



The Governance of Land Use

COUNTRY FACT SHEET ISRAEL

The planning system

Levels of government and their responsibilities

Israel is a unitary state with one subnational level of government (255 local governments). Land-use planning is highly centralised with strong oversight at the national level over decisions at the municipal level. The national government influences land-use policies in several ways. First, it has the usual responsibilities for the framework law that outlines the spatial planning system of the country. Second, it prepares the *National Master Plan* (see below), which is approved by the cabinet. Third, it appoints most members of the six *District Planning and Building Commissions* and in this way determines the contents of *District Master Plans*. Fourth, the national government oversees *Local Planning Commissions* and the plans made by them. In principle, the Minister of Finance has the authority to review all local plans and determines which plans require his approval. In practice, ministerial intervention is rare. Fifth, the national government plans and funds major infrastructure projects.

The national government also nominates 16 of the 36 members of the *National Planning Board*. The board adjudicates appeals to planning decisions. Its other members are representatives from local governments, the planning and building professions, environmental groups, academia and other members of civil society. A second important body is the *National Board for Planning and Construction of Infrastructure*. Public agencies may submit their proposed plans to it, as it has the power to fast-track planning applications even if they deviate from existing plans.

At the local level, approximately 100 *Local Planning Commissions* are the central actors in land-use planning. They consist of representatives of local governments and prepare local land-use plans. Mostly, they are responsible for a single municipality, except in rural areas where they frequently cover several smaller settlements. The legal powers of *Local Planning Commissions* vary according to a rating of their competence. *Local Planning Commissions* that are judged more competent receive more legal powers than those judged less competent.

Spatial and land-use plans

Israel operates a strictly hierarchical system of spatial planning. While higher level plans tend to be more general, plans at all levels include specific land-use regulations and lower level plans must correspond to higher level plans unless the higher level plan contains an explicit flexibility clause for a particular area.

Organisation of spatial and land-use planning in Israel

General framework National

NATIONAL MASTER PLAN – NATIONAL PLAN n. 35

- 35 מתאר ארצית - TOCHNIT MIT'AR ARZIT 35
- Map based development patterns to address long-term development needs in Israel. Also contains general guidelines and strategic elements
- While it has the same legal status as all 41 principal National Plans, it is considered to be a lead document in terms of the overall spatial organisation
- Scale: 1: 100 000

Sectoral Plans

NATIONAL MASTER PLANS

- תוכנית מתאר ארצית - TOCHNIT MIT'AR ARZIT
- Israel has 41 different National Plans that concern varying policy fields
- Some of them cover the entire national territory, others only specific areas
- Most, but not all National Plans have an explicit spatial dimension

Regional

DISTRICT MASTER PLANS

- תוכנית מתאר מחוזית - TOCHNIT MIT'AR MEHOZIT
- Comprehensive land-use plans at district level, contain detailed versions of national land-use regulations
- Israel is divided into six statutory districts, each of which has a District Master Plan
- Varying scales

Municipal

LOCAL COMPREHENSIVE PLANS

- תוכנית כוללת מקומית - TOCHNIT MIT'AR COLELANIT
- Prepared by the local authority and/or the Local Planning Commission, or by the Israel Planning Administration together with the local authority and the Local Planning Commission. Approved by the District Planning Commission
- Have existed since 2014 and are eventually supposed to cover all municipalities
- Typical scale: 1: 10 000; 1: 5 000

LOCAL MASTER PLANS

- תוכנית מתאר מקומית - TOCHNIT MIT'AR MEKOMIT
- Land-use master plans at the local level, but mostly prepared by District Planning Commissions
- Typical scales 1: 5 000; 1: 2 500

LOCAL DETAILED PLANS

- תכנית מפורטת - TOCHNIT MEFORETET
- Specify details of permitted developments in specific areas of a jurisdiction
- Municipalities with an approved Local Comprehensive Plan may approve detailed plans without further approval of the District Planning Commissions. In all other cases, the subject matter, the degree of change and the professional performance of the local commission will determine the approving agency: either the Local or District Planning Commission
- Typical scale 1: 1 250

- Sub-ordinate plans must conform
- Sub-ordinate plans do not need to conform
- Primarily policy / strategic guidelines
- Primarily land-use plans
- Strategic and land-use guidelines
- Partial geographical coverage

The country has 41 principal *National Plans* that frequently contain land-use regulations for specific areas. While some are infrastructure plans, most are sectoral plans that focus on narrowly defined issues or territories. A major exception is *National Plan No. 35*. It is a comprehensive land-use plan covering the entire country. In contrast to high-level plans in most other OECD countries, it is primarily a map based plan at a scale of 1: 100 000 regulating development patterns¹ and containing, inter alia, general guidelines and strategic elements. While it has the same legal status as all other *National Plans*, in practice it is considered to be a lead document. It provides general regulations that all lower level plans have to follow except in areas in which it contains flexibility clauses. The plan includes a clause that restricts all developments outside of existing urban boundaries.

National Plan No. 38 plays a special role in the urban context. Nominally, it contains earthquake protection regulations and incentives for property owners to improve the earthquake resistance of buildings built before 1980. While originally only intended as a tool to improve earthquake protection, it is now much more widely used in many cities to provide incentives for urban regeneration and densification to property owners.

Below national plans, *District Master Plans* exist. They contain more precise and detailed versions of national land-use regulations, albeit still general in nature. Due to the strictly hierarchical nature of planning, they tend to follow national plans closely except in the few areas where national plans contain flexibility clauses. In general, all local level plans must be checked for compliance with *District Master Plans*.

On the local level, three types of plans exist; *Local Comprehensive Plans* (approved by the *District Planning Commission* and covering all or most of the local jurisdiction), *Master Plans* and *Detailed Plans*. *Local Comprehensive Plans* have been introduced in the 2014 planning law amendment, and are currently prepared either by the Israel Planning Administration (IPA) with an active participation of the affected municipalities or by the municipalities themselves. *Local Comprehensive Plans* are statutory plans that are supposed to strengthen the strategic planning of municipalities. Consequently, they put less emphasis on zoning than other Israeli plans. However, due to the difficulties in integrating them with existing plans and regulations, the adaption of *Local Comprehensive Plans* has been slow and only a few statutory approved plans exist. *Local Master Plans* contain general land-use provisions, but in practice may also contain detailed zoning regulation. They are typically approved by the *District Planning Commission* unless their subject matter is specifically relegated by law to the approval of the local planning agencies. *Local Detailed Plans* are detailed local plans that specify details of permitted developments down to the plot level.

Municipalities that have adopted a *Local Comprehensive Plan* have the authority to approve all local plans that correspond to it. In most other cases, approval of Master Plans and Detailed Plans rests in the hands of the *District Planning Commission*. However, *Local Planning Commissions* that have been rated as performing well can approve plans in pre-specified subject areas.

Major laws and regulations

The main framework law outlining the Israeli planning system is the *Planning and Building Law*. The *Real Estate Law* is regulating expropriations. There are several other important laws concerning environmental aspects, such as air pollution, noise, and water pollution. The *Coastal Protection Law* and the *Law on National Parks and Nature Reserves*

provide specific regulations for these areas. A variety of laws and regulation on agriculture affects primarily rural areas.

Co-ordination mechanisms

The six *District Planning Commissions* are the primary authorities for vertical and horizontal co-ordination. They are comprised of representatives from all relevant ministries, some of which work locally and some in the ministries. *District Planning Commissions* review and approve local planning decisions based on their compliance with higher level plans, including *Local Master Plans*, and other considerations. Strategic co-ordination of planning decisions throughout the district plays a comparably moderate role, especially also due to the workload that the former task involves. Similarly, the National Planning Board is another forum for horizontal co-ordination, even though in practice its primary role is related to the adjudication of specific planning decisions rather than strategic planning.

Expropriations

Expropriation in Israel is possible for a list of legally defined purposes, including infrastructure construction, the provision of specific public services and urban development. Furthermore, compulsory dedication of land for public service provision and land readjustments are possible. While generally regulations are straightforward, expropriation procedures can be lengthy and often involve court settlements regarding the compensation that has to be paid for expropriated land.

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

The general system of land-use planning was established in 1965 and included the creation of the *National Planning Board* and the *Agricultural Land Preservation Committee*. From 1990 until 1995 temporary planning laws were enacted creating special planning bodies to cope with a large influx of immigrants. In 1996, planning law was amended to transfer the approval of plans in specific subject areas to the *Local Planning Commission*, thus granting local governments more powers. In 2014, the planning Law was amended and *Local Comprehensive Plans* were introduced to provide further powers and responsibilities to municipalities and to strengthen their strategic planning. In addition, *Local Planning Commissions* that do not have a comprehensive plan were also given additional powers according to a rating of their performance. As of the time of writing, this reform is still being implemented.

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- i Predefined ensembles of urban patterns, landscapes and permitted uses.