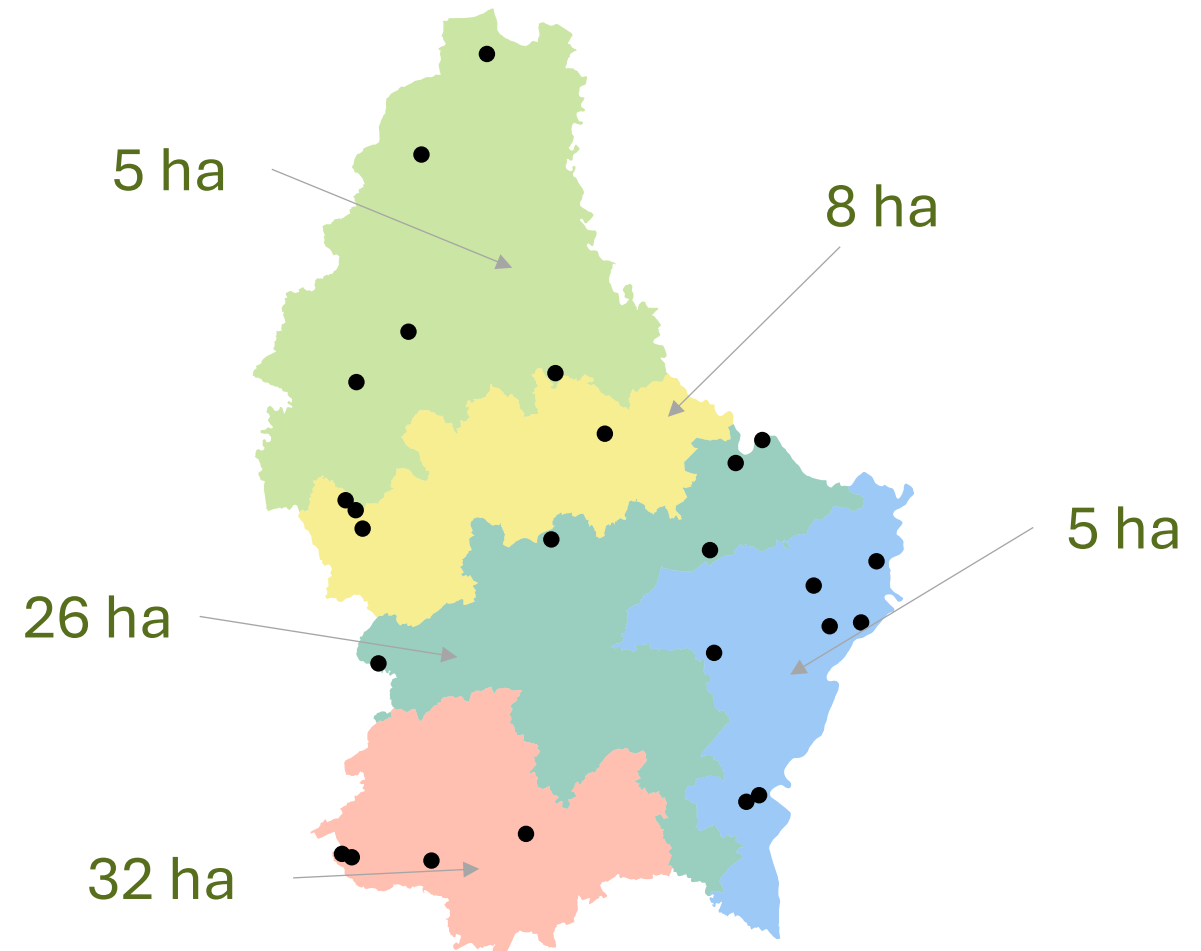
Factors limiting success:

- **High demand for land and compensation in the south of Luxembourg**
- **Ability to acquire land**
- **Lengthy procedures within public sector**
- **Conflict with agriculture over land-use change**
- **Stakeholder engagement difficult at beginning**
- **High staff turn-over**
- **Changes in political landscape**



Lessons learned so far – resulting adaptations

- **Average annual requirement for land**
- **75 ha / year**
- **Focus on areas with highest development**





- Proposed changes to the legal framework

- Introduction of the concept of temporary nature for vegetation structures <15 year of age
- Removal of obligation to compensate the habitat of highly mobile species
- Increased incentives for *in situ* compensation with green infrastructures
- Exploration to include privately-owned land into the national compensation pool

Thank you for your attention.



www.compensation.lu



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Grand-Duché de Luxembourg

green account



Nature Compensation in Germany

Insights & Example

T. v. der Trenck | Nature Compensation in Germany | NNLT and Compensation, De Markten, 09.09.2025

Introduction

Trutz von der Trenck

About green account

- Founded in 2021
- based in Bielefeld and Berlin
- 24 people
- en route to become Europes Marketplace for Nature Restoration



Compensation in Germany

Federal Nature Conservation Act (BNatschG) & compensation regulations (BKompV) – developed in the 1970s

Core principle: “Impact assessment & Compensation”

Main actors:

- Project developers (e.g. infrastructure companies)
- Authorities (approval & monitoring)
- Landowners as suppliers

How the System Works

For a project developer

1. Plan project
2. Plan nature interference
3. Apply for building permit
4. Receive impact accounting

= demand

For a landowner

1. Plan compensation project
2. Apply for approval of plan at the Lower Nature Conservancy Authority
3. Develop compensation project after approval

= supply

How the System Works – Ecopoints

- used in some project
- enable biotope development prior to interference



Challenges & Opportunities

Challenges:

- Land scarcity & competition
- Different rules in federal states, but overarching regulation

Opportunities:

- Acceptance on Landowner level
- EU Nature Restoration Law as a driver
- EU Nature Credit Scheme – transferability of German experiences



Conclusion

The German system is established but complex. It has the potential to serve as an instrument for the implementation of regulation like EU Nature Restoration Law or EU Nature Credits.



Takeaways for Europe:

- Strong role of landowners
- National approaches can serve as blueprints, but need adaptation at EU level



Q&A

Any questions?

Happy to dive deeper in the World Café afterwards!

green account

Thank you for your attention.

Trutz von der Trenck

green account GmbH

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✉ trenck@greenaccount.com

World café

See synthesis of notes on esponbelgium.eu

Upcoming Belgian ESPON event 16th October



Register for the event



TERRITORIAL RESILIENCE In Times Of Crisis

Welcome to this full-day event by the Belgian ESPON Contact Point in cooperation with SWECO, CERAC and Departement Omgeving! It takes place in the SWECO Belgium offices in **Arenbergstraat/Rue d'Arenberg 11 in Brussels** on **16. October 2025**.