

Editorial

The final issue of the Journal's re-launch volume sees an interesting mix of papers and viewpoints, once again spanning the disciplines we have seen represented in the earlier issues. It is pleasing to see contributions from a range of jurisdictions along with a very pertinent viewpoint from the European Union's perspective.

Caballe Fabra provides an interesting examination of the concept of the "condohotel". As its name suggests, this is an arrangement that combines the features of a condominium and a hotel. While condohotels have become established in countries such as France, Australia, the USA and some states of Latin America, they have seen limited success in Spain. Caballe Fabra considers the legal arrangements for condohotels in the Spanish regions and their limitations. She concludes that lack of comprehensive regulation in place causes legal uncertainty and opens the arrangement up to abuse (particularly on the part of the hotel companies).

In the second paper, Smart and Burgos take a human rights perspective in analysing the provision of adequate housing in Chile. In so doing, the authors adopt the framework developed by the Special Rapporteur on Extreme Poverty and Human Rights (Philip Alston). This involves an investigation of recognition, institutionalisation and accountability of the specific right in question. Using this framework, Smart and Burgos provide a systematic analysis of both international obligations and internal Chilean law and policy. They conclude that there is limited recognition of international instruments establishing the right to adequate housing in the local legal framework, although there have been important steps taken in promoting these in housing policies. Further, despite institutional developments, the fundamental lack of recognition of a human rights approach to adequate housing in Chile results in lack of justiciability at all levels.

Charlson reflects on a project to investigate the environmental law issues involved in the regeneration and re-use of brownfield land. The main focus of the paper is upon the contaminated land regime, but Charlson also considers the challenges raised in this context from waste management and water pollution provisions, as well as the requirement of environmental impact assessment. The project looked particularly at the use of brownfield land for housing in the West Midlands region of the UK and the political agenda and policy priorities if this region forms the backdrop. A focus group approach was taken, and some very interesting results emerged from the three groups. In particular, uncertainty around the legal regime for contaminated land and the risks involved for developers were key concerns along with financial risk and lack of funding.

Sielker's very timely viewpoint piece considers an important proposal from the European Commission to overcome legal and administrative obstacles in cross-border regions. The proposed regulation could have significant impacts upon cross-border infrastructure and construction projects. The regulation will allow for the application of a legal provision of one member state in another for the purposes of a specific project. Sielker notes that this is a far-reaching proposal, as it touches on fundamental issues such as territoriality, subsidiarity and the rule of law. The paper examines the viewpoints of stakeholder groups and anticipates positions in the upcoming negotiations. Sielker concludes that the proposal goes beyond the mainstream understanding of Cohesion Policy and, furthermore, that the voluntary nature of the regulation is open to question. This latter feature, she argues, will be crucial in determining compliance with EU and member state law.



The final paper of this issue provides a viewpoint on planning law in Lithuania, focussing upon the “greening” of one particular city – Vilnius (the capital of Lithuania). Klimas discusses measures implemented under the Spatial Planning Law of Lithuania along with other initiatives to determine whether Lithuania is following the international trend of “greening” cities. The conclusions reached are less than encouraging. Klimas argues that the legal infrastructure is insufficient to facilitate initiatives for urban agriculture and, furthermore, that the law does not protect existing areas of city agriculture. This is despite the introduction of the principle of sustainable development into spatial planning regulations in recent planning law reform in Lithuania.

It has been a great pleasure and privilege to edit this first volume of the *Journal of Property, Planning and Environmental Law* and my sincere thanks go to the Editorial Team (Francis Sheridan-King and Emma Lees), our Editorial Advisory Board – many of whom have contributed to our launch issues, our reviewers and, of course, to the authors who have contributed to its success. We very much look forward to the second volume of the new title, which we hope will include some exciting special issues from guest editors.

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