

The Governance of Land Use

Country fact sheet Chile

The planning system

Levels of government and their responsibilities

Chile is a unitary country with 3 levels of government; the national government, 15 regions and 345 municipalities. The national government is directly and indirectly involved in land-use policy. The Ministry of Housing and Urbanism formulates the *National Urban Development Policy* (in accordance with the *General Law on Urbanism and Construction* and the *General Ordinance of Urbanism and Construction*) which guides planning by lower levels of government. The Ministry of Public Works plans infrastructure construction (main roads, airports, ports and water related infrastructure) and co-ordinates infrastructure planning with urban planning. Several other ministries assign areas of special relevance for tourism and environmental protection, which are subject to specific regulations. Furthermore, the Ministry of Housing and Urbanism – through its regional secretaries – is also responsible for formulating *Regional Plans for Urban Development*, *Inter-municipal Land Use Plans* and the *Local Land Use Plans* which are subsequently approved by regional governments.

The *National Commission for Land Use of the Coastline* has the task of developing and implementing policies for the maritime coastline. It is comprised of members for the Ministry of Defence and other ministries and chaired by the Ministry of Defence.

CONAF is a corporation controlled by the Ministry of Agriculture that has the task of managing national parks, protecting native forests and biodiversity.

The regional level is primarily involved in land-use policies through the preparation of two strategic plans; the above-mentioned *Regional Plans for Urban Development* and the *Regional Development Strategies* that focus on socio-economic aspects. Furthermore, it must approve *Inter-municipal Land Use Plans* and *Local Land Use Plans* created at the local level.

Municipalities are responsible for determining urban boundaries (in cooperation with the regional secretaries of the Ministry of Housing and Urbanism). They also create the *Local Land Use Plans* and participate in the creation of *Inter-municipal Land Use Plans*. Furthermore, municipalities can approve requests for small- to mid-sized residential and commercial developments outside urban growth boundaries. Large developments outside urban growth boundaries also need the approval by regional secretaries of the Ministry of Housing and Urbanism and the Ministry of Agriculture.

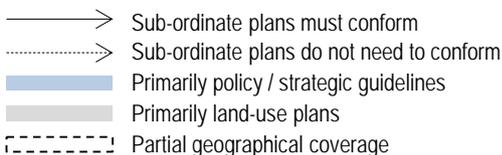
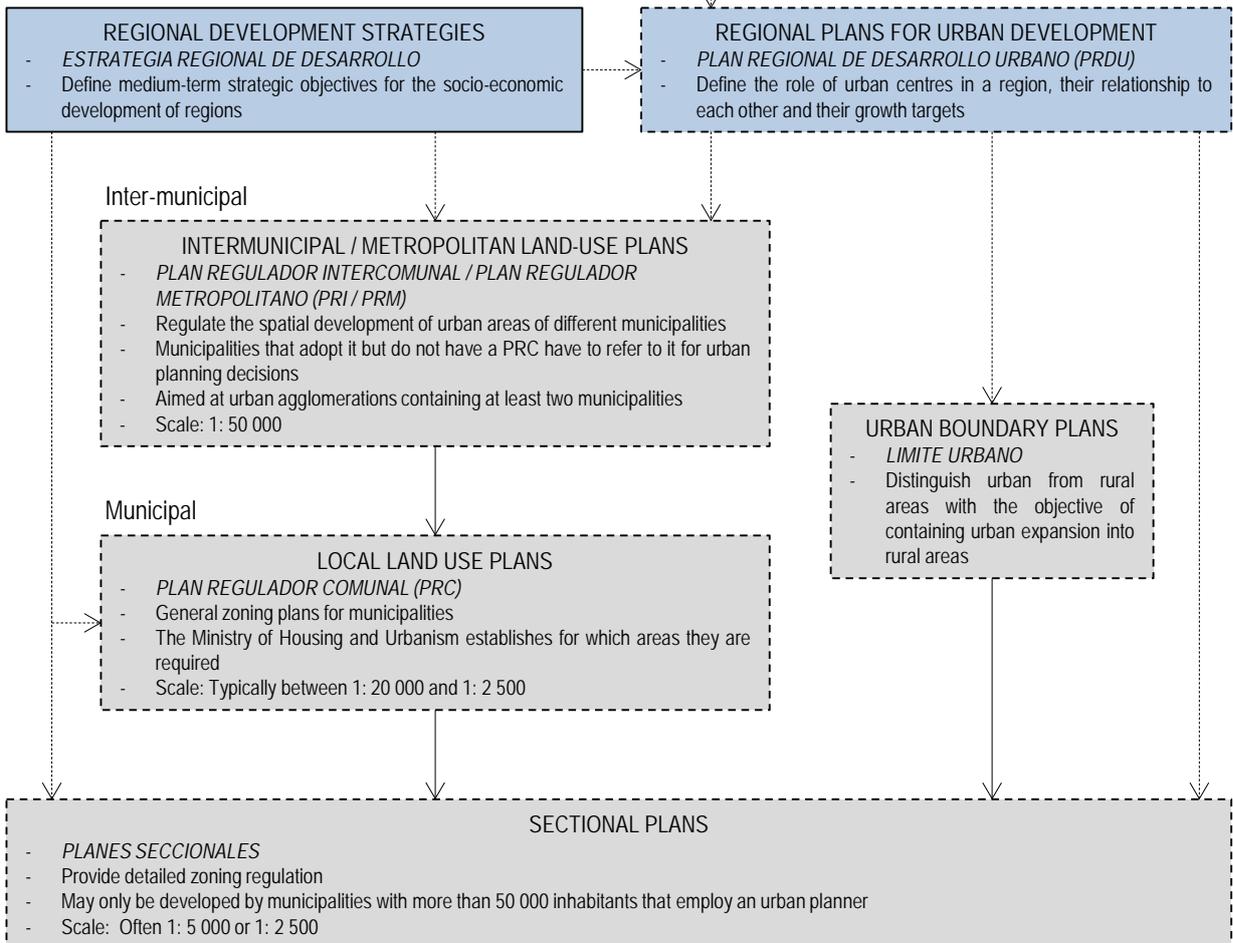
Organisation of spatial and land-use planning in Chile

General framework

National



Regional



Note:

An on-going reform aims at introducing regional land-use plans (*PLAN REGIONAL DE ORDENAMIENTO TERRITORIAL*). While some regions have already started to prepare such a plan, the corresponding national legislation has not been passed (as of early 2016) and there is uncertainty about the eventual status of the plans.

Spatial and land-use plans

At the regional level, two strategic spatial plans exist. *Regional Development Strategies* define broad socio-economic objectives. Only some of them have spatial dimensions. *Regional Urban Development Plans* describe the urban centres in a region and provide growth targets for each of them. While neither of the regional plans is legally binding for subordinate land use

plans, in particular the growth targets of the Regional Urban Development Plan are expected to be incorporated into local land-use plans.

On the local level, several partly overlapping land-use plans exist, but large parts of the Chile are not covered by any of them. First, *Inter-municipal Land Use Plans* co-ordinate local land-use decisions in urban agglomerations comprising of more than one municipality. They are prepared by the regional secretaries of the *Ministry of Housing and Urbanism* and are legally binding for zoning plans created by municipalities. If no local land-use plans exist, inter-municipal land-use plans must be used to guide urban planning decisions. Second, *Local Land Use Plans* have to be prepared by municipalities with urban centres of more than 7 000 inhabitants or by those that face major redevelopments. Third, *Urban Boundaries* specify growth boundaries for urban areas with the goal of restricting development outside of them. They are legally binding, but municipalities can grant exemptions for a variety of developments such as industrial buildings, developments related to tourism and agriculture and housing. As a consequence, they are not strictly enforced in many cases. *Urban Boundaries* are defined in *Intermunicipal Land Use Plans* and *Local Land Use Plans*. If those plans do not exist they may be defined independently. Fourth, detailed neighbourhood level *Sectional Plans (Planes Seccionales)* have to be drawn up by municipalities with more than 50 000 inhabitants if they employ an urban planner. Where they exist, they form statutory land-use plans and tend to be strictly enforced.

Major laws and regulations

Compared to other OECD member countries, an exceptionally large number of laws, regulations and other legal instruments governs land use and land-use planning. Due to the associated complexity, no comprehensive overview of the most relevant laws and regulations can be provided. In some instances, the multitude of instruments can lead to laws and regulations with overlapping or contradicting objectives.

Co-ordination mechanisms

Most powers with respect to land-use planning are held by the *Ministry of Housing and Urbanism*. It prepares all local land-use plans through its regional secretaries. Vertical integration of the different plans is one of the criteria for their approval.

Non-permanent mechanisms for horizontal policy co-ordination across policy fields exist, for instance commissions dedicated to specific policies or projects. As these commissions have no formal responsibilities, their effectiveness can vary and depend on the involved actor's inclination to co-operate.

Expropriations

Expropriation of land is possible for the construction of public infrastructure, but not for other purposes. Appropriate compensation has to be paid to the land owner. The expropriation process is straightforward and does not present any difficulties to the state, but often takes a long time to be completed.

Recent and planned reforms to the system of land-use planning

The most important reform of the Chilean land-use planning system occurred in 1979 with the elimination of the urban boundaries, which had previously set limits to urban expansion. While urban boundaries were re-established in 1985, they have never again reached the practical relevance they had before the reform. In 1997, rules for large scale housing developments for more than 30 000 inhabitants outside the urban growth boundaries were established. As of the time of writing, a major reform – the implementation of *Regional Land Use Plans* into the planning system – is ongoing. The reform will eventually replace the *Regional Plans for Urban Development* and will imply a transfer of responsibility from the Ministry of Housing and Urban Development to regional governments.